Message

From: Thomas, Chris [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7689684B746E42D98DD772875D817104-THOMAS, CHRISTOPHER]
Sent: 7/13/2020 1:28:02 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]
CC: Hesterlee, Craig [Hesterlee.Craig@epa.gov]; Kip Tyler [Tyler.Kip@epa.gov]
Subject: FW: Kampachi

Additional info from Kip. . .

From: Tyler, Kip <Tyler.Kip@epa.gov>
Sent: Monday, July 13, 2020 9:20 AM
To: Thomas, Chris <Thomas.Chris@epa.gov>; Hesterlee, Craig <Hesterlee.Craig@epa.gov>
Subject: RE: Kampachi

Adding to Craig's thoughts.

The applicant is not interested in an appeal. Rather, they wanted to learn about the appeal process and how an appeal could impact the permit timeline. The applicant needs the ability to plan operation and startup given that an appeal for new NPDES permit delays the permit from becoming effective until the appeal is resolved. For example, if the appeal process takes 6 months, they need to plan fish sourcing the so that the fish can be stocked at the appropriate age/size when the appeal is complete.

We also briefly discussed appeals for NEPA, EFH, and ESA (which are separate and different than the NPDES appeals process through the EAB). I think it is likely that we will get an NPDES appeal since it is the only guaranteed way to stop the permit from becoming effective for some time period. It is our understanding that an appeal for NEPA, EFH, or ESA does not automatically stay the permit from becoming effective.

Kip Tyler
w 404.562.9294 | m 404.323.6094

From: Thomas, Chris <Thomas.Chris@epa.gov>
Sent: Monday, July 13, 2020 8:58 AM
To: Tyler, Kip <Tyler.Kip@epa.gov>; Hesterlee, Craig <Hesterlee.Craig@epa.gov>
Subject: Kampachi

In the weekly last week and in Jeaneanne's meeting note for the ELT today, there is a statement about meeting this week with Kampachi to review appeals process. . . Jeaneanne is asking if they're planning to appeal the permit once issued. Can you please give me a little more background on this – why are they even asking at this point and are they planning on an appeal of the permit and why. Also, Paul should be invited to the meeting to discuss the appeals process if he isn't already. Thanks!

Chris