Message

From: Able, Tony [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08873E26CCD44323B0F6AB96E0E8FADA-ABLE, ANTHONY]
Sent: 8/29/2019 12:51:48 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]
CC: Bouma, Stacey [Bouma.Stacey@epa.gov]
Subject: Nagel discussion - GA Narrative

Stacey said you need some talking points. This is what I am hearing staff and Leif say.

Leif – They did not provide required info to define "unreasonable" interfere.
Leif – Unreasonable is an adjective that by definition modifies a noun and therefore changes the meaning of "interfere."
Lisa/Leif – We do not know how they plan used "unreasonably interfere." It may be reasonable for one kayaker to avoid the river because of smell and color but how many kayakers avoiding the river (50 or 500 per year???) becomes unreasonable. It may be reasonable for a 5% reduction in fish reproduction but we don't know how they will use it to define unreasonable. Is it an 80% reduction in fish reproduction? They have not given us the info to determine.
Leif/Lisa – This will open the door to say something like, "because of the economic needs of the community, a 50% reduction in kayaking and a 50% reduction in fish population is reasonable." A standard cannot be used to factor in economics. Only a variance or site specific criteria can factor in the economics.
Attorneys – the NGOs are watching. This will have a high chance of successful challenge.

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"We never know the worth of water until the well is dry."
— Thomas Fuller