Message

From: McGuigan, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C088500566BD4BCCBF37B91ED9A8CC3C-DMCGUIGA]
Sent: 6/29/2017 12:04:48 PM
To: Casey, Randy (DMME) [Randy.Casey@dmme.virginia.gov]; Lambert, Butch (DMME) [Butch.Lambert@dmme.virginia.gov]
CC: O'Quinn, Joey (DMME) [Joey.O'Quinn@dmme.virginia.gov]; Zolandz, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad92c8f5774e4f3a9eaf98b80647ffa3-Mzolandz]; Trulear, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aac555546b5494c9a7d5bb55dea118d-Btrulear]; Frankenthaler, Douglas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d927d8590a46f084a368e7e27fb2de-Frankenthaler, Douglas]; Harsh, Chad [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f614a160dc3441b19226b8c1e5a37236-Charsh]; Cruz, Francisco [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c66f8a9cfc154da5ab8a75d7e8611126-Fcruz]
Subject: RE: Request for a Conference Call and Follow-up Meeting Logistics

Randy,

Any success in finding a date. Doug Frankenthaler will be out starting tomorrow for a couple of weeks. If you have an opportunity, could you give me a call.

Thanks
David

David B. McGuigan, Ph.D.
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Water Protection Division
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From: Casey, Randy (DMME) [mailto:Randy.Casey@dmme.virginia.gov]
Sent: Thursday, June 22, 2017 2:50 PM
To: McGuigan, David <McGuigan.David@epa.gov>; Lambert, Butch (DMME) <Butch.Lambert@dmme.virginia.gov>
Cc: O'Quinn, Joey (DMME) <Joey.O'Quinn@dmme.virginia.gov>; Zolandz, Mark <Zolandz.Mark@epa.gov>; Trulear, Brian <Trulear.Brian@epa.gov>; Frankenthaler, Douglas <Frankenthaler.Douglas@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Cruz, Francisco <Cruz.Francisco@epa.gov>
Subject: RE: Request for a Conference Call and Follow-up Meeting Logistics

David,

We'll review the outline you prepared and get back to you soon to set up a conference call. Joey is out of the office until Monday. I will solicit possible dates and times regarding your request for a call next week and get back to you.

Randy R. Casey, P.E.
Director, Division of Mined Land Reclamation
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Big Stone Gap, VA 24219
Phone: 276-523-8286

From: McGuigan, David [mailto:McGuigan.David@epa.gov]
Sent: Thursday, June 22, 2017 1:46 PM
To: Lambert, Butch (DMME) <Butch.Lambert@dmme.virginia.gov>; Casey, Randy (DMME) <Randy.Casey@dmme.virginia.gov>
Cc: O'Quinn, Joey (DMME) <Joey.O'Quinn@dmme.virginia.gov>; Zolandz, Mark <Zolandz.Mark@epa.gov>; Trulear, Brian <Trulear.Brian@epa.gov>; Frankenthaler, Douglas <Frankenthaler.Douglas@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Cruz, Francisco <Cruz.Francisco@epa.gov>
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DMME Colleagues

This is a follow-up to our conference call on June 8th. We want to thank you for continuing the discussion on this important issue. As you are aware, on May 31, 2017 Environmental groups led by the Sierra Club provided notice of their intent to sue Red River Coal Company, Inc. for unpermitted discharges of pollutants from valley fills. It is our shared responsibility to develop a cooperative solution that will provide the mining companies the regulatory certainty they expect and ensuring citizens of Virginia that CWA compliance is an ongoing expectation for everyone. Absent a viable NPDES permit option for these discharges, coal companies in Virginia and across Appalachia will be unnecessarily subject to citizen suits and injunctive relief imposed by the courts.

During the call, we discussed the issues at play, and agreed that further discussions are in order. You had requested that an in-person meeting occur in Charlottesville to make progress toward arriving upon an agreeable permitting approach. Regretfully, due to calendar constraints of both parties we were not able to agree upon a date that was acceptable. To help things move forward, we would like to propose a series of conference calls combined with a final in-person meeting, if necessary, to reach closure on any outstanding issues. I would like to suggest that we start this process with a conference call next week. So, if you could provide us some dates and times, it would be appreciated.

To help guide the discussions. We have prepared an outline of the issue and factors that should be considered in developing an appropriate permitting approach. I would suggest that we go through the issues identified in this outline, and document where we have agreement and where further discussion is needed. We have recently granted a limited extension to Contura for its 308 response (attached letter from Contura), so we will not have that information available to help inform our permitting discussion next week. Additionally, it would be useful if we brought to the call dates for when we could be available for both future conference calls and an in person meeting.

We look forward to a productive discussion. We will be responding formally to Mr. Lambert's letter to me of June 6th in the near future.

David

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