To: Deegan, Dave[Deegan.Dave@epa.gov]
Cc: Stein, Mark[Stein.Mark@epa.gov]
From: Dierker, Carl
Sent: Thur 12/8/2016 8:27:18 PM
Subject: FW: Cuomo to sue EPA over Eastern Long Island Sound dumping site (privileged and confidential)
Emailing: New York To Sue EPA Over Long Island Sound Dredging Plan - Law360.htm

FYI, I doubt that the thoughtful and balanced EPA response would have been included without you sending out your press statement...

-----Original Message-----
From: Levy, Sandra (USANYE) [mailto:Sandra.Levy@usdoj.gov]
Sent: Thursday, December 08, 2016 2:20 PM
To: Stein, Mark <Stein.Mark@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Eckhardt, Cayleigh <eckhardt.cayleigh@epa.gov>; Thorp, Michael (ENRD) <Michael.Thorp@usdoj.gov>; Curtin, James <curtin.james@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Cuomo to sue EPA over Eastern Long Island Sound dumping site (privileged and confidential)

Attached is an article from today's Law360.

Sandra L. Levy
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6014
Fax: 718-254-6081
sandra.levy@usdoj.gov
Please consider the environment before printing this e-mail.

-----Original Message-----
From: Stein, Mark [mailto:Stein.Mark@epa.gov]
Sent: Thursday, December 8, 2016 7:16 AM
To: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Eckhardt, Cayleigh <eckhardt.cayleigh@epa.gov>; Thorp, Michael (ENRD) <Michael.Thorp@usdoj.gov>; Curtin, James <curtin.james@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Cuomo to sue EPA over Eastern Long Island Sound dumping site (privileged and confidential)

Right. Thanks.

Mark A. Stein
Senior Assistant Regional Counsel
EPA Region 1
5 Post Office Square, Suite 100
Mail Code ORA 18-1
Boston, MA 02109-3912

Tel.: 617-918-1077
E-Fax: 617-918-0077
Email: stein.mark@epa.gov

-----Original Message-----
From: Levy, Sandra (USANYE) [mailto:Sandra.Levy@usdoj.gov]
Sent: Wednesday, December 07, 2016 4:54 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Stein, Mark <Stein.Mark@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Eckhardt, Cayleigh <eckhardt.cayleigh@epa.gov>; Thorp, Michael (ENRD) <Michael.Thorp@usdoj.gov>; Curtin, James <curtin.james@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Cuomo to sue EPA over Eastern Long Island Sound dumping site (privileged and confidential)

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

Sandra L. Levy
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6014
Fax: 718-254-6081
sandra.levy@usdoj.gov
Please consider the environment before printing this e-mail.

-----Original Message-----
From: Levy, Sandra (USANYE)
Sent: Wednesday, December 7, 2016 11:55 AM
To: 'Sweeney, Stephen' <Sweeney.Stephen@epa.gov>; Stein, Mark <Stein.Mark@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Eckhardt, Cayleigh <eckhardt.cayleigh@epa.gov>; Thorp, Michael (ENRD) <Michael.Thorp@usdoj.gov>; Curtin, James <curtin.james@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Cuomo to sue EPA over Eastern Long Island Sound dumping site (privileged and confidential)

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

Thanks.

Sandra L. Levy
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201
Tel: 718-254-6014
Fax: 718-254-6081
sandra.levy@usdoj.gov
Please consider the environment before printing this e-mail.

-----Original Message-----
From: Sweeney, Stephen [mailto:Sweeney.Stephen@epa.gov]
Sent: Wednesday, December 7, 2016 11:01 AM
To: Levy, Sandra (USANYE) <SLevy@usa.doj.gov>; Stein, Mark <Stein.Mark@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Eckhardt, Cayleigh <eckhardt.cayleigh@epa.gov>; Thorp, Michael (ENRD) <Michael.Thorp@usdoj.gov>; Curtin, James <curtin.james@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: Cuomo to sue EPA over Eastern Long Island Sound dumping site (privileged and confidential)

Sandra and Mark,

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

Thanks,

Steve

-----Original Message-----
From: Levy, Sandra (USANYE) [mailto:Sandra.Levy@usdoj.gov]
Sent: Wednesday, December 07, 2016 8:47 AM
To: Stein, Mark <Stein.Mark@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Eckhardt, Cayleigh <eckhardt.cayleigh@epa.gov>; Thorp, Michael (ENRD) <Michael.Thorp@usdoj.gov>
Subject: Re: From Newsday: Cuomo to sue EPA over LI Sound dumping site (privileged and confidential)

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

Thanks a lot.

Sandra L. Levy
Assistant United States Attorney
Chief, Environmental Litigation, Civil Division
271 Cadman Plaza East, 7th Floor
Brooklyn, NY 11201
(718) 254-6014
sandra.levy@usdoj.gov

> On Dec 7, 2016, at 7:27 AM, Stein, Mark <Stein.Mark@epa.gov> wrote:
>
> Hi Sandra -
>

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

>
> Mark A. Stein
> Senior Assistant Regional Counsel
> EPA Region 1
> 5 Post Office Square, Suite 100
> Mail Code ORA 18-1
> Boston, MA 02109-3912

>
> Tel.: 617-918-1077
> E-Fax: 617-918-0077
> Email: stein.mark@epa.gov
>
> -----Original Message-----
> From: Levy, Sandra (USANYE) [mailto:Sandra.Levy@usdoj.gov]
> Sent: Tuesday, December 06, 2016 7:08 PM
> 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>
> Subject: Re: From Newsday: Cuomo to sue EPA over LI Sound dumping site
> (privileged and confidential)
>

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

> Sandra L. Levy
> Assistant United States Attorney
> Chief, Environmental Litigation, Civil Division
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, NY 11201
> (718) 254-6014
> sandra.levy@usdoj.gov<mailto:sandra.levy@usdoj.gov>
>
> On Dec 6, 2016, at 6:51 PM, Levy, Sandra (USANYE)
<SLevy@usa.doj.gov<mailto:SLevy@usa.doj.gov>> wrote:

Ex. 5 - Deliberative Process, Attorney-Client, Attorney Work Product

>

> Sandra L. Levy
> Assistant United States Attorney
> Chief, Environmental Litigation, Civil Division
> 271 Cadman Plaza East, 7th Floor
> Brooklyn, NY 11201
> (718) 254-6014
> 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>
> <image001.jpg>
> 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-f
> eds-over-li-sound-dumping-1.12113961>StoryPlan to dump silt in LI
> Sound
> opposed<http://www.newsday.com/long-island/epa-hearing-draws-oppositio
> n-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-o
> bama-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.
> <image002.jpg><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.
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>
> Via Newsday.com<http://Newsday.com>:
>
> http://www.newsday.com/long-island/cuomo-to-sue-epa-over-designation-o
> f-li-sound-dumping-site-1.12711537
>
>

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