

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Carbide shall be subject to the requirements of this Agreed Board Order in lieu of Section 9 of Regulation 6.43 (April 16, 2003) until Regulation 6.43 is revised in accordance with this Order, but shall remain subject to Sections 1, 2, 3 and 4 of Regulation 6.43 at all times.

2. Total VOC emissions from Carbide's facility shall not exceed 6,701 pounds per day. On and after June 1, 2006, total VOC emissions shall not exceed 6,550 pounds per day. On and after June 1, 2007, total VOC emissions from the facility shall not exceed 6,400 pounds per day.

3. Carbide shall perform the compliance demonstration required by Regulation 6.43 Section 3 and the monitoring, recordkeeping, and reporting required by Regulation 6.43 Section 4 on a daily basis, using process throughputs and established emission factors.

4. If Carbide's performance of its obligations under this Agreed Board Order is delayed or prevented by any event arising from causes beyond Carbide's control, Carbide shall inform the District in writing within seven days after it becomes aware of any such event. The written notification to the District shall include: (1) the reason for the delay or prevention of performance; (2) the anticipated duration; (3) all actions taken to prevent or minimize the delay or prevention of performance; (4) an explanation of why the delay or prevention of performance was unavoidable; and (5) the steps Carbide will take to ensure that the performance of its obligations under this Agreement will be reinstated as early as practicable after cessation of the event causing the unavoidable delay. If the District agrees that the delay is unavoidable, it may grant an appropriate extension.

5. Carbide has reviewed this Order and consents to all its requirements and terms.

6. In the event that it is necessary for the District to seek a court order to enforce this Order, Carbide agrees to pay filing fees and costs of such action.

Dated this 15th day of February, 2006.

Louisville Metro Air Pollution
Control Board

Carbide Industries, LLC

Dr. Karen Cassidy, Chair

(print name and title)

Louisville Metro Air Pollution
Control District

Jesse Goldsmith, P.E.
Engineering and Enforcement Manager

Approved as to form and legality:

Lauren Anderson
Assistant County Attorney