

Kaminski, Mark

From: Elizabeth Harvey <eharvey@smbtrials.com>
Sent: Thursday, November 18, 2021 2:44 PM
To: Kaminski, Mark
Subject: [External] questions about the new TLWQS

Hi, Mark. As I said in the voice mail I just left for you, Marie Tipsord introduced us at the November 4, 2021 Board meeting where the TLWQS opinion and order was adopted. I have spent a lot of time analyzing the opinion and order, and have some questions. Some may seem basic, but my client has asked me to confirm. If it is easier for you to talk on the phone than respond to this email, please call me at 312.923.8260---whichever you prefer.

1. Can you confirm that the only two watersheds covered by the TLWQS are the CAWS and the LDPR, and that the TLWQS don't (and cannot) apply to any facility not located in one of those watersheds?
2. Do you have any estimate of when---in terms of weeks or months--- USEPA may issue approval of the TLWQS?
3. When must a covered facility begin implementing BMP? I understand that BMPs are used in a PMP, but is there a deadline (prior to completing a PMP) for a facility to begin using BMP?
4. What is the deadline for a facility to prepare its PMP? Paragraph 3(A) (page 67 of the Board's order) provides that PMPs are to be prepared by the deadline listed in Table 4, but I cannot find a deadline for PMP in Table 4.
5. Can you confirm that paragraph 1(C) applies only to dischargers who are not "automatically" covered by the TLWQS (i.e. not listed on Table 2), but later seek to be subject to the TLWQS ? I am particularly interested in paragraph 1(C)(vi), which provides that dischargers has 12 months to implement BMP after their NPDES permit modified by IEPA. (Page 65 of the Board's order.)
 - a. In other words, am I correct that dischargers who are listed on Table 2 cannot wait 12 months after their permit is modified to implement BMP?
6. I understand that IEPA will issue a general overlay NPDES permit to add the TLWQS as a permit condition for the covered dischargers (Table 2). Does implementation of the TLWQS requirements begin only after IEPA issues that general 'overlay' permit?

I appreciate your time---thank you in advance.

Elizabeth

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