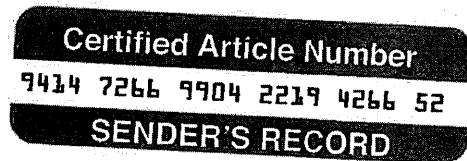




**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Air Pollution Control
Davy Crockett Tower
500 James Robertson Pkwy, 7th Floor
Nashville, TN 37243**

Bonnell Aluminum, Inc.
c/o Corporation Service Company
2908 Poston Avenue
Nashville, Tennessee 37203-1312



RE: Bonnell Aluminum, Inc.
Facility Id. 80-0009
Case No. APC25-0014

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.

If you have any questions regarding this Order and Assessment of Civil Penalty, please contact Kevin McLain at 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.

Sincerely,

A handwritten signature in black ink that reads "Kevin McLain".

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
)	
BONNELL ALUMINUM, INC.,)	
)	
)	
RESPONDENT.)	CASE NO. APC25-0014

**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.

Bonnell Aluminum, Inc. ("Respondent") is a foreign corporation formed in Virginia and authorized to do business in Tennessee. The Respondent's facility address is Highway 53 Bonnell Lane, Carthage, Tennessee 37030. The Respondent's registered agent for service of process is Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

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 March 21, 2022, the Technical Secretary issued Major Source (Title V) operating permit number 578587, (“Permit 578587”), (facility 80-0009), to the Respondent for a Secondary Aluminum Processing and Metal Coating Line Production of Extruded Architectural Metal Parts with Custom Finishing. On June 24, 2024, the Technical Secretary amended Permit 578587.

VIII.

Condition E11-6. of Permit 578587 states:

Boilers and process heaters fueled with gas 1 (natural gas or propane) and having a heat input capacity of less than or equal to 5 million BTU per hour must complete a tune-up every five years as specified in § 63.7540.

IX.

On November 13, 2024, Division personnel conducted an inspection at the Respondent’s facility. During the inspection, the Respondent provided documentation that indicated the previous 5-year tune-ups of the Anodizing Boiler 2, Burnout Tanks Heaters 2, Paint Line #1 Heater, and Heat Cure Tank Heater 1 were conducted on August 6, 2019. Based on condition E11-6. of Permit 578587, the next tune-ups should have been conducted no later than August 5, 2024. The Boiler and Process Heaters have not had a tune-up since August 6, 2019; therefore, the Respondent violated condition E11-6. of Permit 578587.

X.

On December 20, 2024, the Division issued a Notice of Violation ("NOV") to the Respondent for failing to conduct the 5-year tune-ups of the Boiler and Process Heaters. As corrective action, the NOV required the Respondent to submit a Proposed Schedule of Correction Action (APC 115) detailing what actions would be taken to return into compliance within 20 days of the receipt of the NOV.

XI.

On January 13, 2025, the Division received an e-mail from the Respondent containing an APC 115 that detailed what actions would be taken to return into compliance. The Division reviewed the APC 115 and on January 30, 2025, notified the Respondent via e-mail that it was acceptable as long as the Respondent has the tune-ups completed on the affected equipment before the end of March 2025.

VIOLATIONS

XII.

By failing to comply with condition E11-6. of Permit 578587, the Respondent violated Division Rule 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

XIII.

1. The Respondent shall conduct the 5-year tune-ups of the Boiler and Process Heaters before March 31, 2025, as indicated in the APC 115. Failure to do so may result in additional enforcement action.

2. 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:

Division of Fiscal Services - Consolidated Fees Section
Tennessee 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 31st day after receipt of this Order and Assessment of Civil Penalty. The case number, APC25-0014, should be clearly written on all correspondence.

The Technical Secretary may, for good cause shown, extend the compliance dates contained within this Order and Assessment. To be eligible for this time extension, the Respondent shall submit a written request to the Department to be received in advance of the compliance date. The request must include sufficient detail to justify an extension and include, at a minimum, the precise cause of the delay, anticipated length of the delay, and all preventive measures taken to minimize the delay.

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.

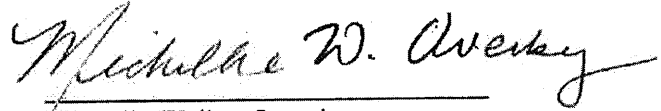
At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny this Order and Assessment of Civil Penalty, including the authority to increase or decrease the penalty. Tenn. Code Ann. § 68-201-116. The Administrative Judge, on behalf of the Board, has 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, 7th Floor
500 James Robertson Pkwy
Nashville, Tennessee 37243

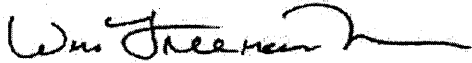
Attorneys should contact the undersigned counsel of record. The case number, APC25-0014, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on February 24, 2025.



Michelle Walker Owenby
Technical Secretary
Air Pollution Control Board

Reviewed by:



William Freeman Miller
BPR #028826
Senior Associate Counsel
Department of Environment & Conservation
500 James Robertson Parkway, 5th Floor
Nashville, Tennessee 37243
(615) 532-0136
William.F.Miller@tn.gov

TN Dept. of Environment & Conservation
Division of Air Pollution Control
Davy Crockett Tower
500 James Robertson Pkwy, 7th Floor
Nashville, TN 37243



9414 7266 9904 2219 4266 52

RETURN RECEIPT REQUESTED

Bonnell Aluminum, Inc.
c/o Corporation Service Company
2908 Poston Avenue
Nashville, TN 37203-1312

WALZ
CERTIFIED
MAILER®

FROM

WALZ

FORM #45663 VERSION: E0423

Label #1

Bonnell Aluminum, Inc.
c/o Corporation Service Company
2908 Poston Avenue
Nashville, TN 37203-1312

Label #2

Label #3

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

USPS® ARTICLE NUMBER

9414 7266 9904 2219 4266 52

Certified Mail Fee \$
Return Receipt (Hardcopy) \$4.35
Return Receipt (Electronic) \$3.55
Certified Mail Restricted Delivery \$0.00
Postage \$0.00
Total Postage and Fees \$0.63

Postmark
Here

Sent to: 8.53
Bonnell Aluminum, Inc.
c/o Corporation Service Company
2908 Poston Avenue
Nashville, TN 37203-1312

Reference Information

APC25-0014 / vom

PS Form 3800, Facsimile, July 2015

A FOLD AND TEAR THIS WAY → OPTIONAL

B Label #5 (OPTIONAL)

TN Dept. of Environment & Conservation
Division of Air Pollution Control
Davy Crockett Tower
500 James Robertson Pkwy, 7th Floor
Nashville, TN 37243

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



9590 9266 9904 2219 4266 55

FOLD AND TEAR THIS WAY →

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 4266 55

1. Article Addressed to:
Bonnell Aluminum, Inc.
c/o Corporation Service Company
2908 Poston Avenue
Nashville, TN 37203-1312

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2219 4266 52

PS Form 3811, Facsimile, July 2015

Label #7 - Certified Mail Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☒ Addressee
X
B. Received by (Printed Name) C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type:
☒ Certified Mail

Reference Information

APC25-0014 / vom

Domestic Return Receipt

Thank you for using Return Receipt Service