

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

CHENEY LIME AND CEMENT COMPANY  
Siluria, Shelby County, Alabama

ADEM Air Facility I.D. No. 411-0019

ADMINISTRATIVE ORDER  
No. 95-009-AP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama 1975 (1990 Rpl.Vol.), the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama 1975 (1990 Rpl.Vol.), and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. CHENEY LIME AND CEMENT COMPANY (hereinafter, "Cheney"), is the permitted owner and/or operator of a lime manufacturing plant located on Old Highway 31 in Siluria, Shelby County, Alabama, operating under the authority of ADEM Air Permit No. 411-0019-X005, issued September 28, 1990. Said permit authorizes the operation of a rotary lime kiln with preheater and baghouse (25 tons per hour lime production), subject to certain limitations and conditions.

2. Pursuant to ADEM Admin. Code R. 335-3-10-.02(34), federal New Source Performance Standards (NSPS) for Lime Manufacturing Plants (40 CFR §60.340 through 60.344, Subpart HH) are incorporated by reference as a requirement enforceable by the State of Alabama.

3. Pursuant to ADEM Air Permit No. 411-0019-X005, Paragraph No. 15, the Cheney lime kiln is subject to the federal New Source Performance Standards as listed in 40 CFR Part 60, Subpart HH.

ISSUED 11/2/94	SERVED 11/8/94
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4. Section 60.342(a) of Subpart HH provides that "no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any rotary lime kiln any gases which exhibit greater than 15 percent opacity when exiting from a dry emission control device."

5. Section 60.343(a) of Subpart HH provides that "the owner or operator of a facility that is subject to the provisions of this subpart shall install, calibrate, maintain, and operate a continuous monitoring system to monitor and record the opacity of a representative portion of the gases discharged into the atmosphere from any rotary lime kiln."

6. On January 24, 1994, results of a Method 9 Visible Emissions Observation conducted by Department personnel on the No.2 lime kiln baghouse stack indicated two (2) six-minute average opacities of 33% and 29%, in violation of ADEM Air Permit No. 411-0019-X005, Paragraph No. 15.

7. On February 9, 1994, results of a Continuous Opacity Monitoring System (COMS) audit conducted by Department personnel indicated that the continuous monitoring system on the No.2 lime kiln baghouse stack had not been properly calibrated and maintained, in violation of ADEM Air Permit No. 411-0019-X005, Paragraph No. 15.

8. On February 28, 1994, the Department issued a Notice of Violation (NOV) to Cheney for the violations cited above.

9. Pursuant to §22-22A-5(18), Code of Alabama (1975), as amended, Cheney was provided advance notice of this proposed administrative action and, on November 1, 1994, Cheney was afforded an informal conference with Department personnel to comment and discuss the alleged violations.

ORDER

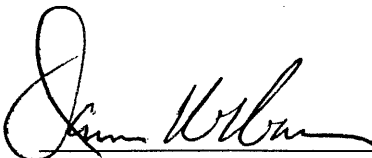
Based on the foregoing FINDINGS OF FACT and pursuant to §§22-22A-1 to 22-22A-16, and 22-28-1 to 22-28-23, Code of Alabama 1975 (1990 Rpl.Vol.), it is hereby ORDERED:

A. That there is assessed a civil penalty against Cheney Lime and Cement Company in the amount of Five Thousand Dollars (\$5,000.00) to be paid to the Alabama Department of Environmental Management within thirty (30) days of receipt of this Order.

B. That immediately upon receipt of this Order, Cheney Lime and Cement Company shall operate at all times in compliance with all applicable ADEM Air Regulations and permit requirements, and shall continuously remain in compliance therewith each and every day it remains in operation.

C. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against the Cheney Lime and Cement Company for recovery of civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 2nd day of November, 1994.



James W. Warr, Director  
Alabama Department of Environmental  
Management  
1751 Cong. W.L. Dickinson Drive  
Montgomery, Alabama 36130  
(205) 271-7855

Certificate of Service

I, Thomas L. Johnston, hereby certify that I have this date served the foregoing Administrative Order No. 95-009-AP, Certified Mail (No. P-841-248-962), return receipt requested, postage prepaid and properly addressed to:

Mr. Bob Pruett  
Operations Manager  
CHENEY LIME AND CEMENT COMPANY  
P. O. Box 146  
Siluria, Alabama 35144

Dated: November 2, 1994

  
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Thomas L. Johnston