

## Air Enforcement: Alabama Department of Environmental Management and Chilton County Scrap Metal Recycling Facility Enter into Consent Order



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

04/29/2022

The Alabama Department of Environmental Management (“ADEM”) and Circle K Scrap Metal, LLC (“Circle K”) entered into an April 12th Consent Order (“CO”) addressing an alleged violation of the Alabama air regulations. See Consent Order No. 22- \_\_\_\_ - CAP.

The CO provides that Circle K operates a scrap recycling facility (“Facility”) in Chilton County, Alabama.

The Facility is stated to operate one diesel 3300 BHP engine (“Engine”) at the Facility. Emissions from the Engine are stated to be uncontrolled. Further, the Facility is stated to be subject to the requirements of 40 CFR Part 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (“Subpart ZZZZ”).

Certain provisions of Subpart ZZZZ require that the Engine comply with a mandate to reduce carbon monoxide emissions by installing an oxidation catalyst with a continuous temperature monitor on the exhaust of the Engine. Also, the emissions are stated to be required to be tested every three years.

ADEM is stated to have conducted an inspection of the unpermitted Facility on August 25, 2021, and observed it to be operating. The Facility is stated to have been in operation since 1997.

The Facility operator is stated to have submitted an air permit application pursuant to ADEM request on November 22, 2021. The application included the sources of emissions at the Facility. Further, the Facility operator stated that the exhaust of the Engine would be retrofitted with a catalytic converter by July 1, 2022.

Circle K neither admits nor denies ADEM’s contentions.

A civil penalty of \$35,000 is assessed.

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