

Air Enforcement: Tennessee Air Pollution Control Board Order Assessment of Civil Penalty to Lowe's Home Centers, LLC Facility



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10/16/2018

The Tennessee Air Pollution Control Board ("Board") issued an October 8th Technical Secretary's Order and Assessment of Civil Penalty ("Order") to Lowe's Home Centers, LLC, ("Lowe's") addressing an alleged violation of an air permit. See Case No. APC18-0158.

The Order provides that Lowe's operates a facility in Whitehouse, Tennessee ("Facility").

The Technical Secretary of the Board is stated to have issued Construction Permit No. 973467 ("Permit") to Lowe's for a surface coating operation and a hanging coating line dated March 9, 2018. Condition 22 of the Permit states:

Particulate compliance with Condition 21 is assured by use of exhaust filter pads on each booth and periodic replacement of the filter pads as needed. The nominal control efficiency is 95%. The permittee shall maintain a log of exhaust filter changes and keep records available for the Technical Secretary or a Division representative upon request.

Tennessee Division of Air Pollution Control personnel are stated to have conducted an inspection at the Facility on July 12, 2018. The Division is stated to have discovered that the Facility had failed to maintain a record of the exhaust filters as required by Condition 22 of the Permit.

The Order also states that the Division received a construction permit application dated June 13, 2018, for constructing three new in-line spray booths, removing an existing drying oven, and adding one new batch drying oven. The permit application is stated to have provided that the construction of such sources began on or about March 25, 2018, and was completed on or about June 18, 2018. It further states:

Based on the application and observations made during the on-site inspection, Respondent has constructed and operated without applying for and receiving a permit.

The Order provides that by failing to comply with the conditions of the construction permit, Lowe's has violated a provision of the relevant Tennessee regulations, which generally provides that construction of a new air contaminant source or modification of an air contaminant source which may result in the discharge of air contaminants must be in accordance with the approved construction permit application.

The Order proposes to assess a civil penalty of \$2,250.

The Order provides Lowe's the right to appeal the Order pursuant to the applicable Tennessee Code provisions.

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