

AGREED BOARD ORDER NO. 11-03

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 05805

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, a division of Michelin North America, Inc., a New York corporation, (Company) 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:

2.16 Title V Operating Permits

NOTICE OF VIOLATION LETTERS: No. 02221, dated November 24, 2010;

BACKGROUND AND DISCUSSION:

Company owns and operates a synthetic rubber manufacturing facility located at 4500 Camp Ground Road subject to District Title V Permit No. 154-97-TV (R1).

On May 27 and June 9, 2010, Company reported to the District that its C-FLARE system emitted visible smoke during upsets lasting approximately forty and fifteen minutes, respectively. In addition, ASRC reported that on August 6 and 18, 2010, its C-FLARE system had visible emissions, both lasting longer than five minutes. The duration of all four incidences exceeded the maximum, five minutes for any consecutive two hours, allowed by 40 C.F.R. Part 63, Subpart A and Company's District Title V Permit. Pursuant to District Regulation 1.07, Company submitted final reports for these incidences, which identified the causes of the flare problems as being pluggage of the Thermal Oxidizer flame arrester, as well as problems with a valve in the C-FLARE secondary smoke suppression system.

Company has agreed to install an alarm in the control room to immediately alert the operators that the thermal oxidizer has switched to the flare, which will allow the operators and plant personnel to respond to potential opacity issues as soon as they occur.

To fully address the violation of District Regulation 2.16 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$6,000. On February 16, 2011, a public hearing was held before the Board on this proposed Order. Based upon the information presented at that 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. Company shall pay \$6,000 to the Louisville Metro Air Pollution Control District by February 16, 2011.
2. By March 15, 2011, Company shall install an alarm in the control room to immediately alert the operators that the thermal oxidizer has switched to the flare and shall submit to the District a standard operating procedure that must be implemented by the operators in response to this alarm.
3. 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.
4. 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.
5. This Order fully resolves the violations alleged in District Incident No. 05805, as alleged above in this Order.
6. 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: _____
Robert W. Powell, M.D., Chair

By: _____
Bradley R. Karas
Chief Operating Officer

Date: _____

Louisville Metro Air Pollution Control District

By: _____
Paul Aud
Engineering Manager

Date: _____

Approved as to form and legality:

By: _____
Stacy Fritze Dott
Assistant County Attorney