



U.S. Department of Justice

Environment and Natural Resource Division

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MEMORANDUM

To: OAAG, Section Chiefs, Deputy Section Chiefs, Assistant Section Chiefs

From: Karen M. Wardzinski
Chief, Law and Policy Section & Deputy Designated Agency Ethics Official

Re: Recusal List for Jeffrey Wood

As you know, Jeffrey Wood recently joined the Environment and Natural Resources Division (ENRD) as the Principal Deputy Assistant Attorney General (DAAG) and Acting Assistant Attorney General. Below is a list of entities for which Acting AAG Wood will be recused.

As an initial matter, Acting AAG Wood is recused from any matter in which the law firm of Balch & Bingham is a party or represents a party. He is also recused from any matter that involves or has a direct and predictable effect on one or more of the entities listed below in section B. Additional areas of recusal required by the new Trump Administration Ethics Pledge are identified below in section "C." Please contact me if you have questions about whether certain cases or other matters require recusal based on section "C" below. These recusals will remain in place for the time periods set forth in applicable laws, regulations and guidance.

Please make your best effort to determine whether Acting AAG Wood is recused from a matter before you bring that matter to the attention of the Front Office. If Acting AAG Wood is recused, please mark the materials accordingly. For weekly reports, please mark each entry as follows: **(ACTING AAG WOOD RECUSED)** before the case name and description for your weekly entry. Once the Front Office has compiled all section weeklies, we will prepare a redacted version of the report for Acting AAG Wood each week.

Until further notice, all matters for which Acting AAG Wood is recused will be handled by Counsel Brandon Middleton. To the extent that Mr. Middleton is also recused from the matters, the career DAAG responsible for the section in which the matter arises will handle the matter in consultation with the Office of the Associate Attorney General.

Jeffrey Wood Recusal List

A. Firm

- Balch and Bingham LLP

B. Entities

- AGL Resources Inc.
- Alabama Power Company
- Georgia Power Company
- Gulf Power Company
- Ingram Barge Company
- Ingram Industries Inc.
- Ingram Marine Group
- Luminant
- Mississippi Power Company
- Pine Bluff Materials Company LLC
- Pine Bluff Sand & Gravel Company
- Regions Bank
- Southern Communications Services, Inc. (AKA SouthernLINC Wireless)
- Southern Company (The)
- Southern Company Holdings, Inc.
- Southern Company Services, Inc.
- Southern Electric Generating Company (AKA SEGCO)
- Southern Nuclear Operating Company, Inc.
- Southern Power Company
- TXU Energy
- Vistra Energy Corp.

Mr. Wood will also recuse himself from specific matters involving other clients for whom he provided legal services in the last two years, even if not listed above.

C. Additional Recusals

- Litigation and related issues involving disputes among the states of Alabama, Georgia, and Florida regarding shared water resources in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa River Basins
- Litigation and related issues involving Section 105 Clean Air Act (CAA) grants and the formula for such grants
- Litigation and related issues related to specific economic development projects in Alabama supported by the Southern Company entities

- Litigation and related issues arising in connection with any project under the U.S. Army Corps of Engineers (USACE) Section 14 riverbank erosion program to address riverbank erosion impacting the Edmund Pettus Bridge
- Litigation and related issues involving compliance by the electric utility industry with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act
- Litigation involving the Clean Power Plan (CPP)
- Litigation involving the Mercury and Air Toxics Standards (MATS)
- Litigation involving the Cross-State Air Pollution Rule (CSPAR)
- Litigation and related issues involving Alabama highway projects, including the Birmingham Northern Beltline project
- CERCLA matters related to the North Birmingham CERCLA site in Alabama
- Issues related to the Department of Energy (DOE's) compliance with obligations under the Nuclear Waste Policy Act to dispose of spent nuclear fuel from nuclear power plants, including issues involving the disposal at Yucca mountain
- Litigation and related issues regarding the Nuclear Regulatory Commission's (NRC's) Backfit regulation
- Litigation and related issues regarding the NRC's Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) rule
- Litigation and related issues regarding the DOE and NRC's programs to support the development and licensing of advanced nuclear reactors
- CAA New Source Review (NSR) cases involving Luminant and Ameren encompassed in our "Power Plant" Docket

Cases from which Jeffrey Wood is recused
as of 2/27/2017

Note that this list is current as of February 27, 2017 but is subject to change as new cases are added based on the list of recused entities and matters contained in the memo from Karen Wardzinski titled "Recusal List for Jeffrey Wood" dated February 27, 2017

Appellate

- *American Rivers v. Federal Energy Regulatory Commission*, No. 16-1195 (D.C. Cir.) 90-13-2-14736
- *Florida v. Georgia*, No. 22O142 ORG (S. Ct.) 90-1-2-14114
- *Mississippi v. Tennessee*, No. 22O143 ORG (S. Ct.) 90-1-2-14343

Environmental Crimes

- Volkswagen Diesel Engine Emissions Cases

Environmental Defense

- *West Virginia v. EPA*, No. 15-1363 (and consolidated cases) (D.C. Cir.) 90-5-2-3-20604
- *North Dakota et al. v. EPA et al.*, No 15-1381 (D.C. Cir.) 90-5-2-3-20608
- *Walter Coke, Inc. v. EPA*, No. 15-1166 (D.C. Cir.) 90-5-2-3-20462
- *Murray Energy Corp. v. EPA*, No. 16-1127 and consolidated cases (D.C. Cir.) 90-5-2-3-20797
- *Utility Air Regulatory Group v. EPA*, No. 12-1342 and consolidated cases (D.C. Cir.) 90-5-2-3-19643
- *State of Wisconsin v. EPA*, No. 16-1406 and consolidated cases (D.C. Cir.) 90-5-2-3-20954
- *Wisconsin Public Service Co. v. EPA*, No. 12-1163 and consolidated cases (D.C. Cir.) 90-5-2-3-19411
- *State of Texas, et al. v. EPA, et al.*, No. 16-60670 (5th Cir.) 90-5-2-3-20929
- *State of Texas, et al. v. EPA*, No. 16-60118 (5th Cir.) 90-5-2-3-20760
- *Luminant Generating Co. v. EPA*, No. 16-9508 (10th Cir.) 90-5-2-3-20761
- *Texas v. EPA*, No. 16-1078 (D.C. Cir.) 90-5-2-3-20767
- *Chesapeake Climate Action Network, et al., v. EPA*, No. 15-1015 and consolidated cases (D.C. Cir.) 90-5-2-3-20366
- *Sierra Club v. EPA*, No. 16-1021 (D.C. Cir.) 90-5-2-3-20725
- *In re Macon Naval Ordnance Plant Superfund Site* 90-11-6-20594
- *Utility Air Regulatory Group v. EPA*, No. 12-1346 and consolidated cases (D.C. Cir.) 90-5-2-3-19728
- *Alabama Power Co. v. Corps of Engineers*, No. 15-699 (D.D.C.) 90-1-4-14448
- *State of Alabama v. Corps*, No. 15-696 (D.D.C. 15-696) 90-1-4-14447
- *Sierra Club v. EPA*, No. 14-1110 (D.C. Cir.) 90-5-2-3-20186
- *State of Utah v. EPA*, No. 16-9541 (10th Cir.) 90-5-2-3-20887
- *Sierra Club v. U.S.*, No. 16-2415 (1st Cir.) 90-5-1-7-20952
- *State of North Dakota v. EPA*, No. 17-1014 (D.C. Cir.) 90-5-2-3-21015

Environmental Enforcement

- Volkswagen
 - *U.S. v. Volkswagen "Clean Diesel" Marketing, Sales, Practices, and Products Liability Litigation*, Civ. No. 16-295 (N.D. Cal.) 90-5-2-1-11386
 - *U.S. v. Volkswagen AG, et al.*, Civ. No. 16-10006 (E.D. Mich.) 90-5-2-1-11386.
 - *U.S. v. Volkswagen "Clean Diesel" Marketing, Sales, Practices, and Products Liability Litigation*, Civ. No. 15-md-2672 (N.D. Cal.) 90-5-2-1-11386
 - *In re: Jason Hill, et al. v. Volkswagen, AG, et al.*, 16-17060 (9th Cir.) 90-5-2-1-11386
- BP (Deepwater Horizon)
 - *US v. BP Exploration and Production, Inc., et al.* Civ. 10-4536 (E.D. La.) 90-5-1-1-10026
 - Also titled "In Re: Oil Spill by the Oil Rig 'Deepwater Horizon' in the Gulf of Mexico, on April 20, 2010," MDL 2179
- [REDACTED] Exemption 7(A)
- [REDACTED]
- [REDACTED] Exemption 7(A)
- [REDACTED] Exemption 7(A)
- [REDACTED] Exemption 7(A)
- [REDACTED] Exemption 7(A)
- *U.S. v. Jefferson County*, Civ. Nos. 93-2492 and 94-2947 (N.D. Ala.) 90-5-1-1-4195
- *U.S. v. Georgia Power*, Civ. No. 16-112 (S.D. Ga.) 90-11-2-1237/3
- *U.S. v. Luminant Generation Co.*, Civ. No. 13-3236 (N.D. Tex.) 90-5-2-1-09894
- *U.S. v. Ameren Missouri (f/k/a Amerenue)*, Civ. No. 11-77 (E.D. Mo.) 90-5-2-1-09844

Indian Resources

- *No cases*

Land Acquisition

- *No cases*

Law & Policy

- *RESTORE Act Implementation* 90-1-24-03398

Natural Resources

- *Florida v. Georgia*, No. 220142 ORG (Sup. Ct.) 90-1-2-14114
- *Mississippi v. Tennessee*, No. 220143 ORG (Sup. Ct.) 90-1-2-14343
- *Alabama Power Co. v. U.S. Army Corps of Engineers*, No. 15-699 (D.D.C.) 90-1-4-14448
- *Alabama v. U.S. Army Corps of Engineers*, No. 15-696 (D.D.C.) 90-1-4-14447
- *Georgia v. U.S. Army Corps of Engineers*, No. 14-3593 (N.D. Ga.) 90-1-0-14308
- *Atlanta Regional Comm'n v. U.S. Army Corps of Engineers*, No. 14-3594 (N.D. Ga.) 90-1-0-14323
- *Cobb County-Marietta Water Authority v. U.S. Army Corps of Engineers*, Div. No. 17-400 (N.D. Ga.) 90-1-4-14911

Wildlife & Marine Resources

- *No cases*