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Air Enforcement: Tennessee Air Pollution Control Board Proposed Order/Assessment of Civil Penalty to Lyles, Tennessee Flexographic Printing Press Facility

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The Tennessee Air Pollution Control Board (“Board”) issued an August 28th Technical Secretary’s Order and Assessment of Civil Penalty (“Order”) to Clark Container, Incorporated (“Clark”). See Case No. APC 18-0082.

The Order provides that Clark operates a Lyles, Tennessee facility (“Facility”) printing operation consisting of three flexographic printing presses with natural gas dryers controlled by a catalytic oxidizer.

The Clark Facility holds a Conditional Major Operating Permit. Condition 14 of the Permit states in part:

The operations controlled by the catalytic oxidizer shall not operate unless the catalytic oxidizer is in operation. In the event a malfunction/failure of this control device occurs, the operation of the processes controlled by the catalytic oxidizer shall be regulated by Chapter 1200-03-20 of the Tennessee Air Pollution Control Regulations.

The Director of the Division of Air Pollution Control (“Division”), Tennessee Department of Environment and Conservation is stated to have received Clark’s annual compliance report for 2017 on March 30, 2018. The report is stated to indicate that the catalytic oxidizer malfunctioned on a number of occasions in a number of ways as described in paragraph X of the Order.

The report is also stated to indicate that during these periods of malfunction, the process continued to operate without catalytic oxidizer control and emissions were calculated at 100%.

The Order provides that the Facility failed to comply with the condition of an Operating Permit, violating a Tennessee regulation 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.

The Order assesses a civil penalty of \$1,500.

The Order further provides Clark certain appeal rights as described in that document.

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

