

## **AGREED BOARD ORDER**

### **LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

#### **Incident Nos. 03752 and 03792**

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 Kosmos Cement Co. (Company).

**COMPANY:** Kosmos Cement Co.  
15301 Dixie Highway  
Louisville, Kentucky 40272-1000

**REGULATIONS INVOLVED:** 2.16 (Title V Operating Permits)

**NOTICE OF VIOLATION LETTER:** No. 01603, dated July 7, 2004  
No. 01651, dated September 1, 2004.

#### **BACKGROUND AND DISCUSSION:**

The Company operates a cement manufacturing facility pursuant to Air Pollution Control District (District) Operating Permit No. 156-97-TV, which requires the company, among other things, to demonstrate compliance with District regulations by conducting visible emission inspections and preventive maintenance checks.

On June 22, 2004, the District discovered upon inspection that the Company was missing required visual emissions records for five months of 2003 on five pieces of equipment, and could not demonstrate compliance with preventive maintenance requirements for six emission units (approximately 40 pieces of equipment). A subsequent review of the Company's annual compliance certification for 2003 revealed that the Company incorrectly certified that it was in continuous compliance with its opacity standard and that it had conducted visual emissions inspections as required by the permit.

By October 15, 2004, the Company must (1) submit to the District a revised annual compliance certification for CY2003 that includes the deviations from the permit requirements for Unit 1; and (2) demonstrate to the District that it has begun the preventive maintenance checks required by its permit for particulate control.

To fully resolve the violations alleged above of District Operating Permit No. 156-97-TV and District Regulation 2.16, the parties agree to this Order assessing against the Company an administrative settlement of \$21,000. Payment of the administrative settlement shall be as follows: \$5,250 to be paid by check, with the remaining amount allowed as credit for a supplemental environmental project (SEP). The Company has proposed, as a SEP, to pave approximately 200 feet

of roadway owned by Jefferson County, which will be completed by December 31, 2004, for a total SEP credit of \$15,750. If the project is not completed by December 31, 2004, the Company shall pay \$15,750 to the District by January 31, 2005.

**NOW THEREFORE, BE IT ORDERED THAT:**

1. The Company has paid \$5,250 to the Louisville Metro Air Pollution Control District.
2. By December 31, 2004, the Company shall demonstrate to the District that the SEP described above has been completed. If this project is not completed by December 31, 2004, the Company shall pay \$15,750 to the District by January 31, 2005.
3. By October 15, 2004, the Company shall submit to the District a revised annual compliance certification for CY 2003 and shall demonstrate to the District that the Company has begun to conduct the preventive maintenance checks required by Permit No. 156-97-TV for particulate control.
4. The Company has reviewed this Order and consents to all its requirements and terms. Further, the Company agrees to pay the cost of publishing legal notice of the public hearing.
5. In the event that it is necessary for the District to seek a court order to enforce this Order, the Company agrees to pay filing fees and costs of such action.
6. This Order fully resolves the violations alleged in District Incident Nos. 03752 and 03792.

Dated this 15<sup>th</sup> day of September, 2004.

Louisville Metro Air Pollution Control Board

Cemex, Inc. doing business as  
Kosmos Cement Company

By: \_\_\_\_\_  
Karen A. Cassidy  
Chair

By: \_\_\_\_\_  
Edmo Gutierrez  
Plant Manager

**Agreed Board Order  
Kosmos Cement Company**

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Louisville Metro Air Pollution Control  
District

By: \_\_\_\_\_  
Jesse Goldsmith, P.E.  
Engineering/Enforcement Manager

Approved as to form and legality:

By: \_\_\_\_\_  
Lauren Anderson  
Assistant County Attorney