



Caroline Cone
Chief of Staff and Deputy Director

Andrew Bass
Assistant Deputy Director

Chris Coldasure
Assistant Deputy Director

Mark Vaught
Assistant Deputy Director

Arkansas Game and Fish Commission

Jeff Crow
Director

James F. Goodhart
General Counsel

John P. Marks
Sr. Assistant General Counsel

Jennifer Jameson McKendree
Assistant General Counsel

Christian N. Parks
Assistant General Counsel

Phone: 501-223-6327

Fax: 501-223-6463

November 9, 2016

Ms. Patricia Goff
Arkansas Pollution Control & Ecology Commission
101 E. Capitol Avenue, Suite 205
Little Rock, AR 72201

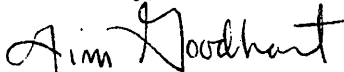
RE: Arkansas Game & Fish Commission Request for Adjudicatory Hearing and Commission Review, NPDES Permit No. AR0052621 and State Construction Permit No. AR0052621C

Dear Ms. Goff:

Enclosed please find the Arkansas Game & Fish Commission Motion for Voluntary Dismissal of Request for Adjudicatory Hearing and Commission Review to be filed in the above-referenced matter.

Please do not hesitate to contact me at (501) 223-6327 or james.goodhart@agfc.ar.gov if you have any questions or concerns regarding the enclosed.

Sincerely,


James F. Goodhart

Enclosure (1)

cc: Basil V. Hicks, III
Stacie Wassell
William C. Adkisson

2 Natural Resources Drive • Little Rock, AR 72205 • www.agfc.com
Phone (800) 364-4263 • (501) 223-6300 • Fax (501) 223-6448

The Arkansas Game and Fish Commission's mission is to conserve and enhance Arkansas's fish and wildlife and their habitats while promoting sustainable use, public understanding and support.

**BEFORE THE
ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

IN THE MATTER OF:

**WASTE WATER MANAGEMENT, INC. –
WOODSLAND EDGE SUBDIVISION
P.O. Box 524
Vilonia, AR 72173**

**NPDES PERMIT NO. AR0052621 and
STATE CONSTRUCTION PERMIT NO. AR0052621C**

DOCKET NO. 16-007-P

**MOTION FOR VOLUNTARY DISMISSAL OF
REQUEST FOR ADJUDICATORY HEARING & COMMISSION REVIEW**

Arkansas State Game and Fish Commission (“AGFC”), by and through its undersigned attorneys, submits this motion to voluntarily dismiss (nonsuit) its Request for Adjudicatory Hearing and Commission Review that previously was filed with the Arkansas Pollution Control and Ecology Commission on September 16, 2016.

On November 7, 2016, the Arkansas Department of Environmental Quality issued the attached letter to Waste Water Management, Inc. - Woodsland Edge Subdivision effectively terminating NPDES Permit No. AR0052621C and State Construction Permit No. AR0052621C (*see* letter dated 11/07/2016 attached hereto and incorporated herein as Exhibit “A”). This action by the Department now erases the necessity for the relief sought by AGFC.

Accordingly, AGFC respectfully requests that its Motion for Voluntary Dismissal be granted and prays that its Request for Adjudicatory Hearing and Commission Review herein be dismissed without prejudice.

Respectfully submitted,

ARKANSAS STATE GAME AND FISH
COMMISSION

By: James F. Goodhart
James F. Goodhart, Ark. Bar No. 92080
John P. Marks, Ark. Bar No. 2003132
Jennifer R. Jameson, Ark. Bar No. 2007190
Christian N. Parks Ark. Bar No. 2009179
Arkansas Game & Fish Commission
Legal Division
2 Natural Resources Drive
Little Rock, AR 72205
Tele: (501) 223-6327
Fax: (501) 223-6463

*Attorneys for Arkansas State Game and Fish
Commission*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2016, I served a copy of the foregoing Motion for Voluntary Dismissal of Request for Adjudicatory Hearing and Commission Review by electronic delivery and U.S. Mail on the following:

Basil V. Hicks, III
Stacie Wassell
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118
hicks@adeq.state.ar.us
wassell@adeq.state.ar.us

William C. Adkisson
Attorney at Law
711 Locust Avenue
Conway, Arkansas 72034
bill@billadkisson.com

James F. Goodhart
James F. Goodhart

ADEQ

ARKANSAS
Department of Environmental Quality

NOV 07 2016

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (91 7199 9991 7036 8424 3458)

Alan McEntire, President
Waste Water Management, Inc. - Woodsland Edge Subdivision
P.O. Box 524
Vilonia, AR 72173

RE: Permit Termination, NPDES Permit Nos. AR0052621 and AR0052621C, AFIN 23-01219

Dear Mr. McEntire:

The Department has reviewed your correspondence dated November 4, 2016 requesting termination of the above mentioned NPDES discharge permit. Based upon the correspondence, it is the Department's understanding that the wastewater from the subdivision will be treated solely by Conway Corporation.

Therefore, as requested in the letter dated November 4, 2016, you are hereby notified that the subject permit number has been canceled effective this date. Any resumption of the discharge or any new discharge without a permit will be in violation of the federal Clean Water Act, and the Arkansas Water and Air Pollution Control Act. Should you again propose to discharge any pollutant from this facility to waters of the State, it will be necessary to file a new application. Any permit issued as a result of such reapplication will contain conditions and limitations consistent with the situation and with the laws and regulations in effect at the time, irrespective of any previously issued permit.

If you have any questions concerning this matter, please feel free to contact Alex Kreps of the Individual Discharge Permits Section at kreps@adeq.state.ar.us or by phone at (501) 682-0619.

Sincerely,



Caleb J. Osborne
Associate Director, Office of Water Quality

CJO:ak

cc: Electronic Filing (AR0052621 and AR0052621C, w/ attachments)
Jason Bolenbaugh, Branch Manager, Compliance Branch
Richard Healey, Branch Manager, Enforcement Branch
Jim Purvis, Administrative Analyst, Fiscal Division
David Ramsey, ICIS Program Coordinator, Enforcement Branch

AR Game & Fish
Commission

Exhibit A

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

www.adeq.state.ar.us

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF WASTE WATER)
MANAGEMENT, INC.-WOODSLAND)
EDGE SUBDIVISION)

DOCKET NO. 16-007-P
ORDER NO. 3

RECOMMENDED DECISION

Appearances: Mr. James F. Goodhart for the Arkansas Game & Fish Commission; Mr. William C. Adkisson for Waste Water Management, Inc. - Woodsland Edge Subdivision; Mr. Basil Hicks for the Arkansas Department of Environmental Quality

1. INTRODUCTION

On September 9, 2016, the Arkansas Game & Fish Commission ("AGFC") filed a Request for Hearing with the Commission. AGFC sought review of the Director of the Arkansas Department of Environmental Quality's ("ADEQ") decision to issue an NPDES Permit, Permit No. AR0052621, and State Construction Permit No. AR0052621C to Waste Water Management, Inc. - Woodsland Edge Subdivision ("Woodsland Edge"). On November 9, 2016, counsel for the AGFC filed a motion to voluntarily dismiss its appeal because ADEQ has terminated NPDES Permit No. AR0052621.

2. DISCUSSION AND CONCLUSIONS OF LAW

There is no Arkansas Pollution Control and Ecology Commission Regulation that directly addresses a Motion to Dismiss. Therefore, pursuant to Commission Regulation No. 8.611 the Arkansas Rules of Civil Procedure apply. Rule 41 of the Arkansas Rules of Civil Procedure provides that an action may be dismissed without prejudice to a future action before the final submission of the case. Based on Rule 41 of the Arkansas Rules of Civil Procedure, the administrative

law judge ("ALJ") finds that the AGFC is entitled to dismiss its Request for Hearing. Ark. R. Civ. P. 41(a)(1). The ALJ concludes that AGFC's Motion to Dismiss should be granted.


IT IS THEREFORE ORDERED:

1. That the Motion to Dismiss Request for Commission Review and Adjudicatory Hearing filed by AGFC in this docket is granted, and that AGFC's Request for Hearing is dismissed without prejudice.

RECOMMENDATION

It is the recommendation of the ALJ that the Arkansas Pollution Control and Ecology Commission adopt and affirm, without modification, the findings of fact and conclusions of law set out in the above Recommended Decision.

This 15th day of November 2016



Charles Moulton
Administrative Law Judge

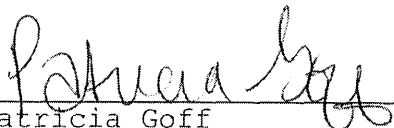
CERTIFICATE OF SERVICE

I, Patricia Goff, Commission Secretary, hereby certify that a copy of the foregoing Order No. 3, In the Matter of Waste Water Management, Inc.- Woodsland Edge Subdivision; Docket No. 16-007-P has been mailed by certified mail or by first class mail, postage prepaid to the following parties of record, this 11th day of October 2016.

James F. Goodhart
Arkansas Game & Fish Commission Legal Division
2 Natural Resources Drive
Little Rock, AR 72205
(501) 223-6327
(501) 223-6463
James.Goodhart@agfc@ar.gov

William C. Adkisson
Attorney at Law
711 Locust Ave.
Conway, AR 72034
(501) 327-0220

Basil Hicks
Arkansas Department of
Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118
(501) 682-0918
(501) 682-0891



Patricia Goff
Commission Secretary
Arkansas Pollution Control and Ecology Commission
101 East Capitol, Suite 205
Little Rock, Arkansas 72201
(501) 682-7890
FAX: 682-7891