

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:	)	
	)	
Amrize Cement, Inc.	)	
Theodore, Mobile County, Alabama	)	CONSENT ORDER NO. XX-XXX-CAP
	)	
<u>ADEM Air Facility ID No. 503-8026</u>	)	

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (“the Department” and/or “ADEM”) and Amrize Cement, Inc. (the “Permittee”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, *as amended*, the Alabama Air Pollution Control Act, Ala. Code §§ 22-28-1 to 22-28-23, *as amended*, and the regulations promulgated pursuant thereto.

STIPULATIONS

1. The Permittee operates a cement manufacturing facility (the “Facility”) located in Theodore, Mobile County, Alabama (ADEM Air Facility ID No. 503-8026).
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, *as amended*.
3. Pursuant to Ala. Code § 22-22A-4(n), *as amended*, 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, *as amended*.

4. The Permittee operates cement manufacturing equipment, including a cement kiln, a raw mill, and two (2) finish mills, at the Facility pursuant to the authority of Major Source Operating Permit No. 503-8026 ("the MSOP").

5. At the time of the violations described in this Order, this facility was owned and operated by Holcim (US), Inc., a legal entity which subsequently changed its name to Amrize Cement, Inc., effective on June 23, 2025. The facility's name change request letter, dated August 7, 2025, stated that "Holcim (US) Inc.'s existing permits and conditions are acknowledged and will be followed. Amrize Cement Inc. will assume full responsibility for the permits, including coverage and liability."

6. Emission Standards Proviso 2 of the Area 41: Finish Mills section of the MSOP states: "Particulate matter (PM) emissions from each source shall not exceed that which is calculated according to the process weight for Class I counties, as outlined in ADEM Admin. Coder. 335-3-4-.04(1)."

7. Emission Standards Proviso 4 of the Area 41: Finish Mills section of the MSOP states in part: "Particulate matter (PM) emissions from... P-41-06 [the Finish Mill 2 Separator] shall not exceed 8.239 lb/hr and 0.009 gr/dscf."

8. The majority of the Facility's cement manufacturing equipment is subject to the applicable requirements of 40 CFR Part 63, Subpart LLL "*National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry*", as stated in Applicability provisos in various sections of the MSOP.

9. In accordance with 40 CFR 63.1350(f), sources subject to an opacity limit under 40 CFR Part 63, Subpart LLL are subject to monitoring under 40 CFR 63.1350(f)(1)(i)-(vii). 40 CFR 63.1350(f)(1)(i) states: "You [the Permittee] must conduct a

monthly 10-minute visible emissions test of each affected source in accordance with Method 22 of appendix A-7 to part 60 of this chapter. The performance test must be conducted while the affected source is in operation.”

10. Applicability Proviso No. 10 of the Area 26: Raw Mill and Raw Mill Silos section of the MSOP states: “Sources P-26-1 through P-26-8, P-26-10, P-26-13 through P-26-18, P-26-21, and P-26-28 are subject to the applicable requirements of 40 CFR Part 64, ‘*Compliance Assurance Monitoring*.’”

11. Applicability Proviso No. 9 of the Area 41: Finish Mills section of the MSOP states: “These sources [P-41-01 through P-41-06] are subject to the applicable requirements of 40 CFR Part 64, ‘*Compliance Assurance Monitoring*.’”

12. To meet the requirements of the Raw and Finish Mill CAM Plan, the Permittee is required to conduct daily visible emission observations of each of the following 23 stacks: P-26-1 through P-26-8, P-26-10, P-26-13 through P-26-18, P-26-21, P-26-28, and P-41-1 through P-41-6.

13. Emissions Monitoring Proviso 7 of the Area 29: Kiln, Clinker Cooler, and Rotary Dryers section of the MSOP states in part: “These sources are subject to the applicable requirements outlined in 40 CFR Part 63, Subpart LLL, ‘Monitoring requirements’, including the requirements in 40 CFR 63.1350... (k) [and] (l).”

14. In accordance with 40 CFR 63.1350(k)(4), the Permittee is required to conduct relative accuracy test audits (RATAs) of each mercury (Hg) monitoring system in accordance with Performance Specification (PS) 12A, PS 12B, or Procedure 5.

15. In accordance with Section 13.3 of Performance Specification 12A of Appendix B to 40 CFR Part 60, the relative accuracy of a mercury continuous emissions

monitoring system (CEMS) must be no greater than a given level (20 percent of the mean value of the reference method test data ("mean RM") in terms of units of  $\mu\text{g}/\text{scm}$ , or, if the mean RM is less than  $2.5 \mu\text{g}/\text{scm}$ , a difference of  $0.5 \mu\text{g}/\text{scm}$ ).

16. In accordance with 40 CFR 63.1350(l)(1), when a hydrogen chloride (HCl) CEMS is operated to monitor compliance with the HCl emission limit, the CEMS shall be operated in accordance with Performance Specification (PS) 15 or 18 of Appendix B to 40 CFR Part 60. If PS 18 is used, the Permittee is required to operate, maintain, and quality assure the HCl CEMS using Procedure 6 of Appendix F to 40 CFR Part 60, which requires a RATA to be performed at least once every four calendar quarters.

#### DEPARTMENT'S CONTENTIONS

17. Three particulate matter emissions tests of the finish mill 2 separator (Stack P-41-06) were conducted which indicated three exceedances each of the lb/hr and gr/dscf limits of stipulation 7 above, with one that would have otherwise been in excess of the less stringent limit in r. 335-3-4-.04(1), described in stipulation 6:

A. Testing was conducted on November 12, 2024 at a throughput of 87.6 tons per hour. Based on the test throughput, the limit of stipulation 6 was 35.41 lb/hr. Particulate matter emissions were measured at 56.37 lb/hr and 0.060 gr/dscf.

B. Retesting was conducted on November 15, 2024. Particulate matter emissions were measured at 15.44 lb/hr and 0.017 gr/dscf.

C. A third test was conducted on December 19, 2024. Particulate matter emissions were measured at 11.58 lb/hr and 0.014 gr/dscf.

D. Testing of the finish mill 2 separator which indicated compliance with these limits was conducted on January 8, 2025. This test was determined to be insufficient as only

two valid runs were conducted. An additional test which indicated compliance with these limits was conducted on February 12, 2025.

18. The Department conducted an inspection of the Facility on December 19, 2024. Records reviewed at the time of inspection indicated multiple failures to meet the requirement of stipulation 9 above to conduct monthly visible emission observations when the associated emission source or sources are in operation.

19. The Department issued a Notice of Violation ("NOV") to the Permittee for failure to comply with the permit provisions listed in stipulations 6, 7, and 9 above on February 14, 2025.

20. The Permittee's response to the February 14, 2025 NOV, dated March 21, 2025, clarified that there are 74 emission points for which monthly VE monitoring is conducted to meet the requirements of 40 CFR 63.1350(f)(1). The response stated that of the 888 of the monthly visible emissions observations conducted on these emission points during the 12-month period from February 2024 through January 2025, 112 observations, or 12.6%, failed to meet the requirement of stipulation 9 above to conduct monthly visible emission observations when the associated emission source or sources are in operation.

21. On January 9, 2025, the Permittee provided records of daily visible emission checks requested by the Department as follow-up to ADEM's December 19, 2024 air inspection. Of the 23 emission points associated with the facility's raw mill and finish mills that are subject to the daily visible emission monitoring of stipulation 12, records were not provided for the following 18 emission points: P-26-1 through P-26-8, P-26-10, P-26-13, P-26-14, P-26-16 through P-26-18, P-26-21, P-26-28, P-41-3, and P-41-4.

22. The Department notes the following regarding the requirement to conduct daily visible emissions monitoring on the 18 points identified in stipulation 21:

A. On October 27, 2022, the Permittee submitted an addendum to their May 27, 2021, Title V renewal application which included the required applicability analysis for 40 CFR Part 64, Compliance Assurance Monitoring (CAM). In this analysis, the Permittee identified these 18 points as being subject to the requirements of CAM. Per 40 CFR 64.3(b)(4)(iii), CAM monitoring shall include some data collection at least once per 24-hour period. In the proposed CAM plan, which was incorporated in the Permit, daily visible emissions monitoring served to meet this requirement.

B. In an inspection memorandum dated December 21, 2023, detailing the results of an inspection of the Facility on November 29, 2023, Department personnel indicated that CAM requirements had been added to the Permit for these 18 points. The inspection memorandum clarifies that the points were included in a CAM plan requiring daily 6-minute Method 22 inspections (a more stringent requirement) as opposed to daily instantaneous visible emission checks. However, the memorandum is clear that these points are subject to daily visible emissions monitoring.

C. On March 18, 2025, the Department provided a copy of the October 22, 2022, amended application to the Permittee and requested that the Permittee confirm if CAM monitoring had been conducted on the 18 emission points identified in stipulation 21 between the date these requirements began to apply (May 19, 2023) and the present date (March 18, 2025). The Permittee did not reply to this request.

23. On May 16, 2025, the Department sent a Letter of Inquiry ("LOI") to the Permittee requesting additional information regarding CAM monitoring of the 18 emission

points identified in stipulation 21 above, including reiterating the request detailed in stipulation 22, above. This LOI also addressed RATAs which failed to meet the accuracy requirements of stipulations 15 and 16, as detailed in stipulations 25 through 30 below.

24. On July 14, 2025, the Permittee emailed the Department a letter stating that daily visible emission monitoring for the 18 emission points identified in stipulation 21 was now being performed and had begun on June 1, 2025. The Permittee indicated that the daily visible emission check requirements of stipulation 12 were not met for these 18 emission points from when this requirement began to apply on May 19, 2023 through May 31, 2025. However, records indicate that weekly visible emission checks were conducted for these sources during this period. Assuming daily checks were missed six days per week over this 749 day period and these sources operate 75 percent of the time, the Department estimated a total of 482 days where required daily visible emission checks were not performed for each of these 18 emission points.

25. On December 19 and 20, 2024, a RATA was conducted of the Permittee's Hg CEMS in accordance with PS 12A. It was later determined that only seven of the 22 runs completed were conducted under the "dryers on" operating scenario required by 40 CFR 63.1350(k)(4). The results of these seven runs indicated a relative accuracy of 65.9% with a mean RM above 2.5 µg/scm. As the RATA indicated excessive inaccuracy as of the time when testing was ceased, this RATA failed to meet the accuracy requirements of stipulation 15.

26. On March 6, 2025, another Hg RATA was conducted of the Permittee's Hg CEMS. The test was ceased after seven runs, at which point the test relative accuracy was

34.5% and 0.73 µg/scm, with a mean RM of less than 2.5 µg/scm. Neither relative accuracy met the requirements of stipulation 15.

27. Pre-test quality assurance / quality control (QA/QC) activities for HCl RATAs were attempted multiple times on December 19-20, 2024 and March 6-7, 2025; however, the results of these activities did not meet validity requirements. Therefore, testing was not conducted on these dates.

28. On March 7, 2025, the Permittee informed the Department that it would be ordering parts for the HCl CEMS and the Hg CEMS system, which would be installed prior to conducting another RATA attempt for both pollutants.

29. A Hg RATA which met accuracy requirements was conducted on March 25-26, 2025.

30. A HCl RATA which met accuracy requirements was conducted on April 9 and 10, 2025. This test was conducted six quarters after the previous HCl RATA on October 27-28, 2023, which failed to meet the requirement of stipulation 16 to conduct a HCl RATA at least once every four quarters.

31. Pursuant to Ala. Code § 22-22A-5(18)c., *as amended*, 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 Permittee's failures to meet emissions limits, meet relative accuracy requirements, and conduct required monitoring to be serious violations. However, the Department is not aware of any irreparable harm to the environment resulting from these violations.

B.     THE STANDARD OF CARE: The Permittee failed to exhibit a sufficient standard of care by failing to meet the emissions standards and relative accuracy requirements and failing to conduct required monitoring.

C.     ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department is not aware of any evidence indicating the Permittee received any significant economic benefit from these violations.

D.     EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: The Department is aware of the various efforts by the Permittee to minimize or mitigate the effects of the violations for the finish mill 2 separator on the environment, which include shutting down finish mill 2 after being notified of the failed stack test and minimizing operation until the results of a passing stack test had been received. Additionally, the Permittee provided information on December 12, 2025 indicating that during the period that CAM monitoring was not performed on the 18 emission points identified in stipulation 21, daily workplace safety examinations of the finish mill and raw mill areas were performed to meet MSHA requirements.

E. HISTORY OF PREVIOUS VIOLATIONS: Department records indicate that in the past five years, three Orders were issued to the Permittee by the Department: Consent Order No. 23-026-CAP was executed January 12, 2023 for unrelated violations, Consent Order No. 21-093-CAP was executed September 25, 2021 for unrelated violations, and Consent Order No. 21-045-CAP/CWP was executed April 8, 2021 for failing to conduct and record monthly MACT LLL monitoring between 2015 and 2019, as well as additional recordkeeping violations. There are no other similar violations or enforcement actions taken by the Department against the Permittee within the past five years.

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

G. OTHER FACTORS: The calculated penalty would have exceeded \$250,000.00; therefore, in an effort to resolve this matter amicably, without incurring the additional expense of litigation, the penalty has been set at the statutory maximum of \$250,000.00.

32. 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 hereby made a part of the Department's Contentions).

33. The Department neither admits nor denies the 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

34. 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.

35. On May 19, 2023, ADEM issued the facility a renewed Operating Permit which incorporated the facility's CAM Plan, but erroneously indicated that 18 emissions points required 6-minute minute Method 22 inspections: P-26-1 through P-26-8, P-26-10, P-26- 13, P-26-14, P-26-16 through P-26-18, P-26-21, P-26-28, P-41-3, and P-41-4.

36. The facility raised the error with ADEM, and staff responded through in an email, dated December 9, 2022, noting that ADEM "had included too many points in the updated CAM plans." ADEM proposed to amend the draft Title V permit, but failed to do so.

37. Based on these communications with ADEM, the facility did not conduct visual emissions monitoring on the 18 emissions sources.

38. Subsequent to an inspection by ADEM on November 29, 2023, ADEM produced a Memorandum, dated December 21, 2023, in which ADEM noted "The facility is currently conducting CAM inspections as intended, and the mistaken inclusion of the additional points for 6-minute Method 22's will be addressed with the facility."

39. The confusion created by ADEM contributed to the facility's failure to conduct visual emissions monitoring for the 18 emissions sources.

40. Permittee contends that ADEM has incorrectly characterized the failure to

conduct a timely Hg CEMs RATA as a failure to meet accuracy requirements, and asserts that the violations should be characterized as a failure to conduct a timely Hg RATA.

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., *as amended*, as well as the need for timely and effective enforcement, and the Department has determined that the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee agree to enter into this Consent Order with the following terms and conditions:

A. The Permittee agrees to pay to the Department a civil penalty in the amount of \$250,000.00 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. The Permittee agrees to comply with all requirements of ADEM Administrative Code div. 335-3 and the Permit immediately upon the effective date of this Order and continuing every day thereafter.

D. 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.

E. 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 violations which are cited in this Consent Order.

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

G. 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.

H. 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.

I. The Department and the Permittee agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

J. 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.

K. 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.

L. 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.

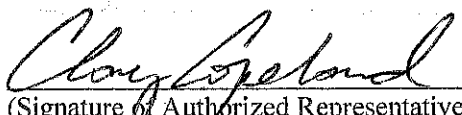
M. The Department and the Permittee agree that any modifications of this Order must be agreed to in writing signed by both parties.

N. 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.

AMRIZE CEMENT, INC.

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

  
(Signature of Authorized Representative)

Clay Copeland

(Printed Name)

Plant Manager

(Printed Title)

\_\_\_\_\_  
Edward F. Poolos  
Director

Date Signed: 01/20/2026

Date Executed: \_\_\_\_\_

**Attachment A**

**Amrize Cement, Inc.  
Theodore, Mobile County**

**ADEM Air Facility ID No. 503-8026**

<b>Violation*</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violations*</b>	<b>Total of Three Factors</b>
Failure to meet Anti-PSD limits for PM (P-41-06)	6	\$60,000.00	\$60,000.00	-	\$120,000.00
Failure to conduct monthly MACT LLL VE observations when equipment is operating	112	\$56,000.00	\$28,000.00	-	\$84,000.00
Failure to conduct daily CAM monitoring on 18 emission points	482	\$225,000.00	\$135,000.00	-	\$360,000.00
Failure to meet Hg CEMS RATA accuracy requirements	2	\$2,000.00	\$1,000.00	-	\$3,000.00
Failure to meet HCl CEMS RATA accuracy requirements	1	\$1,000.00	\$1,000.00	-	\$2,000.00
Failure to conduct a timely HCl RATA	2	\$500.00	\$500.00	-	\$1,000.00
<b>TOTAL PER FACTOR</b>		<b>\$344,500.00</b>	<b>\$225,500.00</b>	<b>-</b>	<b>\$570,000.00</b>

<b>Adjustments to Amount of Initial Penalty</b>	
<b>Mitigating Factors (-)</b>	<b>-\$72,000.00</b>
<b>Ability to Pay (-)</b>	
<b>Other Factors (+/-)</b>	<b>-\$248,000.00</b>
<b>Total Adjustments (+/-)</b>	<b>-\$320,000.00</b>

<b>Economic Benefit (+)</b>	
<b>Amount of Initial Penalty</b>	<b>\$570,000.00</b>
<b>Total Adjustments (+/-)</b>	<b>-\$320,000.00</b>
<b>FINAL PENALTY**</b>	<b>\$250,000.00</b>

Footnotes

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

\*\* Pursuant to Ala. Code §22-22A-5(18)c., as amended, the total penalty is limited to \$250,000.00.