

**AGREED BOARD ORDER NO. 07-05**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 04421**

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

**COMPANY:** Louisville Medical Center, Inc.  
235 Abraham Flexner Way  
Louisville, Kentucky 40202

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

**POLLUTANT:** Oxides of Nitrogen (NO<sub>x</sub>)

**HIGH PRIORITY VIOLATION:** Yes

**NOTICE OF VIOLATION LETTER:** No. 01881, dated May 18, 2007

**BACKGROUND AND DISCUSSION:**

The Company provides steam pressure to surrounding area hospitals. It operates boilers, which primarily burn coal, pursuant to Title V Permit No. 89-97-TV. District Regulation 6.42, Section 5, requires performance testing annually for the first two years.

The Company retained Jordan Service Co., Inc., to conduct NO<sub>x</sub> testing as required by District Regulation 6.42, Section 5. Testing was performed September 18 through September 20, 2006. The Company submitted the results of the NO<sub>x</sub> stack tests on February 21, 2007, three months after the results were due. The NO<sub>x</sub> emissions from Boiler # 6 during the stack tests exceeded the emission standard set out in the Company's Title V Permit No. 89-97-TV.

On July 20, 2007 Jordan Service Co., Inc., performed a repeat stack test for Boiler # 6, and the Company submitted preliminary results to the District on August 1, 2007. The preliminary results indicated that NO<sub>x</sub> emissions from Boiler # 6 were below the emission standard set out in Title V Permit No. 89-97-TV. The Company is required to submit final stack test results to the District no later than September 18, 2007.

On September 19, 2007, 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 has paid \$12,000 to the Louisville Metro Air Pollution Control District.
2. The Company submitted final results of the July 20, 2007 stack tests to the District by September 18, 2007.
3. 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.
4. 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.
5. This Order fully resolves the violations alleged against the Company in District Incident No. 04421 and as alleged above in this Order.
6. Neither this Order nor the actions taken hereunder shall constitute an admission by the Company of any wrongdoing, or an admission of liability for any of the matters referenced in the Order.

Dated this 19th day of September, 2007.

Louisville Metro Air Pollution Control Board

Louisville Medical Center, Inc.

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

By: \_\_\_\_\_  
 Edward A. Dusch  
 General 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