



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Air Pollution Control
Davy Crockett Tower
500 James Robertson Parkway, 7th Floor
Nashville, TN 37243-1204

Volunteer Paving LLC
750 Highway 99
Lewisburg, Tennessee 37091-6657

Certified Article Number

9414 7266 9904 2240 2617 03

SENDER'S RECORD

RE: Volunteer Paving LLC dba Pottsville Asphalt Plant
Facility Id. 59-0185
Case No. APC25-0222

Dear Sir/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 **\$2,900**. 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 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,

Kevin McLain

Kevin McLain (Dec 30, 2025 13:57:18 CST)

Kevin McLain
Section Manager, Enforcement
Division of Air Pollution Control

oou
Enclosure

**STATE OF TENNESSEE
AIR POLLUTION CONTROL BOARD**

IN THE MATTER OF:)	DIVISION OF AIR POLLUTION CONTROL
)	
)	
VOLUNTEER PAVING LLC,)	
)	
)	
RESPONDENT.)	CASE NO. APC25-0222

**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.

Volunteer Paving LLC (“Respondent”) is a domestic limited liability company authorized to do business in the State of Tennessee and is doing business as Volunteer Paving Pottsville Asphalt Plant. The Respondent’s facility address is 750 Highway 99, Lewisburg, Tennessee 37091-6657. The Respondent’s registered agent for service of process is Volunteer Paving LLC at the same address.

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 the 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 May 20, 2025, the Division conducted an inspection of the Respondent’s facility and discovered an unpermitted reclaimed asphalt pavement (RAP) unit. On July 1, 2025, the Division received via email the Respondent’s construction permit application for the RAP unit. An email received on September 8, 2025, from the Respondent’s representative indicated that the startup date for the RAP unit was May 12, 2025. Therefore, the Respondent constructed and operated the RAP unit prior to applying for and receiving the required permits.

VIII.

On September 23, 2025, the Division issued a Notice of Violation to the Respondent for constructing and operating the RAP unit prior to applying for and receiving the required permits.

VIOLATIONS

IX.

By constructing an air contaminant source not specifically exempted by Rule 1200-03-09-.04 without first applying for and receiving the necessary construction permit, the Respondent violated Rule 1200-03-09-.01(1)(a), which states:

Except as specifically exempted in Rule 1200-03-09-.04, no person shall begin the construction of a new air contaminant source or modification of an air contaminant source which may result in the discharge of air contaminants without first having applied for and received from the Technical Secretary a construction permit or, if applicable, submitted a notice of intent and obtained a notice of coverage or authorization, for the construction or modification of such air contaminant source.

X.

By operating an air contaminant source not specifically exempted by Rule 1200-03-09-.04 without first applying for and receiving the necessary operating permit, the Respondent violated Rule 1200-03-09-.02(2), which states in pertinent part:

No person shall operate an air contaminant source in Tennessee without first obtaining from the Technical Secretary an operating permit or, if applicable, submitting a notice of intent and obtaining a notice of coverage or authorization, except as specifically exempted in Rule 1200-03-09-.04.

ORDER AND ASSESSMENT OF CIVIL PENALTY

XI.

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 Parkway, 6th Floor
Nashville, Tennessee 37243-1204**

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, **APC25-0222**, 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, **APC25-0222** should be written on all correspondence regarding this matter.

Issued by the Technical Secretary, Air Pollution Control Board, Department of Environment and Conservation, on Feb 2, 2026


Michelle O. Walker (Feb 2, 2026 09:47:01 CST)

Michelle Walker Owenby
Technical Secretary
Air Pollution Control Board

Reviewed by:



Grant LeMaster Ruhl
BPR # 036182
Associate Counsel
Department of Environment and Conservation
500 James Robertson Parkway, 5th Floor
Nashville, Tennessee 37243
(629) 201-0016
Grant.Ruhl@tn.gov