

# Air Enforcement: Tennessee Air Pollution Control Board Order/Assessment of Civil Penalty Addressing Elizabethton, Tennessee Facility



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The Technical Secretary of the Tennessee Air Pollution Control Board ("Board") issued a June 25th Technical Secretary's Order and Assessment of Civil Penalty ("Order") to AYM Inc. ("AYM"). See Case No. APC19-0060.

The Order provides that AYM operates a facility in Elizabethton, Tennessee.

The Division of Air Pollution Control ("Division") is stated to have received on or about December 21, 2018, a construction permit application ("Application") from AYM for two spray paint booths. The Application is stated to have indicated that this was new construction and that the starting date of construction would be as soon as the permit is issued.

AYM is stated to have submitted on or about April 17, 2019, a premature Startup Certification to the Division for a surface coating operation consisting of paint booths with exhaust filter control. The Startup Certification is stated to have indicated that April 22, 2019, was the date of startup for this source. Such submittal is stated to have been in response to AYM's review of draft construction permit number 975977.

The Order provides that a telephone conversation between the Division and AYM on April 18, 2019, indicated that AYM had actually begun construction of the air contaminant source on March 4, 2019. A Notice of Violation was issued by the Division to AYM on April 24, 2019, alleging the construction of a surface coating operation consisting of paint booths with exhaust filter control prior to receiving the construction permit.

AYM is stated to have submitted a Startup Certification to the Division on or about April 29, 2019, for a surface coating operation consisting of paint booths with exhaust filter control. The Startup Certification is stated to have indicated that April 26, 2019, was the date of startup for the source.

The Order provides that by constructing an air contaminant source not specifically exempted by Tenn. Comp. R. & Regs. 1200-03-09-.04 without first receiving the necessary construction permit, is a violation of Tenn. Comp. R. & Regs. 1200-03-09-.01.

The Order proposes to assess a civil penalty of \$1,500.

AYM is provided certain appeal rights in regards to the Order.

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