

Air Enforcement: Tennessee Air Pollution Board Order/Assessment of Civil Penalty to Gallatin, Tennessee Facility



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The Tennessee Air Pollution Control Board (“Board”) issued a Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to Beretta U.S.A. Corp. (“Beretta”) for certain alleged violations of an air permit. See Division of Air Pollution Case No. APC18-0166.

The Order provides that Beretta operates a facility in Gallatin, Tennessee.

The Beretta Facility is stated to have been previously issued a construction permit (March 21, 2017). The emission source is identified as a chromium electroplating operation.

The Order quotes conditions 9, 11, and 35 of the Permit which addressed various aspects of the previously referenced emission source, including demonstration of initial compliance.

The Tennessee Division of Air Pollution Control (“Division”) is stated to have received Beretta’s total chromium emissions test report (“Report”) which indicated exceedance of a standard. It further provides in relevant part:

By failing to meet the concentration of total chromium as set in condition 9, condition 35 was made ineffective. Without the temporary operating permit provided by condition 35, Respondent was operating the chromium electroplating operation without a permit.

The Division is stated to have issued a Notice of Violation to Beretta for the referenced alleged violations which required the submission of a Proposed Schedule of Correction Action to the Division no later than September 28, 2018. The Division is stated to have received Beretta’s Proposed Schedule of Corrective Action on August 21, 2018.

The Order states that an operating permit was issued to Beretta for a sulfuric acid anodizing line and a manganese phosphate line, which were identified as emission sources. Conditions 19 and 31 of this permit are referenced in the Order addressing Notification of Compliance Status.

Division personnel were stated to have conducted an inspection at Beretta’s facility on August 22, 2018. The Division is stated to have discovered that Beretta had not submitted the Notification of Compliance Status reports for the sulfuric acid anodizing line and the manganese phosphate line as required by conditions 19 and 31 of the permit. The startup certifications were stated to have been received by the Division on December 1, 2017. The sources are stated to have begun operating on November 27, 2017.

Therefore, the referenced reports for both sources are alleged to have been required to have been submitted to the Division by the close of business on November 27, 2017.

The Order alleges three instances of noncompliance based on the previously referenced violations and proposes the assessment as a civil penalty of \$12,500, of which \$1,500 of the assessed civil penalty can be waived if Beretta complies with certain requirements.

Beretta is provided certain appeal rights as described in the Order.

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