

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:** TRADEBE TREATMENT AND RECYCLING OF TENNESSEE, LLC
2. **Petitioner's Attorneys:** Edward Callaway
Waller Lansden Dortch & Davis, LLP
Address: 511 Union Street, Suite 2700
Nashville, TN 37219
Telephone Number: (615) 850-8470

3. Background:

On October 2, 2013, the Department of Environment and Conservation issued a letter to Tradebe Treatment and Recycling of Tennessee, LLC (Tradebe) allowing a third request for an extension of time to file their permit renewal application. This letter also informed Tradebe that the appropriate permit application fees are required per Rule 0400-12-01-.08(3)(b)1 and 2, respectively. The total fees due are \$38,100. Tradebe paid the total fees due and filed this appeal pursuant to 68-203-103(e) (4).

4. Summary of the relief requested:

The Petitioner has requested that the Board enter a declaratory order that the Department has no statutory authority to assess these fees; or in the alternative that the Board enter an order that Petitioner's NOD Response is not a new or revised application under the Board's rules, and that the Department's assessment of these fees was unwarranted and the fees paid pursuant to that assessment should be refunded.

The Board will convene a contested case hearing to hear this Petition for a declaratory order on February 5, 2014.

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 Rosa L Parks Avenue, 8th Floor,
William R. Snodgrass Bldg.
Nashville, TN 37243

Copies must also go to: Rachel Jakubovitz
Tennessee Dept. of Environment & Conservation
Office of General Counsel
312 Rosa L Parks Avenue, 2th Floor,
William R. Snodgrass Bldg.
Nashville, TN 37243

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