



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

NESHAP Enforcement/Clean Air Act: Alabama Department of Environmental Management and Mobile County, Alabama Chemical Manufacturing Facility Enter into Consent Order Addressing Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

08/29/2016

The Alabama Department of Environmental Management ("ADEM") and U.S. Amines (Bucks) LLC ("Amines") entered into a June 30th Consent Order ("CO") addressing alleged air violations.

The CO provides that Amines operates a chemical manufacturing facility in Mobile County, Alabama.

The Amines facility operates pursuant to a Major Source Operating Permit which includes a provision requiring that the facility comply with 40 CFR Part 63, Subpart VVVVVV.

The CO states that Permit Proviso No. 3 of the Emission Standards Section for Amines #2 Plant with Smokeless Flare states that :

This unit is subject to the leak detection and repair requirements of NSPS Subpart VV as found in 40 CFR 60.482.

Further, Permit Proviso No. 1 of the Compliance and Performance Test Methods and Procedures sections for Amines #2 Plant with Smokeless Flare provides:

... Leak detection shall be performed according to EPA Reference Method 21.

On June 6, 2015, ADEM is stated to have sent a letter to Amine requesting that an evaluation of the applicability of 40 CFR part 63, Subpart VVVVVV be performed. Amine responded that its Mobile County, Alabama facility is subject to the requirements of the previously referenced Subpart VVVVVV and that it would be in compliance with the referenced regulation by August 31, 2015. It further stated that a Notification of Compliance Status would be submitted to ADEM by August 31, 2015.

ADEM is stated to have performed an unannounced inspection of the Mobile County, Alabama facility on February 18, 2016 and allegedly noted the following:

(a) Amine failed to maintain records of quarterly process vessel inspection required under 40 CFR Part 63.11495(a)(3).

(b) Amine failed to submit a Notification of Compliance Status as required under 40 CFR Part 63.11501(b).

(c) The leak detection monitoring for the month of July 2015 was performed using a monitor that did not meet the requirements of EPA Reference Method 21.

Amine submitted a response to an ADEM Notice of Violation explaining that it had begun keeping the required process vessel inspection records in the first quarter of 2016 and that the VOC monitor was inoperative for the July 2015 monitoring period and had to be sent out for repairs because a replacement was not available. Further, ADEM subsequently received a Notice of Compliance Status for 40 CFR Part 63, Subpart VVVVVV from Amine.

Amine neither admit nor denies ADEM's contentions.

Amine agrees to pay a civil penalty in the amount of \$10,000.

A copy of the CO can be [downloaded here](#).