

**AGREED BOARD ORDER NO. 09-01**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 04629, 04375, 04649 and 04979**

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 Kelley Technical Coatings, Inc. (Company), a Kentucky corporation.

**COMPANY:** Kelley Technical Coatings, Inc.  
1445 S. 15<sup>th</sup> Street  
Louisville, Kentucky

**REGULATIONS INVOLVED:**

- 1.06 - Stationary Source Self-Monitoring, Emissions Inventory Development and Reporting
- 2.03 - Permit Requirements - Non-Title V Construction and Operating Permits
- 2.08 - Emissions Fees, Permit Fees, Permit Renewal Procedures and Additional Program Fees
- 2.16 - Title V Operating Permits
- 2.17 - Federally Enforceable District Origin Operating Permits

**NOTICE OF VIOLATION LETTERS:** No. 01940, dated February 19, 2008  
No. 02026, dated December 23, 2008

**BACKGROUND AND DISCUSSION:**

Company operates a paint and coatings manufacturing facility at 1445 South 15<sup>th</sup> Street in Jefferson County, Kentucky, pursuant to District Operating Permit No. 174-01-F. During routine facility inspections and reviews of Company's records, the District discovered a number of instances of non-compliance with its permit and District regulations. The District alleges that Company violated the following requirements: Company failed to monitor, calculate, and record emissions as required by the operating permit; failed to submit quarterly reports and annual compliance certifications on time; failed to note deviations from permit requirements in the annual compliance certifications; failed to submit emission inventories on time; failed to obtain District permits for certain operating equipment; failed to remit annual STAR program fees; and failed to submit a Title V permit application. Company has corrected all but one deficiency by submitting proper reports, applications and fees.

To fully resolve the violations alleged above of District regulations, the parties agree to this Order assessing against Company an administrative settlement of \$17,125.

On February 18, 2009, 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 has paid \$8,500 to the Louisville Metro Air Pollution Control District and will pay the remaining balance of \$8,625 by May 29, 2009.
2. Company shall submit properly completed 3<sup>rd</sup> Quarter Report for calendar year 2008 by February 27, 2009.
3. Company shall pay stipulated penalties in the amount of \$1,000 for each quarterly report that is submitted past the deadline in calendar year 2009.
4. 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, Company agrees to pay filing fees and costs of such action.
6. This Order fully resolves the violations alleged in District Incident Nos. 04629, 04375, 04649 and 04979, as alleged above in this Order.
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 February, 2009.

Louisville Metro Air Pollution Control Board

By: \_\_\_\_\_  
Robert W. Powell, M.D.  
Chair

Louisville Metro Air Pollution Control  
District

By: \_\_\_\_\_  
Paul Aud, P.E.  
Engineering Manager

Approved as to form and legality:

By: \_\_\_\_\_  
Stacy A. Fritze  
Assistant County Attorney

Kelley Technical Coatings, Inc.

By: \_\_\_\_\_  
Thomas R. Isaacs  
Manager