

Air Enforcement: Tennessee Secretary's Proposed Order/Assessment of Civil Penalty to Sherwood, Tennessee Facility



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/30/2019

The Tennessee Secretary of the Air Pollution Control Board ("Board") issued an October 24th proposed Order and Assessment of Civil Penalty ("Order") to Lhoist North America of Tennessee, Inc. ("LNATI") for alleged violations of an air permit. See Division of Air Pollution Case No. APC19-0132.

The Order addresses a facility ("Facility") located in Sherwood, Tennessee.

The Secretary of the Board issued a Conditional Major construction permit ("Permit") (emission source reference number 26-0026-12) to LNATI for a granular system. Permit was subsequently amended.

Condition 29 of the Permit states in pertinent part:

Particulate matter emitted from each baghouse for the granular system serving NSPS equipment (BH-3, BH-4, BH-2, BH-11, BH-12, AND BH-1) shall not exceed a limit of 0.01 grains per dry standard cubic foot of exhaust gas (10.96 lbs/hour).

Compliance Method: Compliance with the particulate emission limit shall be assured by maintaining the required minimum pressure drop of 1.5 inches of water Column for all baghouses requiring pressure drop data. The pressure drop for each baghouse shall be recorded once daily when the source is in operation. Days when the source is not operating shall be noted in the operating log. A record of the daily pressure drop readings in a form that readily show compliance with the pressure drop minimum must be maintained at the source location and kept available for inspection by the Technical Secretary or a Division representative.

The Division of Air Pollution Control ("Division") conducted an inspection at the LNATI Facility on July 25, 2019. Division personnel are stated to have reviewed the daily pressure drop readings log. It is further indicated that they identified 81 days where individual readings for baghouse No. 3 were either not available for review or the readings deviated below the minimum pressure drop set in Condition 29 of the Permit. These deviations are outlined in a table referencing a number of dates in 2018 and 2019.

The previously referenced alleged issues are stated to constitute a failure to comply with Condition 29 of the Permit which requires operation in accordance with the "approved construction permit application or Notice of Intent"

A civil penalty of \$4,000 is proposed to be assessed.

The order provides certain appeal rights.

A copy of the Order can be downloaded [here](#).