



Re: EPA Convening Interview Agenda and Materials 

Claire Schary to: Carrie Sanneman, Bobby Cochran, Joe Furia,
Karin Power, Neil Mullane, Todd Gartner, Tim Wigington 01/14/2013 11:48 AM

Cc: Christine Psyk, Dru Keenan, Dustan Bott, Chae Park, Susan Poulson, WilliamC Stewart, Bob Rose
Bcc: Claire Schary

Bobby & et al,

Thanks for sending out the materials in advance. I need to warn you, however, that the draft legal authorities document makes us very uncomfortable because of its detailed analysis about the authority for trading under the Clean Water Act. EPA has already done its own analysis that led to the establishment of the 2003 Water Quality Trading Policy and subsequent guidance materials. We cannot sign on to anyone else's analysis as part of this project. Also, given the outstanding lawsuit on water quality trading in the Chesapeake Bay, Region 10 would defer to EPA HQ and its Office of General Counsel on any comments on this draft, and that could be a more cumbersome and challenging process than you might want. I had thought this phase of the project would start with the policies and guidance EPA has already issued and instead concentrate on the state and local policies, especially those concerning nonpoint source reductions. Therefore, on Thursday be prepared to discuss why you think the approach you've taken is necessary and we can explore alternative strategies to meet the intended outcome you have in mind.

As for the list of questions, I may not be able to organize a meeting of my team beforehand to see which questions we can answer, and with some consensus (the questions are quite challenging in their scope and number!). We'll count on your team to determine which are the most important ones to hear from us on, and to make sure we get through enough in the three hours we have to meet.

-- Claire

Claire Schary
Water Quality Trading Coordinator
Office of Water & Watersheds | U.S. Environmental Protection Agency | Region 10
P: (206) 553-8514 | F: (206) 553-0119 | email: schary.claire@epa.gov