

## Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Civil Penalty



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The Tennessee Air Pollution Control Board (“Board”) issued on July 14th a proposed Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) addressing Bemis Gin and Warehouse Company (“Bemis”) alleging an air permit violation. See Division of Air Pollution Control Case No. APC20-0045.

The Order states that Bemis operates a facility (“Facility”) in Jackson, Tennessee.

The Facility is stated to operate an air contaminant source within the meaning of Tenn. Code Ann. § 68-201-102. Further, an Operating Permit was issued to the Facility on September 15, 2017, identifying an emission source for a cotton gin.

Condition 2 of the operating permit is stated to provide:

Capacity of this cotton gin shall not exceed 48 bales per hour based on the following gin stand capacity: four (4) Lummus Model 158 gin stands each rated at 12 bales per hour. The number of bales processed per ginning season shall not exceed 40,000 bales based on the application dated March 4, 2016.

The Air Pollution Control Division (“Division”) of the Board is stated to have received on March 30th Bemis’ annual bales process report (“Report”) for the 2019 ginning season. The Report is stated to have indicated that 48,467 bales were processed by Bemis during the 2019 ginning season. As a result, it is alleged that Bemis violated Condition 2 of the permit.

A civil penalty of \$1,500 is proposed to be assessed.

Bemis is provided certain appeal rights.

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