

**TENNESSEE AIR POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

**CROTHALL LAUNDRY SERVICES, INC.**

**RESPONDENT**

)  
)  
) **DIVISION OF AIR POLLUTION**  
) **CONTROL**  
)  
) **CASE NO. APC18-0018**  
)

**TECHNICAL SECRETARY'S ORDER AND ASSESSMENT OF  
CIVIL PENALTY**

Comes now, Michelle Walker Owenby, Technical Secretary of the Air Pollution Control Board, and states that:

**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.**

Crothall Laundry Services, Inc. ("Respondent") is foreign corporation established in Delaware and authorized to do business in the State of Tennessee. Respondent's facility address is 820 Rolling Hills Drive, Johnson City, Tennessee 37604-7285. Respondent's registered agent for service of process is Corporation Service Company at 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

**AUTHORITY**

**III.**

Pursuant to Tennessee Code Annotated ("Tenn. Code Ann.") § 68-201-116, the Technical Secretary may assess a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) per day for each day of violation of the Tennessee Air Quality Act ("Act") or any rules

or regulations promulgated thereunder (“Division Rules”) against any person who violates said Act or Division Rules, and/or the Technical Secretary may issue an order for correction to the responsible person when provisions of the Act or Division Rules are violated. In addition, such person may also be liable for any damages to the State resulting therefrom.

**IV.**

Respondent is a “person” within the meaning of Tenn. Code Ann. § 68-201-102 and has violated the Division Rules as hereinafter stated.

**V.**

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

**VI.**

“Air contaminant source” means any and all sources of emission of air contaminants, whether privately or publicly owned or operated, within the meaning of Tenn. Code Ann. § 68-201-102.

**VII.**

Respondent operates an “air contaminant source” within the meaning of Tenn. Code Ann. § 68-201-102.

**FACTS**

**VIII.**

On March 19, 1998, the Technical Secretary issued operating permit number 047823F to Blue Ridge Medical Management Corporation for a 21 MMBtu/hr natural gas fired boiler (Emission Source Reference No. 90-0245-01) located at 820 Rolling Hills Drive, Johnson City, TN. The permit expired on December 1, 2007.

**IX.**

On September 28, 2017, the Division performed an inspection at Respondent's facility. During the course of the on-site inspection, it was discovered that Respondent had acquired ownership of the former Blue Ridge Medical Management Corporation property sometime during 2008. Blue Ridge Medical Management Corporation had previously held an operating permit for a natural gas boiler. The permit was non-transferrable and expired on December 1, 2007. Respondent failed to apply for a new operating permit upon acquisition of the property but continued to operate the boiler. Division personnel requested that Respondent submit an operating permit application in a letter dated October 24, 2017. The Division received an operating permit application from Respondent for the boiler on December 15, 2017.

**X.**

Respondent has been operating the boiler without a permit since 2008.

**XI.**

The Division issued a Notice of Violation to Respondent on January 17, 2018, for the violation identified above. The Division issued Respondent operating permit 073603 for the boiler on April 3, 2018.

**XII.**

Respondent operated without a permit requiring annual emission fees. Division records indicate that Respondent paid annual emission fees from 2008 through 2010, but has failed to pay annual emission fees since 2011. Therefore, the Division has determined that Respondent gained an economic benefit of \$935.63 per year (in the form of delinquent emission fees) from 2011 through 2017 for a total of \$6,549.41 in annual fees.

**VIOLATIONS**

**XIII.**

By operating an air contaminant source not specifically exempted by Tenn. Comp. R. & Regs. 1200-03-09-.04 without first applying for and receiving the necessary operating permit, as

discussed herein, Respondent has violated Tenn. Comp. R. & Regs. 1200-03-09-.02(2), which states, in pertinent part:

No person shall operate an air contaminant source in Tennessee without first obtaining from the Technical Secretary an operating permit or, if applicable, submitting a notice of intent and obtaining a notice of coverage or authorization, except as specifically exempted in Rule 1200-03-09-.04.

**RELIEF**

**XIV.**

WHEREFORE, PREMISES CONSIDERED, I, Michelle Walker Owenby, Technical Secretary, under the authority vested in me, hereby ORDER as follows:

1. Respondent is assessed DELINQUENT EMISSION FEES in the amount of **SIX THOUSAND FIVE HUNDRED FORTY-NINE DOLLARS AND FORTY-ONE CENTS (\$6,549.91)**, due within thirty-one (31) days of Respondent's receipt of this ORDER AND ASSESSMENT OF CIVIL PENALTY.
2. Respondent is assessed a CIVIL PENALTY in the amount of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500)** for the violation of Division Rules, as discussed herein, due within thirty-one (31) days of Respondent's receipt of this ORDER AND ASSESSMENT OF CIVIL PENALTY, unless Respondent meets the requirements of XIV. 3., below
3. If and only if Respondent timely pays the DELINQUENT EMISSION FEES listed in Section XIV.1, then the CIVIL PENALTY of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500)** shall be waived.
4. Payment of the DELINQUENT EMISSION FEES and CIVIL PENALTY shall be paid to the "Treasurer, State of Tennessee" as detailed in the Notice of Rights. The case number **APC18-0018** should be clearly shown on the check or money order to ensure that the payment is properly credited.

The Technical Secretary does not expressly or implicitly waive her authority pursuant to any provision of the Act or Division Rules by issuing this ORDER AND ASSESSMENT OF CIVIL PENALTY. Failure to comply with any of the requirements of this ORDER could lead to further enforcement actions which may include additional civil penalties, assessment of damages and/or recovery of costs.

### NOTICE OF RIGHTS

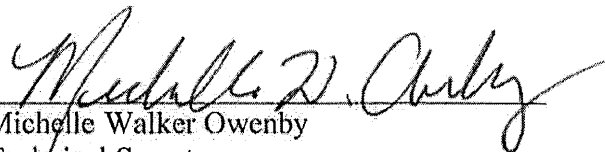
Tenn. Code Ann. §§ 68-201-108(a) and 68-201-116(b), allow Respondent to appeal this Order and Assessment. To do so, a written petition setting forth the grounds (reasons) for requesting a hearing must be RECEIVED by the Technical Secretary within THIRTY (30) DAYS of the date Respondent received this Order and Assessment or this Order and Assessment becomes final (not subject to review).

If an appeal is filed, an initial hearing of this appeal will be conducted by an Administrative Law Judge (“ALJ”) as a contested case hearing pursuant to the provisions of Tenn. Code Ann. § 68-201-108(a), Tenn. Code Ann. § 4-5-301 *et seq.* (the Uniform Administrative Procedures Act), and Tenn. Comp. R. & Regs. 1360-04-01 *et seq.* (the Department of State’s Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies). 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 (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. This includes the authority to modify (decrease or increase) the penalty within the statutory confines of Tenn. Code Ann. § 68-201-116 (up to \$25,000 per day per violation). Furthermore, 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.

Any petition for review (appeal) must be directed to the Technical Secretary, Tennessee Division of Air Pollution Control, c/o Jenny L. Howard, General Counsel, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, Tennessee 37243. Payments of the civil penalty and/or damages shall be made payable to the "Treasurer, State of Tennessee" and sent to the Division of Fiscal Services - Consolidated Fees Section, Tennessee Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 10th Floor, Nashville, Tennessee 37243. Technical questions and other correspondence involving compliance issues should be sent to Attn: Tammy Gambill, Division of Air Pollution Control, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243 or via e-mail to [air.pollution.control@tn.gov](mailto:air.pollution.control@tn.gov). Attorneys should contact the undersigned counsel of record. **The case number, APC18-0018, 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 25<sup>th</sup> day of June, 2018.

  
Michelle Walker Owenby  
Technical Secretary  
Tennessee Air Pollution Control Board

Reviewed by:

  
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