



Andy Beshear
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

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Frankfort, Kentucky 40601
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John S. Lyons
SECRETARY

Tony Hatton
COMMISSIONER

May 15, 2026

Re: Notice of Proposed Determination
Former Rhodia Inc. facility
1495 S. 11th Street, Louisville, Kentucky 40210
AI# 51590 and 188604

NOTICE

Pursuant to KRS 224.80-190(6)(a)¹ the Energy and Environment Cabinet (hereinafter "Cabinet") provides written notice of its proposed determination that corrective actions undertaken by the Louisville/Jefferson County Metro Government, (hereinafter "Metro") at the former Rhodia Inc. facility located at 1495 S. 11th Street, Louisville, Kentucky 40210 (hereinafter the "Site") have and will eliminate the conditions necessitating certain land use restrictions contained in the environmental covenant for that Site. If finalized, this proposed determination will authorize the amendment of the covenant to reduce those restrictions.

The basis for the determination is contained in the Background section of this Notice and in the plans reviewed and approved by the Cabinet's Division of Waste Management (hereinafter "DWM"). Records related to the Site and this determination may be obtained by contacting the Cabinet's Records Custodian at EEC.KORA@ky.gov or by submitting a records request form available on the Cabinet's website at <https://eec.ky.gov/pages/Open-Records.aspx>.

Pursuant to KRS 224.80-190(b) Parties objecting to the amendment must file objections to the proposed amended covenant with the cabinet within thirty (30) days of receipt of this letter and must state in writing with reasonable specificity the legal or technical basis for maintaining the restriction. Objections can be sent to:

Division of Waste Management, Superfund Branch,
c/o Branch Manager
300 Sower BLVD 2nd Floor,
Frankfort, KY, 40601

Or electronically to: kenneth.logsdon@ky.gov

¹ Senate Bill 222 of the 2026 Kentucky General Assembly amended KRS 224.80-190 adding additional processes for amending environmental covenants in certain circumstances.

Pursuant to KRS 224.80-190(c), if no objection is submitted within thirty (30) days of this notice, the Cabinet shall issue a final determination approving the amendment, and the amendment shall be effective upon recordation. The cabinet shall consider objections received within thirty (30) days and issue a final written determination within forty-five (45) days of the receipt of the objection. The cabinet's final determination shall approve, modify, or deny the proposed amendment.

BACKGROUND

The Site has been the subject of environmental investigation and remediation since the early 1980s. During April 2002, Rhodia Manufacturing Services (hereafter, "Rhodia") submitted the Risk Management Plan (hereafter "RMP") dated April 12, 2002. The RMP specified protective measures to support redevelopment of the property for industrial use. The City of Louisville (now Metro) acquired the property from Rhodia on June 26, 2002. On December 20, 2006, pursuant to Chapter 224 Subchapter 80 of the Kentucky Revised Statutes, Metro recorded an environmental covenant on the property as a component of the RMP. The covenant was executed by Rhodia as a "Grantee/Holder" as the former owner and potentially responsible party. The covenant is an institutional control restricting both residential use of the Site and domestic use of the groundwater due to the presence of metals, volatile organic compounds, and semi-volatile organic compounds at the site.

During 2023 and 2024, Metro conducted a soil remediation project on the northern end of the property. The Sampling and Analysis Plan for the project, dated August 11, 2023, was reviewed and approved by the DWM via letter dated August 30, 2023. Over 90,000 tons of contaminated soil and concrete were removed from the excavation between early October 2023 and November 2024. The excavation ranged between three (3) and ten (10) feet in depth. Although considerable amount of contamination was removed from the site, confirmatory soil samples detected volatile and semi-volatile compounds as well as some metals in concentrations in excess of their respective regulatory soil screening levels remaining at various parts of the excavation floor. The excavation was backfilled with limestone fines and then covered with one (1) foot of clean soil before it was reseeded to provide a vegetative cover. The remediation was documented in the Remediation Completion Report dated September 20, 2024, which was reviewed and approved by the Cabinet.

On or about September 24, 2024, Metro proposed a Site Management Plan (hereafter, "SMP"). The SMP proposed to revise the environmental covenant to allow mixed-use residential and commercial development of the northern portion of the property designated in the SMP as "Tract 1" (the parcel was previously subdivided by Metro in 2023). The SMP based the changes to post corrective action property use on the benefits derived from the site remediation. During the excavation Metro reduced the contaminant mass and created a minimum three-foot-thick physical barrier with the clean backfill eliminating the risk of dermal contact, ingestion, and dust inhalation. The SMP also requires the installation of a vapor mitigation system for any structure built on the Site for

potential occupancy. The cabinet approved the SMP in a letter dated November 20, 2024. In 2024, Metro also proposed changes to the existing environmental covenant that would allow for multi-family residential uses on Tract 1 consistent with requirements of the approved SMP. DWM has reviewed the proposed changes in conjunction with the SMP and agree restrictions in the environmental covenant can be reduced provided compliance with the SMP is maintained.

During November of 2025, Park Hill Algonquin Acres LP applied to the Brownfield Redevelopment Program pursuant to KRS 224.1-415. The Property Management Plan (hereafter, "PMP") submitted as part of the application involves redevelopment of the property based on the measures defined in the SMP, including the revision of the existing environmental covenant and utilizing approved engineering controls at the Site. Further, PMP submitted by the redeveloper utilizes additional engineering controls such as require construction on concrete slabs for the proposed mixed-use buildings. The Cabinet approved the PMP in a letter dated March 4, 2026.

Distribution:

Louisville Cabinet for Economic Development
Jeff O'Brien, Executive Director
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Syensqo USA LLC
2564 U.S. Highway 1
Lawrence, NJ 08648

Solvay USA Incorporated
c/o Donald MacMath
100 Overlook Center
Princeton, NJ 08540

cc: Park Hill Algonquin Acres LP
c/o James Beckett
1000 W. Ormsby Ave,
Louisville, KY 40210