

**DRAFT AGREED BOARD ORDER NO. 05-06**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 03987**

This order is issued by the Louisville Metro Air Pollution Control Board pursuant to Kentucky Revised Statutes Chapter 77, Air Pollution Control. This Agreement is made by and between the Board and OxyVinyls, LP.

**COMPANY:** OxyVinyls, LP  
4014 Bells Lane  
Louisville, Kentucky

**REGULATION INVOLVED:** 2.03 - Permit Requirements: Non-Title V Construction and Operating Permits and Demolition/Renovation Permits

**NOTICE OF VIOLATION LETTER:** 01735, dated August 22, 2005

**BACKGROUND AND DISCUSSION:**

The Company operates a polyvinyl chloride (PVC) resin manufacturing facility and a steam-generating facility pursuant to Operating Permit No. 212-99-TV issued by the Louisville Metro Air Pollution Control District. District Regulation 2.03 establishes the District's permitting requirements for the construction of affected facilities and equipment.

During a routine inspection on December 8, 2004, a District inspector discovered that the Company had constructed, installed, and begun operating an ash silo, which is a source of air contaminants, prior to obtaining a construction permit from the District. The Company submitted an administratively complete application on September 14, 2005, and the District issued Permit No. 358-05-C on September 29, 2005.

To fully resolve the violations alleged above of District Regulation 2.03, the parties agree to this Order assessing against the Company an administrative settlement of \$13,500.

On October 19, 2005, 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. The Company shall pay \$13,500 to the Louisville Metro Air Pollution Control District, receipt of which is hereby acknowledged.
2. 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.
3. 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.
4. This Order fully resolves the violations alleged in District Incident No. 03987.
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 the Order.

Dated this 19th day of October, 2005.

Louisville Metro Air Pollution Control Board

OxyVinyls, LP

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

By: \_\_\_\_\_  
T. Kent Lindsey  
Plant Manager

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