



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243**

December 8, 2021

C T Corporation System
300 Montvue Road
Knoxville, Tennessee 37919-5546

Certified Article Number

9414 7266 9904 2170 1003 25

SENDER'S RECORD

RE: Zanini Tennessee, Inc.
Facility Id. 26-0086
Case No. APC21-0088

Dear Sir or Madam:

Enclosed, please find an Order and Assessment of Civil Penalty issued by Michelle Walker Owenby, Technical Secretary of the Air Pollution Control Board, Tennessee Department of Environment and Conservation (TDEC), in the above-referenced matter. Please read it carefully and pay special attention to the Notice of Rights section.

If you have any questions regarding this Order, please contact Bill Miller at (615) 532-0136 or via e-mail at William.F.Miller@tn.gov. For all other questions, please contact the Division at (615) 532-0554 or via e-mail to air.pollution.control@tn.gov.

Sincerely,

Kevin McLain
Section Manager, Enforcement
Division of Air Pollution Control

vom

Enclosure

TENNESSEE AIR POLLUTION CONTROL BOARD

IN THE MATTER OF:)	DIVISION OF AIR POLLUTION
)	CONTROL
)	
ZANINI TENNESSEE, INC.,)	
)	
)	
RESPONDENT.)	CASE NO. APC21-0088

TECHNICAL SECRETARY'S ORDER AND
ASSESSMENT OF CIVIL PENALTY

Michelle Walker Owenby, Technical Secretary of the Air Pollution Control Board, states:

PARTIES

I.

Michelle Walker Owenby is the Technical Secretary of the Air Pollution Control Board ("Board") and Director of the Division of Air Pollution Control ("Division"), Tennessee Department of Environment and Conservation ("Department").

II.

Zanini Tennessee, Inc. ("Respondent") is a domestic corporation authorized to do business in the State of Tennessee. Respondent's facility address is 840 Industrial Park Drive, Winchester, Tennessee. Respondent's registered agent for service of process is C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

AUTHORITY

III.

The Technical Secretary may assess a civil penalty of up to \$25,000.00 per day for each day of violation of the Tennessee Air Quality Act, Tenn. Code Ann. §§ 68-201-101 to -121 ("Act"), or Tennessee Air Pollution Control Regulations, Tenn. Comp. R. & Regs. 1200-03-01 to -36; 0400-30-01 to -39, ("Rules"). Tenn. Code Ann. § 68-201-116. The Technical Secretary may issue

an order for correction to the responsible person when provisions of the Act or Rules are violated, and such person may be liable for resulting damages to the State. *Id.*

IV.

Respondent is a “person,” Tenn. Code Ann. § 68-201-102(7), and has violated the Act and Rules.

V.

“Air contaminant” means particulate matter, dust, fumes, gas, mist, smoke, vapor, or any combinations thereof. Tenn. Code Ann. § 68-201-102(1).

VI.

“Air contaminant source” means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Tenn. Code Ann. § 68-201-102(2). Respondent operates an air contaminant source.

FACTS

VII.

On January 31, 2017, the Technical Secretary issued Major Source operating permit (Title V) permit number 570789 (“Permit 570789”), (facility 26-0086), to Respondent for the surface coating of plastic component parts for the automotive industry.

VIII.

Condition E3-7 of Permit 570789 states, in pertinent part:

The maximum emission rate from the entire facility for any single hazardous air pollutant (HAP), listed pursuant to Section 112(b) of the Federal Act, shall not exceed 9.9 tons during any period of 12 consecutive months. . . . In the event emission rates from the entire facility exceed these limits, the permittee shall provide written notification of the exceedance(s) to the Technical Secretary within fifteen (15) days from the date of discovery.

IX.

On June 1, 2021, the Division received a letter via e-mail from Respondent dated June 1, 2021. The letter notified the Division of the following hazardous air pollutant emission exceedances indicated in the following table:

12 consecutive month period ending	Xylene Emissions (tons per 12-consecutive months)
November 2020	10.13
December 2020	10.56
January 2021	10.51
February 2021	10.50
March 2021	10.85
April 2021	10.80

X.

On June 18, 2021, the Division issued a Notice of Violation to Respondent for the violation discussed in paragraph **IX**.

VIOLATIONS

XI.

By failing to comply with condition E3-7 of Permit 570789, Respondent violated Tenn. Comp. R. & Regs. 1200-03-09-.02(6), 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.

ORDER AND ASSESSMENT OF CIVIL PENALTY

XII.

Respondent is assessed a civil penalty of \$8,000.00 for violation of the Act and Rules, to be paid to the Department at the following address:

Division of Fiscal Services - Consolidated Fees Section
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower, 10th Floor

312 Rosa L. Parks Avenue
Nashville, Tennessee 37243

The civil penalty shall be delivered to the Department on or before the 31st day after receipt of this Order and Assessment of Civil Penalty. The case number, APC21-0088, should be clearly written on all correspondence.

RESERVATION OF RIGHTS

In issuing this Order and Assessment of Civil Penalty, the Department does not implicitly or expressly waive any provision of the Act or Rules promulgated thereunder or the authority to assess costs, civil penalties, and/or damages incurred by the State against the Respondent(s). The Department expressly reserves all rights it has at law and in equity to order further corrective action, assess civil penalties and/or damages, and to pursue further enforcement action including, but not limited to, monetary and injunctive relief. Compliance with this order will be considered as a mitigating factor in determining the need for future enforcement action(s).

NOTICE OF RIGHTS

The Respondent may appeal this Order and Assessment. Tenn. Code Ann. §§ 68-201-108(a) and 68-201-116(b). To do so, a written petition setting forth the reasons for requesting a hearing must be received by the Technical Secretary within 30 days of the date Respondent received this Order and Assessment or this Order and Assessment becomes final. Any petition for review must be directed to:

Commissioner of the Department of Environment and Conservation
c/o Jenny L. Howard, General Counsel
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower, 2nd Floor
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243

If an appeal is filed, an initial hearing of this matter will be conducted by an Administrative Law Judge (ALJ) as a contested case hearing. Tenn. Code Ann. § 68-201-108(a); Tenn. Code Ann. § 4-5-301 to -325; Tenn. Comp. R. & Regs. 1360-04-01. Such hearings are legal proceedings in the nature of a trial. Individual respondents may represent themselves or be represented by an attorney licensed to practice law in Tennessee. Artificial respondents (*e.g.*, corporations, limited

partnerships, limited liability companies, etc.) cannot engage in the practice of law and therefore may only pursue an appeal through an attorney licensed to practice law in Tennessee. Low-income individuals may be eligible for representation at reduced or no cost through a local bar association or legal aid organization.

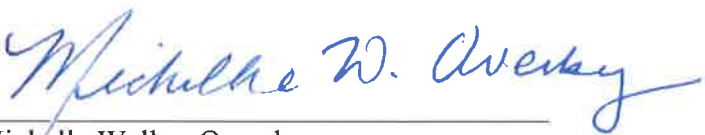
At the conclusion of any initial hearing, the ALJ has the authority to affirm, modify, or deny this Order and Assessment of Civil Penalty, including the authority to increase or decrease the penalty. Tenn. Code Ann. § 68-201-116. The ALJ, on behalf of the Board, has the authority to assess additional damages incurred by the Department including, but not limited to, all docketing expenses associated with the setting of the matter for a hearing, and the hourly fees incurred due to the presence of the ALJ and a court reporter.

Technical questions and other correspondence involving compliance issues should be sent to:

Kevin McLain, Division of Air Pollution Control
Tennessee Department of Environment and Conservation
William R. Snodgrass Tennessee Tower, 15th Floor
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243

Attorneys should contact the undersigned counsel of record. The case number, APC21-0088, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Tennessee Air Pollution Control Board, Department of Environment and Conservation, on this 8th day of December, 2021.



Michelle Walker Owenby
Technical Secretary
Tennessee Air Pollution Control Board

Reviewed by:



William F. Miller
BPR # 28826
Senior Associate Counsel
Department of Environment & Conservation
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-0136
william.f.miller@tn.gov

WALZ
CERTIFIED
MAILER®

FROM

WALZ

FORM #45663 VERSION: E1119

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

USPS® ARTICLE NUMBER

9414 7266 9904 2170 1003 25

Certified Mail Fee \$ 3.60
Return Receipt (Hardcopy) \$ 2.85
Return Receipt (Electronic) \$ 0.00
Certified Mail Restricted Delivery \$ 0.00
Postage \$ 0.51
Total Postage and Fees \$ 6.96

Postmark
Here

Sent to: C T Corporation System
300 Montvue Road
Knoxville, TN 37919

Reference Information

VOM
APC21-0088

PS Form 3800, Facsimile, July 2015

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



9414 7266 9904 2170 1003 25

RETURN RECEIPT REQUESTED

Label #1
C T Corporation System
300 Montvue Road
Knoxville, TN 37919

Label #2
C T Corporation System
300 Montvue Road
Knoxville, TN 37919

Label #3
State of Tennessee
TDEC - Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

TEAR ALONG THIS LINE

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5 (OPTIONAL)

State of Tennessee
TDEC - Division of Air Pollution Control
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2170 1003 28

FOLD AND TEAR THIS WAY →

FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9266 9904 2170 1003 28

1. Article Addressed to:

C T Corporation System
300 Montvue Road
Knoxville, TN 37919

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2170 1003 25

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☒ Addressee
B. Received by (Printed Name) C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type:
☒ Certified Mail
☐ Certified Mail Restricted Delivery

Reference Information

APC21-0088
VOM

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED
USPS® MAIL CARRIER
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service