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March 3, 2022

Technical Secretary, Tennessee Division of Air Pollution Control
c/o Jenny L. Howard, General Counsel
Department of Environment and Conservation
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243

Re: Providence Builders, LLC – Case No. APC20-0105

Dear Ms. Howard:

Enclosed is a Petition for Review and Hearing filed on behalf of Providence Builders, LLC (“Providence”). Providence is in discussions with Division personnel regarding resolution of the issues raised in the Petition. This appeal is filed to protect the rights of Providence should these matters not be able to be resolved by agreement. Providence prefers to continue working with the Division to reach agreement on all matters. Accordingly, Providence requests that a hearing on the Petition not be scheduled unless and until those discussions are unable to resolve the issues raised by the appeal.

Very truly yours,

BRADLEY ARANT BOULT CUMMINGS LLP

By:


Bart J. Kempf

Enclosure

Cc: Michael Lewis, TDEC Office of General Counsel (*via email*)
Mr. Bryce Powers, Providence Builders, LLC (*via email*)

4872-1067-4193.1
104938-000002

STATE OF TENNESSEE
TENNESSEE AIR POLLUTION CONTROL BOARD

RECEIVED

MAR - 3 2022

IN THE MATTER OF:)	DIVISION OF AIR POLLUTION
)	CONTROL
PROVIDENCE BUILDERS, LLC,)	ENVIRONMENT AND CONSERVATION
)	COMMISSIONER'S OFFICE
)	
)	
RESPONDENT.)	CASE NO. APC20-0105

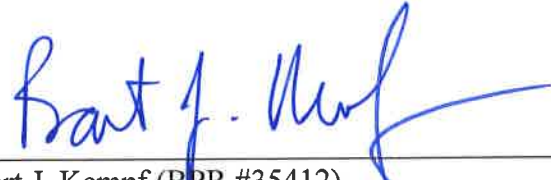
PETITION FOR REVIEW AND HEARING

Pursuant to the Tennessee Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.*, and the Tennessee Air Quality Act, T.C.A. §§ 68-201-101, *et seq.* (collectively the “Act”), including § 68-201-116, Petitioner, Providence Builders, LLC, hereby objects to the Technical Secretary’s Order and Assessment of Civil Penalty, Case No. APC20-0105, dated February 7, 2022 and received by Petitioner on February 12, 2022 (the “Order”); appeals the Order and the assessment contained therein; and requests a hearing on this matter before the Tennessee Air Pollution Control Board.

Petitioner seeks, among other things, review of the alleged facts and violations included in the Order. Petitioner further seeks review of the assessment of civil penalties set forth in the Order on the grounds that, in light of all relevant facts and circumstances, including in particular the factors that must be considered under the Act when exercising enforcement powers, (i) some or all of the matters cited in the Order as violations are not violations, (ii) the civil penalties assessed in the Order are unreasonable and excessive, and (iii) the factors that may be considered when assessing a civil penalty do not support the imposition of the civil penalties assessed by the Order.

The foregoing is not an exhaustive list of the grounds and reasons for Petitioner's objections. Petitioner reserves the right hereafter to raise additional grounds and reasons by amendment of this Petition or otherwise.

Respectfully Submitted,



Bart J. Kempf (BPR #35412)
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203
(615) 252-3878

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by email and hand delivery upon Michelle Walker Owenby, Technical Secretary, Tennessee Air Pollution Control Board, c/o Jenny L. Howard, General Counsel, Tennessee Department of Environment & Conservation, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, Tennessee 37243, on the 3rd day of March, 2022.



Bart J. Kempf