

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

PETITION FOR DECLARATORY ORDER

NOTICE OF HEARING
(As required Under T.C.A. §4-5-224)

1. Petitioners' Name: Watauga Watershed Alliance and Tennessee Clean Water Network
2. Petitioner's Attorneys: Gary A. Davis and Rebecca Kaman
Address: P.O Box 649
Hot Springs, NC 28743

Telephone Number: (828)-622-0044

3. Background:

On June 16, 2005, the Department of Environment and Conservation issued an NPDES permit # TN0071277 to Radford Quarries of Boone, Inc., for the Doe Creek Quartzite Mine in Johnson County, Tennessee. On June 20, 2007, Radford sought to expand the mine through an application for modification and reissuance of the original permit. Radford provided information to TDEC concerning the social and economic justification for the degradation of Doe Creek and a public hearing was held on September 18, 2007 in Mountain City, Tennessee. On November 21, 2007, TDEC issued a Notice Of Determination accepting Radford's alternatives analysis and submitted information to justify the proposed discharges to high quality waters as necessary for social and economic development. The Watauga Watershed Alliance filed a Petition For Declaratory Order in opposition to the determination on December 21, 2007 and an amended petition on January 17, 2008, which was joined by the Tennessee Clean water Network.

Summary of the relief requested:

The Petitioner has requested a ruling from the Board that this Certification violates the Tennessee Water Quality Control Act, T.C.A. §69-3-101 et seq in that Radford has not met its burden of establishing that degradation of Doe Creek is justifiable as a result of necessary economic or social development, and has not demonstrated that such degradation will not interfere with or become injurious to classified uses of Doe Creek. Petitioner further states that TDEC's determination is not supported by the information provided by Radford.

The Board will convene a contested case hearing in this matter on April 15, 2008.

If you are interested in intervening or participating in this case in any way or think that you may be affected by the possible outcome of this case, you must file a Petition to Intervene, stating your specific interest(s) in the case and your legal position/argument regarding those interests.

Your petition must be filed with: Tennessee Secretary of State
Administrative Procedures Division
312 8th Avenue, North
8th Floor, William R. Snodgrass Bldg.
Nashville, TN 37243

Copies must also go to:

Devin M. Wells
Tennessee Dept. of Environment & Conservation
Office of General Counsel
401 Church Street
20th Floor L&C Tower
Nashville, TN 37243-1548

Filed January 24, 2008. (FS 01-08-08)