To: Hamjian, Lynne[Hamjian.Lynne@epa.gov]; Cote, Mel[Cote.Mel@epa.gov]
Cc: Deegan, Dave[Deegan.Dave@epa.gov]; Stein, Mark[Stein.Mark@epa.gov]
From: Brochi, Jean
Sent: Wed 12/7/2016 4:48:25 PM
Subject: FW: LIS Clips

Hi Lynne, Mel, Dave,

Non-responsive; Ex. 5 - Deliberative Process, Attorney/Client

Thanks, Jeannie

From: Deegan, Dave
Sent: Wednesday, December 07, 2016 10:42 AM
To: Spalding, Curt <Spalding.Curt@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Cote, Mel <Cote.Mel@epa.gov>; Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Brochi, Jean <Brochi.Jean@epa.gov>; Stein, Mark <Stein.Mark@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>
Cc: Gutro, Doug <Gutro.Doug@epa.gov>; Bender, Emily <Bender.Emily@epa.gov>; Brown, Rudy <Brown.Rudy@epa.gov>; Melanson, Kate <Melanson.Kate@epa.gov>; O'Neil, Kelsey <Oneil.Kelsey@epa.gov>; Murphy, Jim <Murphy.Jim@epa.gov>; Deegan, Dave <Deegan.Dave@epa.gov>
Subject: LIS Clips

Thanks to R2, we have full text for a few more..

Dave

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dave Deegan

U.S. EPA, New England Regional Office

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WSJ

New York to Sue EPA Over Dredging Disposal Site in Long Island Sound

State says agency hasn't sufficiently weighed effects of plan

By Joseph De Avila

Dec. 6, 2016

New York Gov. Andrew Cuomo said Tuesday that the state intends to sue the U.S. Environmental Protection Agency over a plan to set up a new dredging disposal site in the Long Island Sound.

The EPA's plan would allow dredged sludge to be disposed in the eastern part of Long Island Sound in Connecticut's territorial waters and near New York's Fishers Island. The EPA has said periodic dredging is necessary for ports and harbors so that boats are able to navigate safely through waters close to the shoreline.

The EPA estimates that the eastern Long Island Sound region will need to dispose of up to 22.6 million cubic yards of dredged material over the next 30 years.

New York state says the EPA hasn't sufficiently weighed the cumulative effects of disposing the material in the Long Island Sound. It also said the EPA's plan violated the federal Ocean Dumping Act.

"Continuing to use this precious economic and ecological resource as a dumping ground is unacceptable," said Mr. Cuomo, a Democrat. "We intend to fight this decision using any and all legal means."

Mr. Cuomo said he sent a letter Tuesday to the EPA notifying the agency that New York state would file a lawsuit over the dredging plan in 60 days.

A spokesman for the EPA declined to comment. The EPA said in November that the selection was based on "sound science" and reflected extensive public input. The agency also said there were no other practicable alternatives.

Connecticut Gov. Dannel Malloy, however, has been an advocate for the EPA's dredging plan. Most of the dredged material will come from Connecticut.

Mr. Malloy, a Democrat, said in November that the disposal site in the eastern Long Island Sound would benefit Connecticut's economy and support Electric Boat, a subsidiary of General Dynamics Corp., a Groton, Conn., firm that builds submarines.

“Connecticut ports are an economic driver for commerce throughout the state,” a spokesman for Mr. Malloy said. “Open water disposal is safe and does not harm the biological integrity or the water quality of the Sound.”

Connecticut ports employ nearly 30,000 people and the state has spent nearly $17.5 million in maintenance dredging since 2011, according to Mr. Malloy’s office.

There are currently four disposal sites in the Long Island Sound, and all are located in Connecticut waters. Those sites are near Darien, East Haven, Old Saybrook and New London.

The sites near New London and Old Saybrook will close on Dec. 23 with the expiration of their term of use.

PHOTO Cargo vessels docked at the Port of New Haven on the Long Island Sound, as seen in 2011. PHOTO: STEVEN SENNE/ASSOCIATED PRESS

Newsday

Cuomo to sue EPA over designation of LI Sound dumping site

December 6, 2016 6:39 PM

By Chau Lam

HIGHLIGHTS

Dredged waste to be dumped near Fishers Island

Governor: Agency’s decision violates U.S. criteria

Gov. Andrew M. Cuomo said Tuesday his administration intends to sue the U.S. Environmental Protection Agency to stop a plan to allow up to 20 million cubic yards of dredged waste to be dumped at an open-water site in eastern Long Island Sound — off Fishers Island — over the next three decades.

The governor’s decision comes on the same day the EPA issued its final rule, which was published in the federal government’s official journal known as the Federal Register.

In a letter sent Tuesday, New York state said the EPA’s selection of the disposal site, named the Eastern Long Island Sound Disposal Site, 1.3 square nautical miles large, violates criteria outlined in the federal Ocean Dumping Act, according to a news release issued by the governor’s office.

“As I have said time and again, New York is deeply concerned with the EPA’s efforts to designate a permanent dumping site in the eastern part of the Long Island Sound,” Cuomo said in the release. “Continuing to use this precious economic and ecological resource as a dumping

ground is unacceptable and — on behalf of current and future generations of New Yorkers — we intend to fight this decision using any and all legal means."

Harbors, ports and rivers need to be dredged to allow boats, cargo ships and passenger liners to pass safely. However, environmentalists said sand and sediment pulled from the bottom of rivers, harbors and ports can contain mercury, lead and pesticides.

Most of the estimated 20 million cubic yards of dredged sludge will come from Connecticut's industrialized shoreline. The contentious question is where to put the muck, and the cost of different disposal methods.

Robert Evans, who lives on Fishers Island and a board member of the Fishers Island Conservancy, which has been fighting the EPA over open-water dumping in eastern Long Island for more than two decades, said New York hasspent millions to meet EPA mandates that benefit the environment.

"When the EPA acts like this it's a slapin the face, and it threatens to derail the entire movement," he said.

edged waste dumping OK in LI Sound

Two open-water dump sites in eastern region of the Sound — New London Disposal Site and Cornfield Shoal Disposal Site — are only authorized for use until Dec. 23, according to the EPA. Once they close there are no other designated long-term disposal sites to accept dredged material in that area.

The nearest two dump sites that could be used — Central Long Island Sound Disposal Site and the Rhode Island Sound Disposal Site — are too far from dredging activities, increasing the time and distance of transporting the muck.

"This, in turn, would greatly increase the cost of such projects and would likely render many dredging projects too expensive to conduct," said the EPA.

Beginning next month, the Eastern Long Island Sound Disposal Site, 2.3 nautical miles northwest of Fishers Island, can begin to accept dredged waste. However, before any sand and sediment could be disposed, a dumping permit is required. The dump site sits in Connecticut state waters, but it's only 0.2 miles from New York territorial waters.

An EPA spokesman on Tuesday declined to comment on Cuomo's announcement, saying the agency does not comment on potential or ongoing litigation.

"The site protections and restrictions we included in the final rule are intended to help meet the goal of reducing or eliminating dredged material disposal in the open waters of Long Island Sound," EPA's New England Regional Administrator Curt Spalding said previously.

Photo: An aerial view of Fishers Island on July 3, 2012. Photo Credit: Kevin P. Coughlin

NY Governor to Sue Over Long Island Sound Dredge Disposal

By THE ASSOCIATED PRESS

DEC. 6, 2016

MINEOLA, N.Y. — New York Gov. Andrew Cuomo says he intends to sue the federal government over its plan to allow dredged sediments to be placed in eastern Long Island Sound.

The Environmental Protection Agency approved a plan in November that allows dumping in the Connecticut portion of the waterway that separates the two states.

While Cuomo and New York environmentalists oppose the disposal project, it has been praised by many in Connecticut. Officials there say small marinas and the Naval Submarine Base in Groton (GRAH'-tuhn) rely on having a long-term placement site for dredged materials.

The New York Democrat argues the dumping poses environmental dangers.

The EPA has previously said it disagrees that dredged sediment could threaten New York habitats.

New York's suit won't be formally filed for at least 60 days.