



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

H&H Stone LLC
745 19th Street
South Pittsburg, Tennessee 37380

Certified Article Number

9414 7266 9904 2240 2603 86

SENDER'S RECORD

RE: H&H Stone LLC
File ID. 58-0168
Case No. APC25-0182

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.

Beginning in 2026, multi-day penalties *will* be assessed for violations of the type contained in this Order, under *BOE-Enforcement-P-7-Civil Penalties and Damages Policy-040324*, dated January 17, 2025 ("TDEC Policy"). If this TDEC Policy had been applied, your assessed Civil Penalty for this Order would have been an additional \$3,400. To avoid assessment of civil penalties in the future, you should take corrective action to address the noncompliance in this Order.

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

Kevin McLain (Sep 23, 2025 09:55:55 CDT)

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
)	
)	
H&H STONE LLC,)	
)	
)	
RESPONDENT.)	CASE NO. APC25-0182

**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.

H&H Stone LLC (“Respondent”) is a domestic limited liability company authorized to do business in Tennessee. The Respondent's facility address is 9519 Highway 41, Jasper, Tennessee 37347. The Respondent’s registered agent for service of process is H&H Stone LLC, 745 19th Street, South Pittsburg, Tennessee 37380.

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 December 18, 2024, the Technical Secretary issued construction/operating permit number 082603, (“Permit 082603”), (facility 58-0168), to the Respondent for a rock crushing and sizing operation consisting of a Powerscreen PremierTrak 400 Mobile Jaw Crusher (Source 01) and a Terex M2100 Wash Plant (Source 02).

VIII.

Condition G7. of Permit 082603 states, in pertinent part:

The startup certification provided in Appendix 4 shall be submitted to the Permitting Program once an air contaminant source has started up. Startup of the air contaminant source shall be the date the new or modified air contaminant source began operation for the production of product for sale, use as raw materials, or steam or heat production under the terms of this permit. A separate startup certification must be submitted for each air contaminant source included in this permit. . . .

Compliance Method: The startup certification provided in Appendix 4 shall be submitted no later than 30 days after each air contaminant source has begun startup.

IX.

Condition G9. of Permit 082603 states:

General Recordkeeping Requirements

A. All recordkeeping requirements for all data required to be recorded shall follow the following schedules:

For Daily Recordkeeping	For Weekly Recordkeeping	For Monthly Recordkeeping
No later than seven days from the end of the day for which the data is required.	No later than seven days from the end of the week for which the data is required.	No later than 30 days from the end of the month for which the data is required.

B. The information contained in logs, records, and submittals required by this permit shall be kept at the facility's address, unless otherwise noted, and provided to the Technical Secretary or a Division representative upon request. Computer-generated logs are acceptable. Compliance is assured by retaining the logs, records, and submittals specified in this permit for a period of not less than five years at the facility's address.

X.

Condition G17. of Permit 082603 states:

Emission Limitation(s)

Combined Fugitive Particulate Matter (PM) emitted from sources 01 through 02 shall not exceed 45.15 pounds per hour (lbs/hr) on a daily average basis.

TAPCR 1200-03-07-.03(1) and the application(s) dated September 4, 2024, from the permittee.

Compliance Method: Compliance with this emission limitation is assured by compliance with **Conditions G16 and F1-3**.

Wet suppression must be applied at every transition (crushers, all other equipment items) and on storage piles, roads, and parking areas as needed to comply with this emission limits. The wet suppression system shall be maintained in good working condition in order to provide sufficient water pressure and water flow to effectively control fugitive emissions. The permittee shall maintain a daily log of wet suppression control while the source is in operation that readily provides the information required in the table in Appendix 9, or in an alternative format which provides the same information. If the facility is using a control mechanism to reduce fugitive emissions other than the water spray system, the log entry must specify the control mechanism being used instead of the water spray system. Days that the source is not in operation shall be noted. The logs shall be retained in accordance with Condition **G9**.

XI.

Condition F1-2. of Permit 082603 states, in pertinent part:

Source Specific NSPS New Performance Test

Within 60 days after achieving the maximum production rate at which the affected source will be operated, but no later than 180 days after start-up of this source, the owner or operator shall furnish the Technical Secretary a written report of the results of the performance test which will demonstrate compliance with the opacity standard(s) as specified in **Condition F1-1** of this permit. For the purpose of determining compliance, each performance test shall be conducted as per the provisions of the New Source Performance Standards for Non-Metallic Mineral Processing Plants (40 CFR Part 60 Subpart OOO) to demonstrate compliance with **Condition F1-1** of this permit. At least 30 days prior to the performance test, the Division's Compliance Validation Program shall be notified at the addresses provided in **Condition G3**. The notification shall include the test protocol.

XII.

Condition F1-3. of Permit 082603 states, in pertinent part:

For NSPS equipment

Wet suppression must be applied at every transition in this operation (crushers, all other equipment items) and on storage piles, roads, and parking areas as needed to comply with the standards in this permit. The wet suppression system shall be maintained in good working condition in order to provide sufficient water pressure and water flow to effectively control fugitive emissions. The permittee shall perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The permittee shall initiate, as well as record, corrective action within 24 hours and complete, as well as record, corrective action as expediently as practical if the permittee finds that water is not flowing properly during an inspection of the water spray nozzles. Pursuant to 40 CFR §60.676(b)(1), the permittee shall record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in a log. If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry must specify the control mechanism being used instead of the water sprays. Inspection records shall also include the initials of the person performing the inspection(s) and corrective action(s), along with the time, and any relevant comments. These records shall be retained in accordance with **Condition G9**.

XIII.

On July 2, 2025, the Division received via e-mail a startup certification dated July 2, 2025, from the Respondent for the rock crushing and sizing operation. The startup certification indicated

the date of startup was January 1, 2025. Based on condition G7. of Permit 082603, and the January 1, 2025, startup, the Respondent should have submitted the startup certification no later than January 31, 2025. Therefore, the Respondent violated condition G7. of Permit 082603.

XIV.

On July 22, 2025 the Respondent conducted the performance test report required by condition F1-2. of permit 082603. Based on condition F1-2. of Permit 082603 and the January 1, 2025, startup date, a written report of the results of the performance test that would demonstrate compliance with the opacity standard(s) as specified in condition F1-1. of Permit 082603 was due on or before June 30, 2025. Therefore, the Respondent violated condition F1-2. of Permit 082603.

XV.

On August 6, 2025, the Division issued a Notice of Violation (“NOV”) to the Respondent for the violations discussed in Paragraphs **XIII** and **XIV**. The NOV stated the following:

Within 60 days of receipt of this Notice of Violation, the owner or operator shall furnish the Technical Secretary a written report of the results of the performance test which will demonstrate compliance with the opacity standard(s) as specified in Condition F1-1 of Permit 082603. For the purpose of determining compliance, each performance test shall be conducted as per the provisions of the New Source Performance Standards for Non-Metallic Mineral Processing Plants (40 CFR Part 60 Subpart OOO) to demonstrate compliance with Condition F1-1 of permit 082603. At least 7 days prior to the performance test, the Division’s Compliance Validation Program shall be notified at the addresses provided in Condition G3 of Permit 082603. The notification shall include the test protocol.

XVI.

On July 2, 2025, Division personnel conducted an inspection at the Respondent’s facility. During the inspection, Division personnel reviewed records for the period of January 1, 2025, through July 2, 2025, and discovered that the Respondent failed to maintain the daily log of wet suppression control as required by conditions G17. and F1-3. of Permit 082603. Records of the daily log of wet suppression control and records of monthly periodic inspections of the wet suppression control beginning July 2, 2025, were provided to the Division on July 29, 2025. Therefore, no additional corrective action is required to address the violation.

XVII.

On August 8, 2025, the Division issued an NOV to the Respondent for the violation discussed in Paragraph **XVI**. Although not addressed in this NOV, the Respondent also violated condition G9. of Permit 082603.

VIOLATIONS

XVIII.

By failing to comply with conditions G7., G9., G17., F1-2., and F1-3. of Permit 082603 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

XIX.

The Respondent is assessed a civil penalty of \$4,500 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, **APC25-0182**, 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 TDEC.Appeals@tn.gov. The petition may also be mailed or delivered 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.

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, **APC25-0182**, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on Sep 23, 2025



Michelle W Owenby (Oct 3, 2025 13:39:13 CDT)

Michelle Walker Owenby
Technical Secretary
Tennessee Air Pollution Control Board

Reviewed by:



William Freeman Miller
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