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Air Enforcement: Tennessee Air Pollution Control Board Proposed Technical Secretary's Order/Civil Penalty Addressing South Fulton Facility

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The Tennessee Air Pollution Control Board ("Board") issued a September 13th proposed Technical Secretary's Order and Assessment of Civil Penalty ("Order") to ColorCoat, Inc. ("ColorCoat"). See Case No. APC21-0102.

The Order provides that ColorCoat operates a facility in South Fulton, Tennessee ("Facility").

The Facility is stated to include a surface coating operation.

The Division of Air Pollution Control ("Division") is stated to have received an application dated April 13, 2020, on January 13, 2021, from ColorCoat. The application is stated to have requested a determination that an existing surface coating operation be considered an insignificant activity. The construction of the surface coating operation is stated to have started in 2017 and was completed in 2018.

The Division notified ColorCoat on May 12th that the surface coating operation was subject to the construction permit requirements of Division Rule 1200-03-09-01. As a result, the Order provides that based on the application, ColorCoat constructed and operated the surface coating operation prior to applying for and receiving required permits.

The Order alleges that by constructing an air contaminant source not specifically exempted by the cited Division rule without first applying for and receiving the necessary construction permit that a Division rule was violated. Further, the Order provides that by operating an air contaminant source not specifically exempted by the cited regulations without first applying for and receiving the necessary operating permit, the cited regulations were violated.

The Order proposes to assess a civil penalty of \$3,000.

ColorCoat is provided certain appeal rights.

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