6/7/2019 Tel. S Gidiere, T. Dekowski
& Cayleigh E. + me

SG → VIP program still in effect, including 423.13(g)(3)(iii), which means legacy LW wastewater → gets TSS limits
- we said we understand the technical point, and will consider it
- but conceptually - this appears to be LW subjected to TSS limits from BPT based on impoundments, which 5th Cir rejected
- so we're not sure

SG - said its different [illegible] because VIP is more strict long-term ([redacted])

- They also argued that in absence LW limits, [illegible] need for BPJ → Just fall back on existing BAT, which is already in 1982 Rule when EIA Gis [illegible] FGD, but decided that to put limits on it (Low Volume Waste)
- cited to Ill. + Ky State Cit cases - 37 NE 3d 407 (Ill App 2015) 2017) and 517 SW 3d 479 (Ky Sup Ct
- We said EPA [illegible] already decided BPJ was needed anyway, but SG said that was

6/7/2019 Tel S Gidiere
Tim Dekowski
(+) Cayleigh E.

SG → VIP program still in effect
→ including 423.13(g)(3)(ii)
→ this is TSS (+) it's not [illegible]
→ We said
→ We said technically, we understand the point
→ conceptually, it seems like legacy wastewater [illegible]
→ is BAT for FGD already in [illegible]
→ 37 NE 3d 407 (Ill App 2015)
→ 517 SW 3d 479 (Ky Sup Ct 2017)

Case No. 18-68879
Docket # 805146446[illegible]