

Air Enforcement: Tennessee Air Pollution Control Board Proposed Technical Secretary's Order/Civil Penalty Addressing Erwin Spray Coating Operation



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The Tennessee Air Pollution Control Board (“Board”) issued a September 8th proposed Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to Impact Plastics, Inc. (“IPI”) addressing alleged violations of an Operating Permit (Permit 069165P)(“Permit”).

The Order addresses an Erwin, Tennessee, facility (“Facility”) which includes a spray coating operation.

The Order addresses certain conditions in the Permit which are stated to include:

- Condition 1 (referencing a change of the Facility’s responsible person)
- Condition 5 (addressing tabulation of volatile organic compound [“VOC”] or VOC-containing materials to be used by the source)
- Condition 7 (calculation of actual quantities of VOC and hazardous air pollutants emitted from the Facility during each calendar month and accompanying log)

The Division of Air Pollution Control (“Division”) is stated to have received a letter from IPI notifying a change in the responsible person of environmental permitting affairs. The letter is stated to have indicated that the previous responsible party had left employment on April 10, 2020, and therefore allegedly violated Condition 1 of the Permit.

The Division is stated to have conducted an inspection of the Facility on March 11 and determined that a log containing the information required by Condition 5 of the Permit was not available. The monthly logs are stated to have contained VOC content. However, Material Safety Data Sheet spot checks allegedly failed to contain currently used materials.

IPI responded that the vendors were switched prior to 2019 and are currently using water-based paint with lower VOC content. It was further indicated that the Facility continued to track usage under the old product identification numbers.

IPI was requested to conduct an inventory and create a log that listed material density and the VOC content in pounds per gallon as indicated in Condition 5 of the Permit. IPI was also requested to provide updated emissions records based on the revised materials information for the period of January 2019 to January 2021.

IPI is stated to have submitted an updated monthly emissions log to the Division on March 25th. However, it is stated to have not provided the requested updated information for the Condition 5 log.

IPI provided the updated records required by Condition 5 on April 9th and updated emissions records for the period January 2019 through February 2021. The Division is stated to have deemed the updated records inadequate because material density was not entered into the log required by Condition 5 for all materials. Further, the Order provides that the log was required to be updated within 90 days of the initial use of any new or altered material. It is stated that based on the most recent emissions record submitted to the Division, the monthly emissions were incorrectly calculated. Further, the emissions log is stated to have not tracked Thinner #2 6872 usage.

IPI completed the following tasks that were previously required:

- Establish contact with Small Business Environmental Assistance Program within 7 days of receipt of the previously issued Notice of Violation
- Submit corrected logs that contain the required information and corrected calculations for Conditions 5 and 7 of the Permit for the period of January 2019 to January 2021 within 45 days of receipt of the previously issued Notice of Violation

The Order states that IPI allegedly failed to comply with Conditions 1, 5, and 7 of the Permit.

A civil penalty of \$1,750 is proposed to be assessed.

The Order provides IPI certain appeal rights.

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