To: Nygaard, Eric[Eric.Nygaard@epa.ohio.gov]
Cc: Kuefler, Patrick[kuefler.patrick@epa.gov]
Bcc: Prichard, Gary[prichard.gary@epa.gov]
From: Pellegrini, Janet
Sent: Wed 4/23/2014 10:33:37 PM
Subject: FW: Bennoc Permit Meeting Notes 4/9/14
bennoc fed summary 040914 (1).docx

Eric,

I reviewed your April 9, 2014 EPA/OEPA conference call notes and have a couple questions.

Within the section re Intermittent discharges, you indicated that "OEPA suggested keeping the narrative statement and including management conditions to correct the situation if continuous discharges occur."

Can you explain what that means? Without defining intermittent discharge in an enforceable manner, how does OEPA or for that matter the permittee know that a correction of the situation is necessary?...i.e. continuous discharge?

How would the permit be written to trigger this adaptive management correction without a definition of intermittent discharge?

Presuming a definition of a discharge that exceeds an intermittent discharge is in place and is exceeded, what would the remedy be in the event of a continuous discharge?

Regarding the Section N of the permit, on April 9, 2014, EPA conveyed the need to complete the construction for Pond 023 and have control structures in place for both Pond 023 and 024 prior to final permit issuance. In your notes you indicated that "OEPA can only agree to have changes in place before discharge of refuse water. A PTI action done prior would send NPDES permit back to start under AD."

While I had raised this issue in February 2013 and it could have restarted the permit then in plenty of time to resolve this issue, we are in the same place again.

That said, we since discussed that EPA can review OEPA proposed language in the revised permit, or prior if you can submit it, to prohibit discharge in the final permit until construction is complete, control structures are in place and the ponds discharge only when a 25 year, 24 hour storm event occurs. EPA indicated during the call that it could supply language re operational parameters of the ponds, that OEPA uses for its CAFO permits. I have asked internally for that language and not received response as yet.

Regarding the Adaptive Management Section M, I sent an email on April 22, 2014 that included EPA suggested language specific to AEC Bennoc. Bennoc has additional considerations that did not apply to the Rosebud KLM adaptive management section.

I am currently working with our ORC attorney on another issue regarding the compatibility of Section L and Section M, and will let you know our comments on that asap.

If you have any questions on this, let me know.

Thanks,

Janet

Janet Pellegrini, Environmental Scientist

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From: Nygaard, Eric [mailto:Eric.Nygaard@epa.ohio.gov]
Sent: Tuesday, April 15, 2014 7:21 AM
To: Pellegrini, Janet; Pierard, Kevin; McKim, Krista; Pepin, Rob; Gill, Daniel; Hall, Brian; Novak, Paul
Cc: Stephen Samuels (ssamuels@fbtlaw.com)
Subject: Bennoc Permit Meeting Notes 4/9/14

As promised, here are the notes from our conference call. Let me know if anything looks inaccurate.