



**State of Tennessee**  
**Department of State**

Administrative Procedures Division  
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November 17, 2021

Members of the Tennessee Underground Storage  
Tanks and Solid Waste Disposal Control Board

RE: Tennessee Department of Environment and Conservation v. Marlin & Angela  
Roberts, Docket No. 04.44-138927J.

Dear Board Members:

I am the Administrative Law Judge who has been designated to sit with the Board when it considers the above referenced case on December 2, 2021. Respondents appealed the Initial Order issued by Judge Rachel Waterhouse on February 20, 2018. The Board is now tasked with reviewing the evidentiary and technical record created in this case, make a final determination about this case, and issue the Board's Final Order.

In order to do so, members of the Board must review the evidentiary and technical record prior to the December 2, 2021 hearing. You have been provided a TNCloud link to access the record. The evidentiary record consists of the hearing transcript and exhibits presented to Judge Waterhouse. The technical record consists of relevant pleadings including Judge Waterhouse's Initial Order. The parties have agreed that the technical record provided is adequate for the Board's consideration. However, copies of the entire contested case hearing record will be available on December 2<sup>nd</sup> if you find additional pleadings are relevant. Next week you will receive a second TNCloud link with the parties' prehearing briefs setting forth their legal arguments.

At the beginning of our hearing on December 2, 2021, each Board member will be asked to state on the record whether they have sufficiently reviewed the record to fairly participate in the hearing. It would be inappropriate for a Board member to participate in the upcoming hearing if they have not reviewed the record. Additionally, it would be inappropriate for a Board member to undertake any independent research or investigation into this matter. The Board's decision must be based solely on the record created at the contested case hearing. Finally, Tennessee's Open Meetings Act or Sunshine Law requires the Board's business to be conducted in public. It

would be inappropriate for Board members to discuss this case prior to the Board's open deliberations on December 2, 2021.

I am looking forward to meeting and working with you all on December 2<sup>nd</sup>. I also thank you for your service to the State of Tennessee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve R. Darnell". The signature is fluid and cursive, with the first name "Steve" and last name "Darnell" clearly distinguishable.

Steve R. Darnell