

ADEM



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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MONTGOMERY, ALABAMA

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(334) 271-7700

JAMES W. WARR

DIRECTOR

BOB RILEY

GOVERNOR

June 11, 2004

CERTIFIED MAIL (NO. 7003 3110 0004 0269 0055)

RETURN RECEIPT REQUESTED

TASHA N. DOLAN
CHIEF FINANCIAL OFFICER
DORSEY TRAILER COMPANY
1315 HICKMAN STREET
ELBA ALABAMA 36323

Dear Ms. Dolan

Enclosed please find ADEM Administrative Order No.04-073-AP which requires you to take certain actions regarding violations of applicable environmental laws and regulations. In issuing this Order, the Department took into consideration all available information concerning these violations, including any written response or oral comments submitted on behalf of Dorsey Trailer Company.

Please be advised that failure to comply with the terms of this Order can result in penalties of up to \$25,000 per day for each violation as well as possible criminal penalties. Pursuant to Code of Alabama 1975, §22-22A-7(c)(1) this Order may be appealed by filing a request for hearing before the Environmental Management Commission within 30 days after receiving notice of this Order. Please note that the time within which a request must be filed runs from receipt of notice, not service. The request should be addressed to the Chair of the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code R. 335-2-1-.04. Copies of ADEM Admin. Code, Division 2, Environmental Management Commission regulations may be obtained by submitting a request in writing to the attention of Diane McKeithen, ADEM-Permits & Services Division.

If you have any questions, please feel free to contact me at the ADEM Office of General Counsel at (334) 271-7855.

Sincerely,

Olivia H. Rowell
General Counsel

OHR/kpDorseyFOltr

Enclosure

Copy to: Ron Gore, Chief ADEM-Air Division
Doug Carr, ADEM-Air Division (e-mail)
Hal Brock, ADEM-Air Division (e-mail)
ADEM-Public Affairs Office

Facsimiles: (334)
Administration: 271-7950
General Counsel: 394-4332
Air: 279-3044
Land: 279-3050
Water: 279-3051
Groundwater: 270-5631
Field Operations: 272-8131
Laboratory: 277-6718
Mining: 394-4326
Education/Outreach: 394-4383



**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

In the Matter of:

Tasha N. Dolan

**Dorsey Trailer Company
Air Facility ID No.: 602-0014
Elba, Coffee County, Alabama**

**ADMINISTRATIVE
ORDER NO.: 04-073-AP**

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended, 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:

1. On June 13, 2000, the Department issued Major Source Operating Permit 602-0014 (hereinafter, "Permit") to Dorsey Trailers, Inc. On November 15, 2001, the Permit was reissued to Dorsey Trailer Company (herinafter "Dorsey").
2. General Proviso 27 of the Permit requires that the Permit be kept at the site for which the Permit is issued.

3. During an inspection of the Dorsey facility on April 23, 2003, this Permit could not be located.
4. Section five, Recordkeeping and Reporting Requirements, Proviso one of the Permit requires monthly records of VOCs emitted for Trailer Paint lines #1 and #2, Undercoat Pain Line, Miscellaneous Component Painting, and R & D Paint Line.. These records shall be maintained in a permanent form suitable for inspection and be available immediately upon request.
5. During the April 23, 2003, inspection, records of VOC emissions were not available.
6. General Permit Proviso 7 of the Permit requires Dorsey to submit copies of any records required to be kept by the Permit upon request by the Department.
7. On July 7, 2003, the Department issued a Notice of Violation to Dorsey for the above violations and requested copies of the emissions records, and a response by July 27, 2003. The Department has not received a response to this letter.
8. ADEM Admin. Code R. 335-1-7-.05(6) requires emissions estimates for the previous year to be submitted to the Department by June 30 of each year.
9. On March 21, 2003, the Department sent a letter to Dorsey to remind it of the requirement to submit 2002 emissions estimates by June 30,

2003. This requirement is covered by General Permit Proviso 23 of the Dorsey Permit and by ADEM Admin. Code R. 335-1-7-.04. The Department received this information on February 19, 2004.

10. The emissions estimate is used to determine the annual emission fees for Dorsey. These fees were due October 31, 2003, and have not been received.
11. General Permit Proviso 12 of Dorsey's Major Source Operating Permit and ADEM Admin. Code R. 335-3-16-.07(e) require submission of an annual compliance certification. This annual compliance certification was due no later than August 12, 2003. The annual compliance certification was received by the Department on February 19, 2004.

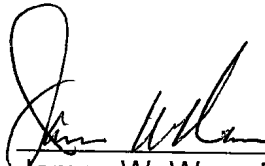
ORDER

Based upon the foregoing FINDINGS and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama 1975, as amended, it is hereby ORDERED:

- A. That there is hereby assessed a civil penalty against Dorsey Trailer Company, Elba, Alabama, in the amount of Fifty Thousand Dollars (\$50,000.00) to be paid to the Alabama Department of Environmental Management within forty five (45) days of receipt of notice of this Order.
- B. That within forty five (45) days after receipt of notice of this Order, Dorsey Trailer Company shall pay the emissions fee for 2002.

- C. That, immediately upon receipt of notice of this Order, Dorsey shall operate the facility in compliance with ADEM Admin. Code 335-3 and all applicable Air Permits issued to it by the Department.
- D. That failure to comply with any and all provisions of this Order may constitute cause for the assessment of additional civil penalties and/or the commencement of appropriate legal action for civil or criminal sanctions.
- E. That the issuance of this Order does not preclude the Department or others from seeking appropriate sanctions for the violations stated herein.

ORDERED and ISSUED this 21st day of May, 2004.



James W. Warr, Director
Alabama Department of
Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463
(334)271-7700

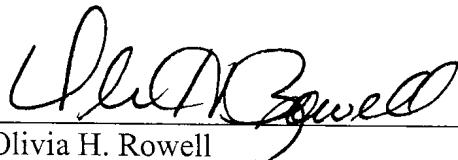
CERTIFICATE OF SERVICE

I, Olivia Rowell., hereby certify that I have served the foregoing Administrative Order, Order No. 04-073-AP, upon Dorsey Trailer Company by sending the same to the below listed addressee via United States Mail, as Certified Mail, postage paid, with instructions to forward and return receipt requested.

CERTIFIED MAIL NUMBER 7003 3110 0004 0269 0055

TASHA N. DOLAN
CHIEF FINANCIAL OFFICER
DORSEY TRAILER COMPANY
ELBA ALABAMA 36323

DONE this 21st of June, 2004.



Olivia H. Rowell

7003 3110 0004 0269 0055

U.S. Postal Service™
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TASHA N DOLAN
 CHIEF FINANCIAL OFFICER
 DORSEY TRAILER COMPANY
 1315 HICKMAN STREET
 ELBA ALABAMA 36323

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TASHA N DOLAN
 CHIEF FINANCIAL OFFICER
 DORSEY TRAILER COMPANY
 1315 HICKMAN STREET
 ELBA ALABAMA 36323

2. Article Number
 (Transfer from service label)

7003 3110 0004 0269 0055

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 X *Carrie M. Copeland* ☐ Agent ☐ Addressee
- B. Received by (Printed Name) *Carrie Copeland* C. Date of Delivery *JUN 14 2004*
- D. Is delivery address different from item 1? ☒ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540