

January 30, 2020

John Peiserich
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RE: DEQ rescission of LIS 19-080

Mr. Peiserich:

As you know, DEQ entered into Administrative Order LIS 19-080 by consent with Thomas Fredericks and Fredericks Construction Company, Inc. ("Fredericks"), on September 11, 2019, in settlement of potential liability of Fredericks to DEQ for costs expended by DEQ related to a fire on a site off of Trafalgar Road in Bella Vista, Arkansas.

The Bella Vista Property Owners Association, Inc. ("POA") filed a petition with the Arkansas Pollution Control and Ecology Commission asking the APC&EC to set aside Administrative Order LIS 19-080 and conduct an adjudicatory hearing. On January 24, 2020, after hearing oral arguments on the POA's petition, the APC&EC entered Minute Order 20-07 in APC&EC Docket No. 19-004-MISC granting the POA's petition.

The settlement in LIS 19-080 acknowledged that DEQ retained the right and discretion to rescind that administrative order, and that the order was also subject to being reopened if a petition to set aside was granted by the APC&EC. In light of the APC&EC's Minute Order 20-07, the Director of DEQ hereby rescinds administrative order LIS 19-080. Your client's payment of \$76,500.00 will be promptly returned to you. Please contact Michael McAlister if you have any questions.

Sincerely,



Becky W. Keogh, Director
Division of Environmental Quality