

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 7/19/2017 2:17:11 AM
To: Ben Grumbles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usereb77e807]
Subject: Re: NEW DECISION - CWA 303(d) LISTING

Good point. We won't do anything public.

Sent from my iPhone

On Jul 18, 2017, at 8:53 PM, Ben Grumbles -MDE- <ben.grumbles@maryland.gov> wrote:

My own view: As a general rule, EPA should tout any favorable decision in a lawsuit against its boss. In a sense, this is an example of the Agency defending the Bay TMDL against attacks by others who want to see the TMDL supplemented with other, local TMDLs.

Ben

Sent from my iPhone

On Jul 18, 2017, at 8:39 PM, Ben Grumbles -MDE- <ben.grumbles@maryland.gov> wrote:

Thanks Lee and congrats again for being appointed as Deputy Assistant Administrator for Water. I don't know of us doing anything on this good news but I'm cc'ing Lee Currey, my Director of Water and Science (including TMDLs) in case he knows. Great to connect two Lees, steeped in water, wetlands, and environmental protection.

Best.
Ben

Sent from my iPhone

On Jul 18, 2017, at 5:29 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Ben,

It was great to see you this morning at ECOs. As always you make very good points on how we need to improve the program.

On another pressing note. Are you all going to put out a press release on this decision? We were considering doing so but don't want to do something if you all don't think it is appropriate.

Let me know what you all want to do.

Lee

D. Lee Forsgren
Deputy Assistant Administrator

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Environmental Protection Agency
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From: Fotouhi, David
Sent: Tuesday, July 18, 2017 11:39 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Fwd: NEW DECISION - CWA 303(d) LISTING

FYI. Let me know if you have any questions.

Sent from my iPhone

Begin forwarded message:

From: "Glazer, Thomas" <glazer.thomas@epa.gov>
Date: July 18, 2017 at 11:37:15 AM EDT
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>, OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Cc: "Schroer, Lee" <schroer.lee@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Subject: NEW DECISION - CWA 303(d) LISTING

Favorable decision denying a challenge by Maryland environmental groups to EPA's approval of Maryland's 2012 303(d) list. Specifically, Plaintiffs argued that EPA improperly delisted waterbody segments that received TMDLs through the Chesapeake Bay TMDL process because they also required "local TMDLs." The Court rejected their claims as moot because EPA had subsequently reiterated its approval (with a more robust record) thirty five months later when it acted on Maryland's 2014 list.

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<2017.07.18 memorandum opinion.pdf>

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