

PSD/Air Enforcement: Tennessee Air Pollution Control Board Order Addressing Midway, Tennessee, Nitric Acid Manufacturing Facility



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

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The Tennessee Air Pollution Control Board (“Board”) issued to U.S. Nitrogen LLC (“U.S. Nitrogen”) a January 8th document titled:

Technical Secretary’s Order and Assessment of Civil Penalty (“Order”)

The Order provides that U.S. Nitrogen applied for a Clean Air Act Prevention of Significant Deterioration (“PSD”) permit on July 14, 2011, which referenced the:

. . . construction of Respondent’s facility to manufacture nitric acid, ammonia, and liquid ammonium nitrate solution.

The PSD permit application is stated to have included a flare for the control of emissions during ammonia unit startup and for combustion of the vent gas during safety relief.

U.S. Nitrogen is stated to have submitted a revised PSD permit application on August 24, 2011, which included a flare for the control of emissions during ammonia unit startup and to combust vent gas during safety relief. The Technical Secretary of the Board issued a construction permit for an open flare to control emissions during the ammonia plant startup and to combust vent gas during safety relief.

A subsequent revised PSD permit application was stated to have submitted on November 13, 2015, reflecting design changes that occurred as construction began and progressed. The revisions are stated to include:

- Change in the number of flares
- Indication during normal operations, the emissions from the Outside the Battery Limit flare (“OSBL”) would consist of only natural gas combustion in the pilot burners
- Listing of several storage tanks without an indication of emissions from the tanks and no inclusion of ammonia storage vessels

The Technical Secretary of the Board is stated to have taken the following actions on June 3, 2014, and July 7, 2015, respectively:

1. Amend the permit for the open flares and to change the OSBL flare to be used as an emergency flare for U.S. Nitrogen’s entire facility

2. Amend the permit to change the status of the U.S. Nitrogen facility from PSD/Title V to Conditional Major

The Order references a submittal by U.S. Nitrogen on December 4, 2017, to amend the permit for the facility's open flares which include the OSBL flare.

The Tennessee Department of Environment and Conservation Division of Air Pollution Control ("Division") is stated to have visited U.S. Nitrogen's facility on February 21, 2018. The facility is stated to have indicated that the OSBL flare also controlled emissions from the ammonia storage and loading operations from operations such as vessel blowdown. The possibility that the previously referenced storage tanks may not have been properly permitted was stated to have been discussed.

The Division is stated to have sent a March 15, 2018, letter to U.S. Nitrogen requiring it to submit applications and calculations for the previously referenced storage tanks.

The Order provides that U.S. Nitrogen submitted a revised permit application for the Anhydrous Ammonia Production Plant (referenced as an emission source) in response to the previously referenced Division letter. The revision notes potential ammonia emissions and indicates the construction date of the ammonia storage tanks. It further provides that the Division determined that:

. . . the Ammonia Storage and Loading Operations had been constructed and had been operating prior to applying for and receiving the required permits.

Violations alleged in the Order include:

- Construction of an air contaminant source not specifically exempted by Tenn. Comp. R. & Regs. 1200-03-09-.04 without first receiving the necessary construction permit
- Operating an air contaminant source not specifically exempted by Tenn. Comp. R. & Regs. 1200-03-09-.04 without first applying for and receiving the necessary operating permit

The Order proposes the assessment of a civil penalty of \$1,500.

U.S. Nitrogen is provided certain appeal rights as discussed in the Order.

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