

# Air Enforcement: Proposed Tennessee Air Pollution Control Order Addressing Kingsport Explosive Manufacturing Facility



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

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The Tennessee Air Pollution Control Board issued a May 5th Technical Secretary Order and Assessment of Civil Penalty (“Proposed Order”) to BAE Systems Ordinance Systems, Inc. (“BAE”) for an alleged violation of an air permit. See Case No. APC23-0024.

The Proposed Order provides that BAE operates a facility (“Facility”) in Kingsport, Tennessee.

The Facility was stated to have been issued a Major Source Construction Permit (“Title V”) in 2018 for chemical processing operation for preparation of RDX and HMX Explosives. The Title V Permit was subsequently amended.

BAE is stated to have requested on January 27, 2021, NOx allowances for four natural gas-fired boilers in accordance with Division Rule 1200-03-27-.12.

The Tennessee Division of Air Pollution Control (“Division”) established on February 1, 2021, an allotment of 226 tons for each control period as a total for all boilers. Further, the Division is stated to have also notified BAE of the requirement to complete a Certificate of Representation for the Environmental Protection Agency’s Clean Air Markets Division (“CAMD”) as required by 40 CFR Part 72, Subpart B, Section 72.24 for the four boilers.

BAE is stated to have indicated in an application dated September 15, 2022, that it did not complete the registration in the CAMD system. The Facility is stated to have not uploaded the data from the boiler operations during the ozone season control period as required by the relevant regulations. The application is stated to have indicated that the registration and daily logging were not completed due to a delay in the performance testing of the boilers and subsequent issues related to the continuous emission monitoring systems associated with the boilers. Nevertheless, it is provided that performance testing of the boilers was conducted from April 5-7, 2022, and the final performance test was submitted to the Division on June 24, 2022. The Division reviewed and approved the BAE performance test on August 3, 2022.

The Proposed Order states that BAE failed to comply with Condition S1-8 of the Title V Permit.

The Proposed Order assesses a civil penalty of \$1,500. BAE is provided certain appeal rights.

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