

From: [Air.Pollution Control](#)
To: [APC Permitting](#)
Subject: FW: BWI Murfreesboro Quarry ESR#75-0022-01, Permit#077073
Date: Friday, October 6, 2023 3:21:37 PM
Attachments: [BWI ESR#75-0022-01 Denial Response Submittal.pdf](#)

From: Walt Hillis <WHillis@bluewaterindustries.com>
Sent: Friday, October 6, 2023 2:22 PM
To: Air.Pollution Control <Air.Pollution.Control@tn.gov>; Will Collins <Will.Collins@tn.gov>; Hernan Flores <Hernan.Flores@tn.gov>
Cc: Alisa Hatmaker <ahatmaker@bluewaterindustries.com>
Subject: [EXTERNAL] BWI Murfreesboro Quarry ESR#75-0022-01, Permit#077073

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Dear Director, Mr. Collins, and Mr. Flores:

Attached, please find the Blue Water Industries (BWI) response to the Division's Operational Flexibility Request/Physical Change (TAPCR 1200-03-02-.01 (1)(aa)(4) Denial Letter dated September 27, 2023, related to the BWI Murfreesboro Quarry, ESR#75-0022-01 and Permit#077073.

Regards,

Walt Hillis
[Blue Water Industries](#)
Environmental Manager
9509 Diggs Gap Road
Heiskell, TN 37754
(M) 865-255-4349
(O) 865-512-7628
whillis@bluewaterindustries.com



Via Electronic Mail to Air.Pollution.Control@tn.gov, Will.Collins@tn.gov, Hernan.Flores@tn.gov

October 6, 2023

Will Collins, Composite Materials-Section Manager
Tennessee Permit Program
Division of Air Pollution Control
Tennessee Department of Environment & Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

**Re: Blue Water Industries – Murfreesboro Quarry
Emission Source No. 75-0022-01, Operating Permit No. 077073, Log No. 219116
Division Letter Dated September 27, 2023**

Dear Mr. Collins:

Blue Water Industries (BWI) is in receipt via electronic mail of the Division of Air Pollution Control's (Division) letter dated September 27, 2023, for the source referenced above that denied the installation of one hopper and two conveyors to the existing permitted Non-Metallic Mineral Processing Plant pursuant to TAPCR 1200-3-2-.01 (1) (aa) (4). BWI submitted the seven-day (7) advance written notification and information as required via electronic mail to the Division on February 23, 2023.

The denial letter only stated that the requested physical change in the permitted source would require an application for a construction permit for the permitted source, in accordance with TAPCR 1200-03-09-.01 with no other explanation given. Per the Division's direction and for the sake of expediency, so that the Division's decision to deny the physical change submitted under TAPCR 1200-3-2-.01 (1) (aa) (4) does not hinder or shut down production at the existing permitted source, BWI submitted a construction/modification application for the source on September 27, 2023, including these processing units/apparatuses (one hopper and two conveyors). An updated equipment list and process flow diagram were provided with this application.

The BWI Murfreesboro Quarry (ESR) No. 75-0022-01 is permitted to emit Fugitive Particulate Matter (PM) at a maximum level of 53.82 pounds per hour (lbs./hr.) allowable per Condition S1-4 (A) of the permit. The source is permitted for a production rate not to exceed 1,200 tons per hour (TPH) per Condition S1-2 (A) and a maximum production rate not to exceed 2,000,000 tons per calendar year (TPY) per Condition S1-2 (D). As identified in the Permit Emission Summary dated February 24, 2020, the actual source Fugitive PM emissions in lbs./hr., TPH, and TPY are much less than the allowable emissions agreed to by BWI and as permitted under the existing operating permit. The February 23, 2023, physical change notification would have not increased any of the previously identified permitted allowable emissions and would not have resulted in the emission of any air contaminant to which an emissions standard applies not previously permitted.



Therefore, since no Federal and/or State regulations were cited and the fact that the denial decision goes against the Division's longstanding twenty (20) plus year directive and Standard Operating Procedure (SOP) for Non-Title V Sources Operational Flexibility Notification, also known as "State regulation governing operational flexibility changes" by which the industry has made such changes as allowed per TAPCR 1200-3-2-.01 (1) (aa) (4). BWI requests a detailed explanation of why the denial occurred since State regulations that govern such physical changes have not changed to our knowledge. If the regulations have changed related to this matter, if a Division Policy Document or Guidance Document has been created, and/or a Legal Precedent has occurred, BWI is requesting this be shared. This detailed explanation and accompanying information is requested so that the reason for the denial can be explained to our Corporate and Operations Management along with our legal counsel as it goes against the regulations as written and the Division's longstanding SOP.

If you have any questions concerning this correspondence, please contact me at 865-512-7628 or whillis@bluewaterindustries.com.

Sincerely,

Walt Hillis

Walt Hillis
Environmental Manager

cc:Hernan Flores, TDEC-DAPC, Environmental Protection Specialist



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

William R. Snodgrass Tennessee Tower, 15th Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243
(615) 532-0554 Voice or (615) 532-0614 FAX

ELECTRONIC DELIVERY

September 27, 2023

Mr. Walter L Hillis, III, Environmental Manager
BWI MTN II, Inc
9509 Diggs Gap Road
Heiskell, TN 37754

Re: Operational Flexibility Request
Blue Water Industries – Murfreesboro Quarry
2106 Twin Oaks Drive, Murfreesboro, TN 37217
Emission Source Reference No. 75-0022-01, Log No. 219116

Dear Mr. Hillis:

Your letter dated February 23, 2023, requesting the addition of a hopper and two conveyors at the above referenced facility in Lebanon, TN was received on February 23, 2023.

Based upon the information contained in your February 23, 2023, letter, the proposed addition of the two conveyors described would be subject to the construction permitting requirements of Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.01, including, but not limited to, the publication of a public notice and an associated 30-day public comment period. For this reason, operational flexibility cannot be utilized to add the requested equipment.

You are requested to submit an application for a construction permit for this source, in accordance with TAPCR 1200-03-09-.01, within fifteen days of your receipt of this letter. Copies of the required application forms and instructions are available at <https://www.tn.gov/environment/permit-permits/air-permits/construction/non-title5-construction.html>.

If you have any questions concerning this correspondence, please contact Mr. Hernan Flores at 615-532-0593 or Hernan.Flores@tn.gov. Your Facility ID is **75-0022**, please reference this number in any further correspondence with the Division.

Sincerely,

Will Collins, Section Manager
Tennessee Permit Program