Message

From: Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]
Sent: 9/5/2022 11:36:05 PM
To: Garcia, Lisa [Garcia.Lisa@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Glenn, Olivia [Glenn.Olivia@epa.gov]
CC: Laureano Perez, Javier [laureano.javier@epa.gov]; Arcaya, Alyssa [arcaya.alyssa@epa.gov]; Wong, Virginia [Wong.Virginia@epa.gov]; Jackson, Wayne [Jackson.Wayne@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: proposed AGENDA/talking points for 9/7 meeting

I have put together this agenda that includes our talking points. Once we agree on this, we can send it to the other parties on the 9/7 call. Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Proposed AGENDA/talking points for 9/7 meeting (2:00 – 4:00) with plaintiffs in NYC WQS litigation:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

6) Set date for next discussion to move forward, and agreement on the status letter to court (with language to be finalized between parties before September 14).

From: Ommen, Todd D. <tommen@law.pace.edu>
Sent: Tuesday, August 16, 2022 12:45 PM
To: Onozawa, Tomoko (USANYS) <TOnozawa@usa.doj.gov>
Cc: Mike Dulong <mdulong@riverkeeper.org>; Levine, Larry <llevine@nrdc.org>; Roger Reynolds <rreynolds@savethesound.org>
Subject: [EXTERNAL] RE: WQS Lawsuit/SD and I waters

Tomoko, below are the topics we'd like to discuss. Subject to FRE 408 of course.

1. Milestones: We'd like to discuss the concept, and how they'd be enforceable.
2. We want to confirm that EPA's position is that all SD and I waters are currently primary contact recreation waters, so any designation of any waterbody or segment as something below primary contact recreation requires a UAA. This seemed clear from the meeting, but we wanted some confirmation.
3. We want to confirm that we will have an actual seat at the table and are not just viewing the actions as they unfold, and what that would entail.
4. We want to know if EPA will require all regulation adopted by DEC in this context be submitted to EPA for review and approval.
5. We want to discuss the requirement of an ability to pay full analysis for any degradation of water quality.
6. We would like gauge EPA's willingness to including the LTCPs in our discussions.

Thanks,

Todd

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