

AGREED BOARD ORDER NO. 06-02

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

This Order is issued by the Louisville Metro Air Pollution Control Board (the Board) pursuant to Kentucky Revised Statutes Chapter 77, Air Pollution Control.

Company: Marathon Petroleum Company, LLC
4510 Algonquin Parkway
Louisville, Kentucky

Notice of Violation Letter: No. 01748, dated January 20, 2006

Applicable Regulations: 2.16 Title V Operating Permits
1.14 Control of Fugitive Particulate Emissions
5.02 Adoption of National Emission Standards for Hazardous Air Pollutants

Pollutants: Volatile Organic Compounds (VOC)
Particulate Matter
Hazardous Air Pollutants (HAPs)

Background and Discussion:

Marathon Petroleum Company, LLC (Marathon) operates a bulk gasoline distribution terminal pursuant to District Operating Permit 87-97-TV, issued pursuant to Title V of the Clean Air Act, and Regulation 2.16 promulgated by the Louisville Metro Air Pollution Control District (District). Marathon is also subject to District Regulations 1.14 and 5.02.

Marathon's permit prohibits the loading of gasoline while the vapor recovery system is not in operation. Marathon reported to the District that on October 11, 2002, it allowed the loading of 87,241 gallons of gasoline during a time that the vapor recovery system was inoperative. Since that time, Marathon has implemented systems to prohibit drivers from loading products while the vapor recovery system is not in operation and reports that it has had no reoccurrences of the problem.

District Regulation 1.14 requires the Company to take reasonable precautions to prevent particulate matter from becoming airborne beyond the worksite. On November 19, 2002, Marathon allowed the sandblasting of storage tanks without containing or suppressing the dust, causing the dust to become airborne beyond the plant property. The following day, Marathon began a new wet process that collected the dust and suppressed fugitive emissions from the sandblasting.

District Regulation 5.02 (and 40 CFR Part 63 Subpart R) require Marathon to submit an annual compliance report to the District. Marathon submitted its annual compliance report for 2002 two months late.

To fully resolve the violations alleged above of District regulations and District Operating Permit No. 87-97-TV, the parties agree to this Order assessing against the Company an administrative settlement of \$11,250.

On March 15, 2006, 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, it is hereby ordered that:

1. The Company has paid \$11,250 to the Louisville Metro Air Pollution Control District.
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 Nos. 03343, 03202, and 03427.
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 15th day of March, 2006.

Louisville Metro Air Pollution Control Board

Marathon Petroleum Company, LLC

By: _____
Karen A. Cassidy
Chair

By: _____
(Name)

(Title)

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