

Air Enforcement: Alabama Department of Environmental Management and Montgomery Concrete Batch Plant Operator Enter into Consent Order



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

06/13/2022

The Alabama Department of Environmental Management (“ADEM”) and Shelby Concrete, Inc. d/b/a Builders Supply Co. (“Shelby”) entered into a May 18th Consent Order (“CO”) addressing an alleged violation of the Alabama Air Regulations. See CO No. 22-XXX-CAP.

The CO provides that Shelby is the owner and/or operator of a concrete batch plant (“Facility”) in Montgomery, Alabama.

The Facility is stated to be operated pursuant to the authority of ADEM Admin. Code r.335-3-4-.01. The regulation is stated to limit particulate emissions of an opacity no greater than 20% opacity, as determined by a six minute average, or no greater than 40% opacity for six minute period in any one sixty minute period.

The ADEM Air Division is stated to have received a complaint of excess visible emissions on March 4th. The complainant stated that excessive emissions were observed emanating from the Facility.

ADEM is stated to have inspected the Facility on March 7th and documented excessive emissions from a silo associated with the portable cement plant. A visible emissions observation by ADEM is stated to have documented three six-minute averages of 48%, 61%, and 43% opacity at the Facility.

Shelby is stated to have indicated that due to raw material shortages the silos were filled past maximum storage capacities and pop off valves on the silos were weak.

Shelby neither admits nor denies ADEM’s contentions.

A civil penalty of \$10,000 is assessed.

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