

AGREED BOARD ORDER NO. 15-06

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident No. 06746

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 BASF Corporation (Company), a Delaware corporation, and is effective on the date of its adoption by the Board.

COMPANY: BASF Corporation
3400 Bank Street
Louisville, KY 40212

REGULATIONS INVOLVED:

District Regulation 5.02: Adoption and Incorporation by Reference of National Emission Standards for Hazardous Air Pollutants

40 CFR 63, Subpart VVVVVV: National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

NOTICE OF VIOLATION LETTER: No. 02623, dated September 2, 2015

BACKGROUND AND DISCUSSION:

Company is a manufacturer of chemical products and is subject to the requirements of Louisville Metro Air Pollution Control District (District) federally-enforceable operating Permit No. 101-04-F and various construction permits. On July 30, 2015, representatives of Company informed the District that they had discovered issues of non-compliance with the Area Source Chemical Manufacturing MACT, or 40 CFR 63, Subpart VVVVVV, during a recent internal audit.

Company failed to conduct quarterly leak checks and repairs and to keep records for eight quarters; failed to either keep records of batches to demonstrate emissions of uncontrolled metal HAPs of <400 lb/year or to prepare a monitoring plan, conduct a performance test or engineering assessment demonstrating at least 95% control, and report the results to the District since 2013; and failed to correctly and timely notify the District of its compliance status, to keep records of

monitoring to demonstrate continuous compliance, and to submit semiannual compliance reports since 2013.

In order to demonstrate compliance, Company submitted its first semiannual compliance report for 2015, including compliance statements dating back to 2013; implemented a management system providing for quarterly inspections of the chemical manufacturing process unit; demonstrated that quarterly leak checks, repairs and recordkeeping have been conducted since July 2015; submitted a compliance plan including an engineering assessment and monitoring plan for the control devices; and submitted a revised Notice of Compliance Status.

To fully address the violations of District Regulation 5.02 and 40 CFR 63, Subpart VVVVVV alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$7,500. On November 18, 2015, a public hearing was held before the Board on this proposed Order. Based upon the information presented at the 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 \$7,500 to the Louisville Metro Air Pollution Control District by November 18, 2015.
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. 06746, and as alleged above in this Order against Company.
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

BASF Corporation

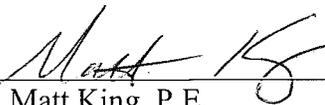
By: Robert W. Powell
Robert W. Powell, M.D.
Chairman

By: Mark Farley
Mark Farley
Site Manager

Date: Nov 18, 2015

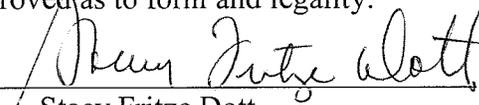
Date: 11/13/15

Louisville Metro Air Pollution Control District

By: 
Matt King, P.E.
Compliance and Enforcement Manager

Date: 11/16/15

Approved as to form and legality:

By: 
Stacy Fritze Dott
Assistant County Attorney