

RESOLUTION NO. 420 - 2022

A RESOLUTION OF THE URBAN COUNTY COUNCIL EXPRESSING THE OPPOSITION OF THE URBAN COUNTY COUNCIL TO THE INITIAL ISSUANCE OF A TITLE V PERMIT (V-22-018) FOR THE OPERATION OF AN AIR CURTAIN INCINERATOR BY C&R ASPHALT LLC AT 1400 CAHILL DRIVE AND 415 REBMANN LANE, DIRECTLY ADJACENT TO MCCONNELL SPRINGS PARK, AND REQUESTING A PUBLIC HEARING, AND AUTHORIZING AND DIRECTING THE URBAN COUNTY COUNCIL CLERK TO PROVIDE THIS RESOLUTION TO THE COMMONWEALTH OF KENTUCKY, DIVISION FOR AIR QUALITY.

WHEREAS, C&R Asphalt LLC has purchased an air curtain incinerator to burn wood waste, clean lumber, or yard waste that cannot be mulched at 1400 Cahill Drive and 415 Rebmann Lane, in Lexington, Kentucky; and

WHEREAS, the use of the air curtain incinerator requires a Title V Permit from the Commonwealth of Kentucky, Division for Air Quality; and

WHEREAS, C&R Asphalt LLC has applied for a Title V Permit from the Commonwealth of Kentucky, Division for Air Quality, and a draft Title V Permit (V-22-018) has been posted for public comment; and

WHEREAS, the air curtain incinerator has the potential to emit 185.4 tons per year of particulate matter and over 50,000 tons per year of carbon dioxide into the air; and

WHEREAS, the air curtain incinerator does not contain a smoke stack and burns wood waste on the ground, effectively releasing smoke at ground level; and

WHEREAS, 415 Rebmann Lane is within five hundred (500) feet of McConnell Springs Park, a twenty-six acre nature sanctuary believed to be the founding location of Lexington in 1775 that sits at a lower elevation than C&R Asphalt's property; and

WHEREAS, McConnell Springs Park hosts more than sixty-five thousand (65,000) visitors a year for passive recreation, environmental education programming, and volunteerism efforts; and

WHEREAS, McConnell Springs Park represents a success story for Lexington-Fayette County, in that the local community mobilized to remove hundreds of tons of trash and construction debris from the site, to preserve the site from further physical and environmental degradation, and to restore the site as an amenity to be enjoyed by residents as one of the premier natural areas in Fayette County; and

WHEREAS, businesses, neighbors, and visitors to McConnell Springs Park complained about the release of smoke and ash after the air curtain incinerator began initially operating without a permit in 2021; and

WHEREAS, the Urban County Council is concerned that this release of smoke and ash will continue if C&R Asphalt LLC is issued a Title V Permit to operate the air curtain incinerator and will have detrimental environmental and public health impacts on McConnell Springs Park and its visitors, reversing the progress made by the local community to restore the site to its natural condition and to preserve the site from further physical and environmental degradation; and

WHEREAS, it has been impracticable for the Urban County Council to collectively provide comment on the initial issuance of this permit until now due to the existing Urban County Council meeting schedule.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the above recitals are incorporated herein by reference as if fully stated.

Section 2 – That the Council of the Urban County Government hereby expresses its opposition to the initial issuance of a Title V Permit (V-22-018) for the operation of an air curtain incinerator by C&R Asphalt LLC at 1400 Cahill Drive and 415 Rebmann Lane and requests a public hearing for residents to discuss the issues brought forward by the Lexington-Fayette Urban County Government.

Section 3 – That the Urban County Council Clerk be and hereby is authorized and directed to provide this Resolution to the Commonwealth of Kentucky, Division for Air Quality.

Section 4 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: August 18, 2022



MAYOR

ATTEST:


CLERK OF THE URBAN COUNTY COUNCIL