



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

Air Enforcement: Tennessee Air Pollution Control Board Order Alleging Finley, Tennessee Grain Elevator Violations

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The Tennessee Air Pollution Control Board issued a June 23rd Technical Secretary's Order and Assessment of Penalty ("Order") to Bunge North America, Inc. ("BNA") alleging a violation of the Tennessee air regulations. See Case No. APC17-0021.

The Order states that BNA operates a grain elevator consisting of storage silos, receiving pits, and barge load-out in Finley, Tennessee ("Facility").

The Facility had been issued an Operating Permit on January 7, 2008. Condition 2 of the operating permit states in part:

- The maximum material input (of all grain) to this source shall not exceed 345,500 tons per calendar year. Any increase in this limit will require a construction permit.

Condition 5 of the operating permit states:

- Particulate matter (PM) emitted from this source shall not exceed 50.5 pounds per hour and 29.2 tons per year. Compliance with these limits shall be indicated by compliance with Conditions 2 and 6.

The Division of Air Pollution Control personnel are stated to have conducted an inspection on January 17th at the facility. The inspection allegedly determined that the BNA facility exceeded the maximum material input limit in Condition 2 of the permit for calendar years 2015 and 2016. The exceedances are referenced in the Order.

The Order provides that by exceeding the maximum material input limit in Condition 2 of the permit that BNA subsequently exceeded the particulate matter limits set forth in Condition 5 by 6.17 tons.

BNA is stated to have submitted a construction permit application on August 9, 2016 for an increase in grain throughput capacity. A construction permit was issued on March 14, 2017 to increase the maximum material input to 750,000 tons (based on 60 lbs./bushel per calendar year).

The Order assesses a civil penalty of \$2,000.

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