

04-17-10

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

PETITION FOR DECLARATORY ORDER
NOTICE OF HEARING

(As required Under T.C.A. §4-5-224)

1. **Petitioner's Name:** Brian Paddock
2. **Petitioner's Attorneys:** Paddock & Mastin
Address: 360 Roberts Hollow Ln.
Cookeville, TN 38501-9224
- Telephone Number:** (931)-268-2938

3. **Background:**

Petitioner filed a Section 69-3-118(a) complaint regarding a proposed subdivision in Putnam County Tennessee. The developer proposed to encapsulate 276 feet of an unnamed tributary to Little Creek. Permittee paid money into the stream mitigation program to off-set the encapsulation. The developer had been issued a Notice Of Violation for stormwater violations and a Director's Order was issued November 9, 2009. This Director's Order was amended into a Consent Order by the Department.

4. **Summary of the relief requested:**

The Petitioner seeks a declaratory ruling pursuant to T.C.A §4-5-223 on the following issues: (1) May the Department issue an new individual ARAP to an applicant who is known to be in violation of an existing ARAP permit and who has not complied with outstanding notices of violation? (2) May the Department enter into a consent order without notice or participation by parties who timely appealed the permit to the Board, or who have filed a subsequent Section 118(a) complaint in the matter? (3) Is a consent order binding and effective without approval by the board?

The Board will convene a contested case hearing in this matter on June 15, 2010.

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

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