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Air Enforcement: Tennessee Air Pollution Control Board Proposed Technical Secretary's Order/Civil Penalty Related to Martin Outdoor Equipment Manufacturing Facility

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The Tennessee Air Pollution Control Board ("Board") proposed a Technical Secretary's Order and Assessment of Civil Penalty ("Order") for MTD Consumer Group Inc. ("MTD"). See Division of Air Pollution Control Case No. APC20-0063.

The Order provides that MTD operates an outdoor equipment manufacturing facility ("Facility") in Martin, Tennessee.

The Facility is stated to have been issued a Title V construction permit on January 19, 2018. The amended permit is stated to have a Condition (E6-1) which states in relevant part:

The stated design heat input capacity for the Burn-Off Oven is 15.0 MMBtu/hr. The permittee shall apply for a construction permit should the burners need to be physically modified to exceed this capacity.

The Division of Air Pollution Control ("Division") is stated to have received an email from MTD enclosing a construction/modification permit application ("Application") for the replacement of five burners associated with the burn-off oven. The application is stated to have indicated that the replacement of the five burners, which increased the heat input capacity to 30 MMBtu/hr., occurred in July 2019, during a Facility shutdown.

The Order is stated to provide that MTD violated Division rule 1200-03-09-.01(1)(d) which states construction of a new air contaminant source or the modification of an air contaminant source:

. . . which may result in the discharge of air contaminants must be in accordance with the approved construction permit application or notice of intent; the provisions and stipulations set forth in the construction permit, notice of coverage, or notice of authorization[.]

The Order provides certain appeal rights for MTD.

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

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