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# Voluntary Disclosure/Air Enforcement: Alabama Department of Environmental Management and Alabama Pulp Mill Enter into Consent Order

## Arkansas Environmental, Energy, and Water Law Blog

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Alabama Department of Environment Management ("ADEM") and Alabama River Cellulose LLC ("ARC") entered into a Consent Order.

The CO addresses alleged violations voluntarily disclosed by ARC to ADEM.

ARC is stated to operate a Pulp Mill in Monroe County, Alabama.

A Major Source Operating Permit ("Permit") was issued to the Pulp Mill on September 9, 2015. The Pulp Mill is authorized to operate No. 8 Power Boiler (Unit X017) under certain terms and conditions. This unit is also stated to be subject to the requirements of the Clean Air Act New Source Performance Standards 40 CFR Part 60 – Subpart Db – Standards of Performance for Industrial-Institutional Steam Generating Units which are incorporated by reference in the ADEM Administrative Code.

The Order alleges that on July 28, 2016 ADEM received a letter from ARC summarizing discovery of a historical recordkeeping omission that resulted in the exceedance of the ten percent fossil fuel annual capacity factor. The letter detailed the omission as follows:

1. The omission stemmed from the installation of a new natural gas burner in the No. 8 Power Boiler in June 2014.
2. Following the installation of the new burner, the natural gas usage records were not updated; therefore the increase in fossil fuel usage was not properly tracked.
3. After discovering the omission and updating the fossil fuel capacity, ARC realized that it had exceeded the permitted ten percent fossil fuel annual capacity factor for the years 2014 (10.7%), 2015 (13.7%), and 2016 (10.7%).

ARC contends its exceedance of the 10 percent fossil fuel capacity factor during calendar years 2014 through 2016 was inadvertent, involving a previously-unknown accounting oversight in tracking gas usage by the No. 8 Power Boiler; that it voluntarily disclosed the oversight to the Department orally and in writing promptly upon discovery in July 2016; and that it immediately shut down the boiler and began investigating the cause of the oversight upon discovery.

ARC has instituted new and improved gas usage tracking systems and management oversight procedures to ensure that any similar accounting oversight does not reoccur.

ARC neither admits or denies ADEM's contentions.

ARC agrees to pay a civil penalty amount of \$50,000.

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