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**RE: TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION V.
LDL INVESTMENTS ENTERPRISES, LLC, APD Case No. 04.30-242569J**

Enclosed is an *Initial Order*, including a *Notice of Appeal Procedures*, rendered in this case.

Administrative Procedures Division
Tennessee Department of State

Enclosure(s)

BEFORE THE TENNESSEE BOARD OF WATER QUALITY, OIL, AND GAS

IN THE MATTER OF:

**TENNESSEE DEPARTMENT OF
ENVIRONMENT AND
CONSERVATION,
*Petitioner,***

APD Case No. 04.30-242569J

v.

**LDL INVESTMENTS ENTERPRISES,
LLC,
*Respondent.***

INITIAL ORDER

This matter was heard *de novo* on January 16, 2025, before Administrative Judge Mark Garland.¹ Petitioner, the Tennessee Department of Environment and Conservation (Department), was represented by attorney Emily Vann. Respondent, LDL Investments Enterprises LLC (Respondent), was represented by attorney Howard Upchurch.

PRELIMINARY RULINGS

On January 9, 2025, the administrative judge entered an Order Granting the Department's Motion for Partial Summary Judgment. The order dismissed counts 2, 3, 4, 5, 6, 7, 8, and 11 of Respondent's appeal in their entirety and dismissed counts 9, 10, and 12 as to all claims except the calculations of damages and civil penalties, preserving only the issue of damages on these three counts for the contested case hearing. Order Granting Dept.'s Mot. for Part. Summ. J. at 11-14 (Jan. 9, 2025). The Findings of Undisputed Material Facts and Analysis and Conclusions of Law from the January 9, 2025, order are adopted and incorporated into this Initial Order.

¹ Judge Garland is an independent adjudicator assigned by the Tennessee Secretary of State's Administrative Procedures Division (APD) to sit for the Tennessee Board of Water Quality, Oil, and Gas (Board).

At the beginning of the January 16, 2025 hearing, three pending motions were addressed. The first was Respondent's Motion to Set Aside the Order Granting Partial Summary Judgment.² Respondent contended that the order should be set aside because the Department's Motion for Partial Summary Judgment was filed less than 30 days prior to the hearing, contrary to Rule 56 of the Tennessee Rules of Civil Procedure. The administrative judge found that Tennessee Rules of Civil Procedure are instructive but not controlling in this case. TENN. COMP. R. & REGS. 1360-04-01-.01(3); *see also* TENN. COMP. R. & REGS. 1360-04-01-.09(1) and (3). Additionally, the Department's Motion for Partial Summary Judgment was unopposed and was filed consistent with the timeframes set forth in the Order Setting Hearing to which Respondent agreed during the pre-hearing conference. Finally, Respondent did not file a motion seeking additional time to respond to the motion or to continue the scheduled hearing to allow additional time to respond. Instead, Respondent waited until the day before the scheduled hearing to raise the issue. Therefore, the Respondent's Motion to Set Aside the Order Granting Partial Summary Judgment was **DENIED**.

Second was Respondent's Motion Requesting Interlocutory Appeal. In this motion, Respondent sought to appeal the Order Granting the Department's Motion for Partial Summary Judgment to the Tennessee Court of Appeals. As an initial matter, Chancery Court is the appropriate venue for an interlocutory appeal of an administrative matter, not the Court of Appeals. *See* TENN. CODE ANN. § 4-5-322(a). However, judicial review of an intermediate ruling is appropriate only "if review of the final agency decision would not provide an adequate remedy." *Id.* Additionally, the administrative judge may grant a request for interlocutory review after considering the factors set forth in Rule 9 of the Tennessee Rules of Appellate Procedure. TENN. COMP. R. & REGS. 1360-04-01-.09(7). After considering the three factors set forth in Rule 9, the

² This title reflects the nature of the motion, which Respondent simply titled "Motion."

administrative judge determined 1) that there was no irreparable injury to Respondent that would render review of the final judgment ineffective, 2) that an interlocutory appeal would result in more lengthy and protracted litigation, and 3) that a uniform body of law already exists in the area of law at issue in this case, and there are no conflicting orders from different courts that need resolution. Therefore, Respondent's Motion Requesting Interlocutory Appeal was **DENIED**.

Third was the Department's Motion to Strike wherein the Department sought to strike twenty-one photographs and documents that were attached to Respondent's Witness and Exhibit List. Respondent did not respond to the Department's requests for production of documents and did not provide any photographs or documents during discovery. Accordingly, an order was issued on January 9, 2025, precluding Respondent from introducing any documents as evidence. The parties agreed to hold a pre-hearing conference on the Department's Motion to Strike, on January 14, 2025; however, Respondent failed to appear. Considering the foregoing, the Department's Motion to Strike was **GRANTED**.

ISSUE AND DETERMINATION

The sole issue at the hearing was whether the Department established, by a preponderance of the evidence, that the damages and civil penalties it seeks are appropriate and properly calculated in accordance with applicable law and policy. Following a thorough review of the evidence, it is **DETERMINED** that the damages and civil penalties sought by the Department are appropriate and properly calculated. This determination is based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is the owner of a parcel of land located at 125 Bluff View Road, Dayton, Rhea County, Tennessee (Site). In the fall of 2022, the Department received a citizen

complaint regarding Respondent's activities at the Site. The complaint was assigned to Mr. Jason Dees, an environmental consultant with the Department's Division of Water Resources, for investigation.

2. Because the Site appeared to be in an agricultural area, Mr. Dees contacted the Tennessee Department of Agriculture in November 2022 and was advised that the Site was not on a farm and that the Tennessee Department of Agriculture had no regulations to deal with the activity or observed impacts.

3. On December 16, 2022, Mr. Dees visited the Site and performed a complaint inspection. During his inspection, Mr. Dees observed soil disturbance of greater than one acre and severe impacts to the stream where the stream was bisected by Respondent's excavation activities. Respondent later admitted that at the time relevant to this case, it was engaged in soil disturbances of greater than one acre associated with construction activity and aquatic resource alterations at the Site.

4. Respondent also admitted that at no time relevant to this matter did it apply for or obtain permit coverage for the Site under either the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (CGP) or an Aquatic Resources Alteration Permit (ARAP) as required by the provisions of the Tennessee Water Quality Control Act (WQCA).

5. Mr. Dees is a certified hydrologic professional. During his visit to the Site, Mr. Dees performed a hydrological determination as part of preparing a Natural Resources Damage Assessment (NRDA) for the Site, identifying the onsite impacted water feature as Gilbreath Creek.

6. Gilbreath Creek is a water of the State of Tennessee and a stream classified for use by the Board. It is assessed as a fully supporting stream.³ *See* Exhibit 7.

7. Mr. Dees took photographs during his visit to the Site. The photographs verify: (1) the unimpacted area upstream from the work area at the Site, demonstrating a complete vegetated riparian area and a sinuous channel with a well-defined bed and banks and a significant volume of flow; (2) the impacted stream within the work area, evidencing removal of the riparian buffer zone due to earthwork construction activity and the destruction of the stream channel and characteristics, including the removal of bedrock substrate through blasting and excavation; and (3) the unimpacted segment of the stream below the work area, again depicting a preserved riparian area and a well-defined bed and bank and a significant depth of water in the stream channel. *See* Exhibit 2.

8. Mr. Dees prepared the NRDA for the Site based on his expertise and in accordance with the Department's NRDA Policy. The evidence confirms impacts to the stream in two segments, one more severe than the other. Segment 1 was measured using GIS coordinates and was determined to be 365 feet in length. Segment 1 was determined to be a fully supporting stream and severely impacted⁴ with a duration of impact greater than 30 years due to the blasting of the bedrock substrate. Segment 2 of the stream was also measured using GIS coordinates and was determined to be 395 feet in length. Segment 2 was similarly determined to be a fully supporting stream and severely impacted, but the duration of impact was less than for Segment 1 because no

³ Whether a stream is "fully supporting" is determined by its water quality assessments which indicate whether the stream can fully support its designated uses. The designated uses for Gilbreath Creek include supporting fish and aquatic life, recreation, irrigation, and livestock watering. *See* TENN. COMP. R. & REGS. 0400-40-04 (noting that these are the designated uses for all streams not specifically named in the regulations).

⁴ According to the NRDA policy, an impact is "severe" if there is "[o]verwhelming increase in sediment depositional features from a sediment or other pollutant release, or physical alteration that has caused a catastrophic loss of ecological services." Exhibit 8, p. 3.

blasting of the bedrock substrate had occurred in Segment 2, so the riparian vegetation could return over time.

9. The Department's NRDA Policy guides Department staff through the process of gathering and inputting the information necessary to calculate the NRDA amount. Ms. Debbie Duren, manager of the Department's Natural Resource Trustee Program, assisted with creating the Department's NRDA Policy.

10. Ms. Duren reviewed the NRDA prepared by Mr. Dees for the Site and confirmed that it was both compliant with the Department's NRDA Policy and consistent with the NRDA reports she reviews statewide in the course and scope of her employment.

11. The record demonstrates that the Department's overall calculation of \$632,100 for natural resource damages at the Site is correct and consistent with the Department's policy. *See* Exhibit 8. This amount reflects the extent of damage at the Site including damage to the riparian area and vegetation, the stream channel and bedrock, and the impact on fish and aquatic life.

12. Mr. Dees prepared a Notice of Violation (NOV) that was sent to Respondent on December 27, 2022. The NOV outlined the observed violations and necessary corrective actions to bring the Site into compliance with the WQCA. *See* Exhibit 3. The violations identified in the NOV included "disturbing greater than one acre of soil without coverage under the Construction General Permit and altering a stream without coverage under the appropriate . . . ARAP." *Id.* at 1.

13. The NOV requested that Respondent perform corrective actions at the Site, including "install any erosion prevention and sediment controls that would prevent further sediment runoff into the stream channel . . . , submit an application for coverage under the [CGP], and . . . submit a corrective action plan, or a CAP, to . . . restore some of the impacts . . . that have

occurred to the stream.” *Id.* Respondent did not undertake or comply with the corrective actions outlined in the NOV.

14. Mr. Dees also prepared an Enforcement Action Request (EAR) memo that was sent to the Department’s Division of Water Resources’ Compliance and Enforcement Unit on January 5, 2023, due to the significant impacts observed at the Site. *See* Exhibit 4.

15. Mr. Ryne Ruddock, an environmental manager in the Compliance and Enforcement Unit of the Department’s Division of Water Resources, was assigned as the enforcement order writer after the completion of the EAR. As part of the order writing process, Mr. Ruddock reviews NRDA’s and calculates civil penalties and division damages in accordance with the Department’s Uniform Guide for Calculation Civil Penalties and Uniform Guidance for the Assessment of Damages. *See* Exhibit 10.

16. Mr. Ruddock reviewed the case file for the Site, spoke with Department staff, and drafted the enforcement order issued against Respondent. *See* Exhibit 9. The enforcement order included a civil penalty calculation, which Mr. Ruddock prepared based on the information contained in Mr. Dees’ inspection report and in accordance with the Department’s uniform policy. *See* Exhibits 9, 10, and 11.

17. The total civil penalty was \$50,660, which consisted of: \$3,200 for engaging in soil disturbances exceeding one acre without a CGP; \$8,000 for altering the waters of the state without an ARAP; \$8,000 for causing a condition of pollution;⁵ \$28,960 as a multi-day penalty for 181

⁵ The term “pollution” in this context is defined as: “... such alteration of the physical, chemical, biological, bacteriological, or radiological properties of the waters of this state, including, but not limited to, changes in temperature, taste, color, turbidity, or odor of the waters that will: (A) Result or will likely result in harm, potential harm or detriment to the public health, safety, or welfare; (B) Result or will likely result in harm, potential harm or detriment to the health of animals, birds, fish, or aquatic life; (C) Render or will likely render the waters substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other reasonable uses; or (D) Leave or likely leave the waters in such condition as to violate any standards of water quality established by the board.” TENN. CODE ANN. § 69-3-103(30).

days of engaging in soil disturbances exceeding one acre without a CGP; and \$2,500 for the economic benefit Respondent derived by failed to pay permitting fees. *See* Exhibit 11.

18. The enforcement order also included a calculation of division damages, which Mr. Ruddock prepared based on information received from Mr. Dees and in accordance with the Department's uniform policy. *See* Exhibits 9, 10, and 11. The total of division damages assessed was \$790.33. This included costs for Mr. Dees' time spent on the case, mileage for Mr. Dees' travel to and from the Site, and costs for certified mail and overhead. *See* Exhibit 11.

19. The Department's witnesses each offered credible testimony.

20. Respondent did not present any testimony or evidence as to the Department's calculation of civil penalties, division damages, or the NRDA.

21. The record demonstrates that the Department's overall calculation of natural resource damages, civil penalties, and division damages assessed in the enforcement order are properly calculated and consistent with the Department's policies.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear and render a decision in this contested case proceeding pursuant to TENN. CODE ANN. §§ 69-3-109(a)(3), 69-3-115(a)(2)(B), and 69-3-116(b). Pursuant to TENN. CODE ANN. § 69-3-110(a), the undersigned heard this matter, sitting alone, for the Board. The Board, not the Department, is the "agency." TENN. CODE ANN. § 4-5-102(2).

2. The Department, as the petitioner, bears the burden of proof to show by a preponderance of the evidence that the Respondent violated the WQCA and that the natural resource damages, civil penalties, and division damages imposed by Commissioner's Order and

Assessment WPC23-0018 are appropriate, properly calculated, and supported by the facts of this case. TENN. COMP. R. & REGS. 1360-04-01-.02(3).

3. Respondent is the owner of the Site through which a portion of Gilbreath Creek runs. Gilbreath Creek is a water of the State and a fully functioning stream classified for uses by the Board. Respondent admits that it engaged in soil disturbances of greater than one acre associated with construction activity and aquatic resource alterations at the Site without obtaining or requesting the required permits.

4. The WQCA requires a person to obtain coverage under a permit from the Department before discharging any substance into waters of the State or into a location from which it is likely that the discharged substance will move into waters of the State. TENN. CODE ANN. §§ 69-3-108(a), (b)(6). Coverage under the CGP is required for discharges of stormwater from soil disturbing activities, such as land “clearing, grading, grubbing, filling, and excavation,” of one or more acres for the purpose of construction. Order Granting Dept.’s Mot. for Part. Summ. J. ¶¶ 6-8; TENN. CODE ANN. § 69-3-108(b). Based on the photographs and evidence presented, it is more likely than not that Respondent’s activities at the Site caused discharges of stormwater and debris to move into Gilbreath Creek, which is a water of the State.

5. Respondent did not obtain permit coverage under the CGP prior to engaging in soil disturbances of greater than one acre associated with construction activity at the Site. Therefore, Respondent engaged in regulated activities at the Site without permit authorization required by law and has violated the provisions of the WQCA. Order Granting Dept.’s Mot. for Part. Summ. J. at 9-13; TENN. CODE ANN. § 69-3-108(b).

6. The WQCA also requires a person to obtain coverage under a permit from the Department prior to altering the properties of any waters of the State. TENN. CODE ANN. §§ 69-3-

108(a), (b)(1), (4). Coverage under an ARAP is required prior to altering the physical, chemical, radiological, biological, or bacteriological properties of the waters of the State, which includes the development of a natural resource. TENN. CODE ANN. §§ 69-3-108(b)(1), (4); TENN. COMP. R. & REGS. 0400-40-07-.04(a)(1). No activity may be authorized unless any loss of resource values associated with the proposed impact is offset by mitigation sufficient to result in no overall net loss of resource values. TENN. CODE ANN. § 69-3-108(g)(4)(E); TENN. COMP. R. & REGS. 0400-40-04-.04(a)(6)(c). Resource values are the “physical, chemical, and biological properties of the water resource that help maintain classified uses.” TENN. COMP. R. & REGS. 0400-40-07-.03(25). This includes but is not limited to the ability of Gilbreath Creek to provide for fish, aquatic life, and wildlife, to provide drinking water for wildlife and livestock, and to provide for recreational uses. *Id.*

7. Based on the photographs and evidence presented, it is more likely than not that Respondent’s activities at the Site altered the properties of Gilbreath Creek and resulted in a loss of resource values. Respondent did not obtain permit coverage under an ARAP prior to engaging in soil aquatic resource alterations at the Site. Order Granting Dept.’s Mot. for Part. Summ. J. ¶¶ 21-22. Therefore, Respondent engaged in regulated activities at the Site without permit authorization as required by law and has violated the provisions of the WQCA. Order Granting Dept.’s Mot. for Part. Summ. J. at 9-13.

8. The WQCA authorizes the Commissioner of the Department to “issue a complaint to the violator” whenever the Commissioner has “reason to believe a that a violation of the WQCA has occurred, is occurring, or is about to occur.” Order Granting Dept.’s Mot. for Part. Summ. J. at 9; TENN. CODE ANN. § 69-3-109(a). The record demonstrates Commissioner’s Order WPC23-0018 was properly issued against Respondent as a result of its unauthorized activities at the Site

and in compliance with the statutory provisions of the WQCA and all other applicable state and federal laws. Order Granting Dept.’s Mot. for Part. Summ. J. at 8-12.

9. The WQCA authorizes the Commissioner to order corrective actions. Order Granting Dept.’s Mot. for Part. Summ. J. at 9; TENN. CODE ANN. § 69-3-109(a). Paragraph XVI of Commissioner’s Order WPC23-0018 requires Respondent to obtain any required permit coverage for the Site, submit a plan to restore Segment 2 of the impacted stream to pre-impact conditions, and maintain compliance with all provisions of the WQCA for a period of three years from the date of receipt. *See* Exhibit 9. The record demonstrates that these provisions are reasonable and supported by the facts.

10. The WQCA authorizes the Commissioner of the Department to assess damages, including “compensation for any loss or destruction of wildlife, fish, or aquatic life and any other actual damages caused by the pollution or violation” as natural resource damages. TENN. CODE ANN. § 69-3-116(c). The record establishes that Respondent caused severe, permanent damage to a fully supporting stream as a result of its activities at the Site. The record further demonstrates that the assessment and calculation of natural resources damages at the Site is supported by the evidence and was performed objectively and in accordance with the Department’s NRDA Policy. Accordingly, the Department’s assessment of natural resource damages in Commissioner’s Order WPC23-0018 in the total amount of \$632,100, calculated as shown in the table below, is reasonable and supported by the record in this case.

Segment	Reach Length (ft.)	Gravity	Duration	Resource Quality	Current Cost/ft.	Multiplier	Damages
Segment 1	365	Severe	>30 years	Fully Supporting	\$1,750	0.60	\$383,250
Segment 2	395	Severe	>10 to ≤ 30 years	Fully Supporting	\$1,750	0.36	\$248,850
						Total	\$632,100

11. The WQCA authorizes the Commissioner to assess civil penalties of up to \$10,000 per violation per day against any person responsible for the violation. TENN. CODE ANN. § 69-3-115(a). Respondent admitted it was engaged in unpermitted activities at the Site in violation of the provisions of the WQCA. The record demonstrates that the Department properly applied its civil penalty policy to assess a civil penalty of \$3,200 for engaging in soil disturbances of greater than one acre without coverage under the CGP, a civil penalty of \$8,000 for engaging in aquatic resource alterations without coverage under an ARAP, and a civil penalty of \$8,000 for causing a condition of pollution. *See* Exhibit 11. The record further demonstrates that the Department properly applied its civil penalty policy and utilized its statutory enforcement discretion when it assessed \$28,960 as a multi-day civil penalty against Respondent for engaging in soil disturbances of greater than one acre without coverage under the CGP. This reflected only 181 days despite the fact that Respondent has never obtained CGP coverage for the Site. Furthermore, the Department also properly assessed \$2,500 as an economic benefit reflecting the permit cost Respondent avoided due to its failure to obtain ARAP coverage prior to altering 760 linear feet of the jurisdictional stream. *See* Exhibit 11. Accordingly, the Department's assessment in Commissioner's Order WPC23-0018 of \$50,660 in civil penalties is reasonable and supported by the record in this case.

12. The WQCA authorizes the Commissioner to assess damages to the State "resulting from any person's pollution or violation, failure, or neglect in complying with any rules, regulations, or standards of water quality promulgated by the board or permits or orders" issued under the WQCA. TENN. CODE ANN. § 69-3-116(a). These damages include "any expenses incurred in investigating and enforcing [the WQCA]." Order Granting Dept.'s Mot. for Part. Summ. J. at 10; TENN. CODE ANN. § 69-3-116(c). The record demonstrates that the Department


incurred costs of \$790.33 investigating this matter, calculated pursuant to its uniform policy. *See* Exhibits 10 and 11. Accordingly, the Department's assessment in Commissioner's Order WPC23-0018 of \$790.33 in division damages is reasonable and supported by the record in this case.

ORDER AND POLICY STATEMENT

For the reasons set forth above, the Commissioner's Order WPC23-0018 is **AFFIRMED**. The policy reason for affirming this Order is that it complies with all requirements of the Water Quality Control Act of 1977 and is consistent with the purpose of the Act to protect the right of the people of Tennessee to unpolluted waters.

It is so **ORDERED**.

This INITIAL ORDER entered and effective this the **21st day of March 2025**.



MARK GARLAND
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the **21st day of March 2025**.

NOTICE OF APPEAL PROCEDURES

REVIEW OF INITIAL ORDER

The Administrative Judge's decision in your case **BEFORE THE TENNESSEE BOARD OF WATER QUALITY, OIL, AND GAS (the Board)**, called an Initial Order, was entered on **March 21, 2025**. The Initial Order is not a Final Order but shall become a Final Order unless:

1. **A Party Files a Petition for Reconsideration of the Initial Order:** You may ask the Administrative Judge to reconsider the decision by filing a Petition for Reconsideration with the Administrative Procedures Division (APD). A Petition for Reconsideration should include your name and the above APD case number and should state the specific reasons why you think the decision is incorrect. APD must **receive** your written Petition no later than 15 days after entry of the Initial Order, which is no later than **April 7, 2025**. A new 30 day period for the filing of an appeal to the Board (as set forth in paragraph (2), below) starts to run from the entry date of an order ruling of a Petition for Reconsideration, or from the twentieth day after filing of the Petition if no order is issued. Filing instructions are included at the end of the document.¹

The Administrative Judge has 20 days from receipt of your Petition to grant, deny, or take no action on your Petition for Reconsideration. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing (as discussed in paragraph (2), below) will be adjusted. If no action is taken within 20 days, the Petition is deemed denied. As discussed below, if the Petition is denied you may file an appeal, which must be **received** by APD no later than 30 days after the date of denial of the Petition. *See* TENN. CODE ANN. §§ 4-5-317 and 4-5-322.

2. **A Party Files an Appeal of the Initial Order and/or Other Earlier Orders:** You may appeal the decision, together with any earlier order issued by the Administrative Judge you specifically choose to appeal, to the Board, by filing an Appeal of the Initial Order with APD. An Appeal of the Initial Order should include your name and the above APD case number and state that you want to appeal the decision to the Board, specifying any earlier order(s) issued by the Administrative Judge that you also want to appeal, along with the specific reasons for your appeal. APD must **receive** your written Appeal no later than 30 days after the entry of the Initial Order, which is no later than **April 21, 2025**. The filing of a Petition for Reconsideration is not required before appealing. *See* TENN. CODE ANN. § 4-5-317.
3. **The Board Decides to Review the Initial Order:** In addition, the Board may give written notice of its intent to review the Initial Order within the longer of 30 days or 7 days after the first board meeting to occur after entry of the Initial Order. No later than 7 days after the entry of an Initial Order, TDEC shall file, and serve, a Notice of Filing containing the date of the next Board meeting. No later than 7 days after the next Board Meeting, TDEC shall file, and serve, a Notice of Filing setting forth what action, if any, the Board took with respect to the Initial Order.

If either of the actions set forth in paragraphs (2) or (3) above occurs prior to the Initial Order becoming a Final Order, there is no Final Order until the Board renders a Final Order affirming, modifying, remanding, or vacating the administrative judge's Initial Order.

¹ See TENN. CODE ANN. §§ 68-201-108 (Air Pollution Control Board); 68-211-113, 68-212-113, 68-212-215, 68-215-115, 68-215-119 (Underground Storage Tanks and Solid Waste Disposal Control Board); TENN. CODE ANN. §§ 60-1-401, 69-3-110, 68-221-714 (Board of Water Quality, Oil & Gas).

NOTICE OF APPEAL PROCEDURES

If none of the actions in paragraphs (1), (2), or (3) above are taken, then the Initial Order will become a Final Order. **In that event, YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER.**

STAY

In addition, you may file a Petition asking the Administrative Judge for a stay that will delay the effectiveness of the Initial Order. A Petition for a stay must be **received** by APD within 7 days of the date of entry of the Initial Order, which is no later than **March 28, 2025**. See TENN. CODE ANN. § 4-5-316. A reviewing court also may order a stay of the Final Order upon appropriate terms. See TENN. CODE ANN. §§ 4-5-322 and 4-5-317.

REVIEW OF A FINAL ORDER

When an Initial Order becomes a Final Order, a person who is aggrieved by a Final Order in a contested case may seek judicial review of the Final Order by filing a Petition for Review “in the Chancery Court nearest to the place of residence of the person contesting the agency action or alternatively, at the person’s discretion, in the chancery court nearest to the place where the cause of action arose, or in the Chancery Court of Davidson County,” within 60 days of the date the Initial Order becomes a Final Order. See TENN. CODE ANN. § 4-5-322. The filing of a Petition for Reconsideration is not required before appealing. See TENN. CODE ANN. § 4-5-317.

FILING

Documents should be filed with the Administrative Procedures Division by email *or* fax:

Email: APD.filings@tnsos.gov

Fax: 615-741-4472

In the event you do not have access to email or fax, you may mail or deliver documents to:

Secretary of State
Administrative Procedures Division
William R. Snodgrass Tower
312 Rosa L. Parks Avenue
Nashville, TN 37243-1102