

Title V/Clean Air Act: Sierra Club Petition to Object to Berkley County, South Carolina, Aluminum Reduction Minor Permit Modification



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

07/17/2023

The Sierra Club and Environmental Integrity Project (collectively, "Sierra Club") submitted a June 9th Clean Air Act Title V objection styled:

Petition Requesting that the Administrator Object to the Minor Permit Modification to Title V Permit No. TV-0420-0015 v1.1 for the Century Aluminum of South Carolina, Inc. Primary Aluminum Reduction Facility ("Petition")

The *Petition* objects to the minor permit modification and the administrative amendment to a Title V Operating Permit for the Century Aluminum of South Carolina, Inc. ("Century Aluminum") primary aluminum reduction facility ("Facility") in Berkeley County, South Carolina.

The Facility is described as fabricating aluminum from raw aluminum oxide using the Hall-Heroult electrolytic process which is stated to consist of three basis steps:

1. the manufacture of carbon anodes from coke and pitch;
2. the reduction of alumina to produce molten aluminum, and
3. the processing of molten aluminum for end users.

The Facility is stated to be a major source of sulfur dioxide emissions.

Title V requires certain stationary sources of air pollution to obtain Operating Permits. The Clean Air Act requires that states administer Title V through adopted implementation plans. These plans are submitted to and approved by the United States Environmental Protection Agency ("EPA"). The intent of a Title V permit is to organize in a single document all the requirements which apply to the permit holder.

42 U.S.C. § 7661 requires that states submit each proposed Title V permit to EPA for review. Section 505(v)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if the federal agency determines that it is not in compliance with the applicable requirements of the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

The South Carolina Department of Health and Environmental Control is stated to have submitted a minor permit modification and administrative permit amendment with a revised Title V Operating Permit

incorporating both changes for EPA's 45-day review. The South Carolina agency subsequently issued to Century Aluminum a final Title V permit incorporating both changes.

Sierra Club argues that EPA must object to both revisions to the Title V permit because:

1. The minor modification does not meet the criteria for processing minor modifications under 40 C.F.R. § 70.7(e)(2); and
2. The public notice for the preconstruction permit that South Carolina incorporated into the Title V permit via administrative amendment did not comply with applicable prevention of significant deterioration (PSD) notice requirements under the state's regulation or with public notice procedures substantially equivalent to 40 C.F.R. § 70.7(h)(2).

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