



**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**

Covia Solutions LLC
c/o C T Corporation System
300 Montvue Road
Knoxville, Tennessee 37919-5546

Certified Article Number

9414 7266 9904 2251 4104 28

SENDER'S RECORD

RE: Covia Solutions LLC
File ID. 03-0003
Case No. APC26-0060

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 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 \(May 7, 2026 13:06:18 CDT\)](#)

Kevin McLain
Section Manager, Enforcement
Division of Air Pollution Control

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Enclosure

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:	)	DIVISION OF AIR POLLUTION CONTROL
	)	
COVIA SOLUTIONS LLC,	)	
	)	
	)	
RESPONDENT.	)	CASE NO. APC26-0060

**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.

Covia Solutions LLC (“Respondent”) is a foreign limited liability company formed in Delaware and authorized to do business in Tennessee. The Respondent's facility address is 1700 Sand Mill Road, Camden, Tennessee 38320. The Respondent’s registered agent for service of process is C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

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 February 7, 2024, the Technical Secretary issued Conditional Major Source operating permit number 480397 (“Permit 480397”) (facility 03-0003) to the Respondent for a Silica Sand Handling / Drying Operation that consists of the following air contaminant sources:

Source Number	Description
04	One 33.0 MM Btu/hr natural gas or propane fired fluid bed dryer for drying silica sand with drop box DR-501
05	One 33.0 MM Btu/hr natural gas or propane fired fluid bed dryer for drying silica sand with drop box DR-502
08	Post dryer material handling operation with drop box WS-503

The Technical Secretary amended Permit 480397 on July 8, 2024 (Amendment #1), and on February 25, 2025 (Amendment #2).

VIII.

Conditions S1-4 A.7. and S2-4 A.7. of Permit 480397 state, in pertinent part:

. . . . The next semiannual report shall cover the period from July 1, 2025, to December 31, 2025, and subsequent reports shall cover the periods of January 1 to June 30 and July 1 to December 31 of each calendar year. These reports shall be submitted no later than 30 days following the end of

each six-month period. These reports must be submitted to the Permitting Program at the address(es) included in Condition G3.

IX.

On February 10, 2026, the Division received the Respondent's New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart UUU – Standards of performance for Calciners and Dryers in Mineral Industries semiannual report ("Report") for the reporting period of July 1 to December 31, 2025, as required by conditions S1-4. and S2-4. of Permit 480397. The Division received the Report eleven days after the January 31, 2026, due date.

X.

On March 13, 2026, the Division issued a Notice of Violation to the Respondent for the violations discussed in Paragraph **IX**.

VIOLATIONS

XI.

By failing to comply with conditions S1-4. and S2-4. of Permit 480397, 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 **\$2,250** 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, **APC26-0060**, 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, **APC26-0060**, should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on **May 26, 2026**


Michelle Owenby (May 25, 2026 16:32:36 CDT)

Michelle Walker Owenby
Technical Secretary
Tennessee Air Pollution Control Board

Reviewed by:



Grant LeMaster Ruhl
BPR # 036182
Associate Counsel

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