

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

In The Matter Of:)

Saint-Gobain Vetrotex)

Air Division Facility No. 704-0004)

Russellville, Franklin County, Alabama)

Consent Order No. 04-094-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, and 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. Saint-Gobain Vetrotex (hereinafter, "Vetrotex") operates a fiberglass mat manufacturing facility (Air Division Facility No. 704-0004) located at 475 Walnut Road in Russellville, Alabama.

2. The Alabama Department of Environmental Management is a duly constituted agency 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), as amended, the Department is the State air pollution control agency for 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 January 17, 1979, Permit to Construct No. 704-0004-X003 was issued to Celotex Corporation for a fiberglass mat forming facility to be constructed in Russellville, Alabama.

5. Provisos 13 and 14 of Permit to Operate No. 704-0004-X003 limited the formaldehyde emissions from the binder impregnator and resin storage to 0.7 pounds per hour and limited the formaldehyde emissions from the fiberglass mat forming line to 0.8 pounds per hour.

6. On July 17, 2000, Celotex Corporation conducted emissions tests at the facility that indicated compliance with the aforementioned formaldehyde emission limits.

7. On September 20, 2000, Air Permit No. 704-0004-X003 was reissued to the Saint-Gobain Corporation for the Russellville fiberglass mat facility after the Saint-Gobain Corporation purchased the facility from Celotex.

8. On November 4, 2003, Vetrotex conducted formaldehyde emissions tests on the fiberglass mat manufacturing line. The tests indicated that the formaldehyde emissions exceeded the permit limit of 0.8 pound per hour limit

for the dryer and curing oven, therefore violating Proviso 20 of Air Permit No. 704-0004-X003. Extrapolation of the measured formaldehyde emissions, based on the annual operating hours of the facility, indicated that the annual rate of formaldehyde emissions exceeded ten (10) tons per year.

9. Pursuant to Appendix G in ADEM Admin. Code R. 335-3, formaldehyde is a Hazardous Air Pollutant (HAP).

10. Pursuant to ADEM Admin. Code R. 335-3-16-.03, sources that emit or have the potential to emit 10 tons per year or greater of a HAP are major sources, subject to the Major Source Operating Permit regulations.

11. Pursuant to ADEM Admin. Code R. 335-3-16-.03, the Vetrotex fiberglass mat facility is a major source and subject to the Major Source Operating Permit regulations. Vetrotex is therefore in violation of ADEM Admin. Code R. 335-3-16-.04(1) since it has not applied for a Major Source Operating Permit.

12. Pursuant to ADEM Admin. Code R. 335-1-7, major sources are required to pay annual permit fees based on the actual emissions from the source. Since Vetrotex has not paid annual permit fees for the years it has owned the facility, it is in violation of ADEM Admin. Code R. 335-1-7.

13. Vetrotex neither agrees nor disagrees with the Findings presented in this Consent Order, but, in an effort to cooperate with the Department and to comply with the provisions of the Alabama Air Pollution Control Act, Vetrotex has consented to the terms of this Consent Order.

14. The Department has agreed to the terms of this Consent Order in order to resolve the violations cited in this Consent Order, and the Department had determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

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 Vetrotex, it is hereby ORDERED:

A. That, not later than forty five (45) days after the effective date of this Consent Order, Vetrotex shall pay to the Department a civil penalty in the amount of Twenty Thousand Dollars (\$20,000.00) for the violations cited herein.

B. That, not later than thirty (30) days after the effective date of this Consent Order, Vetrotex shall estimate the emissions for each year it has operated the Russellville plant and submit the estimations to the Department. Upon verification of the emission estimates, the Department will submit an invoice to Vetrotex for the applicable operating permit fees to be paid by Vetrotex. These fees shall be paid within 30 days of receipt of such invoice.

C. That, not later than thirty (30) days after the effective date of this Consent Order, Vetrotex shall submit air permit applications and a schedule

for the installation of a Regenerative Thermal Oxidizer (RTO) to control formaldehyde emissions from the fiberglass mat forming line.

D. That Vetrotex shall demonstrate by emissions tests of the RTO and all other formaldehyde sources at the facility that the formaldehyde emissions have been reduced to below 2.28 pounds per hour. The test results shall be submitted to the Department at least thirty (30) days prior to April 11, 2005.

E. That, until the RTO is installed and operating, Vetrotex shall operate the existing thermal oxidizer at the maximum temperature feasible in order to minimize formaldehyde emissions.

F. 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 on behalf of the party represented, and to legally bind such party.

G. 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.

H. That Vetrotex is not relieved from any liability if it fails to comply with any provision of this Consent Order.

I. That, for purposes of this Consent Order only, Vetrotex 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. Vetrotex also agrees that, in any action brought by the Department to compel compliance with the terms of this Agreement, Vetrotex shall be limited to the defenses of *Force Majeure*, compliance with this Agreement, and physical impossibility.

J. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of Vetrotex, 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 be beyond the reasonable control of Vetrotex) and which delays or prevents performances 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*.

K. 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 shall 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 Vetrotex 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.

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

Executed in duplicate, with both parts being an original.

Saint-Gobain Vetrotex

(Signature of Authorized Representative)

David R. Lane

(Printed Name of Authorized Representative)

General Manager Glass Mat

(Title of Authorized Representative)

07/01/04

Date Signed

**Alabama Department of
Environmental Management**

James W. Warr
Director

26 Aug 2004

Date Signed