OW Staff Meeting Talking Points
4-18-14

Non-Responsive

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Oregon CZARA – Status of Settlement Agreement Deadline and Actions

- Following EPA/NOAA's review of Oregon's 2013 Coastal Nonpoint Program submittal, the agencies published our intent to disapprove Oregon's Coastal Nonpoint Program on Dec. 20, 2013. Our settlement agreement with NWEA requires the agencies to make a final decision by May 15, 2014. A final decision to disapprove a state's Coastal Nonpoint Program requires EPA and NOAA to withhold 30% of the state's funding under Section 319 of the CWA and Section 306 of the CZMA.
- The 90 day public comment period required by the settlement agreement closed on March 21 and generated 85 comment sets totaling nearly 1,000 pages. Most supported EPA/NOAA's proposed disapproval. NWEA submitted 83 pages of comments with an extra 800+ attachments; NWEA also supplied more comments and documents 2 weeks late.
- Oregon also submitted 76 pages of new/revised information on March 20 for NOAA-EPA to consider. The submittal refers to "*perceived* deficiencies" by EPA-NOAA and asserts that "a decision to disapprove Oregon's program "is not justified" and would be "arbitrary and capricious."
- EPA-NOAA determined that, for a variety of reasons, an extension of the May 15 deadline for publishing a final decision is warranted. Region 10 management (Christine Psyk) recently informed NWEA's Executive Director (Nina Bell) that by mid-May we will provide a written request for a new "date certain" for publishing the agencies' final decision. It could be as late as early 2015.
- EPA/NOAA program and legal staff are meeting frequently to work through Oregon's new submittal and the comments, touching base with management as needed. A meeting with Oregon is in the works.