Message

From: Szelag, Matthew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F1E48230D96943F8ACB72810E32CE8D6-SZELAG, MATTHEW]
Sent: 6/3/2014 8:02:34 PM
To: Braley, Susan (ECY) [SUBR461@ECY.WA.GOV]
Subject: RE: Compliance Schedule Rule-DRAFT 5-14-14.docx

Hi Susan,
I was wondering if we could set up a time to talk this through on Thursday. Looks like Angela and I would be available and can share some initial thoughts. Hopefully, 30 minutes would be enough time. Any chance 11am would work for you? If not, I can probably find a few other options.

Thanks,

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From: Braley, Susan (ECY) [mailto:SUBR461@ECY.WA.GOV]
Sent: Monday, May 19, 2014 10:23 AM
To: Chung, Angela; Szelag, Matthew
Subject: Compliance Schedule Rule-DRAFT 5-14-14.docx

Matt & Angela—We have been working on draft rule language for "compliance schedules". I have attached the latest. You'll see that it is in green underline and ~~red strikeout~~ for proposed new language and revisions. In essence, it removes the time limit of 10 years and then includes a new section where we have a TMDL to match the legislation that passed a few years ago. We are choosing not to have a lot of new detail in the standards, but are referencing WAC 173-220-140 which has specific requirements for schedules of compliance for NPDES permits.

We have not yet tried to add language to split out compliance schedules for aquatic life criteria. I'm not quite sure what it would have to apply to – just the new section on TMDLs? I thought I would ask you to look at the revisions and determine if it truly would be a standards change that would require ESA consultation, as opposed to language for state implementation of the standards (that seems to be the delineation that EPA uses for determining if it is a standard that needs EPA approval). If you think it is a "standards" change, then can you clarify where we would need to split out aquatic life in order to allow the human health criteria revisions to be able to move forward without having to go through ESA consultation?

Thanks—Call if questions or you want to discuss—

Susan