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## Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Assessment of Civil Penalty Related to Dyersburg, Tennessee Facility

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The Tennessee Air Pollution Control Board (“Board”) issued a December 18th Technical Secretary’s Proposed Order and Assessment of Civil Penalty (“Order”) to Dyersburg Elevator Company (“DEC”) for an alleged air permit violation. See Division of Air Pollution Case No. APC19-0162.

The Order provides that DEC operates a facility in Dyersburg, Tennessee.

The Facility was issued an operating permit (“Permit”) on May 22, 2018. The Permit is stated to have identified as an emission source what is described as a grain elevator.

The Permit’s Condition 3 states in relevant part:

Unless otherwise specified, visible emissions from this source shall not exhibit greater than twenty percent (20%) opacity, except -for one (1) six (6) minute period in any one (1) hour period, and for no more than four (4) six (6) minute periods in any twenty-four (24) hour period. Visible emissions from this source shall be determined by EPA Method 9, as published in the current 40 CFR 60, Appendix A (six-minute average).

The Board’s Division of Air Pollution Control (“Division”) is stated to have conducted an inspection at the facility on October 2nd. The Division is stated to have conducted a Method 9 Visible Emission Evaluation (“VEE”) on the conveyor belt that transports grain to bins 10 – 13. The Order further states:

. . .Based on the VEE, the second-highest six-minute average was 44.38% opacity.

This is alleged to have violated Condition 3 of the Permit.

A Notice of Violation was issued to DEC and the Division is stated to have received the company’s Proposed Schedule of Corrective Action that has been completed.

A civil penalty of \$1,500 is assessed. Certain appeal rights are provided to DEC.

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