

Air Enforcement: Tennessee Air Pollution Control Board/Proposed Order/Assessment of Civil Penalty for Lynchburg, Tennessee Distillery

Arkansas Environmental, Energy, and Water Law Blog



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The Tennessee Air Pollution Control Board (“Board”) issued a February 10th Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to Jack Daniel Distillery, Lem Motlow, Prop., Inc. (“Distillery”). See Case No. APC 16-0154.

The Distillery is stated to be located in Lynchburg, Tennessee.

The Technical Secretary of the Board is stated to have issued a Major Source operating permit (Title V) to the Distillery for the production of distilled spirits on May 5, 2010. The permit included a provision that states:

The Compliance Method for Condition E6-3 of this permit states in pertinent part:

a. The minimum secondary power (in Kilowatts) the ESPs serving Boiler #6 and Boiler #7 shall not be less than 12 and 3 Kilowatts, respectively. . . . The permittee shall. . . calculate the total energy in kilowatts as indicated in Log 9. These values shall be recorded in Log 9. . . .

The Order alleges that on or about September 2, 2016 the Distillery submitted their semiannual report (“SAR”) for the period of January 1, 2016 through June 30, 2016 to the Division of Air Pollution Control of the Board. Further, it is alleged that the SAR records (Log 9) for Boiler #6 indicated a total of 96 instances out of 524 measurements and recordings, where the minimum secondary power for the electrostatic precipitator serving Boiler #6 was less than 12 Kilowatts.

The previously referenced alleged failure to comply with conditions of an operating permit (as previously referenced) is stated to violate Tenn. Com. R. & Regs. 1200-03-09-.02(6).

The Distillery is assessed a civil penalty in the amount of \$500.

The Order provides the Distillery the right to appeal the Order pursuant to the referenced provisions of the Tennessee Code.

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