



**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**

William O. Foutch, Jr.  
830 W. 1<sup>st</sup> North Street  
Morristown, Tennessee 37814

**Certified Article Number**

**9414 7266 9904 2240 2590 69**

**SENDER'S RECORD**

RE: Colortech, Inc.  
Facility Id. 32-0176  
Case No. APC25-0085

Dear Mr. Foutch:

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 blue ink, reading "Kevin McLain", is positioned below the "Sincerely," text.

Kevin McLain  
Section Manager, Enforcement  
Division of Air Pollution Control

vom

Enclosure

**STATE OF TENNESSEE  
AIR POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	<b>DIVISION OF AIR POLLUTION</b>
	)	<b>CONTROL</b>
	)	
<b>COLORTECH, INC.,</b>	)	
	)	
	)	
<b>RESPONDENT.</b>	)	<b>CASE NO. APC25-0085</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.**

Colortech, Inc. ("Respondent") is a domestic corporation authorized to do business in Tennessee. The Respondent's facility address is 5712 Commerce Boulevard, Morristown, Tennessee 37814. The Respondent's registered agent for service of process is William O. Foutch, Jr., 830 W. 1<sup>st</sup> North Street, Morristown, Tennessee 37814.

**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 31, 2024, the Technical Secretary issued Conditional Major Source operating permit number 482552, (“Permit 482552”), (facility 32-0176), to the Respondent for a resin pellet manufacturing facility which produces white, black, and color pigment resin pellets for the plastics industry. Permit 482552 consists of the following air contaminant sources:

Source Number	Description
01	Conveying, mixing, extrusion, and storage of resin products for the plastics industry
03	Conveying, mixing, extrusion, and storage of resin products for the plastics industry (Line 32)
04	Conveying, mixing, extrusion, and storage of resin products for the plastics industry (Line 33)
05	Conveying, mixing, extrusion, and storage of resin products for the plastics industry (Line 35)
06	Conveying, mixing, extrusion, and storage of resin products for the plastics industry

#### VIII.

On December 11, 2024, the Division received a construction permit application to construct new sources (P1 Pulverizer (Source 07), P2 Pulverizer (Source 08), and P2 Blending

(Source 08) at the Respondent's facility. Additionally, this application included volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) emissions from Sources 01, 03, 04, 05 and 06 that were not included in the permit applications dated December 10, 2014, January 26, , March 17, May 3, December 20, 2022, and October 17, 2024. Omitting these pollutants from the applications resulted in emission limitations not being established for VOCs and HAPs in Permit 482552.

## **IX.**

On March 25, 2025, the Division issued a Notice of Violation to the Respondent for failing to include VOCs and HAPs in the applications that were utilized in the Division's preparation of Permit 482552.

## **VIOLATIONS**

### **X.**

By omitting regulated pollutants from the applications, the Respondent violated Division Rules 1200-03-09-.01(1)(d) and 1200-03-09-.02(6), which state, in pertinent part, respectively:

Construction of a new air contaminant source or the modification of an air contaminant source which may result in the discharge of air contaminants must be in accordance with the approved construction permit application or notice of intent; the provisions and stipulations set forth in the construction permit, notice of coverage, or notice of authorization . . . .

and

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**

### **XI.**

The Respondent is assessed a civil penalty of \$3,000 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, **APC25-0085**, 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](mailto: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.

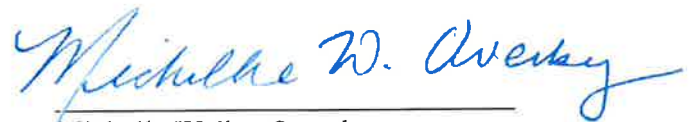
At the conclusion of any initial hearing, the Administrative Judge has the authority to affirm, modify, or deny this Order and Assessment of Civil Penalty, including the authority to increase or decrease the penalty. Tenn. Code Ann. § 68-201-116. The Administrative Judge, on behalf of the Board, has 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, **APC25-0085**, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on July 31, 2025.



Michelle Walker Owenby  
Technical Secretary  
Air Pollution Control Board

Reviewed by:



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

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FORM #45663 VERSION: E0824

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**CERTIFIED MAIL® RECEIPT**  
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USPS® ARTICLE NUMBER

9414 7266 9904 2240 2590 69

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William O. Foutch, Jr.  
830 W. 1st North Street  
Morristown, TN 37814

Label #2

Label #3

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Return Receipt (Hardcopy)	\$ 4.35
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Postage	\$ 0.00
Total Postage and Fees	\$ 0.63

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William O. Foutch, Jr.  
830 W. 1st North Street  
Morristown, TN 37814

Reference Information

APC25-085 / vom

PS Form 3800, Facsimile, July 2015

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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 2240 2590 62

Label #7 - Certified Mail Article Number

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1. Article Addressed to:  
William O. Foutch, Jr.  
830 W. 1st North Street  
Morristown, TN 37814

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2240 2590 69

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent  
☒ 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

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Reference Information

APC25-085 / vom

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Thank you for using Return Receipt Service

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



9424 7266 9904 2240 2590 69

RETURN RECEIPT REQUESTED

William O. Fauch, Jr.  
830 W. 1st North Street  
Morristown, TN 37814