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Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Civil Penalty Related to Charleston Silica Production Operation

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The Tennessee Air Pollution Control Board ("Board") issued a January 26th Technical Secretary's Order and Assessment of Civil Penalty ("Order") to Wacker Chemical Corporation ("Wacker"). See Division of Air Pollution Control Case No. APC20-0116.

The Order states that Wacker had been issued a construction permit ("Permit") for an amorphous fumed silica production operation in Charleston, Tennessee.

The Permit is stated to include Condition 10 which contains the following language:

Carbon monoxide (CO) emissions from this source shall not exceed 0.69 lbs/hr (3.04 tons/yr) on a daily average basis ... Initial compliance shall be determined by stack test as required by Condition 12.

Wacker is stated to have performed testing of the amorphous fumed silica production operation from May 12-14, 2020, to comply with performance test requirements set forth in Condition 12 of the Permit.

The Division of Air Pollution Control of the Board is stated to have received the performance test report which indicated that carbon monoxide emissions averaged 1.49 pounds per hour. This is alleged to violate Condition 10 of the Permit.

The Order alleges that Wacker failed to comply with Condition 10 of the Permit and violated Division Rule 1200-03-09-.01(1)(d) requiring that construction of a new air contaminant source that may result in the discharge of air contaminants be done in accordance with the construction permit application.

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

Wacker is provided certain appeal rights.

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