

**AGREED BOARD ORDER NO. 09-02**

**LOUISVILLE METRO AIR POLLUTION CONTROL BOARD**

**Incident Nos. 04815 and 05067**

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 Rohm and Haas Company (Company), a Delaware corporation.

**COMPANY:** Rohm and Haas Company  
4300 Campground Road  
Louisville, Kentucky

**REGULATIONS INVOLVED:**

1.07 - Excess Emissions during Startups, Shutdowns, and Upset Conditions  
2.16 - Title V Operating Permits

**NOTICE OF VIOLATION LETTERS:** No. 02002, dated October 8, 2008  
No. 02061, dated February 24, 2009

**BACKGROUND AND DISCUSSION:**

Company manufactures specialty chemicals at its facility located on Campground Road pursuant to District Title V Permit No. 157-97-TV. On two separate occasions, Company has reported emissions well in excess of permit limits. On or about May 29, 2008, the District received notification that equipment associated with a reactor at the facility had failed, resulting in the release of almost three tons of a mixture of hazardous air pollutants (HAPs) into the atmosphere in approximately two minutes. The mixture included 5,900 pounds of 1,3 -butadiene and 25 pounds of styrene.

Additionally, on or about July 7, 2008, the District received notification that the contents of a railcar located on the property had begun reacting and releasing emissions in the atmosphere. Company initially estimated that 2,100 pounds of Methyl Methacrylate (MMA) had been released during the incident. However, Company later documented over 11,000 pounds of MMA had been released into the atmosphere. Both incidents resulted in several violations of Company's permit limits. The permit limits that were exceeded include monthly single and total HAP limits, six-month single and total HAP limits, annual single and total HAP limits, and hourly VOC limits. In addition, Company failed to provide timely reports of the results of its investigations into the cause of the events and any mitigation efforts that were undertaken to prevent reoccurrence.

To fully resolve the violations alleged above of District regulations, the parties agree to this Order assessing against Company an administrative settlement of \$49,500.

On April 15, 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 shall pay \$49,500 to the Louisville Metro Air Pollution Control District by April 30, 2009.
2. 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, Company agrees to pay filing fees and costs of such action.
4. This Order fully resolves the violations alleged in District Incident Nos. 04815 and 05067, as alleged above in this Order.
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 April, 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.  
Air Pollution Control Officer

Approved as to form and legality:

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

Rohm and Haas Company

B y : \_\_\_\_\_  
Jane Bowen  
Plant Manager