To: McKim, Krista[mckim.krista@epa.gov]
From: Pierard, Kevin
Sent: Mon 1/6/2014 4:29:31 PM
Subject: FW: Bennoc draft
0IL00159 (10).pdf

I sent this to Janet and Gary but left you off

From: Hall, Brian [brian.hall@epa.ohio.gov]
Sent: Monday, January 06, 2014 7:17 AM
To: Hyde, Tinka
Cc: Pierard, Kevin
Subject: FW: Bennoc draft

Tinka

This was sent to Janet on Friday. Sorry that you or Kevin were not included.

Brian

From: Nygaard, Eric
Sent: Friday, January 03, 2014 4:38 PM
To: Patrick Kuefler (Kuefler.Patrick@epamail.epa.gov); Pellegrini, Janet (pellegrini.janet@epa.gov); Nally, Scott
Cc: Samuels, Stephen P. (ssamuels@fbtlaw.com); Butler, Craig; Hall, Brian; Gill, Daniel; Novak, Paul; Fields, Cheryl
Subject: Bennoc draft

Janet – Attached is a draft permit for the Bennoc site that would address the issues discussed between Director Nally, Tinka and the RA. In exchange for not having numeric WQBELs, we have added new language to the footnotes to address concerns about the discharges being intermittent, added language to the biosurvey requirements in Part II, added new paragraphs that specify triggers for adaptive management based on biological and chemical measurements, and required enlargement of the Outfall 023 treatment pond as suggested by the company. The biological triggers for adaptive management are similar to the trigger levels used by WVDEP for triggering adaptive management. We trust that this will forestall any specific objections on this permit, and allow us to continue to negotiate protective permit conditions.

We also made small changes to the Best Management Practices. We did not add any significant requirements to this language because we believe that it addresses the BMP requirements that are applicable to TDS. It was not our intent to include all SMCRA BMPs in this permit – only the small universe of practices related to TDS parameters. If you find some that we missed, we would be happy to discuss them.
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