Title V/Clean Air Act: Environmental Integrity Project Petition to Object Filed Addressing Hawesville, Kentucky Aluminum Smelter Permit Renewal

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

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The Environmental Integrity Project and Kentucky Resources Council (collectively, "EIP") filed a June 9th Title V Petition to Object ("Petition") before the United States Environmental Protection Agency ("EPA") related to Century Aluminum of Kentucky, GP ("Century") Hawesville Aluminum Smelter.

The Petition objects to the renewal of a Title V Operating Permit ("Permit") issued by the Kentucky Division for Air Quality ("KDAQ") on April 15th to an aluminum smelter located outside of Hawesville, Kentucky.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA.

The intent of a Title V Permit is to organize in a single document all the requirements that apply to the permitholder. 42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(b)(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 documentation) if the federal agency determines that it was not in compliance with the applicable requirements of the Clean Air Act.

If EPA does not object to a permit, Section 505(b)(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 Petition describes the Century facility as producing primarily aluminum from raw alumina by applying electric current to the alumina in vessels termed reduction cells or "pots". The facility is stated to operate four nearly identical potlines and a high purity aluminum potline. Each potline is stated to be composed of two potrooms that each contain 56 reduction cells for a total of 112 cells per potline.

Operations are stated to have been idled since August of 2022. However, the Petition states that Century has "apparently provided information to the Division indicating that the facility is being maintained in an idle state, and Century has averred that the facility is not shut down and that it is maintaining a continuous intent to restart the facility at some as of yet unspecified time in the future."

An initial Title V Operating Permit is stated to have been obtained in 1997.

The Petition puts forth the following arguments that the proposed Title V permit renewal fails to comply with the applicable requirements in that:

1. The compliance demonstration method in the Draft Title V Permit for the SO2 emissions limit from the anode bake furnaces #1, #2, and #3 fails to account for SO2 emissions from the packing coke used in the anode bake furnaces;
2. The testing frequency for VOCs at Potlines 1-4 is inadequate to ensure continuous compliance with the emission limits of the Permit;
3. The testing frequency for NOx is inadequate to ensure continuous compliance with the combined emission limit for the Anode Bake Furnaces 1-3 and Potlines 1-4 (main stack and roof vent monitors combined), as well as the separate NOx limit for potline 5 and its roof monitor;
4. The permit allows Century to perform just one test of a single "representative" potline roof monitor to demonstrate compliance with multiple limits applicable to each potline roof vent 1-4 (including the hourly VOC limit), but does not explain or establish clear criteria for how a roof vent monitor will (or will not) be determined "representative";
5. The testing frequency is not sufficient to ensure compliance with the PM limits at the potlines main stack and the potline roof monitors.

A copy of the Petition can be downloaded here.