To: Dierker, Carl[Dierker.Carl@epa.gov]; Stein, Mark[Stein.Mark@epa.gov]; Sweeney, Stephen[Sweeney.Stephen@epa.gov]; Feinmark, Phyllis[Feinmark.Phyllis@epa.gov]; Eckhardt, Cayleigh[eckhardt.cayleigh@epa.gov]
Cc: Thorp, Michael (ENRD)[Michael.Thorp@usdoj.gov]
From: Levy, Sandra (USANYE)
Sent: Tue 12/6/2016 11:51:19 PM
Subject: From Newsday: Cuomo to sue EPA over LI Sound dumping site (privileged and confidential)
removed.txt
image002.jpg

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

Sandra L. Levy
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Chief, Environmental Litigation, Civil Division
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Brooklyn, NY 11201
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sandra.levy@usdoj.gov<mailto:sandra.levy@usdoj.gov>

Begin forwarded message:

From: "McIntosh, Nellin (USANYE) [Contractor]" <NMcIntosh@usa.doj.gov<mailto:NMcIntosh@usa.doj.gov>>
Date: December 6, 2016 at 5:10:00 PM EST
To: "Levy, Sandra (USANYE)" <SLevy@usa.doj.gov<mailto:SLevy@usa.doj.gov>>
Subject: RE: From Newsday: Cuomo to sue EPA over LI Sound dumping site

Cuomo to sue EPA over designation of LI Sound dumping site
Updated December 6, 2016 3:20 PM
By Chau Lam chau.lam@newsday.com<mailto:chau.lam@newsday.com?subject=newsday.com>
[An aerial view of Fishers Island on July]
An aerial view of Fishers Island on July 3, 2012. Photo Credit: Kevin P. Coughlin
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 its plan to allow as much as 20 million cubic yards of dredged waste to be poured into an open-water dump 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 registry, the government's official journal.
In a letter sent Tuesday, New York State informed the federal government that the EPA's selection of the eastern Long Island Sound as a disposal site violates the designation criteria outlined in federal law, referred to as the "Ocean Dumping Act," according to a news release issued by the governor's office.
StoryCuomo threatens to sue feds over LI Sound dumping<http://www.newsday.com/long-island/ny-state-threatens-to-sue-feds-over-li-sound-dumping-1.12113961>StoryPlan to dump silt in LI Sound opposed<http://www.newsday.com/long-island/epa-hearing-draws-opposition-to-plan-to-dump-silt-into-sound-1.11528257>See alsoRead Cuomo's letter to Obama <http://www.newsday.com/long-island/suffolk/breaking/cuomo-letter-to-obama-on-epa-1.12134524>
"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."
The EPA designated an area named the East Long Island Sound Disposal Site - 1.3 square nautical miles - as an open-water dumping site. The chosen site sits in Connecticut state waters, but it's only 0.2 miles from New York territorial waters.
"The site designation is effective for an indefinite period of time," according to the federal registry.
The final rule will go into effect Jan. 5.
Harbors, ports and rivers need to be dredged to allow boats, cargo ships and passenger liners to pass safely. The contentious question is where to put the muck, and the cost of different disposal methods.
[http://cdn.newsday.com/polopoly_fs/1.12606372.1478913148!/httpImage/image.jpeg_gen/derivatives/landscape_640/image.jpeg]<http://www.newsday.com/long-island/epa-to-allow-dumping-of-dredged-waste-in-long-island-sound-1.12606090>
Long IslandEPA: Dredged waste dumping OK in LI Sound
Most of the estimated 20 million cubic yards of dredged sludge will come from Connecticut's industrialized shoreline.
Beginning next month, the chosen site, 2.3 nautical miles northwest of Fishers Island, can begin to accept sand and sediment pulled from the bottom of rivers, harbors and ports - which environmentalists say can contain mercury, lead and pesticides.
Adrienne Esposito, executive director of Citizens Campaign for the Environment, an advocacy group based in Farmingdale that has been battling the EPA on open-water dumping in the Long Island Sound for two decades, was disappointed.
"This is a dramatic failure of EPA to protect the Long Island Sound," she said.

Via Newsday.com<http://Newsday.com>:

http://www.newsday.com/long-island/cuomo-to-sue-epa-over-designation-of-li-sound-dumping-site-1.12711537