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Air Enforcement: Alabama Department of Environmental Management and Colbert County, Alabama Secondary Aluminum Process Plant Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Constellium Muscle Shoals, LLC ("CMS") entered into a March 16th Consent Order ("CO") addressing violations of an air permit.

The CO describes CMS as a secondary aluminum processing plant ("Plant") located in Colbert County, Alabama.

ADEM is stated to have issued Major Source Operating Permit No. 701-0007 ("Permit") to CMS on April 21, 2016. The Permit is stated to include provisions for operation of a Delacquering Kiln #2 with Afterburner and Kiln Baghouse 2 ("Kiln #2").

Proviso No. 3 of the Kiln #2 emission standards of the section of the Permit is stated to provide that the dioxin and furan ("D/F") emissions released to the atmosphere from the source should not exceed 0.25 ug of D/F TEQ per Mg (3.5 x 10⁻⁶gr of D/F TEQ per ton).

The CO further provides that Proviso No. 1 of the Kiln #2 recordkeeping reporting requirements section states in part:

...this source is subject to the applicable requirements of 40 CFR Part 63, Subpart RRR, "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Processes" ... to include the notification, reporting, and recordkeeping standards ...

Certain provisions of MACT RRR require that results of the performance test be submitted to ADEM.

The CO alleges that on July 19, 2017, CMS conducted a performance test on Kiln #2 and was required to submit results of such test to ADEM no later than September 18, 2017. CMS is stated to have informed ADEM that Kiln #2 failed the D/F test and the unit had been shut down for investigative purposes. ADEM is stated to have subsequently confirmed the failure of the test.

ADEM issued a Notice of Violation on October 24, 2017, for the alleged failure to submit the results of the performance test in a timely manner and for the failure of the D/F stack test on Kiln #2. CMS responded to the Notice of Violation and indicated a failure to identify the primary root cause for the exceedance. As a result, CMS is stated to have indicated that Kiln #2 would undergo a complete rebuild in order to resolve any potentially unknown causes of stack test failure.

On December 13, 2017, CMS is stated to have conducted a performance test on Kiln #2. The results of the test submitted to ADEM are stated to have indicated a passing average.

CMS neither admits nor denies ADEM's contentions.

The CO assesses a civil penalty of \$15,000.

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