

ALABAMA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

AMERICAN COLLOID COMPANY

SANDY RIDGE, ALABAMA

ORDER NO. 92-109-AP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §22-22A-1 et seq., Code of Alabama 1975, as amended, and the Alabama Air Pollution Control Act, §22-28-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS OF FACT:

1. American Colloid Company (hereinafter "American Colloid") operates a bentonite drying and blending facility in Sandy Ridge, Lowndes County, Alabama.

2. Under the authority of §22-28-16(a), Code of Alabama 1975, the Department issued Air Permit No. 207-0002-Z006 to American Colloid on July 23, 1984 which authorized the operation of a coal-fired rotary dryer furnace with a multiclone and a baghouse.

3. ADEM Admin Code R. 335-3-4-.01(1)(a) provides that no person shall discharge or emit into the atmosphere from any source of emission any air contaminant (e.g. particulate matter) of an equivalent opacity greater than twenty (20%) percent observed during two six (6) minute averages within a

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sixty (60) minute time-period.

4. On September 12, 1990, during an inspection of American Colloid by Department personnel, a visible emissions observation was conducted. During two consecutive six minute average observations within a sixty (60) minute time-period, twenty-five (25%) percent opacities were observed.

5. A Notice of Violation (NOV) was issued on September 28, 1990 for the aforementioned administrative code violation [see ADEM Admin. Code R. 335-3-4-.01(1)(a)].

6. American Colloid responded to the NOV on October 9, 1990.

7. Provision No. 10 of American Colloid's air permit limits the sulfur content of the coal used to fire the coal-fired rotary dryer furnace to 1% (by weight) or less.

8. During the Department's inspection of American Colloid on September 12, 1990, a coal sample was taken by Department personnel for analysis. On January 22, 1991, results of the coal analysis were received which indicated that the sulfur content of the coal was 1.94%.

9. An NOV was issued to American Colloid on July 15, 1991 by the Department for failing to specifically comply with Provision No. 10 of its air permit governing this particular unit.

10. American Colloid responded to the NOV on July 19, 1991.

11. ADEM Admin. Code R. 335-3-14-.01(1)(a) states that before any machine, equipment or other contrivance which may cause the issuance or an increase in the issuance of air

contaminants must first obtain an air permit for the construction of said contrivance from the Department.

12. Provision No. 6 of American Colloid's air permit requires that its air pollution control device must be maintained and operated at all time in a manner so as to minimize the emission of air contaminants.

13. During a May 30, 1991 inspection by Department personnel, fugitive emissions were observed emanating from the ductwork of the air pollution control device of American Colloids' coal-fired rotary dryer furnace.

14. An NOV was issued to American Colloid on August 9, 1991 for the air pollution problems discovered during the May 30, 1991 inspection.

15. American Colloid responded to August 9, 1991 NOV on August 23, 1991.

16. According to ADEM Admin. Code R. 335-3-1-.04 the Department is authorized to require the owner or operator of an air contaminant source to establish and maintain records and reports and provide those to the Department as the Director of the Department prescribes.

17. In an October 22, 1990 meeting between representatives of the Department and American Colloid, the Department stated that American Colloid would be required to perform a visible emission reading for 30 minutes per day for each day the dryer operates. Also, the Department required that the results of said observations be mailed to the Department no later than the tenth (10th) day of the following month. This understanding

was further documented in a letter dated October 22, 1990 from American Colloid to Department personnel.

18. An NOV was sent to American Colloid on November 15, 1991 for its submission of inaccurate and incomplete daily visible emission observation records.

19. On November 27, 1991, American Colloid responded to the November 15, 1991 NOV.

20. On January 23, 1992, the Department sent a copy of this administrative order, in draft form, to American Colloid. It was received by American Colloid's agent on January 24, 1992.

21. Thereafter, on February 11, 1992, American Colloid sent to the Department a written response which addressed the contents of the proposed administrative order.

22. On March 25, 1992, an informal conference was held between representatives of the Department and American Colloid for the purpose of discussing the proposed administrative order and American Colloid's written response to the proposed order.

ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That effective immediately upon receipt of this Order, American Colloid shall maintain and operate its bentonite drying and blending operation in such a manner so as to ensure compliance at all times with ADEM Admin. Code 335-3 and the

provisions of its air permit.

B. That effective upon receipt of this Order, should American Colloid be notified by certified mail by the Department that opacity from its dryer stack has exceeded 10%, during a six-minute average, for reasons determined by the Director to have been within the control of American Colloid, American Colloid must then install a continuous emission monitoring (CEM) system on the exit stack of the baghouse of the coal-fired rotary dryer furnace for the purpose of measuring the opacity of emissions discharged into the atmosphere. In the event the installation of a CEM system is necessary, the CEM system must be installed, calibrated, maintained and operated according to 40 CFR Part 60, Appendix B, Specification 1 (Specification and Test Procedures For Opacity Continuous Emission Monitoring Systems in Stationary Sources.)

C. That in the event paragraph B of this Order becomes operative, the CEM system shall be installed and operational within 120 days after receipt of notice from the Department that paragraph B is effective, realizing that additional time may be needed in order for the system to be fully operational and comply with testing requirements stated in 40 CFR Part 60, Appendix B, Specification 1.

D. That in the event paragraph B of this Order becomes operative, average opacities from the installed CEM system shall be recorded in a permanent manner, available for inspection and maintained by American Colloid a minimum of two

(2) years and that all the original data charts, performance evaluations, calibrations checks, adjustment and maintenance records and other information regarding the installed CEM system will be maintained by American Colloid in permanent form and available for inspection. Said file shall be retained for at least two (2) years following the date of the measurements, maintenance, reports and records creation.

E. That in the event paragraph B of this Order becomes operative, a written report of any opacity exceedances, as defined below, shall be submitted to the Department by American Colloid for each calendar month by the 10th day of the following month. The reports shall include the following information:

1. Excess visible emissions over the 20% opacity as computed from six-minute averages (data recorded during periods of opacity monitoring system breakdowns, repairs, calibration checks and zero and span adjustments shall not be included in the data averages);
2. The date and time each excess emission began and the date and time it ended during the reporting period;
3. The nature and cause of the excess emissions (if known) and the corrective action taken or preventive measures adopted during the reporting period;
4. The date and time during each reporting period

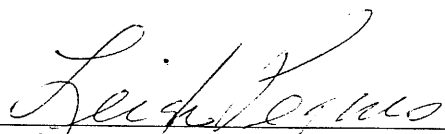
that the opacity CEM system was inoperable (except for zero and span checks). Also, the nature of all system repairs and adjustments made during the reporting period; and

5. Statements in the monthly report, when applicable, that no excess emissions occurred and the CEM system was operable; as well as, a statement that no repairs or adjustments were required during the applicable reporting period.

F. That there is hereby assessed a civil penalty against American Colloid in the amount of \$7,500.00 for the violations cited herein, to be paid to the Alabama Department of Environmental Management within 30 days of receipt of this Order.

G. That the failure of American Colloid to comply with any of the provisions of this Order shall constitute cause for the commencement of legal or other appropriate enforcement action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department or others against American Colloid.

ORDERED and ISSUED this 14th day of May, 1992.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W. L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7977

CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served the foregoing proposed order, No. 92-109-AP, upon American Colloid Company by sending the same, postage paid, through the United States Mail, Certified Mail, with instructions to forward and return receipt requested upon:

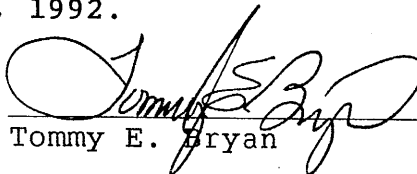
Certified Mail No. P 825 089 494

Mr. Brad Hofland
American Colloid Company
P. O. Box 39
Letohatchee, Alabama 36047

Certified Mail No. P 825 089 495

The Corporation Company
60 Commerce Street
Montgomery, Alabama 36103

DONE this 14th day of May, 1992.



Tommy E. Bryan