

AGREED BOARD ORDER NO. 24-01

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Case No. ENF-APCD-23-00005

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 American Synthetic Rubber Company (Company), a division of Michelin North America, Inc., a New York corporation, and is effective on the date of its adoption by the Board.

COMPANY: American Synthetic Rubber Company
4500 Camp Ground Road
Louisville, KY 40216

REGULATIONS INVOLVED:

District Regulation 1.07: *Excess Emissions During Startups, Shutdowns, and Upset Conditions*
District Regulation 2.16: *Title V Operating Permits*

NOTICE OF VIOLATION LETTER:

Case No. ENF-APCD-23-00005, dated April 26, 2023

BACKGROUND AND DISCUSSION:

At all relevant times, Company operates a specialty chemical plant pursuant to Louisville Metro Air Pollution Control District (District) Title V operating permit O-0011-22-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 described in Notice of Violation Case No. ENF-APCD-23-00005, Company experienced several upset events and malfunctions during the period from December 27, 2022, through January 19, 2023. These upset events and malfunctions involved a frozen lime line, a ruptured bag in a baghouse, a spray reactor with low oil, and an analyzer malfunction. All these upset events were related to the operation of the facility's spray reactor. Upon review of ASRC's initial notification submissions, end of event submissions, and final report submissions, the District determined that ASRC failed to timely submit four initial Notices of Excess Emissions During Upset Conditions, three end of event Notice of Excess Emissions During Upset Conditions, and two Final Reports for Notice of Excess Emissions During Upset Conditions by the relevant deadlines set forth in District Regulation 1.07.

Additionally and relatedly, the District determined that Company exceeded the HCl 30-day rolling total on 35 days and failed to prevent the 30-day rolling SO₂ reduction average from

falling below 90% efficiency for 33 days and exceeded the 0.2 lb/MMBtu standard for 20 of those days, all in violation of District Regulation 2.16.

To fully address the violations of District Regulations 1.07 and 2.16, and as alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$76,500. 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 \$76,500 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-23-00005 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

American Synthetic Rubber Company

By: _____
Chairman

By: _____
Michel Cristante
Plant Manager

Date: _____

Date: _____

Louisville Metro Air Pollution Control District

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

Date: _____

Approved as to form and legality:

By: _____
Quang D. Nguyen
Assistant County Attorney