

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**



IN THE MATTER OF: )  
 )  
Door Components, LLC )  
Haleyville, Marion County, Alabama )  
 )  
Air Facility ID No. 710-0016 )

CONSENT ORDER NO. 16-0XX-CAP

***PREAMBLE***

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter, “the Department” and/or “ADEM”) and Door Components, LLC (hereinafter, the “Permittee”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code, §§ 22-22A-1 through 22-22A-16, (2006 Rplc. Vol.), the Alabama Air Pollution Control Act, Ala. Code §§22-28-1 to 22-28-23 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto.

***STIPULATIONS***

1. The Permittee operates a cabinet manufacturing plant, ADEM Air Division Facility No. 710-0016 (hereinafter, the “Facility”), located in Marion County in Haleyville, Alabama.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.).

3. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 to 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23 (2006 Rplc. Vol.).

4. On March 27, 2010, the Department issued Title V Operating Permit 710-0016 (hereinafter, "Title V Permit") to the Permittee, subject to certain conditions and requirements. On January 29, 2013, the Department issued Air Permit 710-0016-X008 (hereinafter, "Air Permit X008") to the Permittee, subject to certain conditions and requirements.

5. The following production units are among those regulated under: the Title V Permit: Surface Coating Line No. 1, Surface Coating Line No. 2, Assembly and Adhesion Operation No. 3, Building No. 1 Woodworking Operation with Baghouse(s) and Cyclone(s) No. 4, and Building No. 2 Woodworking Operation with Baghouse(s) and Cyclone(s) No. 5.

6. Permit Section Provisos No. 2.1 of the Title V Permit Unit Nos. 1 and 2 state:

Emission of Volatile Organic Compounds (VOCs) from this facility from all surface coating operations including, but not limited to coating, storage, cleanup, etc., shall not exceed 235 tons per year (TPY) in any consecutive rolling 12-

month period based on the premise that all VOCs applied are emitted.

7. Permit Proviso No. 15 of Air Permit X008 states:

Emission of Volatile Organic Compounds (VOCs) from all operations facility-wide including, but not limited to surface coating, storage, cleanup, etc., shall not exceed 235 tons per year (TPY) in any consecutive rolling 12-month period based on the premise that all VOCs applied are emitted or are emitted to an emission control device with a demonstrated VOC destruction efficiency.

8. On April 15, 2015, the Department received Permittee's calculations for VOC and Hazardous Air Pollutant (HAP) emissions for its first quarter 2015 report. The Department discovered errors in the submittal and contacted the Permittee on the same day to discuss them.

9. On April 15, 2015, the Permittee followed-up, via e-mail, that there were errors in the emission calculations for the past few months and that it would provide revised calculations. The Permittee also indicated that it suspected that it had exceeded its permitted emission limits.

10. On April 16, 2015, the Permittee confirmed, via e-mail, that there were errors in the emission calculations for the past few months and provided revised calculations that showed exceedances of its permitted emission limits.

11. On April 21, 2015, the Permittee submitted an e-mail showing that it exceeded its permitted emission limits. The months and

twelve month rolling totals of these exceedances are listed in “Attachment B” to this Consent Order:

12. On May 11, 2015, the Permittee submitted a mitigation plan to the Department stating that it would prepare a retroactive Air Permit Application and plan to mitigate VOC emissions, which would include a timeline of completion deadlines.

13. On June 5, 2015, the Permittee submitted an e-mail showing the following permit exceedance: April 2015-350 TPY.

14. On June 19, 2015, the Department received the Permittee’s Air Permit Application.

15. On July 13, 2015, the Permittee met with the Department to discuss several incomplete items in its June 19, 2015 Air Permit Application.

16. On July 13, 2015, the Permittee submitted a document that showed permit exceedances. The months and twelve month rolling totals of these exceedances are listed in “Attachment C” to this Consent Order.

17. On July 16, 2015, the Permittee submitted an e-mail that showed the following permit exceedances with hazardous waste corrections (which were allowed to be started in April 2015): April 2015-350 TPY, May 2015-376 TPY, and June 2015-385 TPY.

18. On August 5, 2015, the Permittee submitted a revised Air Permit Application requesting that the Department proceed with issuing

Air Permits that would revise emissions limitations for its existing operations.

19. On September 7, 2015, the Permittee submitted an e-mail that showed the following permit exceedance with hazardous waste corrections (which were allowed to be started in April 2015): July 2015-427 TPY.

20. On September 17, 2015, the Permittee submitted an e-mail that showed the following permit exceedance with hazardous waste corrections (which were allowed to be started in April 2015): August 2015-429 TPY.

21. On September 18, 2015, the Department issued Air Permit X001, Air Permit X002, Air Permit X003, Air Permit X006, and Air Permit X007 revising Permittee's emissions limitations in its existing Title V Permit.

22. On October 16, 2015, the Permittee submitted an e-mail that showed the following permit exceedance with hazardous waste corrections (which were allowed to be started in April 2015): September 2015-434 TPY.

#### ***DEPARTMENT'S CONTENTIONS***

23. The July 13, 2015, July 16, 2015, September 7, 2015, September 17, 2015, and October 16, 2015, revised calculations showed that the Permittee exceeded the Title V Permit and Air Permit X008

facility-wide emission limit of 235 TPY of VOCs in the twelve month periods as shown in "Attachment D" to this Consent Order.

24. Pursuant to Ala. Code §22-22A-5(18)c. (2006 Rplc. Vol.), in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION: The Department considers the below alleged violations to be serious:

(1) The Permittee failed to properly identify and report accurate VOC and HAP emission records.

(2) The Permittee exceeded the VOC limitations in its Title V Permit.

(3) The Permittee exceeded the VOC limitations for Air Permit X008.

B. THE STANDARD OF CARE: The Permittee demonstrated an inadequate standard of care by:

(1) Failing to properly identify, review and submit correct VOC, aggregate HAP, single HAP calculations, and reports.

(2) Emitting pollutants in excess of permitted levels.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has determined that there was little or no significant economic benefit gained by the Permittee as a result of the violations referenced herein.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is not aware of any efforts to minimize or mitigate the effects of the violations upon the environment by the Permittee.

E. HISTORY OF PREVIOUS VIOLATIONS: There is no record of air pollution emission violations at the Facility within the last five years with the Department.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: It should be noted that this Special Order by Consent is a negotiated settlement and, therefore, the Department has

compromised the amount of the penalty in this matter to resolve this matter amicably without incurring the unwarranted expense of litigation.

25. The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., *as amended*, as well as the need for timely and effective enforcement and, based upon the foregoing and attached contentions, has concluded that the civil penalty herein is appropriate (see Attachment A, which is made a part of Department's Contentions).

26. The Department neither admits nor denies Permittee's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violations cited herein without the unwarranted expenditure of State resources in further prosecuting the above violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

#### ***PERMITTEE'S CONTENTIONS***

27. The Permittee neither admits nor denies the Department's contentions. The Permittee consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

28. The Permittee acknowledges its responsibility to for accurate emission reports, however the Permittee bases its monthly emission reports upon usage amount reports of coating materials provided by the supplier.

29. These usage amounts reports are for hundreds of coatings and are shown in the units of gallon.

30. Permittee determined that the usage amounts provided by the supplier for two of these coatings were the number of drums rather than gallons as shown in the usage amount reports.

31. The error in the units (i.e. drums instead of gallons) was not immediately obvious to the Permittee due to the number of coatings and the usage amounts each month ranging from one to thousands of gallons.

32. Permittee asserts that it would have prevented the exceedance of the VOC emission limits if it had usage amounts in gallons for these two coatings.

33. During the course of submitting a new permit application, the Permittee performed several trials to attempt to lower the VOC content of coatings and cleaning solutions. Coatings and cleaning solutions that were found to be feasible were incorporated into the process.

### **ORDER**

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code §22-22A-5(18)c. (2006 Rplc. Vol.), as well as the need for timely and effective enforcement, and that

the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee agree to enter into this ORDER with the following terms and conditions:

A. The Permittee agrees to pay to the Department a civil penalty in the amount of \$100,000.00 in settlement of the violations alleged herein within forty-five days from the effective date of this Consent Order. Failure to pay the civil penalty within forty-five days from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. The Permittee agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

C. Accurate records for VOC and HAP emissions shall be kept and reviewed at least monthly by the Permittee and it shall submit these records to the Department at least on a quarterly basis by the fifteenth day of the month following recording as required by Proviso No. 14 in Air Permit X001, Air Permit X002, Air Permit X003, Air Permit X006, and Air Permit X007.

D. The Permittee agrees to comply with the terms, limitations, and conditions of the Permits and the Department's regulations immediately upon the effective date of this Consent Order and every day thereafter.

E. The parties agree that 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.

F. The parties agree 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 alleged violations and/or deviations which are cited in this Consent Order.

G. The Permittee agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

H. For purposes of this Consent Order only, the Permittee agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. The Permittee also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, the Permittee shall be limited to the defenses of *Force*

*Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline must be accompanied by the reasons (including documentation) for each extension and the proposed extension time. This information shall be submitted to the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

I. The Department and the Permittee agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations

and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the Facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate, and the Permittee shall not object to such future orders, litigation or enforcement action based on the issuance of this Consent Order if future orders, litigation or other enforcement action address new matters not raised in this Consent Order.

J. The Department and the Permittee agree that final approval and entry into this Order are subject to the requirements that the Department give notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Order.

K. The Department and the Permittee agree that this Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

L. The Department and the Permittee agree that final approval and entry into this Order are subject to the requirements that the Department give notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Order.

M. The Department and the Permittee agree that, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

N. The Department and the Permittee agree that any modifications of this Order must be agreed to in writing signed by both parties.

O. The Department and the Permittee agree that, except as otherwise set forth herein, this Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

DOOR COMPONENTS, LLC

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



(Signature of Authorized Representative)

ALLEN KNIGHT

(Printed Name)

PRESIDENT

(Printed Title)

Lance R. LeFleur  
Director

**Attachment A**

**Door Components, LLC  
Haleyville, Marion County**

**Air Facility ID No. 710-0016**

<b>Violation*</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violations*</b>	
Failure to Identify and Report Accurate Records	1	\$20,000	\$10,000		
Exceedance of VOC Title V Permit Limitations	1	\$10,000	\$10,000		
Exceedance of VOC PSD Synthetic Minor Permit Limitations	1	\$40,000	\$10,000		
					<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		<b>\$70,000</b>	<b>\$30,000</b>	<b>\$0</b>	<b>\$100,000</b>

<b>Adjustments to Amount of Initial Penalty</b>	
<b>Mitigating Factors (-)</b>	
<b>Ability to Pay (-)</b>	
<b>Other Factors (+/-)</b>	
<b>Total Adjustments (+/-)</b> <i>Enter at Right</i>	\$0

<b>Economic Benefit (+)</b>	
<b>Amount of Initial Penalty</b>	\$100,000
<b>Total Adjustments (+/-)</b>	\$0
<b>FINAL PENALTY</b>	\$100,000

Footnotes

\* See the "Department's Contentions" portion of the Order for a detailed description of each violation and the penalty factors.

Attachment B

April 21, 2015 Submittal

<b>Month, Year ending 12-month rolling total</b>	<b>Tons per Year of 12-month rolling total</b>
November 2012	240 TPY
December 2012	240 TPY
September 2013	238 TPY
October 2013	244 TPY
November 2013	257 TPY
December 2013	261 TPY
January 2014	280 TPY
February 2014	278 TPY
March 2014	287 TPY
April 2014	295 TPY
May 2014	304 TPY
June 2014	305 TPY
July 2014	318 TPY
August 2014	317 TPY
September 2014	320 TPY
October 2014	318 TPY
November 2014	312 TPY
December 2014	327 TPY
January 2015	335 TPY
February 2015	337 TPY
March 2015	355 TPY

Attachment C

July 13, 2015 Submittal

<b>Month, Year ending 12-month rolling total</b>	<b>Tons per Year of 12-month rolling total</b>
October 2012	239 TPY
November 2012	240 TPY
December 2012	240 TPY
January 2013	235 TPY
September 2013	238 TPY
October 2013	244 TPY
November 2013	257 TPY
December 2013	261 TPY
January 2014	280 TPY
February 2014	278 TPY
March 2014	287 TPY
April 2014	295 TPY
May 2014	304 TPY
June 2014	305 TPY
July 2014	318 TPY
August 2014	317 TPY
September 2014	320 TPY
October 2014	318 TPY
November 2014	312 TPY
December 2014	327 TPY
January 2015	335 TPY
February 2015	337 TPY
March 2015	355 TPY
April 2015	356 TPY
May 2015	379 TPY

Attachment D

July 13, 2015, July 16, 2015, September 7, 2015, September 17, 2015, and October 16, 2015 Submittals

<b>Month, Year ending 12-month rolling total</b>	<b>Tons per Year of 12-month rolling total</b>
October 2012	239 TPY
November 2012	240 TPY
December 2012	240 TPY
January 2013	235 TPY
September 2013	238 TPY
October 2013	244 TPY
November 2013	257 TPY
December 2013	261 TPY
January 2014	280 TPY
February 2014	278 TPY
March 2014	287 TPY
April 2014	295 TPY
May 2014	304 TPY
June 2014	305 TPY
July 2014	318 TPY
August 2014	317 TPY
September 2014	320 TPY
October 2014	318 TPY
November 2014	312 TPY
December 2014	327 TPY
January 2015	335 TPY
February 2015	337 TPY
March 2015	355 TPY
April 2015	350TPY
May 2015	376 TPY
June 2015	385 TPY
July 2015	427 TPY
August 2015	429 TPY
September 2015	434 TPY