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August 21, 2025

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**RE: OLD STONE FORT BRIDGE PRESERVATION GROUP V. TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION, APD Case No. 04.30-
243454J**

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:

**OLD STONE FORT BRIDGE
PRESERVATION GROUP,
*Petitioner,***

v.

**TENNESSEE DEPARTMENT OF
ENVIRONMENT AND
CONSERVATION,
*Respondent.***

APD Case No. 04.30-243454J

INITIAL ORDER

The issue in this case is whether the Tennessee Department of Environment and Conservation (TDEC) violated the Water Quality Control Act of 1977 (the Act) or the rules implementing the Act in granting aquatic water resources alteration permit (ARAP) NRS 23.200 (the permit) for replacement of the Campground Lane Bridge over the Duck River within the Old Stone Fort State Archeological Park. Based on the evidence presented in the case, it is determined that the Petitioner, the Old Stone Fort Bridge Preservation Group (OSFB Preservation Group), failed to meet its burden to prove by a preponderance of the evidence that TDEC violated the Act or the regulations in granting this permit. Accordingly, TDEC's decision to issue the permit is **UPHELD**.

HEARING

This matter was heard on May 15, 16, and 19, 2025, before Administrative Judge Elizabeth Cambron.¹ Attorney Jason Holleman represented OSFB Preservation Group; Deputy General Counsel Stephanie Durman and Associate Counsel Grant Ruhl represented TDEC. Three

¹ Judge Cambron was assigned by the Tennessee Secretary of State's Administrative Procedures Division to preside over the hearing, sitting on behalf of the Board of Water Quality, Oil, and Gas, pursuant to TENN. CODE ANN. § 69-3-110(a). She is an independent and neutral administrative judge and is not an employee of the TDEC or the Board.

witnesses testified on behalf of OSFB Preservation Group: Barry Sulkin, OSFB Preservation Group's expert in ARAP permitting, review, and implementation; Sarah Bradley, OSFB Preservation Group's party representative; and Daniel Kurdziel, OSFB Preservation Group's expert in bridge restoration and structural integrity and historic bridge care and repair.² Three witnesses testified on behalf of TDEC: Eddie Gordon, Program Manager for the Natural Resources Unit of TDEC and TDEC's expert in ARAP permitting and antidegradation regarding this permit; Keith Wimberly, Manager of the Old Stone Fort State Archeological Park; and Ted Kniazewycz, State Bridge Engineer for the Tennessee Department of Transportation (TDOT) and TDEC's expert in bridge engineering.³ Twenty-one exhibits were entered into evidence.

FINDINGS OF FACT

The Duck River, which is designated as Exceptional Tennessee Waters, is one of the most biodiverse rivers in North America.⁴ It bisects Old Stone Fort State Archeological Park, with the park campground on one side of the river and most of the park, including the visitor center and most of the park's attractions, on the other. TDOT closed the Campground Lane Bridge to vehicle traffic in 2020 after it determined that the bridge did not have sufficient structural live loading capacity. While the bridge had a posted weight restriction prior to its closure, it was likely damaged by a large vehicle that did not abide by that restriction. At the time the bridge was closed, a temporary entrance to the campground was opened, meaning that one must leave the park, travel on a state route to the main entrance, and reenter the park to access most of its property and attractions.

² Both Mr. Sulkin and Mr. Kurdziel were qualified as expert witnesses without objection.

³ Both Mr. Gordon and Mr. Kniazewycz were qualified as expert witnesses without objection.

⁴ Waters within state parks are designated as Exceptional Tennessee Waters pursuant to TENN. COMP. R. & REGS. 0400-40-03-.06(4)(a).

On July 14, 2023, TDOT submitted an ARAP application to TDEC for work associated with replacing and relocating the Campground Lane Bridge over the Duck River within the Old Stone Fort State Archeological Park. The plans contemplated removing the historic four-pier truss bridge that is currently in place but closed to vehicle traffic; placing a portion of the historic bridge at a nearby location to act as an overlook on the river; and building a new two-pier concrete bridge over the Duck River. TDEC issued the permit on June 7, 2024, authorizing TDOT to implement aquatic alterations to the Duck River, several tributaries, and wetlands associated with the replacement and relocation of the Campground Lane Bridge. OSFB Preservation Group timely filed a petition appealing the permit pursuant to TENN. CODE ANN. § 69-3-105(i). The parties stipulate that: (1) part of the mission of OSFB Preservation Group is to protect the Duck River, (2) Ms. Bradley is a member of OSFB Preservation Group and has been throughout the pendency of the permit issuance and appeal process, (3) Ms. Bradley recreates in and around the Duck River and the Old Stone Fort State Archeological Park, and (4) OSFB Preservation Group’s appeal is based on issues that were included in public comments and testimony at the public hearing for the permit.

In its ARAP application, TDOT stated the primary purpose of the project as:

[T]o replace the existing Camp Ground (*sic*) Lane bridge over the Duck River to meet current design standards. As noted in the “Background” section, based on the 2022 [National Bridge Inventory], Tennessee Inventory and Appraisal Report, the existing Camp Ground (*sic*) Lane bridge over [the] Duck River has structural evaluation and deck geometry appraisal ratings of zero, a superstructure condition rating of two, and a sufficiency rating of 12.1. These ratings indicate that there are insufficient structural elements and qualifies the bridge for replacement.

EXHIBIT 11, p. 2. As part of the permitting process, TDOT had to submit an alternatives analysis to evaluate potentially practicable alternatives to avoid and minimize the loss of resource values.

TDOT listed potential alternatives of (1) taking no action and continuing to use the temporary entrance, (2) completely eliminating the river crossing, and (3) constructing a new bridge and fully decommissioning the existing bridge.

The permit authorizes impacts to six water resources—two segments of the Duck River, three unnamed tributaries, and one wetland. All of the affected water resources are designated as Exceptional Tennessee Waters. Most of the aquatic alterations authorized by the permit are temporary. TDEC determined that the temporary impacts do not constitute degradation because they are short-term impacts.

The permanent stream impacts authorized by the permit are:

- Replacement of the current four-pier bridge with a two-pier bridge
- Addition of 69 feet of rip rap⁵ on the left descending bank of the Duck River
- Addition of 53 feet of rip rap on the right descending bank of the Duck River
- Addition of 11 feet of rip rap added to one tributary

TDEC generally gauges whether a proposed alteration in an individual permit application constitutes de minimis degradation by comparing the application to what is allowed under a general permit. The placement of rip rap authorized by the permit could have been authorized by either of two general permits. Both the minor stream crossing and bank stabilization general permits can be used in Exceptional Tennessee Waters and allow up to 200 feet of rip rap on both banks. The only reason that an individual permit was required for this project was due to the temporary impacts it authorizes.

The permit contains many protective measures. It does not authorize the discharge of pollutants, including sediment, nutrients, or E. coli. Nor does it authorize using the Old Mill Dam

⁵ Rip rap refers to stones placed along the bank of a waterway, often around the piers of a bridge, to mitigate scouring along the bank and prevent undermining of the abutments for the bridge.

to draw down the Duck River while replacing the bridge piers. Further, the permit contains 23 special conditions and seven general conditions to protect water quality and wildlife, including prohibiting work between April 1 and July 15 to protect the spawning season of several species, preventing sediment releases, and prohibiting activities that would result in pollution. The permit also requires that erosion protection sediment control (EPSC) measures and best management practices be implemented throughout construction. Work done under the permit that results in pollution constitutes a permit violation, which TDOT would have to remediate.

OSFB Preservation Group hired Daniel Kurdziel, a structural engineer, to inspect the current bridge and design a proposal to refurbish the bridge instead of replacing it. Under Mr. Kurdziel's proposal, the bridge could reopen to vehicle traffic; however, it would not have a pedestrian sidewalk, would also require a posted weight limit because it could not support all weight classes of vehicles, including some campers that the campground otherwise accommodates and some emergency vehicles. Thus, the current temporary entrance would have to remain available to accommodate the largest of vehicles that might need to access the campground. Additionally, Mr. Kurdziel's proposal would not meet current TDOT design standards. Mr. Kurdziel estimated that the current bridge could last for another 100 years with proper maintenance; however, he conceded that maintenance needs would become more frequent as the bridge ages.

Tennessee's State Bridge Engineer, Ted Kniazewycz, disagreed with Mr. Kurdziel's assessment that the bridge can be refurbished and then be safe because a truss bridge works as a system. It is impossible to isolate and refurbish parts of the bridge and declare the rest of the bridge as fine. Because the bridge works as a system, if there is a failure of any one part, it can take the bridge out of service or even cause the bridge to collapse. Mr. Kniazewycz determined that with

the age of the bridge, the loads it was designed to carry, and the loads that bridges carry today, it was not possible to bring the current bridge up to a standard that makes it safe for current vehicle loads. Additionally, the current bridge was not built with materials as strong as those that are now available, and a new bridge will not have a posted weight limit or any height restrictions, as the current truss bridge does.

The portion of the river where the bridge currently stands and where the new bridge will be built has healthy water quality, which has been improving in recent years. The water's health is fully capable of supporting the proposed work. However, the section of the river to which a portion of the current bridge will be moved to create a scenic overlook is designated as impaired water due to unrestricted cattle access further upstream. While there will be temporary impacts to this location, no permanent impacts are authorized by the permit. If any of the authorized temporary impacts (to this or any other portion of the project) were to cause permanent damage to the river, that would also be a permit violation, which TDOT would have to rectify. Once construction is completed, there will be a negligible impact on the area, and it will be able to re-naturalize to its original condition.

ANALYSIS

OSFB Preservation Group, as the petitioner, bears the burden to prove by a preponderance of the evidence that TDEC failed to follow the Act and the Act's implementing rules in issuing the permit. TENN. COMP. R. & REGS. 1360-04-01-.02(3) and (5) (2024). OSFB Preservation Group asserts two bases for its claim that TDEC failed to follow the Act and the implementing rules: (1) that the work authorized by the permit constitutes more than de minimis degradation, and (2) that TDEC failed to consider practicable alternatives to replacing the Campground Lane Bridge. OSFB Preservation Group failed to meet its burden of proof as to both of its assertions.

Overview of Statute and Rules

The Act, codified at TENN. CODE ANN. § 69-3-101, *et seq.*, establishes the basis for the regulation of streams and rivers in the State of Tennessee and provides in relevant part:

Recognizing that the waters of Tennessee are the property of the state and are held in public trust for the use of the people of the state, it is declared to be the public policy of Tennessee that the people of Tennessee, as beneficiaries of this trust, have a right to unpolluted waters. In the exercise of its public trust over the waters of the state, the government of Tennessee has an obligation to take all prudent steps to secure, protect, and preserve this right.

TENN. CODE ANN. § 69-3-102(a). The Act prohibits “the alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state” except in accordance with the terms of a valid permit. TENN. CODE ANN. § 69-3-108(b)(1).

To effectuate the Act in the context of aquatic resource alterations, TDEC has established the ARAP permitting process. In issuing permits, “[u]nder no circumstances shall the commissioner issue a permit for an activity that would cause a condition of pollution either by itself or in combination with others.” TENN. CODE ANN. § 69-3-108(g)(2). TDEC issues general ARAPs for activities that are substantially similar in nature within the state; general permits for habitat alterations “may be issued only for activities that do not result in an appreciable permanent loss of resource values.” TENN. COMP. R. & REGS. 0400-40-07-.04(2). TDEC issues individual ARAPs for activities that require an ARAP but that are not covered by an existing general ARAP or that may require compensatory mitigation. TENN. COMP. R. & REGS. 0400-40-07-.04(5).

De Minimis Degradation

TDEC correctly determined that both the temporary and permanent impacts associated with replacing and relocating the Campground Lane Bridge constitute de minimis degradation. Degradation is the “alteration of properties of water by the addition of pollutants, withdrawal of

water, or removal of habitat, *except those of a short duration.*” TENN. COMP. R. & REGS. 0400-40-03-.04(3) (emphasis added). De minimis degradation is “degradation of a small magnitude.” TENN. COMP. R. & REGS. 0400-40-03-.04(4).

The permit authorizes a number of temporary impacts that will only exist during the construction of the new bridge and the relocation of the portion of the current bridge as an overlook. While the term “short duration” is not defined in TDEC’s rules, TDEC consistently treats temporary impacts associated with construction as being of a short duration. Furthermore, if a temporary impact created a long-term negative impact, that would violate the permit. OSFB Preservation Group has offered no proof other than the testimony of its expert, Mr. Sulkin, in support of its assertion that any of the temporary impacts are of more than a short duration. As discussed in detail below, Mr. Sulkin’s testimony offers little more than conclusory generalizations and provides no support for OSFB Preservation Group’s assertion as to the temporary impacts. These temporary impacts are of a short duration and do not constitute degradation.

The permanent impacts authorized by the permit are well below the threshold for de minimis degradation. The only permanent impacts authorized here are the placement of 133 feet of rip rap and the replacement of the current four-pier bridge with a two-pier bridge. OSFB Preservation Group does not argue that a two-pier bridge instead of a four-pier bridge constitutes any degradation, but only that the addition of 133 feet of rip rap is more than de minimis degradation. They have failed to offer any evidence of more than de minimis degradation.

First, the 133 feet of rip rap authorized by the permit could have been authorized by either of two existing general permits. Thus, this permit was not necessary in order to authorize the placement of the proposed rip rap. In considering an individual ARAP application, TDEC looks to what is allowable under a general permit to gauge what alterations constitute de minimis for an

individual permit. Two existing general ARAPs that cover the work being done with this project authorize the placement of up to 200 feet of rip rap. Therefore, here, the degradation can only be considered de minimis given that the 133 feet authorized by the permit is well under the 200 feet of rip rap allowed under the two existing general permits.

More importantly, however, Mr. Sulkin, OSFB Preservation Group's expert, offered little more than conclusory assertions that the permit authorized more than de minimis degradation. While Mr. Sulkin characterizes this as a "big project," that does not equate to greater than de minimis degradation. Further, the weight of Mr. Sulkin's testimony is significantly undercut by his reliance on incorrect facts. He believed that the determination of de minimis degradation depends on the quality of the waters that will be impacted and that the permit authorized TDOT to draw down the river using the nearby Old Mill Dam, both of which are incorrect. He also relied on possibilities that, if they occurred, would be a violation of the permit, such as the release of muddy water or debris from the construction area. These concerns are specifically addressed by the special conditions required by the permit, such as special conditions (f), (m), (o), and (q). Mr. Sulkin provided little of substance to support his opinion that the permit authorizes more than de minimis degradation.

Mr. Sulkin did point to two specific effects of the additional 133 feet of rip rap—the reduction in the amount of shade from trees, which he believed would lead to further propagation of the invasive aquatic plant, milfoil or hydrilla, and changes in how that portion of the riverbank can be used. However, his opinion regarding the impact of these effects was not supported by facts and does not support his assertion that the impacts are more than de minimis. As to the reduction in the amount of shade, even this was based on supposition, as he provided no specifics as to how many trees might have to be removed and how much more sunlight would reach the river as a

result. Further, given that 133 feet of rip rap is authorized, as compared to the entirety of the Duck River, or even when compared only to that portion within Old Stone Fort State Archeological Park, it is a de minimis amount. While the addition of 133 feet of rip rap will change how that portion of the riverbank may be used, again, it is an incredibly small amount when compared to the entirety of the available riverbank. Thus, TDEC correctly determined that the alterations authorized by the permit constitute only de minimis degradation.

Antidegradation in Exceptional Tennessee Waters

TDEC's antidegradation statement further addresses degradation for projects in Exceptional Tennessee Waters:

In waters identified as Exceptional Tennessee Waters, a new or expanded activity that would cause degradation of habitat above the level of de minimis will only be authorized if the applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity, and the degradation is necessary to accommodate important economic or social development in the area in which the waters are located and will not violate the water quality criteria for uses existing in the receiving waters. If one or more practicable alternatives is identified, the Department shall only find that a lowering is necessary if those alternative(s) are selected for implementation.

TENN. COMP. R. & REGS. 0400-40-03-.06(4)(c)(3). Given the determination above that the activity authorized by the permit constitutes only de minimis degradation, the antidegradation statement does not apply. Thus, TDOT did not have to demonstrate that there were no practicable alternatives or that the degradation was necessary to accommodate important economic or social development in the area.

Practicable Alternatives

Separate and apart from considerations under the Antidegradation Statement, as part of every application for an individual ARAP, the applicant must:

submit an alternatives analysis evaluating a range of potentially practicable alternatives to avoid and minimize the loss of resource values *consistent with the overall purpose of the proposed activity*. No Individual Permit shall be granted if there is a practicable alternative to the proposed activity that would have less adverse impact on resource values, so long as the alternative does not have other significant adverse environmental consequences.

TENN. COMP. R. & REGS. 0400-40-07-.04(5)(b) (emphasis added). A practicable alternative is one that is “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.” TENN. COMP. R. & REGS. 0400-40-07-.03(24).

Here, TDOT listed the purpose of the proposed project as: “to replace the existing Camp Ground (*sic*) Lane bridge over the Duck River to meet current TDOT design standards.” EXHIBIT 11, p. 2. During the permitting process, TDOT submitted potential alternatives of (1) taking no action and continuing to use the temporary entrance, (2) completely eliminating the river crossing, and (3) constructing a new bridge and fully decommissioning the existing bridge. In considering whether practicable alternatives are consistent with the overall purpose of the project, TDEC does not second-guess the purpose of the project or request that the permit applicant change the purpose. The alternatives of taking no action and complete elimination of the river crossing were not chosen because they were not consistent with the overall purpose of the project. While the alternative of building a new bridge and fully decommissioning the truss bridge was consistent with the overall purpose, it was not chosen, recognizing that the truss bridge is a cultural asset of value to the community. EXHIBIT 4.

OSFB Preservation Group's proposal for bridge refurbishment is also not a practicable alternative. First, it does not meet the project's purpose because it is not possible to meet current TDOT design standards by refurbishing the bridge. Second, it is not practical to expect a bridge that is over 100 years old to have a service life much further into the future, particularly given the weight of modern vehicular traffic compared to the weight of vehicles at the time the bridge was built. As an example, the bridge's last major repair occurred in 2009, and the bridge had to be closed to traffic approximately 11 years later, in 2020. Additionally, as explained by Mr. Kniazewycz, a truss bridge works as a system; one cannot isolate and refurbish parts of the bridge—as Mr. Kurdziel's report recommends—and declare the rest of the bridge as fine. If there is a failure of any one part, it can take the bridge out of service or cause it to collapse. Given this, Mr. Kurdziel's testimony that the bridge could have a life expectancy of another one hundred years is not credible. Finally, OSFB Preservation Group's proposal is not a practicable alternative because the bridge would still have a posted weight limit. When the bridge was still in use for vehicles, it had a posted weight limit, which was likely not followed, leading to the damage of the bridge and ultimately its closure. Refurbishing the bridge would only recreate that situation; certainly, recreating a situation that failed previously is not a practicable alternative. Thus, OSFB Preservation Group's proposal to refurbish the bridge is not a practicable alternative, and TDEC was not required to consider it in issuing the permit.

CONCLUSIONS OF LAW

1. OSFB Preservation Group failed to prove by a preponderance of the evidence that the permit authorizes more than de minimis degradation.

2. OSFB Preservation Group failed to prove by a preponderance of the evidence that its repair proposal is a practicable alternative.


3. TDEC complied with the Act and the rules implementing the Act in issuing the permit.

Accordingly, TDEC's decision to issue the permit is **UPHELD**.

The policy reasons for this decision are to uphold the laws of the State of Tennessee and to facilitate the fair and efficient management of the permitting process set out therein.

It is so **ORDERED**.

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


ELIZABETH D. CAMBRON
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 August 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 **August 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 **September 5, 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 **September 22, 2025**.² 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.

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).

² The deadline to file an appeal of the initial order (15 versus 30 days) in cases brought under the Tennessee Water Quality Control Act of 1977, TENN. CODE ANN. § 69-3-101, et seq., is an issue currently under review in a case before the Tennessee Supreme Court. *Jamesway Construction, Inc. v. David Salyers, P.E.*, No. M2023-01704-SC-R11-CV.

NOTICE OF APPEAL PROCEDURES

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.

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 **August 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
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William R. Snodgrass Tower
312 Rosa L. Parks Avenue
Nashville, TN 37243-1102