Air Enforcement: Tennessee Air Pollution Control Board Technical Secretary's Proposed Order/Civil Penalty Addressing Franklin Biomass-Boiler Operator

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

03/27/2026

The Tennessee Air Pollution Control Board issued a February 2nd Technical Secretary's Proposed Order and Assessment of Civil Penalty ("Order") to Enexor Energy, LLC ("EE") addressing an alleged violation of an air permit. See Case No. APC25-0234.

EE is stated to operate a facility in Franklin, Tennessee.

The facility is stated to operate pursuant to a True Minor construction/operating Permit. Such Permit is stated to have been issued for three biomass-fired boilers.

The Tennessee Division of Air Pollution Control ("Division") is stated to have received the facility's daily compliance records on October 31, 2025, for the three biomass-fired boilers from August 22, 2024, to August 30, 2025. Further, the Division conducted an annual compliance inspection of the facility on November 6, 2025.

The Division is stated to have determined that while Source 01 was operating on April 16 and 24, 2025, "Algate" - a blend of algae and cardboard not approved for use as fuel by the Division - was being used for solid fuel. This is alleged to constitute a violation of the Air Permit.

EE submitted on November 7, 2025, a request to the Division for written approval for the use of Algate as a non -hazardous secondary material. The Division subsequently sent a letter to EE approving the use of Algate.

The Order proposes a civil penalty of $1,500. Further, it provides certain appeal rights.

A copy of the Order can be found here.