

AGREED BOARD ORDER

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident Nos. 02739, 02744, 02760, 02798, and 03141

This order is issued by the Louisville Metro Air Pollution Control Board(Board) pursuant to Kentucky Revised Statutes, Chapter 77 (Air Pollution Control).

COMPANY: Kent Feeds, Inc.
932 E. Chestnut Street
Louisville, Kentucky

REGULATIONS INVOLVED: 1.13 (Control of Objectionable Odors in the Ambient Air)
1.08 (Administrative Procedures)

NOTICE OF VIOLATION LETTER: No. 01409, dated December 18, 2002

BACKGROUND AND DISCUSSION:

The Company operates a livestock feed and supplement processing facility pursuant to Air Pollution Control District (District) Operating Permit No. 31-90 and Board Order No. 2-90, which require the installation and operation of certain control devices to mitigate odors from the molasses cooking process.

Beginning on September 21, 2001, the District began receiving complaints of strong and objectionable odors in the neighborhoods surrounding the facility. Upon inspection of the facility, the District discovered that the Company had removed the scrubber required by Board Order No. 2-90 in October, 1995, and had replaced the scrubber with a shell and tube heat exchanger. The Company had not notified the District of the removal of the scrubber, nor had the Company applied for a District permit for the heat exchanger.

In a letter to the District dated October 25, 2001, the Company reported that it had installed a third cooker in the molasses cooking process in October, 1995, had made product ingredient changes in the process in August, 2001, and had installed an odor maskant system in July, 2001. These changes and the removal of the scrubber may have contributed to the objectionable odors that began in September, 2001, and continued periodically through November, 2001.

On December 21, 2001, the Company submitted an application for a District permit for the heat exchanger that was installed in October, 1995, and for a thermal oxidizer to be installed as soon as possible after receipt of a District construction permit. District Permit No. 342-01 has issued on January 17, 2002, and the thermal oxidizer was installed later that month. The District has received no complaints of odors from the facility since the thermal oxidizer was installed.

To fully resolve the violations alleged above of District Operating Permit No. 31-90, Board Order No. 2-90, and District Regulations 1.08 and 1.13, the parties agree to this Order assessing

against the Company an administrative penalty of \$3,000 and requiring continued operation of a device to control odors from the molasses cooking process.

On February 19, 2003, a public hearing was held before the Board on the proposed agreed order. Based upon the evidence presented at that hearing, the Board determined that the proposed resolution and requirements were reasonable under the circumstances.

NOW THEREFORE, BE IT ORDERED THAT:

1. The Company shall pay \$3,000 to the Louisville Metro Air Pollution Control District by February 28, 2003.
2. The Company shall continue to operate and maintain in good working order a control device to control odors from the molasses cooking process.
3. This Order supersedes Board Order No. 2-90.
4. The Company has reviewed this Order and consents to all its requirements and terms. Further, the Company agrees to pay the cost of publishing legal notice of the public hearing.
5. In the event that it is necessary for the District to seek a court order to enforce this Order, the Company agrees to pay filing fees and costs of such action.
6. This Order fully resolves the violations alleged in District Incident Nos. 02739, 02744, 02760, 02798, and 03141.

Dated this 19th day of February, 2003.

Louisville Metro Air Pollution Control Board

Kent Feeds, Inc.

By: _____
Joseph D. Vibbert
Chairman

By: _____
Walter Coppinger
Plant Manager

Louisville Metro
Air Pollution Control District

By: _____
Jesse Goldsmith, P.E.
Engineering/Enforcement Manager