

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
UNION FOUNDRY COMPANY
ANNISTON, ALABAMA

ORDER NO. 94-070-AP

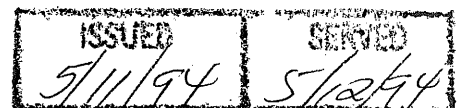
FINDINGS OF FACT

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. Union Foundry Company (hereinafter "Union Foundry"), a division of McWane, Inc., operates a ductile iron foundry (Air Division facility number 301-0014) in Anniston, Calhoun County, Alabama. The plant is located at 1501 West Avenue in Anniston, Alabama.

2. On June 5, 1986, under the authority of §22-28-16(a), Code of Alabama 1975, as amended, the Department issued to Union Foundry a Permit to Operate (No. 301-0014-X015) which authorized the operation of a ductile iron process with treatment ladles.

3. On July 22, 1986, the Department issued Order No. 86-098-AP to Union Foundry. That Order stated that Union Foundry had "produced ductile iron without controlling or



limiting the resulting air contaminant emissions to the level" required by the Department's administrative code and also had not received an Air Division permit to produce the ductile iron.

4. The July 22, 1986 Order (No. 86-098-AP) ordered Union Foundry as follows:

A. That Union Foundry Company shall, as of August 1, 1986, permanently cease the production of ductile iron at its Anniston foundry by any process which releases air emissions exceeding the limit established by the Department's Air Division Rules and Regulations, unless those emissions are controlled or reduced to a level as specified in Chapter 4 of the Department's Air Division Rules and Regulations [now ADEM Admin. Code 335-3-4].

B. That Union Foundry Company shall not modify, construct, or install any air pollution sources without first obtaining an Air Permit or a Written exemption from an Air Permit from the Director, pursuant to Chapter 16 of the Department's Air Division Rules and Regulations [now ADEM Admin. Code 335-3-14].

5. During an inspection of Union Foundry on July 15, 1993, Department personnel observed the ductile iron treatment process in operation. The permitted tundish ladles had covers, but the covers had been altered in such a way that their effectiveness to suppress fumes was minimal.

6. A Notice of Violation (NOV) was sent to Union Foundry on August 13, 1993 for not properly using covers on the tundish ladles.

7. On August 31, 1993, Union Foundry responded to the NOV.

8. During a follow-up inspection on September 20, 1993, Department personnel discussed the problem with the alterations to the design of the cover for the tundish ladles with Union Foundry personnel. There was a general recognition that the

alterations to the design of the cover had caused it to become ineffective in controlling emissions from the ductile treatment process.

9. The Department sent a draft of this administrative order to Union Foundry on January 4, 1994 and it was received on January 5, 1994.

10. On January 28, 1994, the Department received Union Foundry's written response to the draft administrative order. An informal conference was held between representatives of Union Foundry and the Department on February 16, 1994. Thereafter, additional discussions were conducted between representatives of the Department and Union Foundry and written correspondence from Union Foundry was sent to the Department.

11. As a result of the information presented by Union Foundry in its written comments, the informal conference, follow-up conversations and letters and a site visit to the facility by Departmental personnel on April 14, 1994, the proposed civil penalty has been reduced to the amount stated in Paragraph C, below, of this Order.

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 immediately upon receipt of this Order, Union Foundry shall control or reduce emissions associated with its

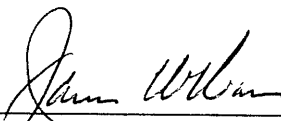
ductile treatment process to a level specified in ADEM Admin. Code R. 335-3-4-.04, or below.

B. That immediately upon receipt of this Order, Union Foundry shall comply with all requirements of ADEM Admin. Code 335-3, ADEM Administrative Order No. 86-098-AP and applicable Air Permits that have been issued to Union Foundry.

C. That there is hereby assessed a civil penalty against Union Foundry in the amount of \$6,000.00, for the violations detailed in this Order, to be paid to the Alabama Department of Environmental Management within 30 days of receipt of this Order.

D. That the failure of Union Foundry 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 Union Foundry.

ORDERED and ISSUED this 11th day of May, 1994.

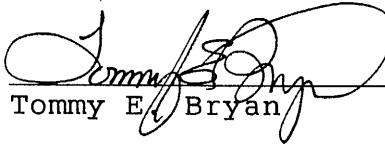

James W. Warr, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served the foregoing proposed Administrative Order No. 94-070-AP upon Union Foundry Company by sending the same, postage paid, through the United States Mail, as Certified Mail, No. P 014 550 817, with instructions to forward and return receipt requested to:

Mr. George Morris
Union Foundry Company
Post Office Box 309
Anniston, Alabama 36202

DONE this 11th day of May, 1994.



Tommy E. Bryan