

**Minutes
Public Hearing
of the
Louisville Metro Air Pollution Control Board
September 17, 2014**

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on September 17, 2014, at 10:00 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell.

General Statement, Rules and Purpose

The Chairman read the opening announcements, rules and purpose of the public hearing, which was to review an Agreed Board Order with The Hertz Investment Group, Inc.

1. Agreed Board Order with The Hertz Investment Group, Inc.

Terri Phelps, Enforcement Supervisor, asked the Board to consider and adopt a proposed Agreed Board Order that alleged that The Hertz Investment Group, Inc. (Hertz) violated District Regulations 2.03 and 5.04, which adopted federal asbestos requirements for demolition and renovation. The Order required Hertz to pay an administrative penalty and the company agreed to the terms of the Order.

In March 2012, the District received a complaint that asbestos containing flooring was being improperly removed from the 14th floor of the Starks Building. When a District compliance officer arrived to investigate, two small piles of debris were found in the space where a renovation was underway and the remains of flooring materials was also visible. Hertz, the company that managed the building, believed the floor tile that was removed did not contain asbestos because similar tile from another part of the building had been tested and was negative. Hertz was unable to provide a survey to the District that indicated that a thorough inspection had been conducted before the renovation began.

The District sent the flooring material to be tested and found that it contained 18% Chrysotile. Hertz then hired a third party asbestos contractor to abate the remaining asbestos debris. Hertz stated to the District that the company is not involved in any current renovation projects at the building and has no plan to renovate in the future.

The District assessed, and Hertz agreed to, an administrative penalty of \$7,500 that would be paid in three equal payments by December 2014. Ms. Phelps said the District would recommend that the Board adopt the Agreed Board Order as proposed.

Adjourn

The public hearing adjourned at 10:05 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer