

**From:** [Gidiere, Stephen](#)  
**To:** [Stein, Mark](#); [Eckhardt, Cayleigh](#)  
**Cc:** [Gidiere, Stephen](#); [DeLawrence, Tom](#)  
**Subject:** GSP ELG Comments  
**Date:** Wednesday, January 22, 2020 3:34:17 PM  
**Attachments:** [GSP Merrimack's Redacted Comments.pdf](#)

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Dear Mark and Cayleigh: We wanted to pass along GSP's comments on the proposed revisions to the ELG rule, which were submitted to the rulemaking docket yesterday. They address issues we have been discussing with respect to MK's pending permit application, and I thought it would be good for you to see them and to include them in the MK NPDES record. They are consistent with what GSP has said in our discussions, namely: that the Fifth Circuit decision does not impact the voluntary incentives program at 40 C.F.R. § 423.13(g)(3) and those provisions should be applied in the current permit; that in any case, GSP would need lead time to come into compliance with any FGD and BATW limits imposed in the final permit (the record already supports this point); and that MK's slag is not bottom ash as considered in the ELG and should be granted a variance or subcategory for cyclone boiler slag transport water. Again, these are things we have discussed over the last 18 months, but I thought it would be beneficial to see a more complete explanation of our reasoning in writing.

We are probably due for a status update. If you are available, maybe we could talk in the next few days.

Thanks and have a great day,

Stephen



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