

EXHIBIT A

From: Ann Williams [<mailto:Williams.Ann@epamail.epa.gov>]
Sent: Friday, July 29, 2011 3:20 PM
To: Reid, Jerry
Cc: Ronald Fein
Subject: Fw: St. Croix river alewife issue

Hi Jerry,

It was good to talk with you. Here is the email that the Region sent last November to Doug Watts.

Ann
617-918-1097

----- Forwarded by Ann Williams/R1/USEPA/US on 07/29/2011 03:15 PM -----

From: Ronald Fein/R1/USEPA/US
To: Lee Schroer/DC/USEPA/US@EPA, Ann Williams/R1/USEPA/US@EPA
Date: 07/28/2011 09:37 AM
Subject: Fw: St. Croix river alewife issue

Ron Fein
Assistant Regional Counsel
U.S. Environmental Protection Agency - New England
617-918-1040

----- Forwarded by Ronald Fein/R1/USEPA/US on 07/28/2011 09:37 AM -----

> >-----Original Message-----

> >From: Fein.Ronald@epamail.epa.gov [<mailto:Fein.Ronald@epamail.epa.gov>]
> >]

> >Sent: Monday, November 8, 2010 03:27 PM

> >To: info@dougwatts.com

> >Cc: Weitzler.Ellen@epamail.epa.gov

> >Subject: Re: St. Croix river alewife issue

> >

> >Mr. Watts -

> >As we discussed two weeks ago, EPA does not view 12 MRS 6134 as a water

> >quality standards revision. Moreover, even if Maine did in fact revise

> >its water quality standards to remove an existing or designated use

> >without EPA approval or if EPA disapproved the removal, the previously

> >approved (now removed from state law) standard would still be in

effect

>>for Clean Water Act purposes because under 40 CFR 131.21(e) the state's
>>previously approved standard "remains the applicable standard until EPA
>>approves a change, deletion or addition to that standard or until EPA
>>promulgates a more stringent water quality standard." If the state
>>refused to change its state law in response to an EPA disapproval (based
>>on EPA's position that the state did not justify removal of the
>>designated use), then the remedy would be for EPA to propose and
>>promulgate a revised water quality standard pursuant to CWA 303(c)(4)
to
>>restore the removed use. However, in the context of this dam, which
>>does not appear to require Section 401 certification, such an
>>EPA-promulgated water quality standard revision would not provide the
>>ultimate relief you are seeking, i.e., to open the fishways. I hope
>>this is helpful.

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>>Ron Fein

>>Assistant Regional Counsel

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