

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF
WELLBORN CABINET, INC.
ASHLAND, ALABAMA

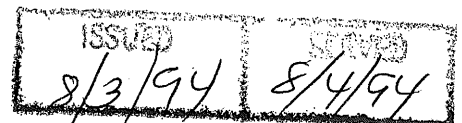
ORDER NO. 94-255-AP

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. Wellborn Cabinet, Inc. (hereinafter "Wellborn") operates a sawmill and wooden cabinet-making facility in Ashland, Clay County, Alabama (Air Division facility number 304-S008). The plant is located on State Highway 77 South in Ashland, Alabama.

2. On June 11, 1992, under the authority of §22-28-16(a), Code of Alabama 1975, as amended, the Department issued permits Nos. 304-S008-Z002, 304-S008-Z003, 304-S008-Z004, 304-S008-Z005, 304-S008-Z006 and 304-S008-Z007 to Wellborn. The permits authorized the operation of overhead line No. 1 and its ovens, overhead line No. 2 and its ovens, flat line No. 3 and its ovens, line No. 4 wash booth, line No. 5 white line, and wood panel line and ovens on line No. 6.



3. In addition, another permit (No. 304-S008-Z008) authorizing the construction of a custom finish line with oven (line No. 7), was issued to Wellborn by the Department on September 17, 1992. Permits Z002, Z003, Z004 and Z007 also were amended on this date at the request of Wellborn. Those permit changes consisted of reducing the allowable emissions for each individual permit.

4. ADEM Admin. Code R. 335-3-14-.04 (October 30, 1992) defined major source as "any stationary source which emits, or has the potential to emit, 250 tons per year [TPY] or more of any air pollutant subject to regulation under the CAA [Clean Air Act][e.g. volatile organic compounds (VOCs)]."

5. Provisos Nos. 8 of permits Nos. 304-S008-Z002, 304-S008-Z003, 304-S008-Z004, 304-S008-Z005, 304-S008-Z006 and 304-S008-Z007 and Proviso No. 10 of permit No. 304-S008-Z008 stated that emission of VOCs by the units permitted pursuant to the above-stated permits would not exceed 80, 56, 35, 1, 4, 38 and 22 tons respectively in any twelve-month period: this represented a combined total of 236 TPY for the entire facility.

6. The limitations discussed in Finding No. 5 were included in the permits in order to allow the facility to remain a minor source. Wellborn had requested this permitting method.

7. The provisos discussed in Finding No. 5 also contained language that stated that Wellborn must maintain accurate and understandable records of its emission of VOCs in a permanent form. The provisos also required that the records be

) maintained in a manner that they could be inspected and available upon request.

8. Departmental personnel inspected the facility on July 29, 1993 and it was discovered only a computer record of the cumulative total of VOC emission for the entire facility from January 1993 through June 1993 was readily available for inspection.

9. Later, the Department requested that Wellborn submit a report describing its monthly VOC emissions for the months of January through July of 1993 and June through December of 1992. A report for the 1993 months was received by the Department on August 6, 1993 and a second report for the 1992 months was received by the Department on August 10, 1993.

) 10. A meeting was held on September 16, 1993 between representatives of Wellborn and the Department. During that meeting, the Department representatives informed the Wellborn representatives that the two reports discussed in Finding No. 9 possibly indicated Wellborn's noncompliance with the permit limits. However, the Department representatives stated that the records were inadequate to fully determine compliance.

11. On October 22, 1993, additional information was received by the Department from Wellborn that indicated that the cumulative twelve-month rolling period of emissions from the facility were 257, 284, 293, 280 and 285 TPY for the months of April through August of 1993, respectively.

) 12. Departmental review of Wellborn's records indicated that Wellborn had exceeded the cumulative VOC emission limit of

236 TPY from Units Z002, Z003, Z004, Z005, Z006, Z007 and Z008 from March 1993 through August 1993. Sufficient information was not provided to determine the compliance status of each permitted line.

13. The Department sent a Notice of Violation (NOV) to Wellborn on December 1, 1993 for the problems noted in the afore-stated findings.

14. Wellborn replied to the NOV on December 9, 1993.

15. On January 4, 1994, in a telephone conversation between Department personnel and Jeff Williamson, a Wellborn representative, the Department received additional information regarding Wellborn's emission of VOCs for a period of time from March through December of 1993. Wellborn was able to more accurately document the information. Emissions for the twelve-month rolling period for the period of time from March to December 1993 were 243, 257, 284, 293, 280, 285, 300, 284, 294 and 287 TPY, respectively.

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, Wellborn shall maintain accurate records of VOC emissions as required by its applicable Air Division permits in a format that is approved by the Department.

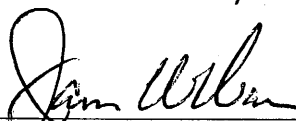
B. That on or before July 31, 1994, Wellborn shall submit

to the Department a Prevention of Significant Deterioration (PSD) application that assesses Best Available Control Technology (BACT) for emission sources at the facility.

C. That there is hereby assessed a civil penalty against Wellborn in the amount of \$20,000.00, for violations detailed herein, to be paid to the Alabama Department of Environmental Management within 30 days of receipt of this Order. That in the event current control technology at Wellborn for applicable emission points does not equate to BACT, additional penalties may be assessed against Wellborn in another administrative action for the period of time between the issuance date of this Order until such time BACT is installed.

D. That the failure of Wellborn 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 Wellborn.

ORDERED and ISSUED this 3rd day of August, 1994.


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

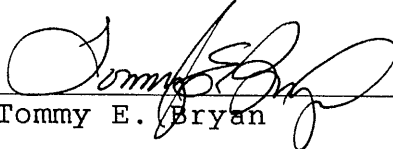
CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served the foregoing Administrative Order No. 94-255-AP upon Wellborn Cabinets, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail, with instructions to forward and return receipt requested to:

Certified Mail No. P 014 550 824

Mr. Paul Wellborn
Wellborn Cabinets, Inc.
Route 1, Highway 77 South
Ashland, Alabama 36251

DONE this 3rd day of AUGUST, 1994.



Tommy E. Bryan