

Nitrogen Fertilizer Company Settles Civil Environmental Enforcement Action Alleging Clean Air Act Violations for \$108,000

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The U.S. Department of Justice recently announced [a proposed settlement](#) of a civil environmental enforcement action brought against Rentech Nitrogen, LLC. The settlement concerns the defendant's nitric acid production plant in East Dubuque, Illinois. Nitric acid is used in the production of ammonium nitrate and other fertilizers and explosives. The nitric acid process results in the emissions of regulated air pollutants, including nitrogen oxides.

The federal government alleged that the defendant operated its nitric acid plant since inception without a required [Prevention of Significant Deterioration](#) ("PSD") permit and without using the [best available control technology](#) ("BACT") required. The PSD permitting program is a Clean Air Act program for new and modified major sources of air pollution. The defendant apparently added its nitric acid production plant without obtaining the required PSD permit. Additionally, the federal government alleged that the defendant exceeded emission limits for nitrogen oxides.

Under the proposed settlement, the defendant would have to achieve BACT level emissions for nitrogen oxides and incorporate these requirements into the facility's Clean Air Act operating permit. The settlement would also provide for a civil penalty of \$108,000.

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