Air Enforcement: Alabama Department of Environmental Management and Anniston Chemical Manufacturing Facility Enter into Consent Order



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08/09/2023

The Alabama Department of Environmental Management ("ADEM") Solutia, Inc. ("SI") entered into a July 12th Consent Order ("CO") addressing an alleged violation of an air permit. See Consent Order No. 23-XXX-CAP.

The CO provides that SI operates a chemical manufacturing plant ("Facility") in Anniston, Alabama.

The Facility is stated to operate pursuant to a Synthetic Minor Operating Permit ("Permit"). Such Permit is stated to address a 40 MMBtu/hr natural gas- and used oil-fired process steam boiler.

SI is stated to have conducted an initial particulate matter ("PM") and opacity performance test required by the Permit on April 14, 2021.

The report provided to ADEM is stated to have indicated that the boiler was in compliance with the opacity and PM emission limits – noting that the highest six-minute average opacity was less than five percent. Further, SI is stated to have been due to conduct subsequent performance testing by October 14, 2021.

ADEM is stated to have performed an inspection of the Facility on March 15 and noted that SI could not produce the site-specific monitoring plan to indicate compliance with the opacity standard, nor any records of subsequent performance testing. It is further indicated that SI could not produce records of the reports requires by Nos. 56, 57, and 58 of the Permit.

SI is stated to neither admit nor deny ADEM's contentions.

SI contends in the CO that during the COVID pandemic its normal operations were disrupted as professional staff worked remotely. Further, it indicated that a new boiler was installed which resulted in fewer associated air emissions and not subject to certain permit provisos.

In addition, SI states:

- In March 2022 the Facility experienced turnover in its environmental compliance team.
- There is substantial and credible evidence that the boiler is operating in compliance with the applicable opacity requirements.
- On June 8th SI performed Method 9 testing and reported the results which it contends were well below the applicable requirements to which the boiler is subject.

- SI submitted a site-specific monitoring plan with its response to the Notice of Violation on May 11th for ADEM's review and approval.

A civil penalty of $20,000 is assessed.

A copy of the CO can be downloaded here.