



Department of
**Environment &
Conservation**

Initial Orders

Underground Storage Tanks and Solid Waste Disposal Control Board
October 2, 2024



TDEC v. Deborah Woody
UST23-0038;
APD No. 04.44-240718J

TDEC v. Deborah Woody

- Appeal of Director's Order alleging Respondent had violated the Tennessee Petroleum Underground Storage Tank Act, Tenn. Code Ann. §§ 68-215-101 to -204 (the Act), and its implementing rules related to the Respondent's operation of underground storage tanks in Newport, Tennessee.
- The Director's Order required the Respondent to perform corrective action to bring the USTs into compliance with the Act and its implementing rules, and it assessed civil penalties totaling \$46,800.00.

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- Department's Motion for Summary Judgment was filed on July 5, 2024.
- Respondent did not file a written response to the Motion.
- Initial Order granting TDEC's motion for summary judgment was issued on July 31, 2024.

Initial Orders

The administrative judge's initial order, together with any earlier orders issued by the administrative judge, shall become final unless appealed to the board by the commissioner or other party within thirty (30) days of entry of the initial order or, unless the board passes a motion to review the initial order pursuant to § 4-5-315, within the longer of thirty (30) days or seven (7) days after the first board meeting to occur after entry of the initial order. Upon appeal to the board by a party, or upon passage of a motion of the board to review the administrative judge's initial order, the board shall afford each party an opportunity to present briefs, shall review the record and allow each party an opportunity to present oral argument. If appealed to the board, the review of the administrative judge's initial order shall be limited to the record, but shall be de novo with no presumption of correctness.

Tenn. Code Ann. § 69-3-110(a)

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Options

- Pass a motion to review the initial order;
- Pass a motion not to review the initial order; or
- Take no action, which results in the initial order becoming a final order in 7 days, provided that no party appeals within 30 days after entry of the initial order.