

AGREED BOARD ORDER NO. 11-10

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident Nos. 05729, 06031

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 E.I. duPont de Nemours & Company (Company), a Delaware company, and is effective on the date of its adoption by the Board.

COMPANY: E.I. duPont de Nemours & Company
4200 Camp Ground Road
Louisville, KY 40216

REGULATION INVOLVED:

District Regulation 2.16: Title V Operating Permits

NOTICE OF VIOLATION LETTER: No. 02278, dated May 9, 2011
No. 02299, dated July 26, 2011

BACKGROUND AND DISCUSSION:

Company is a specialty chemical manufacturer and is subject to the requirements of Louisville Metro Air Pollution Control District (District) Title V Permit No. 160-97-TV. Company failed to conduct required monitoring, including weekly sampling from a scrubber, weekly visual inspections of pumps, and monthly leak detection inspections on equipment.

Company reported in 2008 and 2009 semi-annual reports that it did not sample NaOH concentrations from a scrubber for 6 separate weeks. Company also reported in a letter to the District that it did not have records of sampling for two weeks in 2011. Title V Permit No. 160-97-TV requires that the NaOH concentration in the scrubber be monitored each calendar week to ensure that the NaOH concentration does not fall below 8 percent.

In addition, Company reported in 2008, 2009, and 2010 semi-annual reports that it did not conduct weekly visual inspections of pumps for 15 separate weeks. Company also reported in a letter to the District that it missed three weeks in 2011. 40 Code of Federal Regulations 63, Subpart H requires visual inspections of pumps each calendar week for leaks.

Finally, Company reported missing monthly Leak Detection and Repair (LDAR) inspections on the following groups of equipment between 2006 and 2010: Group I, 16 months; Group II, 16 months; Group III, 16 months; and Group IV, 13 months. 40 Code of Federal

Regulations 63, Subpart NNNNN requires that the LDAR equipment plan be followed, and that any deviation from the plan must be addressed by Company.

Company has taken corrective action to address the missed sampling from the scrubber, weekly visual inspections of pumps, and monthly LDAR inspections on groups of equipment, which includes the addition of monitoring to the visual management system, and adjusting the timing of checks to ensure that the monitoring is performed within the required period.

To fully address the violations of District Regulation 2.16 alleged above, the parties agree to this Order assessing against the Company an administrative settlement of \$51,000. On September 21, 2011, 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 has paid \$7,000, and shall pay balance of \$44,000 to the Louisville Metro Air Pollution Control District by September 21, 2011.
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 Nos. 05729 and 06031, and 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.

Louisville Metro Air Pollution Control Board

E.I. duPont de Nemours & Company

By: 
Robert W. Powell, M.D.
Chairman

By: 
William R. Fisher, Jr.
Plant Manager

Date: 9/21/11

Date: 9/15/11

Louisville Metro Air Pollution Control District

By: Paul Aud
Paul Aud, P.E.
Air Pollution Control Officer

Date: 9-9-11

Approved as to form and legality:

By: Stacy Fritze Dott
Stacy Fritze Dott
Assistant County Attorney