

AGREED BOARD ORDER NO. 10-03

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 05176

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 Eckart America Corporation, a Delaware corporation.

COMPANY: Eckart America Corporation
4101 Camp Ground Road
Louisville, KY 40211

REGULATIONS INVOLVED:

2.03 Permit Requirements — Non-Title V Construction and Operating Permits and Demolition/Renovation Permits

NOTICE OF VIOLATION LETTER: No. 02169, dated May 11, 2010

BACKGROUND AND DISCUSSION:

Company operates a facility that manufactures metallic pigments, concentrates, dispersions and printing inks. Company is subject to the provisions of District Title V Permit No. 143-97-TV.

In 2005, the District issued Company a construction permit (181-05-C) for installation of three ball mills (Mills Nos. 13, 14 and 16). The construction permit limited VOC emissions from each ball mill to one ton per year and required the use of a condenser on the ball mills to control emissions. Company self-reported in its second semi-annual report for 2005, both semi-annual reports for 2006 and its first semi-annual report for 2007 that it had operated two of the ball mills without being controlled by a condenser and had exceeded the VOC emissions limit listed in its construction permit. During the time period in question, Company reported exceedances of its VOC limit ranging from 1.10 (10% above the limit) to 1.94 (94% above the limit) tons per year.

In 2007, Company met with the District to discuss control efficiency and subsequently agreed to stack testing. Stack tests were completed in 2009 and indicated a higher control efficiency. Using the higher control efficiency, it was determined that Company, in fact, had not exceeded the VOC emission limits in its construction permit.

While Company did not exceed the permitted limit for VOC emissions, Company did operate Ball Mill Nos. 13 and 14 for sixteen months without a control device, in violation of the terms of its construction permit.

To fully address the violation of District Regulation 2.03 alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$19,000. On November 17, 2010, a public hearing was held before the Board on this proposed Order. Based upon the information presented at that hearing, the Board determines that the proposed resolution and requirements contained in this Order are reasonable under the circumstances.

NOW, THEREFORE BE IT ORDERED THAT:

1. Company shall pay \$19,000 to the Louisville Metro Air Pollution Control District by November 29, 2010.
2. Company has reviewed this Order and consents to all its requirements and terms. 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 No. 05176, 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 this Order.

Dated this 17th day of November, 2010.

Louisville Metro Air Pollution Control Board

Eckart America Corporation

By: _____
Robert W. Powell, M.D., Chair

By: _____
Mark Westwell
General Manager

Louisville Metro Air Pollution Control District

By: _____
Paul Aud
Engineering Manager

Approved as to form and legality:

By: _____
Stacy Fritze Dott
Assistant County Attorney