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**AGREED BOARD ORDER NO. 20-02**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Case No. ENF-APCD-19-00027**

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 Clariant Corporation (Company), a New York corporation, and is effective on the date of its adoption by the Board.

**COMPANY:** Clariant Corporation  
West Plant  
1227 South 12<sup>th</sup> Street  
Louisville, KY 40210

**REGULATION INVOLVED:**

District Regulation 2.16: Title V Operating Permits

**NOTICE OF VIOLATION LETTER:**

Case No. ENF-19-00027, dated November 15, 2019

**BACKGROUND AND DISCUSSION:**

Company's West Plant facility manufactures catalyst and is subject to Louisville Metro Air Pollution Control District (District) Title V Permit no. 27755-14-TV(R2) and the Strategic Toxic Air Reduction (STAR) program. Company's permit requires performance testing to ensure emissions limits are being met. During the permit term, which began on July 30, 2014 and ended July 31, 2019, Company was required to test each representative baghouse and cyclone using EPA reference Method 5 and perform a capture efficiency test using EPA guidelines.

On September 30, 2019, the District completed a Full Compliance Evaluation for Company's South Plant. During the review, the District discovered that Company failed to perform a required stack test on each representative baghouse and cyclone during the permit term. The District then conducted an investigation of records for Company's West Plant, and discovered that Company also failed to complete the required stack testing for the West Plant before the permit term ended on July 31, 2019.

In order to demonstrate compliance, Company shall conduct the required stack test at the West Plant no later than September 30, 2020.

To fully address violations of District Regulation 2.16 and as alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$40,500. 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. Company shall pay \$40,500 by June 1, 2020 to the Louisville Metro Air Pollution Control District.
2. Company shall conduct the required stack test at the West Plant no later than September 30, 2020.
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 Case No. ENF-APCD-19-00027 and as alleged above in this Order against Company.
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

Clariant Corporation

By: Carl E. Hilton  
Carl E. Hilton  
Chairman

By: Dr. Joseph Weis  
Dr. Joseph Weis  
ESHA Manager

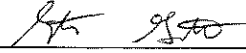
Date: 5/28/2020

Date: 5/12/2020

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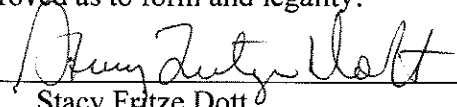
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Louisville Metro Air Pollution Control District

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

Date: 5/20/2020

Approved as to form and legality:

By:   
Stacy Fritze Dott  
Assistant County Attorney