

AGREED BOARD ORDER NO. 19-01

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Case Nos. 06733, ENF-17-1020, ENF-18-1011

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. (Company), 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 5.01: General Provisions
District Regulation 5.15: Chemical Accident Prevention Provisions
District Regulation 5.21: Environmental Acceptability for Toxic Air Contaminants

NOTICE OF VIOLATION LETTERS:

Notice of Violation Letter 02612, dated September 21, 2015
Case No. ENF-17-1020, dated January 26, 2018
Case No. ENF-18-1011, dated October 19, 2018

BACKGROUND AND DISCUSSION:

Company produces synthetic rubber products pursuant to Louisville Metro Air Pollution Control District (District) Title V operating permit no. 154-97-TV (R1). The District alleges that Company exceeded the conditionally modified environmental acceptability goals for plant-wide fugitive emissions of 1,3-butadiene for non-industrial and industrial property from 2013 to 2016, and cumulative emissions of 1,3-butadiene for industrial property in 2013 and 2014, without notification to the District, or prior to receiving District approval. Company submitted a revised request for modification of environmental acceptability goals on May 1, 2015, which was approved by the District on September 15, 2017.

On September 29, 2017, and May 25, 2018, Company reported releases of 1,3-butadiene. The cause of the first release of 3,000 lbs was due to an isolated section of pipe not being evacuated. The chemical in the pipe heated, expanded and caused a gasket to fail. The cause of the second release of 931 lbs was due to trapping of 1,3-butadiene in a section of piping that did not have overpressure relief. In reviewing the cause of the releases, the District determined that Company did not sufficiently address the recommendations from the incident investigation of the September 2017 release that may have prevented the May 2018 release, and did not sufficiently train employees about a known hazard from the process. Company submitted documentation demonstrating pressure relief valves were installed.

To fully address the violations of District Regulations 5.01, 5.15, and 5.21 and as alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$135,375. 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. Company shall pay \$135,375 by March 29, 2019, 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 in Case Nos. 06733, ENF-17-1020, ENF-18-1011, and as 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: Carl E. Hilton
Carl E. Hilton
Chairman

By: Guillaume Coiraton
Guillaume Coiraton
Chief Operating Officer

Date: 2/20/19

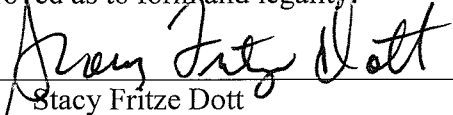
Date: 1/31/2019

Louisville Metro Air Pollution Control District

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

Date: 2/20/19

Approved as to form and legality:

By: 
Stacy Fritze Dott
Assistant County Attorney