

US EPA ARCHIVE DOCUMENT

From: Chuck Leonard [cleonard@pmship.com]
Sent: Friday, March 09, 2012 3:45 PM
To: Ra mach.Sean@epamail.epa.gov
Cc: Ca ntello.Nicole@epamail.epa.gov; Saxena.Juhi@epamail.epa.gov;
Messier.Dawn@epamail.epa.gov; 'Bob Manglitz'; Hartman, Barry M.; 'McCarthy, Patrick'; 'Don
Clingan'
Subject: E PA Questions
Attachments: EPA Questions.docx

Mr. Ramach,

Attached you will find the questions that we were asked to submit in writing.

Thank for your time and we look forward to your answers.

Sincerely
Chuck Leonard / VP Navigation
Lake Michigan Carferry Service

Date: 3/9/2012

To: EPA / Sean Ramach

From: Chuck Leonard / VP Navigation, Lake Michigan Carferry Service

Re: Individual Permit Application Questions

1. As you know the company made six prior submissions to EPA: a response to a Clean Water Act information request from Region 5, in 2008; a response to a Clean Air Act information Request from Region 5; 3 submissions to EPA Washington in the form of comments to the first VGP (which included the information request responses), and the Petition seeking permission to file a permit application filed with Region 5 last November which also referenced them. Two of these are referred to in your letter of February 24. We believe that a large amount of the information that is sought in the February 24 letter and as part of the permit application is contained in those submissions. These were very expensive to prepare, especially the two information request responses, We have already referred to them in our Petition, and hope that at some point over the last several years EPA has reviewed them. We would like to refer to these materials in our application by incorporating them by reference and then point to the specific pages that address specific issues raised in the February 24 letter. Incorporating by reference is well accepted, and we believe that will be a very clear record and process. It would also save time and money as we would have to unnecessarily tear apart, reorganize and recompile the information. These materials would also be in the same form as they were when EPA and Region 5 originally reviewed them, making additional review a little easier. We are therefore asking that we be permitted to reference these materials in the application, and incorporate them by reference with specific page citations to sections that are responsive to the questions you have raised. Even though each is in the agency's hands we will resubmit them if needed.

2. In considering various alternatives such as storage of the coal ash, should we consider the impacts if EPA alters status of the coal ash to being a hazardous waste?

3. Given the current situation and the time frame that the Badger is faced with, may we submit the application with current information, and supplement it as additional information becomes available? Will EPA accept the application with the proviso that it may require additional information, or will EPA reject the application and start the clock over if it determines that additional or different information is needed? You indicated during the call that EPA is already considering information and will consider it as it is submitted. Thus, for example, we believe that the current test results from simulated slurry substantially meet the requirements for sampling and testing and provides a scientifically defensible representation of the nature of both the coal ash and the receiving waters. If after review EPA has a reasonable basis for seeking additional testing, will it reject our application, or continue processing it subject to receipt of that additional information?

4. Although we did not ask this question, during the call you indicated you are already looking at some information relevant to our permit application. If what you are looking at is something other than what we have submitted, is there a way we could see it so we are operating on the same information plane as the agency? We are not meaning to ask the agency for internal materials, but if you are referring to outside studies and similar information, it might help if we could be aware of that.

Thanks for your consideration and we look forward to your timely response.

Sincerely
Chuck Leonard.