

Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Assessment of Civil Penalty to Woodbury Asphalt Plant



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The Tennessee Air Pollution Control Board (“Board”) issued a January 8th proposed Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to Hawkins Asphalt Paving, LLC (“HAP”) for alleged violations of an air permit. See Division of Air Pollution Control Case No. APC19-0175.

The Order provides that HAP operates a facility (“Facility”) in Woodbury, Tennessee.

The HAP Facility is stated to have been issued a Construction Permit (“Permit”) identifying an emission source for a batch mix asphalt plant on August 3, 2018.

Conditions 12, 13, 29, and 30 of the Permit reference obligations imposed on HAP to apply for a Conditional Major operating permit to replace a temporary Conditional Major operating permit within a certain period of time through submission of certain documents.

HAP is stated to have provided a performance test to the Tennessee Department of Environment and Conservation Division of Air Pollution Control (“Division”) on November 21, 2018 for results dated November 20, 2018. The Division is stated to have received on September 5, 2019 the Facility’s start-up certification dated the same date. The start-up certification is stated to have indicated that the date of initial start-up was September 15, 2018. Concurrently, the Division is stated to have received HAP’s Conditional Major Operating Permit application dated September 5, 2019.

The Order provides that a failure to submit the Conditional Major operating permit application in the time required by Condition 13 of the Permit, rendered Condition 12 ineffective. It further provides that without the temporary Operating Permit provided by Condition 12, HAP has been operating without a permit since the September 15, 2018 start-up. As a result, the Order alleges that the Facility has failed to comply with Conditions 13 and 30 of the Permit and operated an air contaminant source without obtaining an Operating Permit.

The Order proposes to assess a civil penalty of \$1,500. However, if HAP complies with Subsection 2 of the Order, the \$1,500 civil penalty will be waived.

Certain appeal rights are provided by the Order.

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