Air Enforcement: Alabama Department of Environmental Management and Mobile Drum-Mix Asphalt Plant Enter into Consent Order

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The Alabama Department of Environmental Management ("ADEM") and Hosea O. Weaver & Sons, Inc. ("HOWSI") entered into a May 10th Consent Order ("CO") addressing an alleged violation of an air permit.

The CO provides that HOWSI owns and operates an asphalt plant ("Plant") in Mobile, Alabama.

The Plant is stated to operate under the authority of ADEM Permit No. 503-8069-X001 ("Permit").

ADEM is stated to have performed EPA Reference Methods 5 (Particulate Matter) and Method 9 (Visible Emissions Observation) on June 28-29, 2022, at the Plant. The results are stated to have indicated that the Plant was operating with particulate emissions at the maximum of the Permit limit.

ADEM issued a letter to the Plant on August 4, 2021, indicating concerns about the ability to maintain compliance given that there was no compliance margin. HOWSI responded to ADEM's letter on August 29, 2022, stating it would implement quarterly glow tests to detect particulate matter leaks and continue to conduct frequent maintenance to ensure compliance.

EML, LLC is stated to have performed on December 15, 2022, EPA Reference Methods 5 and 9 at the Plant. The results are stated to have indicated that the Plant was operating in violation of the Permit with particulate emissions average of 0.067gr/dscf.

ADEM subsequently issued a Notice of Violation.

HOWSI responded to the Notice of Violation stating upon inspection of the Plant equipment following the December 15, 2022, test a damaged pipe and silicone seal were identified and repaired. Further, the Plant reported that 147 bags were replaced at the Plant on December 17, 2022.

HOWSI responds in part to the alleged violation, noting:

- The Plant has preformed comprehensive inspections and regular maintenance to minimize the emissions for the facility for many years
- The Plant has communicated with ADEM prior to and after the EML, LLC follow-up emissions tests in compliance with the Air Permit requirements for the facility
- ADEM was notified by HOWSI that due to a serious family health crisis, a written response to ADEM would not be submitted by the required date
- The previously referenced EML, LLC tests were provided to HOWSI during the office shutdown (Christmas break) and during a time of limited email access

- HOWSI identified the source of the non-compliant emissions and repaired the problem in the baghouse equipment within a two-day timeframe

HOWSI neither admits nor denies ADEM's contentions.

A civil penalty of $24,000 is assessed.

A copy of the CO can be downloaded here.