

AGREED BOARD ORDER NO. 23-02

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Case No. ENF-APCD-22-00035

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes Chapter 77 (Air Pollution Control). This Agreement is made by and between the Board and Carbide Industries, LLC (Company), a Delaware limited liability company, and is effective on the date of its adoption by the Board.

COMPANY: Carbide Industries, LLC
4400 Bells Lane
Louisville, KY 40211

REGULATIONS INVOLVED:

District Regulation 2.16: *Title V Operating Permits*

NOTICE OF VIOLATION LETTER:

Case No. ENF-APCD-22-00035, dated September 12, 2022

BACKGROUND AND DISCUSSION:

At all relevant times, Company produces calcium carbide pursuant to Louisville Metro Air Pollution Control District (District) Title V operating permit O-0001-19-V. Company's Title V operating permit limits multiple pollutants, including opacity, particulate matter, hazardous air pollutants, and air toxics, and requires monitoring, recording, and reporting to demonstrate that air pollution equipment is being operated properly.

As a result of the annual compliance review process, the District alleges that Company failed to record daily pressure drop readings, amperage reading, and flow rates in 2020 and 2021, as described in Notice of Violation Case No. ENF-APCD-22-00035.

Additionally, Company submitted incomplete 1st and 2nd semi-annual compliance reports for the 2020 and 2021 reporting periods. Specifically, Company failed to report abnormal operating conditions and report corrective actions taken as well as failed to report or inaccurately reporting pressure drop ranges and flowrate volume and temperatures.

Company further submitted incomplete and inaccurate 2020 and 2021 Annual Compliance Certifications. In particular, Company failed to report out of range pressure drop readings and amperage readings, and inaccurately identified equipment as having been in continuous compliance.

Since issuance of ENF-APCD-22-00035, Company analyzed operations and identified corrected pressure drop ranges as summarized in the "Baghouse Evaluation Report" and submitted

a Title V Permit Minor Revision Application to better capture Company's baghouse operations. The District issued a revised permit to Company on April 4, 2023.

To fully address the violations of District Regulation 2.16, and as alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$40,500. A public hearing was held before the Board on this proposed Order. Based upon the information presented at the hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

NOW, THEREFORE BE IT ORDERED THAT:

1. No later than 30 days after this Order is fully executed, Company shall pay \$40,500 to the Louisville Metro Air Pollution Control District.
2. Company has reviewed this Order and consents to all its requirements and terms. Company agrees to pay the cost of publishing legal notice of the public hearing.
3. In the event that it is necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.
4. This Order fully resolves the violations alleged against Company in Case No. ENF-APCD-22-00035 and alleged above in this Order against Company.
5. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing regarding any of the matters referenced in this Order.

Louisville Metro Air Pollution Control Board

Carbide Industries, LLC

By: Carl E. Hilton
Carl E. Hilton
Chairman

By: Brent McWhorter
Brent McWhorter
President

Date: June 21, 2023

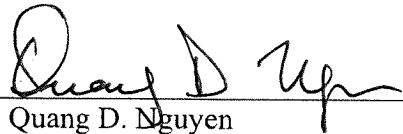
Date: 5/5/23 (gaw)

Louisville Metro Air Pollution Control District

By: Steven Gravatte
Steven Gravatte, P.E.
Compliance and Enforcement Manager

Date: 6/21/23

Approved as to form and legality:

By: 
Quang D. Nguyen
Assistant County Attorney