To: Wooster, Richard[Wooster.Richard@epa.gov]; Conde, Rosaura[Conde.Rosaura@epa.gov]; Monschein, Eric[Monschein.Eric@epa.gov]
Cc: Medrano, Selena[Medrano.Selena@epa.gov]; Hunt, Laura[Hunt.Laura@epa.gov]; Schroer, Lee[schroer.lee@epa.gov]
From: Glazer, Thomas
Sent: Mon 7/17/2017 3:47:21 PM
Subject: RE: AR 2010-12-14-16 Deferred 303d List Actions - Letter to ADEQ 07.17.17 (003).docx
REVISED DRAFT AR 303(d) Letter to The Honorable Asa Hutchinson.docx

Just seeing this now. I appreciate that the train may have left the station on this. That being said, I agree with Rosaura that the letter to Gov. Hutchinson is inaccurate. In particular, the second paragraph characterizes the action as "Our approval of the Arkansas 303(d) lists from 2010, 2012, 2014 and 2016." That's incorrect because we're taking a partial approval.

Beyond that, I agree that the first sentence ("combined action to approve all of the waterbodies identified by the State of Arkansas as impaired") is misleading. I'm also not sure I understand how the 76% comment relates to the no action segments.

Tom Glazer
USEPA Office of General Counsel
Water Law Office
7426N WJC North
(202) 564-0908

From: Wooster, Richard
Sent: Monday, July 17, 2017 11:30 AM
To: Conde, Rosaura <Conde.Rosaura@epa.gov>; Monschein, Eric <Monschein.Eric@epa.gov>; Glazer, Thomas <glazer.thomas@epa.gov>
Cc: Medrano, Selena <Medrano.Selena@epa.gov>; Hunt, Laura <Hunt.Laura@epa.gov>
Subject: RE: AR 2010-12-14-16 Deferred 303d List Actions - Letter to ADEQ 07.17.17 (003).docx

Pruitt letter is meant to be ambiguous and to emphasize positives (moreover, it's been blessed by acting RA so little point in discussing much). We are not doing straight up approval. Pruitt is only noting our approval of all the waters AR listed.

Will have to discuss other stuff in a while . . . off to meet with Bill.

From: Conde, Rosaura
Sent: Monday, July 17, 2017 10:25 AM
To: Wooster, Richard <Wooster.Richard@epa.gov>; Monschein, Eric <Monschein.Eric@epa.gov>; Glazer, Thomas <glazer.thomas@epa.gov>
Cc: Medrano, Selena <Medrano.Selena@epa.gov>; Hunt, Laura <Hunt.Laura@epa.gov>
Subject: RE: AR 2010-12-14-16 Deferred 303d List Actions - Letter to ADEQ 07.17.17 (003).docx

Thanks Rich.

On the Pruitt- Hutchinson letter: The first paragraph says we are taking an action and doesn't specify the action, however the second paragraph makes it seem like it is a straight up approval. Is that what we are working with? It does not seem consistent with the B. Keogh letter.

On the B. Keogh letter: Looking at the numbers of waters deferred and in light of our last conversation, it seems the Illinois River waters dropped from the deferral list. Does that mean we are going down the 4b route, rather than deferral? What is the status of these waters? Also, there are several comments we made on the ROD that should be carried over to the language in this letter. Specifically:

- "potential water body pollutant pairs" – Remove "potential"
- "The hereby approved 2016 CWA 303(d) list is the current list for all CWA purposes as found in Enclosure 1." – In our edits to the ROD we were careful not to say this, since deferrals revert to the status in 2008. Look back at those comments to edit.

Rosaura Conde
EPA's Office of Wetlands, Oceans & Watersheds
Phone: 202-566-1514

From: Wooster, Richard
Sent: Monday, July 17, 2017 10:46 AM
To: Conde, Rosaura <Conde.Rosaura@epa.gov>; Monschein, Eric <Monschein.Eric@epa.gov>; Glazer, Thomas <glazer.thomas@epa.gov>
Cc: Medrano, Selena <Medrano.Selena@epa.gov>; Hunt, Laura <Hunt.Laura@epa.gov>
Subject: AR 2010-12-14-16 Deferred 303d List Actions - Letter to ADEQ 07.17.17 (003).docx

Draft of Bill's cover letter to Becky Keogh.