

Air Enforcement: Tennessee Air Pollution Control Board Proposed Technical Secretary's Order Addressing East Tennessee State University



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The Tennessee Air Pollution Control Board ("Board") issued to East Tennessee State University ("East Tennessee State") on January 5th a document styled:

Technical Secretary's Order and Assessment of Civil Penalty ("Order")

East Tennessee State is stated to operate at a facility in Johnson City, Tennessee, that utilizes boilers and emergency engines.

The Technical Secretary is stated to have issued a Conditional Major Operating Permit to East Tennessee State on October 2, 2019, for the referenced boilers and emergency engines.

The Tennessee Division of Air Pollution Control ("Division") is stated to have received a required Clean Air Act New Source Performance Standard semiannual report for the period of July 1, 2022, to December 31, 2022 ("Report") from East Tennessee State on March 31st.

The Division is stated to have received revisions to the Report on April 28th.

The Order states that the Division determined that the Report was due on January 30th. As a result, it is alleged the Report was submitted 60 days late. Therefore, East Tennessee State is stated to have violated Division Rule 1200-03-09-.02(6) which states in pertinent part:

... Operation of each air contaminant source shall be in accordance with the provisions and stipulations set forth in the operating permit, all provisions of these regulations, and all provisions of the Tennessee Air Quality Act ...

A civil penalty of \$1,500 is proposed for the alleged violation.

The Order provides certain appeal rights.

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

