

**AGREED BOARD ORDER NO. 08-02**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident No. 04456**

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

**COMPANY:** Bulk Petroleum Corporation  
9653 North Granville Road  
Mequon, Wisconsin 53097

**NOTICE OF VIOLATION LETTER:** No. 01918, dated November 26, 2007

**REGULATION INVOLVED:** 6.40 (Standard of Performance for Gasoline Transfer to Motor Vehicles (Stage II Vapor Recovery and Control))

**BACKGROUND AND DISCUSSION:**

Bulk Petroleum Corporation operates numerous gasoline distribution facilities in Jefferson County, Kentucky pursuant to District-issued permits. Company is required to comply with District regulations, including District Regulation 6.40.

District Regulation 6.40 requires Company to perform an annual test on Stage II Vapor Recovery and Control Systems for each of its facilities, in accordance with CARB certification requirements. During a routine review, the District discovered Company had failed to conduct annual compliance tests at 23 of its facilities located in Jefferson County. Company has since completed testing at 22 of the facilities, and has agreed to a compliance schedule for the remaining facility.

To fully resolve the violations alleged above of District regulations the parties agree to this Order assessing against Company an administrative settlement of \$11,000.

On June 18, 2008, 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 \$11,000 to the Louisville Metro Air Pollution Control District in installments of \$950 due on the first of each month, beginning July 1, 2008, and continuing through May 1, 2009, with one final payment of \$550 due on June 1, 2009.

2. Company agrees to conduct CARB testing at the facility located at 401 Winkler Avenue by July 31, 2008.

3. Company agrees to stipulated penalties in the amount of \$500 per month for each month that compliance is not reached pursuant to paragraph 2.

4. Company has reviewed this Order and consents to all its requirements and terms. Further, 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, Company agrees to pay filing fees and costs of such action.

6. This Order fully resolves the violations alleged in District Incident No. 04456.

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 18th day of June, 2008.

Louisville Metro Air Pollution Control Board

Bulk Petroleum Corporation

By: \_\_\_\_\_

Karen A. Cassidy  
Chair

By: \_\_\_\_\_

Daniel R. Huffaker  
Environmental Manager

Louisville Metro Air Pollution Control  
District

By: \_\_\_\_\_

C. Bruce Traughber  
Acting Executive Director

Approved as to form and legality:

By: \_\_\_\_\_

Lauren Anderson  
Assistant County Attorney