

AGREED BOARD ORDER

AIR POLLUTION CONTROL DISTRICT OF JEFFERSON COUNTY

INCIDENT ID 02853

This order is issued by the Air Pollution Control Board of Jefferson County (Board) pursuant to Kentucky Revised Statutes Chapter 77 AIR POLLUTION CONTROL.

COMPANY: DUPONT DOW ELASTOMERS L.L.C.
4242 CAMP GROUND ROAD
LOUISVILLE, KENTUCKY

REGULATIONS INVOLVED: Air Pollution Control District (District)
Regulation 5.02 (Federal Emission Standards for Hazardous
Air Pollutants Incorporated by Reference)

POLLUTANT: Volatile Organic Compounds/Hazardous Air Pollutants

HIGH PRIORITY VIOLATION: Yes

NOTICE OF VIOLATION LETTER: 01283 dated April 1, 2002

BACKGROUND AND DISCUSSION:

Company operates a Neoprene manufacturing facility that is subject to 40 C.F.R. Part 63, Subpart U (National Emission Standards for Hazardous Air Pollutant Emissions: Group 1 Polymers & Resins), which is incorporated by reference in District Regulation 5.02. Subpart U requires the Company to conduct a performance test to demonstrate compliance with the standard within 150 days after the compliance date. Company's performance testing was required by November 16, 2001.

In letters dated October 8, 2001 and November 12, 2001, Company notified the District that it would not be able to conduct the stack tests required by Subpart U in accordance with the specified test methods, and requested an extension of six months in order to develop alternative test methods and to conduct the tests. In a letter dated December 6, 2001, the District denied Company's request.

Company has proposed a plan to obtain the EPA's approval of alternative test methods and to conduct the required stack testing by June 30, 2002, or later, depending on the length of time required to obtain EPA's approval. If the Company has not submitted confirmation that demonstrates compliance with Subpart U by November 16, 2002, the Board shall consider further enforcement action including, but not limited to, additional administrative penalties.

To fully resolve the above-mentioned allegation of noncompliance with District Regulation 5.02, the parties agree to this Order assessing against the Company an administrative settlement of

\$11,250 and requiring the Company to implement compliance measures set forth herein. The administrative penalty must be paid by April 30, 2002.

On April 17, 2002, a public hearing was held before the Board on the proposed settlement. 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. Company shall pay \$11,250 to the Air Pollution Control District of Jefferson County (District) by April 30, 2002.

2. Company shall achieve compliance with Subpart U in accordance with the following compliance schedule:

<u>Milestone</u>	<u>Completion Date</u>
Select contractor to develop modified test methods	Complete
Develop modified test methods, submit to EPA for approval	Complete
Conduct stack tests required by Subpart U	within 6 weeks after receiving approval of alternative test method from EPA
Analyze test results, submit test results to District	within 6 weeks after conducting stack tests

3. Company has reviewed this Order and consents to all its requirements and terms. Further, Company agrees to pay the cost of publishing legal notice on the public hearing.

4. Nothing herein shall be deemed to preclude Company from seeking future permit revisions for physical or operational changes at its facility consistent with District regulations.

5. 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 any such action.

6. Company's obligations under this Order shall terminate upon Company's completion of all the requirements described in this Order to the satisfaction of the District. Company shall continue to comply with all District regulations after termination of this Order.

7. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing regarding any of the matters referenced in the Order.

Dated this 15th day of May, 2002.

AIR POLLUTION CONTROL BOARD
OF JEFFERSON COUNTY

DUPONT DOW ELASTOMERS L.L.C.

BY: _____
JOSEPH D. VIBBERT
CHAIRMAN

BY: _____
DAVID J. PIGION
PLANT MANAGER

AIR POLLUTION CONTROL DISTRICT
OF JEFFERSON COUNTY

BY: _____
JESSE GOLDSMITH
ENGINEERING/ENFORCEMENT MANAGER

APPROVED AS TO FORM AND LEGALITY:
AIR POLLUTION CONTROL DISTRICT
OF JEFFERSON COUNTY

BY: _____
GAYLORD B. BALLARD
ATTORNEY