

Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Penalty Assessment Related to Harriman, Tennessee Scrap Facility



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

11/11/2019

The Tennessee Air Pollution Control Board (“TAPCB”) issued an October 24th Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to PSC Metals, LLC (“PSC”). See Division of Air Pollution Case No. APC19-0139.

The Order addresses a PSC scrap facility (“Facility”) located in Harriman, Tennessee.

The TAPCB Technical Secretary is stated to have issued a Conditional Major construction permit (“Permit”) for an emission source at the Facility on February 19, 2019. The Facility is described as a scrap metal recycling operation.

Condition 12 of the Permit is described as stating:

... [T]he permittee shall monitor and record in a log the inlet temperature of each engine catalytic converter on a daily basis. The log may be in either manual or electronic form, and the log shall indicate the date and time of each temperature reading. One (1) temperature reading per operating day for each engine shall be collected and recorded in the log. Days when the engines are not operated shall be noted in the log. All temperature data must be entered in the log no later than seven (7) days from the end of the day for which the data is required. The permittee shall retain this record at the source location for a period of not less than five (5) years and keep this record available for inspection by the Technical Secretary or Division representative.

Condition 28 of the Permit has certain recordkeeping requirements for the referenced emission sources requiring monthly, weekly, and daily logs. Such logs and records are required to be kept readily available/accessible upon request by the Technical Secretary and the Division of Air Pollution Control (“Division”).

The Division is stated to have conducted an inspection at the PSC Facility on August 14, 2019. They are further stated to have reviewed logs and determined that the inlet temperature reading of each engine catalytic converter, with a date and time for each reading, was not recorded on a daily basis. The Facility is stated to have begun recording the inlet temperature reading for the two engines.

PSC is stated to have submitted to the Division on August 28, 2019, the daily production logs covering February 19, 2019 to August 12, 2019. Such logs are stated to have indicated PSC operated the two engines for 109 days – a total of 218 inlet temperatures were stated to have not been recorded.

The Order further provides that Condition 12 of the Permit required that an inlet temperature reading of both engine catalytic converters (with the date and time for each reading) should have been recorded every day of operation beginning February 19, 2019 and the log should have been updated based on the recordkeeping requirements of Condition 28 of the Permit.

The alleged failure to comply with Conditions 12 and 28 of the Permit are constituted a violation of certain Tennessee regulations.

A civil penalty of \$1,500 is proposed to be assessed.

The Order provides PSC certain appeal rights.

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