

ANNOUNCEMENTS

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400

PETITION FOR DECLARATORY ORDER
NOTICE OF HEARING

(As required Under T.C.A. §4-5-224)

1. **Petitioner's Name:** Mark Grimsley, Jimmy Dickey, Laura Bradford Dickey

2. **Petitioner's Attorneys:** Pro/Se
Address: Jimmy Dickey
4106 Pine Street
Chattanooga, TN 37406

Laura Wayne Dickey
2716 Forrest Road
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Mark Grimsely
2442 Maple Street
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3. **Background:**

On January 10, 2005, the Department of Environment and Conservation issued an Aquatic Resource Alteration Permit (ARAP) to Waterhaven Development LLC for the construction of 78 boat slips along the left descending bank of Chicamauga Creek.. The development will involve the construction of 78 boat slips which would be anchored by a single pair of poles in the stream as opposed to the two pairs per set of slips in the original application.

4. **Summary of the relief requested:**

The Petitioners have requested a ruling from the Board that this Permit violates the Tennessee Water Quality Control Act, T.C.A. §69-3-101 *et seq* in that the project is allegedly located on South Chicamauga Creek which is on the State's 303(d) list for impaired waters. Petitioner also raises concerns about the Division considering comments after the close of the comment period and an overall degradation of water quality..

The Board will convene a contested case hearing in this matter on October 24, 2006.

If you are interested in intervening or participating in this case in any way or think that you may be affected by the possible outcome of this case, you must file a Petition to Intervene, stating your specific interest(s) in the case and your legal position/argument regarding those interests.

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Your petition must be filed with:

Tennessee Secretary of State
Administrative Procedures Division
312 8th Avenue, North
8th Floor, William R. Snodgrass Bldg.
Nashville, TN 37243

Copies must also go to:

Devin M. Wells
Tennessee Dept. of Environment & Conservation
Office of General Counsel
401 Church Street
20th Floor L&C Tower
Nashville, TN 37243-1548

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