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Air Enforcement: Alabama Department of Environmental Management and Ragland, Alabama, Cement Manufacturing/Limestone Quarry Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and National Cement Company of Alabama, Inc., (“National”) entered into a proposed June 25th Consent Order (“CO”) addressing alleged violations of a Major Source Operating Permit (i.e., air permit).

National is stated to operate a cement manufacturing facility (“Facility”) and limestone quarry in Ragland, Alabama.

The Facility includes a rotary cement kiln and supporting equipment. The kiln and supporting equipment are operated pursuant to the authority of the previously referenced permit.

The permit includes provisions addressing:

- Limitation on mercury emissions
- Emission monitoring provisions including some related to opacity
- Incorporation of applicable monitoring requirements from 40 C.F.R. Part 63 Subpart LLL – National Emissions Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry

The CO states that National self-reported a total of 149 days from May 2, 2019, to February 11, 2020, in which the 30-day rolling average for mercury emissions from the kiln exceeded the allowable limit.

National is stated to have responded that:

An incorrect clinker ratio was used to calculate mercury emissions during that period, and the correct clinker ratio would have resulted in 123 days of exceedances.

ADEM is stated to have conducted an inspection of the Facility on January 28, 2020. The CO provides in relevant part:

During this inspection the records for weekly and monthly visible emissions observations described above were requested for the period from July 2019 through December 2019. The requested records could not be found at the time of inspection and could not be provided via follow-up email. In the Notice of Violation response letter dated March 12, 2020, the Permittee stated that those records still had not been found.

National states in the CO that the Facility:

- Is committed to operating in full compliance with its permit and applicable laws and regulations
- Unexpectedly experienced increases in mercury emissions that resulted in exceedances for the 30-day rolling average for mercury emissions from the kiln
- Devoted considerable resources to investigate the causes of the emission issues and to implement solutions
- Undertook significant capital improvements to improve mercury emissions which include the installation of an activated carbon abatement system
- Made improvements to the raw mill
- Made capital investments to improve its dust shuttling system
- Made process changes to reduce the mercury emissions resulting in additional workforce hours
- Worked to identify and transition to kiln inputs with lower mercury content in order to lower mercury emissions

National is stated to have sent an April 9, 2020, letter to ADEM informing the state agency that it had located the weekly and monthly opacity observation records for the requested time period. These previously could not be located during the inspection. The company states that in an effort to ensure records are readily available during inspections, it has put additional procedures in place.

National also states:

- No economic benefit from its noncompliance has been gained
- It has made significant capital investments to lower mercury emissions
- It has been forthcoming and transparent with ADEM regarding its mercury emissions exceedances

National neither admits nor denies ADEM's contentions.

A civil penalty of \$148,000 is assessed.

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