

AGREED BOARD ORDER NO. 12-03

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident Nos. 05983 and 06051

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 Nuplex Resins, LLC (Company), a Delaware company, and is effective on the date of its adoption by the Board.

COMPANY: Nuplex Resins, LLC
4730 Crittenden Drive
Louisville, Kentucky 40209

REGULATION INVOLVED:

District Regulation 1.13: Control of Objectionable Odors in the Ambient Air

NOTICE OF VIOLATION LETTER: No. 02283, dated February 27, 2012

BACKGROUND AND DISCUSSION:

Company manufactures specialized resins for coatings and is subject to the requirements of Louisville Metro Air Pollution Control District (District) Title V Permit No. 120-97-TV. In 2011, the District received citizen complaints regarding excessive odors coming from the facility.

On April 14, 2011, the District received a complaint regarding a chemical odor in the areas of Crittenden Drive and East Wellington Avenue. Upon investigation, the District determined the odors were likely caused from pressure valves on storage tanks that vented vapors into the air. This caused a strong solvent odor in the areas for over an hour. On July 21, 2011, the District again received a complaint regarding a chemical odor in the area of Nevada and Crittenden Drive. Again, the District detected a strong odor in the area for at least an hour.

Company has been a source of odor complaints to the District, particularly in the summer months of operation. In an effort to address this problem, Company retained NPN Environmental Engineers, Inc. (NPN) to evaluate the facility and provide recommendations for reducing odors. In December 2011, NPN completed a site odor investigation and documented its findings in a report. In its report, NPN recommended Company conduct formal daily odor surveys, evaluate the use of control devices at several areas of the plant to control odors, conduct a review of plant operating procedures, and conduct a follow-up investigation to document improvements.

In March 2012, NPN prepared an Odor Monitoring Plan that provides for daily monitoring of odors at 9 sites around the facility, which Company has agreed to implement. In addition, Company has made other facility improvements to reduce odors, including removing a reactor and thin tank and relocating them to an out of state facility, equipping storage tanks with nitrogen blankets, and purchasing equipment to quantify and locate potential odors. Company is also currently evaluating the use of odor control devices in 4 areas around the plant.

To fully address the violations of District Regulation 1.13 alleged above, the parties agree to this Order assessing against the Company an administrative settlement of \$3,000. Additionally, Company has agreed to implement the Odor Monitoring Plan prepared by NPN, evaluate the use of odor control devices, develop a facility-wide odor plan, and conduct a follow-up site odor source investigation. On June 20, 2012, 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 \$3,000 to the Louisville Metro Air Pollution Control District by June 29, 2012.
2. Company shall implement the March 2012 Odor Monitoring Plan prepared by NPN, by June 20, 2012.
3. Outdoor unloading procedures shall be reviewed to determine if controls are warranted by July 31, 2012. Company shall evaluate odor control devices, including activated carbon ventilation filters, absorption media canisters for tank and reactor vents, and air scrubbing devices on select equipment by July 31, 2012. After bench studies are conducted, a facility-wide odor plan shall be developed by December 31, 2012.
4. A follow-up site odor source investigation shall be completed in June or July of 2013, by an independent third-party consultant, to assess the impacts of improvements implemented at the facility. Company shall advise the District of the findings of the investigation no later than August 30, 2013.
5. 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.
6. 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.
7. This Order fully resolves the violations alleged in District Incident Nos. 05983 and 06051, and as alleged above in this Order.

8. 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

Nuplex Resins, LLC

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

By: Mike Wright
Mike Wright, Manager
Information Technology, ISO
Systems and Regulatory Affairs

Date: June 20, 2012

Date: 6/20/2012

Louisville Metro Air Pollution Control District

By: Terri E. Phelps
Terri E. Phelps
Enforcement Manager

Date: 6-19-12

Approved as to form and legality:

By: Stacy Fritze Dott
Stacy Fritze Dott
Assistant County Attorney