



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Air Pollution Control
Davy Crockett Tower
500 James Robertson Pkwy, 7th Floor
Nashville, TN 37243

Buffalo River Truss LLC
3201 Pineview Road
Lobelville, Tennessee 37097-4407

Certified Article Number

9414 7266 9904 2240 2602 49

SENDER'S RECORD

RE: Buffalo River Truss LLC
File ID. 68-0075
Case No. APC25-0128

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, Department of Environment and Conservation. Please read it carefully and pay special attention to the Notice of Rights section.

On May 16, 2025, the Division issued you a Notice of Violation (NOV) for failing to comply with conditions F1-2. and F1-3. of Conditional Major Source operating permit number 482506. The Division has determined that the violations did warrant an NOV; however, after a review of the facts, the Technical Secretary has elected to take no further action regarding this portion of the NOV at this time. Please be advised, the Technical Secretary may be less lenient of any future violation.

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

Sincerely,

Kevin McLain
Section Manager, Enforcement
Division of Air Pollution Control

vom

Enclosure

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:	)	DIVISION OF AIR POLLUTION
	)	CONTROL
	)	
BUFFALO RIVER TRUSS LLC,	)	
	)	
	)	
RESPONDENT.	)	CASE NO. APC25-0128

**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.

Buffalo River Truss LLC (“Respondent”) is a domestic limited liability company authorized to do business in Tennessee. The Respondent's facility address is 201 Rose Street, Lobelville, Tennessee 37097. The Respondent’s registered agent for service of process is Buffalo River Truss LLC, 3201 Pineview Road, Lobelville, Tennessee 37097-4407.

AUTHORITY

III.

The Technical Secretary may assess a civil penalty of up to \$25,000 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 operates an air contaminant source.

FACTS

VII.

On October 23, 2024, the Technical Secretary issued Conditional Major Source operating permit number 482506, (“Permit 482506”), (facility 68-0075), to the Respondent for a steel truss and joist manufacturing facility.

VIII.

Condition F1-10.(1)(iii) of Permit 482506 states:

The permittee must prepare and submit annual certification and compliance reports for each affected source according to the requirements of paragraphs (1) through (3) of this condition.

(1) The permittee must prepare and submit each annual certification and compliance report according to the dates specified in (i) through (iii) below. Note that the information reported for each of the months in the reporting period will be based on the last 12 months of data prior to the date of each monthly calculation.

• • •

(iii) Each annual certification and compliance report must be prepared and submitted no later than January 31 and kept in a readily accessible location for inspector review. If an exceedance has occurred during the year, each annual certification and compliance report must be submitted along with the exceedance reports, and postmarked or delivered no later than January 31.

IX.

On March 5, 2025, the Division received an annual certification and compliance report from the Respondent, approximately 33 days late. Therefore, the Respondent violated condition F1-10.(1)(iii) of Permit 482506.

X.

On May 16, 2025, the Division issued a Notice of Violation to the Respondent for the violation discussed in Paragraph **IX**.

VIOLATIONS

XI.

By failing to comply with conditions F1-10.(1)(iii) of Permit 482506, the 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.

The Respondent is assessed a civil penalty of \$1,500 for violation of the Act and 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 Pkwy, 6th Floor
Nashville, Tennessee 37243

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, **APC25-0128**, 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 Pkwy, 5th Floor, Nashville, Tennessee 37243. 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 Crockett Tower
500 James Robertson Pkwy, 7th Floor
Nashville, Tennessee 37243

Attorneys should contact the undersigned counsel of record. The case number, **APC25-0128**, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on Oct 20, 2025



Michelle W Owenby (Oct 15, 2025 14:46:18 CDT)

Michelle Walker Owenby
Technical Secretary
Tennessee Air Pollution Control Board

Reviewed by:

Michael Lewis

Michael D. Lewis
BPR # 033408
Senior Associate Counsel
Department of Environment & Conservation
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