

Air Enforcement: Alabama Department of Environmental Management and Clarke County Sawmill Facility Enter into Consent Order



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The Alabama Department of Environmental Management (“ADEM”) and NSSG Holdings, LLC, (“NSSG”) entered into a June 4th Consent Order (“CO”) addressing an alleged violation of an air permit.

The CO provides that NSSG is the owner and/or operator of a sawmill facility (“Facility”) in Clarke County, Alabama.

A Major Source Operating Permit (No. 102-SS03) (“Permit”) was stated to have been issued to the Facility on September 13, 2006. Such Permit is stated to provide in Proviso No. 21(b) that the Facility report deviations from Permit requirements within 48 hours or two working days of such deviations.

ADEM contends in the CO that on September 29, 2020, Conversion Technology Inc. (“CTI”) discovered an error in the remote access program for monitoring Emission Unit No. 001. CTI is described as a consultant for NSSG.

CTI is stated to have contacted ADEM on December 9, 2020, regarding notification of deviations prior to submitting semiannual reporting. NSSG is stated to have submitted to ADEM on January 28, 2021, the Boiler MACT Semiannual Compliance Report for Emission Unit No. 001 for the reporting period of July 1, 2020, to December 31, 2020. Such report stated the oxygen continuous monitoring system (“CMS”) was “out-of-control” from August 17th at 13:30 to September 29th at 12:29. This deviation is described as covering 22.38% of the reporting period.

The oxygen CMS was stated to be failing daily gas calibration due to an empty gas cylinder.

ADEM subsequently issued a Notice of Violation to NSSG to which the company responded. NSSG is indicated to have stated that the full extent of the oxygen CMS outage was not discovered until the week of January 25, 2021, when the report was generated for the Boiler MACT.

The CO provides that NSSG neither admits nor denies ADEM’s contentions.

A civil penalty of \$30,000 is assessed.

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