Message

From: Smythe, Hope@Waterboards [Hope.Smythe@waterboards.ca.gov]
Sent: 7/3/2018 5:37:39 PM
To: Smith, DavidW [Smith.DavidW@epa.gov]
CC: Sablad, Elizabeth [Sablad.Elizabeth@epa.gov]
Subject: RE: Permit Review Period Issue

Thanks, Dave. I had left you a v-m a few weeks ago. If you have time to chat, I'd like to do so.

Just let me know your availability.

Thanks,
Hope

From: Smith, DavidW [mailto:Smith.DavidW@epa.gov]
Sent: Tuesday, July 03, 2018 10:19 AM
To: Smythe, Hope@Waterboards <Hope.Smythe@waterboards.ca.gov>
Cc: Sablad, Elizabeth <Sablad.Elizabeth@epa.gov>
Subject: Permit Review Period Issue

Hi Hope- I hope you are doing well this summer. I wanted to bring to your attention what seems to be an ongoing issue about EPA review timeframes for NPDES permits prior to public notice. We have experiences a few recent instances where we did not receive the permits with enough lead time to review them properly, consistent with the provisions of the EPA-State MOA and our federal regulations.

We are concerned that some RB8 managers seem to be unaware of, or are ignoring the necessary EPA review period for draft permits. On three recent occasions, each with a separate unit manager, we have received permits with a request to review them in a significantly shortened timeframe, and in two cases, the permit was moved forward to public notice without regard to our review time even though we communicated with the manager regarding the timeframe needed for our review prior to public notice.

40 CFR 123.44 provides EPA a 30-day review period for individual permits and a 90-day review period for general permits. These timeframes were also agreed to in our MOA with California. I would note that, to be respective of your time constraints, we usually provide comments much earlier. For instance, for individual permits, we usually turn around comments within 2 weeks. As general permits are more complex, we usually need more time to review them. I would note that through our reviews of several recent permits we have identified a number of issues with the draft permits that needed attention prior to public notice in order to be consistent with federal permitting requirements.

We are currently working with Adam Fischer on the CAFO general permit and appreciate his willingness to work in our review time into his timeline. We note that the Scrap Metal general permit was moved to public notice even though my staff had reached out to Michelle Beckwith regarding the necessary EPA review timeframe. We will do what we can to provide comments during public notice; however, please note that ultimately, we still have 90 days to provide comments and/or object to a general permit.

It is always in both of our interests to work things out informally before a permit is in the public process, which is the intention behind these review periods. Please ensure that your managers are not only aware of these review periods, but account for them in developing the timeline for each permit. I would be happy to discuss this matter if you wish, and I appreciate your discussing it with your management team. I should note that I will be on leave between 7/10-20. You and your team should also feel free to contact Elizabeth Sablad to discuss if needed. Many thanks.

Dave

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