

MEMORANDUM OF UNDERSTANDING

Louisville Metro Air Pollution Control District v. Swift Pork Co.
Louisville Metro Air Pollution Control Board
Administrative Action no. 22-LMAPD-0079

The parties to the above-referenced dispute mediated this case on September 15, 2022 with Aaron J. Silletto serving as their mediator.

[] The parties were unable to reach an agreement.

[✓] The parties reached an agreement, as follows:

[✓] ^{Petitioner} Plaintiff agrees to dismiss the above-captioned case, with prejudice.

[✓] ^{Respondent} Defendant or its insurance carrier agrees to pay to ^{Petitioner} Plaintiff the sum of \$ 44,250.00. ^{Plaintiff} Plaintiff will provide payment instructions to ^{Defendant} Resp. ^{Ret.}

[✓] Other terms and conditions of the settlement include:

1. ~~The parties agree that the settlement is not evidence of any liability, violation, or guilt. The final settlement agreement will state: "The parties agree that nothing in this agreement should be interpreted, perceived, construed, or relied upon as evidence of or admission of liability, guilt, culpability, or acceptance of the allegations underlying this agreement. This provision should be interpreted strictly by both civil and administrative bodies."~~
2. Respondent will submit an addendum to its pending application for permit within 60 days. Within 45 days thereafter, Petitioner will communicate with Respondent and either agree with Respondent on any further steps in the application process or agree with Respondent on a deadline for Petitioner to provide a draft permit to Respondent.
3. ~~The Petitioner will~~ amend its regulation 1.13, section 2.1, as follows: (a) insert "substantial" before "injury"; (b) change "persons" to "any considerable number of persons"; and (c) change "any substance" to "such quantities of air contaminants or other material."

The Petitioner will recommend that the Air Pollution Control Board

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[✓] A formal settlement agreement will follow, to be prepared by counsel for Petitioner

Carmpillet

MEDIATOR

9/15/2022

DATE

Richard Hunt

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→ CONTINUED from p. 1:

4. The Petitioner will amend its Standard Operating Procedures for Odoor Investigations as follows: (a) on page 5, in the Section on Weather, include both Wind Direction and Wind Speed; (b) on p. 2, item 6, change "may notify" to "should make reasonable efforts to notify"; (c) on p. 4, item D, after "was made" insert "including an address or intersection."
5. This settlement is expressly conditioned on the approval of the Louisville Metro Air Pollution Control Board, including its approval of the amendment to its regulations.