



**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**Division of Air Pollution Control**  
**Davy Crockett Tower**  
**500 James Robertson Parkway, 7<sup>th</sup> Floor**  
**Nashville, TN 37243-1204**

Newly Weds Foods, LLC  
c/o C T Corporation System  
300 Montvue Road  
Knoxville, TN 37616-5546

**Certified Article Number**

**9414 7266 9904 2219 4258 91**

**SENDER'S RECORD**

RE: Newly Weds Foods, LLC  
Facility ID: 06-0391  
Case No. APC24-0102

Dear Sir/Madam:

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

If you have any questions regarding this Order and Assessment of Civil Penalty, please contact Kevin McLain at [air.pollution.control@tn.gov](mailto:air.pollution.control@tn.gov). For all other questions, please contact the Division of Air Pollution Control at (615) 532-0554 or [air.pollution.control@tn.gov](mailto:air.pollution.control@tn.gov).

Sincerely,

A handwritten signature in cursive script that reads "Kevin McLain".

Kevin McLain  
Section Manager, Enforcement  
Division of Air Pollution Control

km/ouu

Enclosure

**STATE OF TENNESSEE  
AIR POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	<b>DIVISION OF AIR POLLUTION CONTROL</b>
	)	
	)	
<b>NEWLY WEDS FOODS, LLC</b>	)	
	)	
	)	
	)	
<b>RESPONDENT.</b>	)	<b>CASE NO. APC24-0102</b>

**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"), Department of Environment and Conservation ("Department").

**II.**

Newly Weds Foods, LLC ("Respondent") is a foreign limited liability company authorized to do business in the state of Tennessee. The Respondent's facility address is 187 Industrial Lane SW, Cleveland, Tennessee 37311-8293. The Respondent's registered agent for service of process is C T Corporation System, 300 Montvue Road, Knoxville, TN 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.**

The 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). The Respondent constructed and operated an air contaminant source.

**FACTS**

**VII.**

On April 8, 2024, the Division received via e-mail an application for a retroactive Conditional Major Source (Title V opt out) construction permit from the Respondent dated April 8, 2024, for a baking operation. Additionally, in its APC 100 dated May 30, 2024, which Respondent submitted to the Division on May 31, 2024, Respondent stated that it began construction and has been operating for at least 5 years prior to applying for the required permits.

**VIII.**

On May 24, 2024, the Division issued a Notice of Violation to the Respondent for constructing and operating a baking operation without the required permits.

**VIOLATIONS**

**IX.**

By constructing an air contaminant source not specifically exempted by Division Rule 1200-03-09-.04 without first applying for and receiving the necessary construction permit, the Respondent violated Division Rule 1200-03-09-.01(1)(a), which states:

Except as specifically exempted in Rule 1200-03-09-.04, no person shall begin the construction of a new air contaminant source or modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a

construction permit, or if applicable, submitted a notice of intent and obtained a notice of coverage or authorization, for the construction or modification of such air contaminant source.

**X.**

By constructing a new major source without applying for and receiving approval, the Respondent violated Division Rule 1200-03-09-.01(4)(a), which states, in pertinent part:

1. No new major stationary source . . . as defined in parts (b)1. and (b)2. of this paragraph, shall begin actual construction unless the requirements of this paragraph, as applicable, have been met.

3. [A]ny owner or operator of a source or modification subject to this paragraph who commences construction after June 3, 1981 without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

**XI.**

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, the Respondent 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.

**ORDER AND ASSESSMENT OF CIVIL PENALTY**

**XII.**

1. On or before 20 days after the receipt of this Order and Assessment of Civil Penalty, the Respondent shall submit a proposed Schedule of Corrective Action (APC-115) detailing what actions will be taken to attain compliance.

2. The Respondent is assessed a civil penalty of \$12,000 for violation of the Act and Division Rules, to be paid to the Department at the following address:

Treasurer, State of Tennessee  
Division of Fiscal Services - Consolidated Fees Section  
Department of Environment and Conservation  
Davy Crockett Tower  
500 James Robertson Parkway, 6<sup>th</sup> Floor  
Nashville, Tennessee 37243-1204

The civil penalty shall be delivered to the Department on or before the thirty-first day after receipt of this Order and Assessment of Civil Penalty. The case number, APC24-0102, 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. 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.

#### **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 the 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  
Department of Environment and Conservation  
Davy Crockett Tower  
500 James Robertson Parkway, 5<sup>th</sup> Floor  
Nashville, Tennessee 37243-1204

The petition may be mailed or delivered to this address, or it may be sent to TDEC.Appeals@tn.gov. If an appeal is filed, an initial hearing of this matter will be conducted by

an Administrative Judge as a contested case hearing. Tenn. Code Ann. § 68-201-108(a); Tenn. Code Ann. § 4-5-301 to -326; 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 Administrative Judge 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 Administrative Judge, 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 Administrative Judge and a court reporter.

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

Kevin McLain, Division of Air Pollution Control  
Department of Environment and Conservation  
Davy Crocket Tower  
500 James Robertson Parkway, 7<sup>th</sup> Floor  
Nashville, Tennessee 37243-1204

Attorneys should contact the undersigned counsel of record. The case number, APC24-0102, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on November 20, 2024.

  
Michelle Walker Owenby

Technical Secretary  
Air Pollution Control Board

Reviewed by:



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Michael D. Lewis  
BPR # 033408  
Senior Associate Counsel  
Department of Environment & Conservation  
Davy Crockett Tower  
500 James Robertson Parkway, 5th Floor  
Nashville, Tennessee 37243  
Phone: (615) 308-2770  
Email: Michael.D.Lewis@tn.gov

WALZ  
CERTIFIED  
MAILER®

FROM

**WALZ**

FORM #45663 VERSION: E0423

Label #1

Newly Weds Foods, LLC  
c/o C T Corporation System  
300 Montvue Road  
Knoxville, TN 37616-5546

Label #2

Newly Weds Foods, LLC  
c/o C T Corporation System  
300 Montvue Road  
Knoxville, TN 37616-5546

Label #3

Department of Environment & Conservation  
Division of Air Pollution Control  
Davy Crockett Tower, 7th Floor  
500 James Robertson Parkway  
Nashville, TN 37243-1204

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

USPS® ARTICLE NUMBER

9414 7266 9904 2219 4258 91

Certified Mail Fee	\$	
Return Receipt (Hardcopy)	\$	4.40
Return Receipt (Electronic)	\$	3.65
Certified Mail Restricted Delivery	\$	0.00
Postage	\$	0.00
Total Postage and Fees	\$	8.69

Postmark  
Here

Sent to:  
Newly Weds Foods, LLC  
c/o C T Corporation System  
300 Montvue Road  
Knoxville, TN 37616-5546

Reference Information

APC24-0102/OOU

PS Form 3800, Facsimile, July 2015

**A** FOLD AND TEAR THIS WAY → OPTIONAL

**B** Label #5 (OPTIONAL)

Department of Environment & Conservation  
Division of Air Pollution Control  
Davy Crockett Tower, 7th Floor  
500 James Robertson Parkway  
Nashville, TN 37243-1204

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

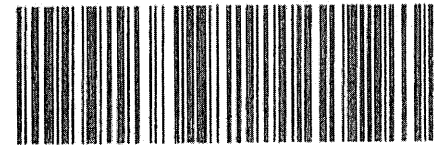


9590 9266 9904 2219 4258 94

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 2219 4258 91

RETURN RECEIPT REQUESTED

**C** FOLD AND TEAR THIS WAY →

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Return Receipt (Form 3811) Barcode



9590 9266 9904 2219 4258 94

1. Article Addressed to:  
Newly Weds Foods, LLC  
c/o C T Corporation System  
300 Montvue Road  
Knoxville, TN 37616-5546

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2219 4258 91

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:  
 Certified Mail

Reference Information

APC24-0102/OOU

Thank you for using Return Receipt Service

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt