

ALABAMA DEPARTMENT
ENVIRONMENTAL MANAGEMENT



_____))
)
IN THE MATTER OF)
)

U. S. CASTINGS COMPANY)
ANNISTON, CALHOUN COUNTY, ALABAMA)

Air Facility I. D. No. 301-0011)
)
_____))

CONSENT ORDER
No. 95-022-CAP

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, the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and without the adjudication of any issues of fact or law and upon the consent of the parties concerned hereto, the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS:

1. U. S. Castings Company (hereinafter, U. S. Castings), a division of U.S. Pipe and Foundry , operates a ductile and gray iron foundry (Air Division facility number 301-0011) in Anniston, Calhoun County, Alabama. The foundry is located at 1831 Front Street in Anniston, Alabama.

2. The Alabama Department of Environmental Management is a duly constituted department of the State of Alabama pursuant to §§ 22-22A-1 through 22-22A-16, Code of Alabama 1975, as amended.

3. Pursuant to § 22-22A-4(n), Code of Alabama 1975, the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 through 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, §§ 22-28-1 through 22-28-23, Code of Alabama 1975, as amended.

4. On August 7, 1990, under the authority of §22-28-16(a), Code of Alabama 1975, as amended, the Department issued to U. S. Castings a Permit to Operate (No. 301-0011- X015) which authorized the operation of the Automatic Molding/Sand Handling System (70 TPH) with Baghouses.

5. During an inspection on June 17, 1994, inspectors from the Department observed the operation of a shotblast and a replaced shakeout which do not currently have Air Permits and for which no applications were currently on file at this Department.

6. ADEM Administrative Code 335-3-14-.01(a) states:

“Any person building, erecting, altering, or replacing any article, machine, equipment, or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall submit an application for an Air Permit at least 10 days prior to construction.”

7. A Notice of Violation was sent to U. S. Castings on July 15, 1994, for not applying for and receiving Air Permit prior to construction and operation of the shot blast and shakeout.

8. On July 22, 1994, U.S. Castings responded to the Notice of Violation.

9. U. S. Castings neither admits nor denies the Findings contained in this consent order. However, in an effort to cooperate with the Department and to resolve the allegations cited above, U. S. Castings consents to the terms of this Order.

10. The Department agrees to this Consent Order upon a determination that the terms are in the best interests of the citizens of Alabama in resolving the alleged violations cited hereinabove.

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, and with the consent of U. S. Castings it is hereby ORDERED:

A. That there is hereby assessed a civil penalty against U. S. Castings in the amount of \$5,000 to be paid to the Alabama Department of Environmental Management within 30 days of issuance of this Order.

B. This Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented and to legally bind such party.

C. That subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Order.

D. That U. S. Castings is not relieved from any liability if it fails to comply with any provision of the Consent Order.

E. That for purposes of this Order only, U. S. Castings agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including, but not limited to, Montgomery County Circuit Court. U. S. Castings also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, U. S. Castings shall be limited to the defenses of Force Majeure, compliance with this Agreement and physical impossibility.

F. That this Order does not preclude the Department from taking other enforcement actions based on these facts regarding violations of other regulatory programs. Should additional facts and circumstances be discovered in the future concerning U. S. Castings, which would constitute possible violations not addressed in this Order, or if the violations noted herein continue, then such future violations shall be addressed in Orders as may be issued by the Department, litigation initiated

by the Department, or such other enforcement action as may be appropriated, and U. S. Castings shall not object to such future orders, litigation or enforcement action based on the issuance of this Consent Order.

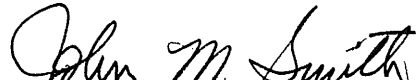
G. That by agreement of the parties, this Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Respondent does hereby waive any hearing on the terms and conditions of same.



(Signature)

C. E. Parris, Plant Manager
(Please Print Name and Title of Authorized Officer)

U. S. Castings Company



John Smith, Director
Alabama Department of
Environmental Management

ORDERED and ISSUED this 14th day of December, 1994.