

Air Enforcement: Proposed Technical Secretary's Order/Civil Penalty Addressing Athens Landfill



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The Tennessee Air Pollution Control Board (“Board”) issued a February 15th Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to Environmental Trust Company d/b/a Meadow Branch Landfill (“ETC”) addressing alleged violations of an air permit. See

The proposed Order addresses an Athens, Tennessee, landfill.

The Technical Secretary is stated to have issued on December 7, 2020, a Major Source construction permit (i.e., Clean Air Act Title V permit) to ETC for a leachate evaporation operation.

ETC is stated to have conducted performance testing for particulate matter, hydrogen sulfide, and ammonia emissions on two of the eight exhaust stacks of the leachate evaporator on March 1, 2022.

The Division of Air Pollution Control (“Division”) reviewed ETC’s performance test report which indicated that the average particulate matter concentration level measured from the leachate evaporator was 0.046 grains per dry standard cubic foot of effluent gas and 2.92 pounds per hour. As a result, the Order states that the measured concentration level did not demonstrate compliance with the allowable concentration level of 0.02 grains per dry standard cubic foot of effluent gas as proved in the Title V construction permit. Further, the Order states that the reported mass emission rate was in excess of the corresponding mass emission value set forth in the same permit condition.

ETC conducted a retest for particulate matter emissions from the leachate evaporator on April 5, 2022. The test report from the retest is stated to have indicated that the average particulate matter concentration level measured from the leachate evaporator was 0.055 grains per dry standard cubic foot of effluent gas and 4.52 pounds per hour. The measured concentration level is stated to have not demonstrated compliance with the allowable concentration level of 0.01 grains per dry standard cubic foot of effluent gas as provided in the permit. Further, the reported mass emission rate is stated to have been in excess of the corresponding mass emission value set forth in the same permit condition.

The Division issued a Notice of Violation which required ETC to submit a Proposed Schedule of Correction Action within 20 days of receipt. The action required was to resolve the excessive particulate matter emission concentration and the proposed time frame of the actions.

ETC subsequently undertook an additional performance test which indicated that the average particulate matter concentration level measured from the leachate evaporator was 0.007 grains per dry standard cubic foot of effluent gas and, therefore, demonstrated compliance with the Title V construction permit.

The proposed Order assesses a civil penalty of \$18,200. Certain appeal rights are provided.

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