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Air Enforcement: Alabama Department of Environmental Management and Washington County Chemical Manufacturing Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Olin Chemical Corporation (“Olin”) entered into a Consent Order (“CO”) addressing alleged violations of the Alabama Air Code. See Consent Order No. 22-XXX-CAP.

The CO provides that Olin operates a chemical manufacturing facility (“Facility”) in Washington County, Alabama.

Olin is stated to have notified ADEM of a chlorine release to the atmosphere on October 16, 2021. The amount of chlorine released was stated by Olin to be approximately 94 pounds.

ADEM subsequently issued a Notice of Violation (“NOV”) on November 22, 2021, for the release of unauthorized emissions. Olin responded stating that the release began in the membrane cell room of the Facility and was the result of pressure buildup near Electrolyzers E and F. Further, Olin is stated to have notified ADEM of the chlorine release to the atmosphere that occurred earlier that day.

A follow-up letter from Olin on January 27, 2022, is stated to have indicated that 17 pounds of chlorine was released to the atmosphere due to a vent line leak from the chlorine drying area sump. In addition, on January 28th Olin notified ADEM of a chlorine release from the Facility on October 28, 2020, which was approximately 597 pounds.

Olin’s response to the NOV is stated to have indicated that the amount of chlorine released was not properly estimated and therefore not reported. Further, Olin stated that a plume calculation utilizing chlorine monitor data was not considered a credible means of estimation because of swirling wind, gusting conditions and heavy rain associated with Hurricane Zeta.

It was further stated that:

. . . an orifice calculation was used to estimate the amount of chlorine released, and that this method yielded an unreportable amount. Therefore, the chlorine release was not reported at the time that it occurred. The Permittee stated that new information regarding the release was discovered through an internal compliance management system, and thus prompted further investigation into the release.

The CO states that Olin violated the ADEM Administration Code by emitting the previously referenced prohibited pollutants into the atmosphere. Further, Olin is stated to have violated the ADEM Administrative Code by failing to report the 597 pounds of chlorine released on October 28, 2020.

Olin neither admits nor denies ADEM's contentions. Further, Olin provides that with regard to the release of chlorine on October 16, 2021, that:

- The release was reported to ADEM in a timely manner
- Final quantity and details of the incident were provided as soon as possible
- All reasonable efforts to minimize the impact of the alleged violation on the environment were undertaken
- The community was alerted to shelter in place using its Code Red system

As to the January 27th chlorine release, Olin states:

- The release was reported to ADEM in a timely manner
- Final quantity and details of the incident were provided as soon as possible
- All reasonable efforts to minimize the impact of the alleged violation on the environment were undertaken
- There was no impact to the community as the release was contained onsite

A civil penalty of \$80,000 is assessed.

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