

IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

**ALTAMAHA RIVERKEEPER,
INC.; FALL-LINE ALLIANCE
FOR A CLEAN ENVIRONMENT;
and SIERRA CLUB,**

Petitioners,

v.

**F. ALLEN BARNES, DIRECTOR,
ENVIRONMENTAL
PROTECTION DIVISION,
GEORGIA DEPARTMENT OF
NATURAL RESOURCES,**

Respondent,

POWER4GEORGIANS, LLC,

Respondent-Intervenor.

**DOCKET NO:
OSAH-BNR-WQC-1031706-98-
WALKER (NPDES Permit)**



CONSENT ORDER

Presently pending before the Court is a Consent Motion concerning further proceedings in this matter. Having reviewed it, the Court hereby GRANTS said motion and ORDERS as follows:

1. The NPDES Permit is hereby REMANDED to the Director of the Georgia Environmental Protection Division ("EPD") for the limited purpose of allowing EPD to revise the Permit concerning the frequency of temperature

monitoring.

2. This Court shall retain jurisdiction of this matter, and any further proceedings shall be stayed during the pendency of the remand.

3. Within 30 days after EPD's issuance of the revised Permit, the Parties shall jointly notify the Court whether this matter should be dismissed or continued. If the revised Permit conforms exactly to language to which the parties have agreed, as set forth in Exhibit A, the Parties shall note this fact. If the revised Permit differs in any way from the language to which the parties have agreed, as set forth in Exhibit A, the joint notice will identify each contested difference and inform the Court whether the Petitioners intend to file an amended petition for hearing based on those differences.

4. Any amended petition for hearing shall be filed concurrently with the joint notice described in Paragraph 4. Issues presented in the amended petition will be limited to the issue stated in the Second Amended Petition for Hearing and any new issues arising from changes appearing for the first time in the revised Permit.

5. The Second Amended Petition for Hearing will be dismissed with prejudice if the revised Permit conforms exactly to Exhibit A or if the Petitioner declines to file an amended petition for hearing to contest the revised Permit. The order dismissing the petition for hearing will be entered on or after the 40th day

after EPD's issuance of the revised Permit.

SO ORDERED this 16 day of June, 2011



Ronit Z. Walker
Administrative Law Judge