

**AGREED BOARD ORDER NO. 11-06**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 04733, 05711, 05716 and 05780**

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 Nuplex Resins, LLC (Company), a Delaware limited liability company, and is effective on the date of its adoption by the Board.

**COMPANY:** Nuplex Resins, LLC  
4730 Crittenden Drive #A  
Louisville, KY 40209

**REGULATION INVOLVED:**

District Regulation 1.13: Control of Objectionable Odors in the Ambient Air  
District Regulation 1.07: Excess Emissions during Startups, Shutdowns, and Upset Conditions

**NOTICE OF VIOLATION LETTER:** No. 02210, dated March 16, 2011

**BACKGROUND AND DISCUSSION:**

Company manufactures specialized resins for coatings and is subject to the requirements of Louisville Metro Air Pollution Control District (District) Title V Permit No. 120-97-TV. In 2008 and 2010, after receiving numerous citizen complaints, the District documented several instances of excessive odors coming from the facility.

The most serious violation at the facility occurred on or about February 1, 2010. After receiving several complaints of a chemical odor in the area, the District discovered the objectionable odors were the result of an overflow from a process wastewater storage tank into the sewer system. Several governmental agencies were called to respond to the spill, including the Louisville Fire Department HAZMAT, Metro Health HAZMAT, Metropolitan Sewer District (MSD), Kentucky Department of Air Quality and the District. Company estimated 150 gallons of process wastewater spilled, containing primarily water with smaller amounts of VOC compounds, and estimated 31 pounds of 2-Hexanone were emitted into the air during the overflow.

Company contracted with Heritage Environmental Services to remediate the contaminated soil near the storage tank. Company also hired CFW Associated Engineers, Inc. to investigate how the release occurred. It was determined that the containment system failed due to faulty expansion joints in the floor of the building. The joints were repaired and Company

installed a new storage tank with high level alarms, along with a new secondary containment system inside the facility. MSD also conducted its own investigation of the release into the sewer system and cited Company for the unauthorized discharge.

During the first week of May 2010, the District again received complaints of excessive odors at the facility. On or about May 12, 2010, the District discovered Company was pumping storm water out of the containment area into the sewer system. Measurable volatile organic compound (VOC) content was present in the area, and was determined to be the cause of the objectionable odors. MSD required Company to cease the unauthorized discharge into the sewer system, and the District has not received any additional odor complaints since that time.

Prior to these incidents, the District also received odor complaints in January 2008. Company determined the objectionable odors were caused by a faulty reactor seal that was leaking. The reactor was taken out of service until the packing around the seal could be replaced. In addition, a daily inspection of the seal was added to Company's routine maintenance inspections. During the upset conditions associated with this event, and the February 2010 event, Company also failed to properly report the excess odor emissions to the District.

To fully address the violations of District Regulations 1.13 and 1.07 alleged above, the parties agree to this Order assessing against the Company an administrative settlement of \$12,000, and requiring Company to conduct a study of sources of odors from the facility and recommending actions the Company can take to reduce odors. On June 15, 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 \$12,000 to the Louisville Metro Air Pollution Control District by July 29, 2011.
2. Company shall submit a report to the District no later than December 31, 2011, of the study proposed by Company (Attachment A), including recommended actions to reduce odors from the facility.
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 Nos. 04733, 05711, 05716 and 05780, and 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

Nuplex Resins LLC

By: \_\_\_\_\_  
Robert W. Powell, M.D.  
Chairman

By: \_\_\_\_\_  
Mike Wright, Manager  
Information Technology, ISO  
Systems and Regulatory Affairs

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Louisville Metro Air Pollution Control District

By: \_\_\_\_\_  
Paul Aud, P.E.  
Engineering Manager

Date: \_\_\_\_\_

Approved as to form and legality:

By: \_\_\_\_\_  
Stacy Fritze Dott  
Assistant County Attorney

## Attachment A

### **SCOPE OF WORK Site Odor Source Investigation Nuplex Resins LLC 4730 Crittendon Drive Louisville, KY**

**May 9, 2011  
P-11109**

Tasks to be completed include:

- Conduct meeting with facility personnel to establish/coordinate a plan for implementation of the odor source investigation
- Review MSDSs of materials used at the facility
- Establish quantity usage, chemical/physical properties (including ionization potential, odor threshold, vapor pressure), and transfer systems
- Identify process, handling, and storage procedures
- Review current monitoring systems and procedures
- Review current Title V air permit and identified emission points
- Conduct site survey and document current conditions, material handling procedures, and adjacent property uses
- Monitor area and process sources with a direct reading instrument
- Summarize findings of initial investigation and prepare recommendations for source odor reduction