

**IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

|                              |   |                                |
|------------------------------|---|--------------------------------|
| GEORGIA INTERFAITH POWER     | ) |                                |
| & LIGHT AND SIERRA CLUB,     | ) |                                |
|                              | ) |                                |
| Petitioners,                 | ) |                                |
|                              | ) | Docket No. 2506213             |
| v.                           | ) | 2506213-OSAH-BNR-AQ-44-Howells |
|                              | ) |                                |
| GEORGIA DEPARTMENT OF        | ) | Agency Reference No.: 2506213  |
| NATURAL RESOURCES,           | ) |                                |
|                              | ) |                                |
| Respondent, and              | ) |                                |
|                              | ) |                                |
| TELFAIR FOREST PRODUCTS, LLC | ) |                                |
|                              | ) |                                |
| Respondent Intervenor.       | ) |                                |
|                              | ) |                                |
|                              | ) |                                |
| _____                        | ) |                                |

**PETITIONERS' MOTION FOR STAY**

Pursuant to OSAH Rule 616-1-2-.17, Petitioners Georgia Interfaith Power and Light and Sierra Club move this Court to stay the deadlines in these proceedings for up to 43 days, by which time Petitioners anticipate withdrawing their request for a hearing in the above-captioned matter challenging a Permit Amendment issued to Telfair Forest Products LLC, No. 2499-271-0022-V-05-2.

On September 4, 2024, Petitioners filed an Amended Petition for Hearing alleging that EPD's issuance of the Permit Amendment was procedurally and substantively invalid as a matter of law.

On October 23, 2024, EPD notified Petitioners that it had formally revoked the Permit Amendment challenged in this action, effective immediately. *See* Exhibit 37. EPD explains, "As

per [Telfair's] request, [the Permit Amendment] is hereby revoked in its entirety, effective immediately.” *Id.* The May 2021 Permit (No. 2499-271-022-V-05-0) remains in force.

EPD’s revocation of the Permit Amendment does not become legally final for 30 days. Telfair has the right to challenge EPD’s revocation of its Permit Amendment within 30 days, by filing a Petition for Hearing with the Office of Administrative Hearings. *Id.* EPD does not anticipate Telfair will challenge this revocation. *Id.*

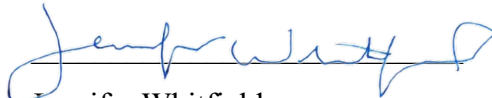
Before the conclusion of the requested stay, Petitioners plan to move this Court to withdraw their request for a hearing if the Permit Amendment revocation is finalized. Thus, Petitioners request that the deadlines in this action are stayed for up to 43 days—through December 6, 2024— or until the Petitioners move this Court to withdraw their request for a hearing, whichever comes first. This will allow 30 days for the Permit Amendment revocation to become legally final and up to 13 days for the Petitioners to file a motion to withdraw their request for a hearing.

Alternatively, if Telfair does choose to appeal EPD’s revocation of the Permit Amendment, the Parties will have 13 days following the appeal deadline to confer and propose to the Court the best course forward in this action.

Therefore, Petitioners ask this Court to grant its motion to stay these proceedings for up to 43 days, or until Petitioners ask to withdraw their hearing request, whichever comes first.

Respectfully submitted this 24th day of October 2024.

SOUTHERN ENVIRONMENTAL  
LAW CENTER



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*Georgia Interfaith Power & Light and Sierra Club*

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|                              | ) |                                |
| _____                        | ) |                                |

**EXHIBIT 37**



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Jeffrey W. Cown, Director**

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**Air Protection Branch**

4244 International Parkway  
Suite 120  
Atlanta, Georgia 30354  
404-363-7000

**Oct 23, 2024**

**Submitted electronically to [arnold@framfuels.com](mailto:arnold@framfuels.com)**

Mr. Harold L. Arnold  
Managing Member  
Telfair Forest Products, LLC  
11 West Industrial Blvd  
Lumber City, Georgia 31549

Re: Letter received October 22, 2024, requesting revocation of:  
Part 70 Operating Permit Amendment No. 2499-271-0022-V-05-2  
Telfair Forest Products, LLC, Lumber City  
Permit Revocation

Dear Mr. Arnold:

The Division has received your correspondence on behalf of Telfair Forest Products, LLC requesting to withdraw Part 70 Significant Modification Application No. TV-780227 and the related permit amendment referenced above. As per your request, Part 70 Operating Permit Amendment No. 2499-271-0022-V-05-2 is hereby revoked in its entirety, effective immediately. The Division acknowledges that following this revocation, Part 70 Permit No. 2499-271-0022-V-05-0, as amended, will remain in force and full effect.

It is the Division's understanding that Telfair Forest Products, LLC does not intend to challenge this revocation. Nonetheless, EPD notes that this permit revocation shall become final unless a petition for hearing is filed with the Director of EPD within thirty (30) days from the date of issuance of this permit revocation. Requirements for petitions are found in Rule 391-1-2-.04 of the Rules of the Department of Natural Resources.

The ORIGINAL AND THREE (3) COPIES of any petition must be filed with the Director of EPD by hand delivering the same to Filing Clerk, 2 Martin Luther King, Jr. Drive, Suite 1456 East, Atlanta, GA 30334-9000, or by mailing the same to the Director at the following address:

Jeffrey W. Cown  
Director  
Environmental Protection Division  
2 Martin Luther King, Jr. Drive  
Suite 1456 East  
Atlanta, GA 30334

ATTN: Filing Clerk

AIRS No. 271-00022

The Petition for Hearing shall be deemed filed on the date received by the Filing Clerk or when mailed by first class mail, with proper postage attached, and properly addressed, whichever comes first.

A separate copy of any Petition for Hearing shall be served on the Director's counsel on record, to-wit:

Robin Leigh  
Deputy Attorney General  
Office of Attorney General Chris Carr  
Regulated Industries & Professions  
Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334

If you have any questions or need more information, please contact Sean Taylor at (470) 938-3349.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey W. Cown".

Jeffrey W. Cown  
Director

JWC:smt

## CERTIFICATE OF SERVICE

I hereby certify that I have on this day caused to be served a copy of the above Petitioners’

Motion to Withdraw upon the following parties:

Andrea M. Hartung  
Robin J. Leigh  
Griffin Ingraham  
Anna Scartz

C. Max Zygmunt  
Kathryn E. Hopkins  
John Allen

State of Georgia Office of the Attorney General

Kazmarek Mowrey Cloud Laseter LLP

By email:

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[rleigh@law.ga.gov](mailto:rleigh@law.ga.gov)  
[gingraham@law.ga.gov](mailto:gingraham@law.ga.gov)  
[ascartz@law.ga.gov](mailto:ascartz@law.ga.gov)

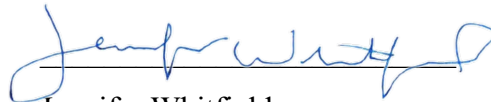
By email:

[mzygmunt@kmcllaw.com](mailto:mzygmunt@kmcllaw.com)  
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[jallen@kmcllaw.com](mailto:jallen@kmcllaw.com)

*Counsel for Respondent*  
*Jeff Cown, Environmental Protection Division,*  
*Georgia Department of Natural Resources*

*Counsel for Respondent-Intervenor*  
*Telfair Forest Products, LLC*

So CERTIFIED this 24th day of October, 2024.



Jennifer Whitfield