



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

Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Civil Penalty to Camden Secondary Magnesium Smelting Operation

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The Tennessee Air Pollution Control Board (“Board”) issued on January 27th a proposed Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to MagPro, LLC (“MagPro”) addressing alleged violations of an operating permit. See Case No. APC21-0061.

The Order provides that MagPro operates a secondary magnesium smelting operation (“Operation”) in Camden, Tennessee.

The Operation is authorized pursuant to Operating Permit No. 062800P (“Permit”).

The Division of Air Pollution Control (of the Board) is stated to have inspected the Operation on March 26, 2021. The inspection is stated to have included a Method 9 Visible Emission Evaluation (“VEE”) on the wet scrubber stack. The Order further provides that based on the VEE:

. . . the second highest six-minute average was 17.50% which is an exceedance of the 10% permitted opacity limitation as required by condition 11 of Permit 062800P.

The Division is stated to have issued a Notice of Violation (“NOV”) on May 10, 2021, to MagPro for allegedly failing to comply with condition 11 of the Permit. MagPro was required to submit an APC 115 Proposed Schedule of Corrective Action within 14 days ensuring the wet scrubber was operating properly and that opacity limits are kept at or below the 10% opacity limitation.

The Division is stated to have received the APC 115 Proposed Schedule of Correction Action on May 25, 2021.

MagPro is stated to have conducted performance testing of the secondary magnesium smelting operation on June 29 and 30 of 2021. Such testing is stated to have been conducted to comply with the Division’s March 16, 2021, request for emissions testing of particulate matter and ACL.

The Division is stated to have received the results on July 29, 2021, and the following violation was alleged to have been discovered:

- HCL emissions from both furnaces was 2.34 pounds per hour.

On August 18, 2021, the Division issued a NOV to MagPro for allegedly failing to comply with condition 9 of the Permit. As a result, the NOV required MagPro to submit an APC 115 Proposed Schedule of Corrective Action within 20 days of receipt of the NOV.

The Division is stated to have received MagPro's APC 115 on September 7, 2021. An August 26, 2021, letter was referenced which requested a production cap for metal charged to the rotary furnace of 13,159 tons per year derived based on an HCl emission factor of 1.37 pounds per ton. Such cap is stated to restrict HCl emissions to nine tons per year or less for this emission source.

The Order proposes to assess a civil penalty of \$20,000.

The Order provides certain appeal rights.

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