Message

From: Crisafulli, Scott w (DEC) [scott.crisafulli@dec.ny.gov]
Sent: 4/20/2020 2:01:07 PM
To: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Subject: Re: Re:

11:00 would be perfect

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Monday, April 20, 2020 9:58 AM
To: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject: Re:

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How's 10:30 or 11:00?

Sent from my iPhone

On Apr 20, 2020, at 9:26 AM, Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov> wrote:

What time do you want to talk? I have calls at 10:00, 11:30, 1:30 and 2:00. Otherwise free

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From: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Sent: Friday, April 17, 2020 5:21 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re: Re:

That is definitely the other side of the equation!

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Friday, April 17, 2020 5:18 PM
To: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject: Re:

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Ask Mark how he feels about a federal district court judge issuing a decision that could impact his entire regulatory program.

Sent from my iPhone

On Apr 17, 2020, at 5:14 PM, Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov> wrote:

Yeah, lets talk first. Mark raised a concern we did not thing about.

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Friday, April 17, 2020 5:09 PM
To: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject: Re:

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Yeah. I just represented to the General Counsel of EPA that the state was willing to take the lead to get this done, as long as EPA and NYC are behind it as well. He liked what he heard. So I am figuring we will have HQ support. But if the state isn't willing to go the UAA route or the variance route, then please tell me, because I will need to stop talking. I don't want to damage my credibility by representing that which will not come to pass.

Sent from my iPhone

> On Apr 17, 2020, at 4:54 PM, Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov> wrote:
>
> I think we want to talk about it. There are some other implications of this that scare us, regarding the state-wide effect it would have. And if Brent says stuff like the below, that is not going to help either. Want to touch base Monday?
>
> ---
>
> **From:** Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> **Sent:** Friday, April 17, 2020 4:50 PM
> **To:** Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
> **Subject:** RE: RE:
>
> *ATTENTION: This email came from an external source. Do not open attachments or click on links from unknow unexpected emails.*
>
> I'm sorry. Are you saying that the state is not interested in moving in the direction of a UAA?
>
> ---
>
> **From:** Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
> **Sent:** Friday, April 17, 2020 4:47 PM
> **To:** Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
> **Subject:** Re: RE:
>
> UAA

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Friday, April 17, 2020 4:44 PM
To: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject: RE:

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About the cost? Or the UAA?

From: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Sent: Friday, April 17, 2020 4:43 PM
To: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Subject: Re:

Got it. Mark is reaching out to Jeff. Not sure we are in agreement

From: Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>
Sent: Friday, April 17, 2020 4:42 PM
To: Crisafulli, Scott w (DEC) <scott.crisafulli@dec.ny.gov>
Subject:

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For your eyes only!!

Obviously, we are not going to start redoing all the LTCPs. You will need to lean very heavily on the impossible costs imposed on NYC to get the UAA. Apparently, the LTCP UAA analyses will not do it, and the last UAA was in 1985. Can you tighten up the variance analysis from last year and tweak the numbers to come out high enough for a fact 6 (cost) for a UAA? We need to get going on this before we get cut off at the pass . . . .

From: Gaylord, Brent <Gaylord.Brent@epa.gov>
Sent: Friday, April 17, 2020 9:20 AM

I think it is safe to say that for NY to propose an EPA approvable UAA for the NYC SD & I waters based on one of the factors under 131.10(g), most if not all of the NYC LTCPs will have to be modified and/or completely redone.

NYSDEC will try to submit the UAA's that NYC conducted within its LTCPs. But these UAAs were far from being sufficient in the UAA requirements.

When we did the Variance cost analysis, it appears that NYC can afford to do 100% CSO control for all but the Open Waters and still be right under the requirements for a fact 6 for a UAA analysis.