

Nancy Koon (adpce.ad)

From: Bryan Leamons (adpce.ad)
Sent: Wednesday, March 29, 2023 11:21 AM
To: Nancy Koon (adpce.ad)
Subject: FW: Paradise Valley Subdivision WWTP; NPDES
Attachments: 2023_03_03_Alan York re Paradise Valley.pdf

Follow Up Flag: Follow up
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From: Dawn A. Smith [<mailto:dsmith@wlj.com>]
Sent: Friday, March 3, 2023 4:04 PM
To: Alan York (adpce.ad); Basil Hicks (adpce.ad); Bryan Leamons (adpce.ad)
Cc: Mark Allison
Subject: Paradise Valley Subdivision WWTP; NPDES

Good afternoon, gentlemen.

Attached from Mr. Mark Allison please find correspondence in follow up to the February 24, 2023 email of Mr. Basil Hicks in reference to the above named subdivision, Draft Permit No. AR53120; AFIN 60-05010. Should you have any questions or comments, please address your remarks to Mr. Allison at mallison@wlj.com or (501) 978-9903. However, if you have any difficulties opening the attachment, please contact me and I will assist you immediately.

Sincerely,



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March 3, 2023

Via Email and U.S. Mail

Alan J. York | alan.york@adeq.state.ar.us
Associate Director, Office of Water Quality
Division of Environmental Quality
Arkansas Department of Energy and Environment
5301 Northshore Drive
North Little Rock, AR 72218

Re: Paradise Valley Subdivision WWTP; NPDES
Draft Permit No. AR53120; AFIN 60-05010

Dear Mr. York:

This letter is to follow up on Basil Hicks' February 24, 2023 email regarding the Division's decision to schedule a public hearing on April 5, 2023 and accept comments on the Division's current draft permit decision for the above referenced permit. The permit applicant respectfully objects to the Division's decision to hold another public hearing and comment period for the reasons set forth in my letter to you dated November 10, 2022, which is incorporated herein by reference.

Per the applicant's calculations, this is the second public hearing and fourth comment period on the subject permit application. Therefore, as set forth in the correspondence dated November 10, 2022, the applicant reiterates that Rule 8 of the Arkansas Pollution Control and Energy Commission does not permit nor authorize the Division to reopen a public comment period on the subject permit application.

The permit applicant further requests that the Division promptly issue the final permit without an additional public hearing and without any substantive changes from the November 13, 2022 draft permit.¹

¹ By submitting this letter, the permit applicants do not waive any rights or equities, including without limitation, the right to challenge the standing of any person who might appeal the Division's final permitting decision.

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Please let me know if you have any questions. Thank you for your attention in this matter.

Sincerely

WRIGHT LINDSEY & JENNINGS LLP



Mark Allison

MHA/ds

cc: Bryan Leamons, DEQ | bryan.leamons@adeq.state.ar.us
Basil Hicks, Esq. | basil.v.hicks@adeq.state.ar.us