

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

SIMETCO, INC.
MT. MEIGS, ALABAMA

FACILITY NO. 209-0026

ORDER NO. 90-113-AP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §22-22A-1 et seq., Code of Alabama 1975, as amended, and the Alabama Air Pollution Control Act, §22-28-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS OF FACT:

1. SIMETCO, Inc. (hereinafter, SIMETCO) operates three silicon metal furnaces at Mt. Meigs, Montgomery County, Alabama.
2. Under the authority of §22-28-16(a), Code of Alabama 1975, as amended, Air Permits Nos. 209-0026-Z001 through 209-0026-Z006 were issued to SIMETCO.

3. On August 17, 1988, Department personnel visited the SIMETCO facility and discovered several leaks in the two operational furnace baghouse systems. These problems constituted violations of ADEM Admin. Code R. 335-3-14-.01(1)(a) [formerly Section 16.1.1(a), Alabama Air Commission Rules and Regulations (AACRP)], ADEM Admin. Code R.335-3-4-.02(3) [formerly Section 4.2.3, AACRP] and Provision No. 5 of Air Permits, Nos. 209-0026-Z001 and Z002.



4. The Department sent a letter, dated August 29, 1988, to SiMETCO informing the facility of the problems noted during the recent inspection. The Department also requested, by way of the letter, a written report from SiMETCO detailing the actions it planned to take to correct the air pollution problems.

5. In a letter dated September 7, 1988, SiMETCO outlined the actions it planned to take to correct operational and equipment problems with the dust collectors, ductwork, and baghouses.

6. During an inspection on December 14, 1988, Department staff personnel noted that the capture of the No. 1 furnace tap hole emissions was unsatisfactory and also observed leaks in the ductwork of the three pollution control systems. Dust was also leaking from the discharge end of the collection hopper of the No. 5 compartment on the No. 1 furnace baghouse. These problems constituted violations of ADEM Admin. Code R. 335-3-14-.01(1)(a), ADEM Admin. Code R. 335-3-4-.02(3) and Proviso No. 5 of Air Permit No. 209-0026-2001.

7. The Department sent SiMETCO a letter on December 20, 1988 in which the violations discovered on December 14, 1988 were cited.

8. In a letter dated January 5, 1989, SiMETCO outlined the actions it planned to take to correct problems with the leaks on all the ducts from the furnace to heat exchangers and dust collectors.

9. On June 28, 1989, Department personnel observed several holes in ductwork leading to the No. 1 silicon furnace air

) pollution control system. Poor capture of emissions during the furnace tapping operation resulted in an excessive amount of fugitive emissions. In addition, fugitive emissions were observed from leaks around access doors of the baghouse. These problems constituted violations of ADEM Admin. Code R. 335-3-14-.01(1)(a), ADEM Admin. Code R. 335-3-4-.02(3) and Proviso No. 5 of Air Permit No. 209-0026-2001.

10. On July 5, 1989, the Department sent SiMETCO a notice of violation detailing the observations during the June 28, 1989 Department inspection.

) 11. In a letter dated July 17, 1989, SiMETCO outlined the actions it planned to take to correct operational and equipment problems. The planned actions included patching and welding holes in the ductwork and multiclones of the No. 1 and No. 3 air pollution control systems.

) 12. The assessment of civil penalties for violations of the Department's rules and regulations and for violations of any order, permit condition, license, certification or variance issued by the Department is authorized by §22-22A-5(18), Code of Alabama 1975, as amended. The statute also authorizes that the penalty amount may range from \$100 to \$25,000 for each violation, so long as the penalty amount does not exceed \$250,000 in any given Order. Each day a violation continues constitutes a separate violation. In addition to the foregoing "FINDINGS OF FACT", the Department has considered the factors detailed in the aforementioned statute in determining the

appropriate penalty amount in this particular instance. Those factors are listed as follows:

(a) the seriousness of the violation, including any irreparable harm to the environment and any threat to the health and safety of the public;

(b) the standard of care manifested by SiMETCO;

(c) the economic benefit which delayed compliance may confer upon SiMETCO;

(d) the nature, extent and degree of success of SiMETCO's efforts to minimize the effects of the violation upon the environment;

(e) SiMETCO's history of previous violations; and

(f) SiMETCO's ability to pay the assessed penalty.

ORDER

Based upon the foregoing FINDINGS OF FACT 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 SiMETCO shall in the future report all furnace air pollution control system breakdowns, outages, and other periods of non-operation, in accordance with the procedures specified in Provisos No. 4 or No. 5, as appropriate, of Air Permits Nos. 209-0026-Z001 through 201-0026-Z006.

B. That within 15 days of receipt of this Order, SiMETCO shall complete the necessary repairs to, and subsequently maintain, the operating furnaces and respective air pollution

control systems in such a manner as to minimize the air emissions.

C. That effective the date notice of this Order is received, SiMETCO shall not start up the No. 1 silicon furnace unless the furnace and its air pollution control systems are capable of being operated, and are in fact operated, in full compliance with the Department's statutes and administrative code.

D. That by August 1, 1990, SiMETCO shall shut down and not restart the No. 3 silicon furnace until the furnace and its air pollution control system can be operated in full compliance with the Department's statutes and administrative code.

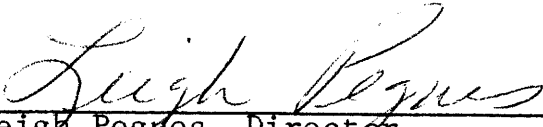
E. That by July 1, 1991, SiMETCO shall shut down and not restart the No. 2 furnace until the furnace and its air pollution control system can be operated, and is in fact operated, in full compliance with the Department's statutes and administrative code.

F. That there is hereby assessed a civil penalty against SiMETCO in the amount of \$10,000.00, to be paid to the Alabama Department of Environmental Management within 30 days of receipt of the ORDER.

G. That the failure of SiMETCO to comply with any of the provisions of this Order shall constitute cause for the commencement of legal or other appropriate enforcement action

for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department or others against SiMETCO.

ORDERED and ISSUED this the 11th day of May, 1990.



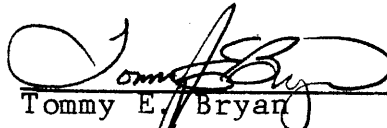
Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7855

CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served the foregoing Administrative Order No. 90-113-AP upon SiMETCO, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail No. P 070 963 539, with instructions to forward and return receipt requested to:

Mr. Art M. Danison
SiMETCO, Inc.
Post Office Box 68
Mt. Meigs, Alabama 36057

DONE this 14th day of May, 1990.



Tommy E. Bryan