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Wastewater/Air Enforcement: Alabama Department of Environmental Management and Mobile County Cement Manufacturing Facility Enter into Consent Order

03/17/2021

The Alabama Department of Environmental Management (“ADEM”) and Holcim (US) Inc. (“Holcim”) entered into a February 26th Consent Order (“CO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit and Major Source Operating permit (“Air Permit”).

Holcim is stated to operate a cement manufacturing facility (“Facility”) in Mobile, Alabama.

Holcim is stated to operate the Facility pursuant to certain permits which include:

- Air permit
- NPDES permit

ADEM is stated to have conducted an air inspection at the Facility on November 6, 2019. The inspection is stated to have determined there were records not available for review at the time of the inspection or afterwards via email. The absent records were stated to have included required monthly Method 22 visible emissions observations form November 1, 2018, to the present. They were further described as addressing time, nature, and cause of CMS downtime.

ADEM is also stated to have conducted an NPDES inspection at the Facility on August 14, 2019. The ADEM inspector allegedly noted that no onsite BMP inspections had been performed since April 2019.

The CO also provides that in January 2020, the Permittee met with Department personnel and proposed to conduct an environmental gap analysis to review the Permittee’s environmental permit requirements and assess any missing or incomplete recordkeeping between 2015 and 2019. The gap analysis was conducted by ALL4, a third party environmental consulting firm, in May 2020.

A report of the analysis results was submitted to the Department on November 5, 2020. The report indicated that various required records, including records of monthly Method 22 visible emissions observations and any follow-up Method 9 observations required by 40 CFR Part 63, Subpart LLL, CMS excess emission and downtime information, and BMP and SPCC records, during the period under review could not be located. In addition, the report indicated the facility had incomplete BMP and SPCC training documentation.

The CO provides that Holcim neither admits nor denies the ADEM contentions.

A civil penalty of \$50,750 is assessed.

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