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Air Enforcement: Tennessee Department of Environment and Conservation and Camden Secondary Magnesium Smelting Operation Enter into Settlement Agreement

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The Tennessee Department of Environment and Conservation (“TDEC”) and Magpro, LLC (“Magpro”) entered into a September 23rd Settlement Agreement and Order (“Settlement”) addressing an alleged violation of an air permit. See Case No. APC21-0061/APC22-0009.

The Settlement provides that Magpro operates a secondary magnesium smelting operation (“Facility”).

The Facility is stated to have been issued an Operating Permit on May 4, 2011.

TDEC Division of Air Pollution Control personnel are stated to have conducted a complaint response investigation at the Facility on March 26, 2021. Further, they are stated to have conducted a Method 9 Visible Emission Evaluation (“VEE”) on the wet scrubber stack.

The Settlement provides that based on the referenced VEE, the second-highest six-minute average was 17.50%. This is stated to constitute an exceedance of 10% permitted opacity limitation established by condition 11 of the Operating Permit. Nevertheless, Magpro is stated to dispute the validity of the VEE result.

TDEC Division of Air Pollution Control personnel are stated to have conducted a complaint response investigation on December 2, 2021, at the Facility. A Method 9 VEE on the wet scrubber stack was undertaken.

The Settlement provides that based on the VEE, the second-highest six-minute average was 22.71%, which is stated to be an exceedance of the 10% permitted opacity limitation established by condition 11 of the permit. Magpro is stated to dispute the validity of this VEE result.

Pursuant to a Notice of Violation, Magpro was requested to submit a new APC 115 within 14 days to ensure that the wet scrubber would operate properly and that opacity limits would be kept at or below the 20% opacity limitation. Magpro is stated to have requested an extension which was granted. The Division of Air Pollution Control was stated to have received Magpro’s APC 115 on January 27th.

The Settlement provides that Magpro has submitted a new APC 115 to the Division of Air Pollution Control to address the Facility’s compliance with the 10% opacity limitation established by condition 11 of the permit. The Division of Air Pollution Control is stated to find it acceptable.

A civil penalty of \$32,000 is assessed. However, Magpro is required to pay \$10,000 on or before the 31st day after the execution of the Settlement and if there are no additional violations of condition 11 for one year after execution, then the remaining \$22,000 is waived.

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