Message

**From**: Santell, Stephanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A75DFA14AE3D4E5B9E57E5D30B76F9D1-SANTELL, STEPHANIE]
**Sent**: 11/27/2018 10:29:30 PM
**To**: Havard, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9350676809e8403994f1dfc2b7bfdcfe-JHAVARD]; Lewicki, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7688d5b97aa94ba6af2f38984d479b56-CLewicki]
**CC**: Hunter, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=32905162cc58495da107db89c7dea903-Hunter, Chr]; Monschein, Eric [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=110281a30e814820830c14fa5075ff90-EMonsche]
**Subject**: RE: NEW LITIGATION -- Clean Water Act Section 303(d) -- Oregon

Thank you!

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**From:** Havard, James
**Sent:** Tuesday, November 27, 2018 5:28 PM
**To:** Lewicki, Chris <Lewicki.Chris@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>
**Cc:** Hunter, Christopher <Hunter.Christopher@epa.gov>; Monschein, Eric <Monschein.Eric@epa.gov>
**Subject:** FW: NEW LITIGATION -- Clean Water Act Section 303(d) -- Oregon

FYI

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**From:** Glazer, Thomas
**Sent:** Tuesday, November 27, 2018 5:19 PM
**To:** OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Havard, James <Havard.James@epa.gov>; Cora, Lori <Cora.Lori@epa.gov>; Hunter, Christopher <Hunter.Christopher@epa.gov>; Fullagar, Jill <Fullagar.Jill@epa.gov>
**Subject:** NEW LITIGATION -- Clean Water Act Section 303(d) -- Oregon

Today, Nov. 27, 2018, the Center for Biological Diversity (CBD) filed the attached complaint in US District Court for the District of Oregon. The Complaint alleges that EPA has failed to take a final action regarding Oregon's 2012 Section 303(d) List, especially with respect to coastal waters that CBD alleges are impaired by ocean acidification. On December 21, 2016, EPA partially approved and partially disapproved Oregon's 2012 303(d) list, proposing to add waterbody segments to the State's list and expressly taking no action with respect to potential marine water impairments due to ocean acidification. EPA has not taken any further action with respect to the State's list since that time. The Complaint alleges a failure to perform a non-discretionary duty under CWA section 303(d) to identify impaired waters after EPA's partial disapproval of Oregon's 2012 303(d) list, as required by section 303(d)(2) of the CWA, 33 U.S.C. § 1313(d)(2). Region 10 is currently preparing a final decision document on Oregon's list for release within the next few weeks which will moot out this Complaint.

Tom Glazer
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