

In response to a GAO report on institutional controls, EPA has also taken some steps to better manage the implementation of institutional controls at Superfund sites.³⁷ However, many sites remain for which the implementation status of institutional controls is not available.³⁸ In 2010, EPA completed an internal evaluation to determine whether the required and necessary institutional controls were in place at national priority Superfund sites.³⁹ EPA's review disclosed that controls to protect human health were not in place at a number of sites they reviewed. EPA made recommendations to improve the implementation of these controls to protect human health at sites where risks remained. In November 2010, EPA also revised Agency guidance and sought public comment on its "interim final guidance," *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*.⁴⁰

Our work has identified a number of additional challenges that EPA faces in ensuring effective long-term monitoring or stewardship of contaminated sites. We found that some states were not financially prepared to take over their long-term monitoring and maintenance responsibilities for Superfund cleanups.⁴¹ In 2010, Michigan's Department of Environmental Quality believed it would run out of money for its hazardous waste cleanup program.⁴² We have reported on state failures to enforce cleanup agreements,⁴³ EPA's failure to follow Superfund site deletion guidance⁴⁴ and Five-Year Review procedures,⁴⁵ and EPA's lack of systems to determine whether a site cleanup is noncompliant.⁴⁶

We found that EPA relies on the self-certification of a third-party environmental professional to determine whether statutorily required environmental due diligence has been performed at Brownfields sites funded by EPA grants. In all sample environmental due diligence investigations we reviewed, environmental professional certifications failed to meet federal requirements and therefore failed to assure that a proper environmental investigation occurred.⁴⁷

one-half of U.S. states have passed a Uniform Environmental Covenants Act. The Uniform Environmental Covenants Act was drafted by the National Conference of Commissioners on Uniform State Laws in August 2003.

³⁷ GAO, *Hazardous Waste Sites: Improved Effectiveness of Controls at Sites Could Better Protect the Public*, GAO 05-163 January 28, 2005. See also <http://www.epa.gov/superfund/policy/ic/index.htm>.

³⁸ EPA website, "Published Institutional Controls,"

http://www.epa.gov/ictsw07/public/export/regionalReport/ALL_REGIONS_IC_REPORTS.HTM.

³⁹ EPA, "Summary of Program Evaluations for FY 2010 Annual Performance Report,"

http://www.epa.gov/planandbudget/Summary_of_Prog_Evals_for_FY_10_APR.pdf.

⁴⁰ *Federal Register*, Environmental Protection Agency, "Guidance on Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites," November 30, 2010.

⁴¹ EPA OIG, *Some States Cannot Address Assessment Needs and Face Limitations in Meeting Future Superfund Cleanup Requirements*, Report No. 2004-P-00027, September 1, 2004.

⁴² *The Detroit News*, "Michigan Out of Cash to Clean Up Toxic Sites," March 4, 2010.

⁴³ EPA OIG, *Improved Controls Would Reduce Superfund Backlogs*, Report No. 08-P-0169, June 2, 2008.

⁴⁴ EPA OIG, *EPA Decisions to Delete Superfund Sites Should Undergo Quality Assurance Review*, Report No. 08-P-0235, August 20, 2008.

⁴⁵ EPA OIG, *EPA Has Improved Five-Year Review Process for Superfund Remedies, But Further Steps Needed*, Report No. 2007-P-00006, December 5, 2006; EPA OIG, *EPA's Safety Determination for Delatte Metals Superfund Site Was Unsupported*, Report No. 09-P-0029, November 19, 2008.

⁴⁶ EPA OIG, *EPA Needs to Track Compliance with Superfund Cleanup Requirements*, Report No. 08-P-0141, April 28, 2008.

⁴⁷ EPA OIG, *EPA Must Implement Controls to Ensure Proper Investigations Are Conducted at Brownfields Sites*, Report No. 11-P-0107, February 14, 2011.

EPA also conducts no oversight of the requirement to meet “continuing obligations” at Brownfields properties funded by EPA. Continuing obligations include land use controls and institutional controls designed to prevent unacceptable uses of a contaminated properties.⁴⁸ Weaknesses or lapses in meeting environmental due diligence or continuing obligations requirements can result in undetected or undisclosed contamination and inappropriate land use.

Our January 2010 report found new contamination at a delisted Superfund site in Delaware where EPA conducted informal and undocumented oversight of the site reuse plans.⁴⁹ The current site owner had nearly finalized plans for reusing the site for public recreation but in a manner inconsistent with the site cleanup plan. EPA had not kept current with the current owner’s site reuse plans. In addition, EPA did not issue a Ready for Reuse (RfR) determination for this site because it believed it was not necessary. An RfR could potentially address some of the internal challenges to ensuring safe reuse of contaminated sites. However, there is no requirement to complete RfRs, and they have been treated as discretionary. Nonetheless, EPA has held up RfRs as providing the necessary “limitations that need to be followed to ensure [site] protectiveness.” An RfR was not issued for the site reviewed in our January 2010 report because site managers believed an RfR was only needed to aid the real estate market. At another Superfund site, we also found that EPA did not take action to address a 6-year gap in environmental sampling that the state should have conducted.⁵⁰ This type of oversight weakness can result in a failure to detect conditions that indicate that a cleanup remedy does not protect human health and the environment.

EPA’s management of the long-term oversight and monitoring requirements for the safe reuse of contaminated sites has lagged behind its marketing of site reuse opportunities and showcasing of successes. Only in the last several years has EPA focused attention on the long-term stewardship aspects of contaminated sites across its cleanup programs. This gap promises to increase substantially as EPA continues to heavily promote the reuse of contaminated sites without investing in tools needed to ensure the safe, long-term use of these sites. Many Superfund sites are now moving to the long-term monitoring phase, with more sites expected to do so in the future.⁵¹ EPA’s December 2008 report on future Superfund workload needs states that the “post-construction” workload will require the greatest increase in coming years and will increase by 89 percent over the current full-time equivalent distribution.⁵² EPA will continually need to assess challenges it faces, as well as challenges among the diverse group of non-EPA parties it must work with, to ensure that sites are safely reused. In its assessments, EPA should consider new or expanded authorities and regulations, new organizations, measures and goals, new methods of sharing information, and dedicated funding and resources for long-term stewardship activities.

⁴⁸ EPA, *Brownfields Fact Sheet, EPA Brownfields Grants CERCLA Liability and All Appropriate Inquiries*, EPA 560-F-09-026, April 2009.

⁴⁹ EPA OIG, *Changes in Conditions at Wildcat Landfill Superfund Site in Delaware Call for Increased EPA Oversight*, Report No. 10-P-0055, January 27, 2010.

⁵⁰ EPA OIG, *EPA Should Improve Oversight of Long-term Monitoring at Bruin Lagoon Superfund Site in Pennsylvania*, Report No. 10-P-0217, September 8, 2010.

⁵¹ EPA, *Long-Term Stewardship: Ensuring Environmental Site Cleanups Remain Protective Over Time: Challenges and Opportunities Facing EPA’s Cleanup Programs*, EPA 500-R-05-001, September 2005.

⁵² EPA, *Superfund Workload Assessment Report*, OSWER Document 9200-2-81, December 2, 2008. Post-construction workload can refer to all activities after a cleanup remedy is constructed (including long-term monitoring and reuse activities).

In 2009, EPA agreed with this challenge.⁵³ In its 2010 response to this challenge, EPA stated that it had several tools it actively promotes to ensure appropriate and safe reuse of sites, and that it will continue to explore new tools and approaches to sharing risk information to ensure that sites remain safe in their future uses.⁵⁴ EPA stated that its Superfund Five-Year Review process addresses the vast majority of “emerging contaminant” situations observed at Superfund National Priority List sites and conveyed that the Five-Year Review process worked well. Six specific “tools” EPA said it promotes to ensure appropriate and safe reuse of sites are: (1) RfR determinations, (2) comfort and status letters, (3) prospective purchaser inquiry calls, (4) EPA-funded reuse planning offers, (5) site reuse fact sheets, and (6) Comprehensive Environmental Response, Compensation and Liability Information System data on institutional controls. EPA has recently taken significant steps to address and remedy vulnerabilities in the Five-Year Review process. Several actions have been taken in response to our findings. In 2009, EPA completed a review of the quality of Five-Year Reviews. The Agency identified many reviews that needed additional support and some that needed modified safety determinations. Additional actions such as modifying the Agency’s 2001 guidance on Five-Year Reviews may be forthcoming.

We will review and recognize EPA efforts to address the significant challenge of ensuring the long-term safety of contaminated sites. Our work and the Agency’s work have shown that EPA can address these internal challenges through improved oversight and management of activities inherent to successful long-term stewardship of contaminated sites. However, successful long-term stewardship also depends on having properly resourced and informed non-EPA parties, who have ongoing access to current information, are actively involved in compliance, and conduct appropriate due diligence and oversight of contaminated sites. EPA is highly limited in addressing this challenge when state or local governments with primary responsibility for addressing many long-term safety issues have neither the money nor the will to do so. The lessons from recent issues such as vapor intrusion show that site reuse can generate new environmental risks. In its 2011–2015 Strategic Plan, EPA states:

Complications can arise when new scientific information concerning contaminants at a site suggests that a risk assessment that was protective when a remedy was selected is no longer protective given the contaminant levels remaining at a site and their potential exposure pathways. . . . EPA must incorporate emerging science into decision making to maintain its commitment to provide permanent solutions.”⁵⁵

EPA needs new strategies that take the Agency beyond merely encouraging non-EPA parties to fulfill requirements and focus on providing EPA and other parties the information, resources, and authorities to ensure long-term safety of reused sites.

⁵³ EPA, *Performance and Accountability Report for Fiscal Year 2009*, section IV, page 43.

⁵⁴ EPA, *Fiscal Year 2010 Agency Financial Report*, section III, pages 37–40.

⁵⁵ EPA, *FY 2011–2015 Strategic Plan*, page 25.

Limited Capability to Respond to Cyber Security Attacks

Continuing from the management challenge from last year, EPA still has a limited capacity to effectively respond to external network threats despite reports that Advanced Persistent Threats (APTs) designed to steal or modify information without detection are becoming more prevalent throughout government.⁵⁶ In addition, the Agency does not have an overarching understanding of system exploitations from an insider threat perspective. This type of threat can come from a user, through unauthorized physical access by an individual, through a breach due to access and weak controls via contract facility connections, or from insertion of malware that allows for unauthorized remote access.

Our ongoing analysis shows that the Agency still faces challenges with respect to protecting against APT-type attacks. Although the Agency has deployed new tools to improve its architecture, these tools raise new security challenges and, therefore, concerns by our office. EPA deployed Symantec Endpoint Protection in an attempt to identify malware on Agency systems. The full extent of this deployment and the ability of the Agency to rapidly correlate the reporting of system vulnerabilities are limited. The Agency implemented “BigFix” servers for managing patch and software updates. While use of these systems is beneficial, the systems introduce security concerns because a single compromise of the BigFix system could modify computers throughout the EPA domain. Some of these BigFix servers were reported to have been compromised this year.

The Agency does not have an Agency-wide governance of its critical infrastructure designed to identify critical components, systems, and data, and any associated back-up or redundant systems, so that when a compromise occurs, the Agency and our office can quickly engage key stakeholders, assess the significance of the threat, and take appropriate actions. The Agency recently had one of these designated “critical” systems reported as compromised. However, due to a lack of critical system redundancy, investigators responding to the an incident were unable to take the systems offline to preserve evidence. This failure to provide for critical redundant capability exist at the wide area network (WAN) and local area network levels of EPA infrastructure.

EPA is in the process of transferring to the U.S. General Services Administration’s Managed Trusted IP Services (MTIPS) contract. MTIPS is reported to provide services such as intrusion detection, intrusion protection, incident response, managed firewall, vulnerability scanning, antivirus management, and managed e-authentication. Integration of these services into the control and oversight of EPA’s Office of Environmental Information (OEI) has not been fully realized or understood. When we asked OEI staff whether the Agency and our office would have access to the day-to-day EPA’s networks security logging data controlled by the MTIPS contractor, staff had no ready answers. OEI staff responded that the focus was on transition and that security was a secondary concern. This response is concerning given that we noted last year that EPA could not identify the owners of approximately 10 percent of the Internet Protocol (IP) addresses that are potentially compromised due to an APT.⁵⁷ These compromised systems extend to every EPA regional office and headquarters. In September 2010, the Agency stopped

⁵⁶ *Federal Computer Week*, “Google Attacks: A Wake-up Call or Curtain Call for Agencies?” February 4, 2010.

⁵⁷ Electronic mail from EPA’s Computer Security Incident Response Capability Center, April 6, 2010.

producing and or sharing this data with our office; thus, we do know whether EPA has remedied this situation.

Security of EPA's network greatly depends on ongoing public- and private-sector partnerships led by the United States Computer Emergency Readiness Team (US-CERT).⁵⁸ The mission of US-CERT is to protect the nation's Internet infrastructure and to coordinate national defense against and responses to cyber attacks.⁵⁹ Accordingly, it disseminates actionable cyber security information to EPA's Computer Security Incident Response Capability Center (CSIRC), whose goal is to protect EPA information assets and respond to actual and potential incidents.⁶⁰ The unknown origins of many cyber attacks and the complex ways they compromise data networks⁶¹ make this ongoing collaboration crucial to the security of EPA's network. Although US-CERT has been a key provider of cyber threat data or intelligence to the Agency, up until February 2011, EPA only had the Research Triangle Park point of presence (POP) monitored by US-CERT sensing equipment. While EPA was waiting on the WAN 2010 upgrade to install a sensor at its District of Columbia POP, US-CERT did not have visibility on an estimated 8,000–10,000 EPA personnel and contractors utilizing this POP for an extended period.

The management challenge issued in FY 2010 stated, "EPA's CSIRC is expected to have sufficient technical expertise and resources to coordinate rapid and highly skilled responses to incidents of malicious attacks on its network." To date, the staffing resources at CSIRC are limited and cannot provide the required information requested by our office. We are in discussions with OEI staff regarding procedures they should follow in handling requests from our office that exceed their staffing resources.⁶²

EPA is working toward acquiring, training, and deploying forensic tools and experienced technical specialists to analyze and determine whether attackers have gained entry to EPA's network systems, what they did while within EPA's domain space, what information was compromised, and what information may have been maliciously removed from the EPA network. Our office is working with OEI on a memorandum of understanding to define roles and responsibilities for our two offices in response to intrusion activities associated with EPA's networks. The implementation of this memorandum of understanding and the information gathered by the Agency's information technology staff will benefit and support not only EPA's operational mission, but our investigative mission as well, specifically as it relates to the preservation of the crime scene associated with intrusion events.

To meet this challenge to EPA's network head on, EPA leadership must understand the threats to EPA's confidential business information and the importance of minimizing those risks. Further, the Chief Information Officer and the Office of Technology Operations and Planning leadership should carefully study the classified intelligence materials provided to them regarding threats against government domains and disseminate the information to necessary offices. These intelligence materials are especially critical as EPA's network is reportedly compromised. Last

⁵⁸ US-CERT website, <http://www.us-cert.gov/aboutus.html>.

⁵⁹ US-CERT website, <http://www.us-cert.gov/aboutus.html>.

⁶⁰ EPA intranet, http://cfint.rtpnc.epa.gov/otop//security/csirc/about_us.cfm.

⁶¹ *CNN.com/technology*, "U.S. Government Sites among Those Hit by Cyber Attack," July 8, 2009.

⁶² Reference e-mail, OEI to OIG, dated March 12, 2011, 10:11 AM.

year, before reporting to our office stopped, there were approximately 7,800 EPA systems identified as potentially communicating to known hostile IPs or domains. We note that not all 7,800 systems were compromised, but we do not know which ones were compromised.

Further, EPA leadership must clearly articulate to Congress the costs of protecting its infrastructure and seek from Congress sufficient funds for the development of a real-time capability to identify and analyze attacks against EPA's computer and network systems.

EPA also should compile a better inventory of network assets, including intellectual properties, and identify where data sit on its network. EPA should also deploy a better method of identifying and authenticating individuals allowed to access EPA's network. Only then will EPA be able to execute a strategy that effectively protects its resources, infrastructure, and intellectual property from individuals and entities that intend to do harm.

In addition, EPA should aggressively address previously reported security weaknesses to strengthen its ability to detect and respond to network attacks.⁶³ In particular, EPA should:

- Implement a process that tracks IP address assignments and documents the origin of all active IP addresses so responders can take quicker steps to minimize harm caused by APTs.⁶⁴
- Implement a vulnerability management program to proactively identify and correct commonly known vulnerabilities before they can be exploited.⁶⁵
- Communicate high-risk vulnerability alerts more effectively throughout the Agency and follow up with responsible parties to ensure satisfactory remediation.⁶⁶
- Verify that EPA's numerous information security officers are adequately skilled to conduct regular vulnerability tests of their respective local area networks and systems, as well as successfully recognize and remediate high and medium risks in a uniform and acceptable manner.⁶⁷

⁶³ EPA OIG, *Project Delays Prevent EPA from Implementing an Agency-wide Information Security Vulnerability Management Program*, Report No. 09-P-0240, September 21, 2009.

⁶⁴ EPA OIG, *Management of EPA Headquarters Internet Protocol Addresses Needs Improvement*, Report No. 08-P-0273, September 23, 2008.

⁶⁵ EPA OIG, *Project Delays Prevent EPA from Implementing an Agency-wide Information Security Vulnerability Management Program*, Report No. 09-P-0240, September 21, 2009.

⁶⁶ EPA OIG, *EPA Needs to Strengthen Financial Database Security Oversight and Monitor Compliance*, Report No. 2007-P-00017, March 29, 2007.

⁶⁷ EPA OIG, *Results of Technical Network Vulnerability Assessment: Region 9*, Report No. 09-P-0052, December 9, 2008; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's Radiation and Indoor Environments National Laboratory*, Report No. 09-P-0053, December 9, 2008; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's Las Vegas Finance Center*, Report No. 09-P-0054, December 9, 2008; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's Research Triangle Park Campus*, Report No. 09-P-0055, December 9, 2008; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA Headquarters*, Report No. 09-P-0097, February 23, 2009; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's Great Lakes National Program Office*, Report No. 09-P-0185, June 30, 2009; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's National Computer Center*, Report No. 09-P-0186, June 30, 2009; EPA OIG, *Results of Technical Network Vulnerability Assessment: Region 8*, Report No. 09-P-0187, June 30, 2009; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's Potomac Yard Buildings*, Report No. 09-P-0188, June 30, 2009; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA's 1310 L Street Building*, Report No. 09-P-0189, June 30, 2009; EPA OIG, *Results of Technical Network Vulnerability*

- Take steps to improve the reliability of data used to assess the status of its information security program and posture with regard to known network threats.⁶⁸
- Train EPA’s information security community on testing and documenting information systems security controls, and enhance the quality assurance process to verify that self-assessments evaluate all required security controls.⁶⁹
- Develop and implement comprehensive log review policies and procedures, establish a management control process to review the performance of the contractors conducting these reviews, and update and approve the WAN security plan and properly certify and accredit future significant WAN configuration changes prior to moving them into production.⁷⁰
- Develop and implement a network traffic analysis methodology to be used to identify abnormal network traffic.⁷¹
- Deploy a system of obtaining full network packet capture of all traffic within and traveling outside of its domain, to have the ability to historically understand cyber incidents that occur and any loss of sensitive data.

Taking these actions would enhance EPA’s ability to effectively (1) identify what key data (intellectual, confidential, privacy) have been stolen, (2) determine collateral damage to the Agency’s trusted business partners, (3) remediate threats as they occur, and (4) better defend its network domain. EPA’s limitation in these areas is alarming, because a large-scale cyber attack could be as devastating to the U.S. economy and infrastructure as a terrorist bombing.⁷²

EPA’s Framework for Assessing and Managing Chemical Risks

EPA’s framework for assessing and managing chemical risks has not yet achieved the goal of protecting human health and the environment. In 1976, Congress passed the Toxic Substances Control Act (TSCA), authorizing EPA to collect information on, and to regulate the production and distribution of, chemicals. TSCA required EPA to (1) create an inventory of “existing chemicals” already in commerce, (2) regulate unreasonable risk from “new chemicals” introduced into commerce subsequent to the act, and (3) make health and safety

Assessment: EPA’s Research Triangle Park Finance Center, Report No. 09-P-0227, August 31, 2009; EPA OIG, *Results of Technical Network Vulnerability Assessments: EPA’s Andrew W. Breidenbach Environmental Research Center*, Report No. 10-P-0210, September 7, 2010; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA’s Erlanger Building*, Report No. 10-P-0211, September 7, 2010; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA’s Ronald Reagan Building*, Report No. 10-P-0212, September 7, 2010; EPA OIG, *Results of Technical Network Vulnerability Assessment: EPA’s Region 4*, Report No. 10-P-0213, September 7, 2010.

⁶⁸ EPA OIG, *Self-reported Data Unreliable for Assessing EPA’s Computer Security Program*, Report No. 10-P-0058, February 2, 2010.

⁶⁹ EPA OIG, *Improvements Needed in Key EPA Information System Security Practices*, Report No. 10-P-0146, June 15, 2010.

⁷⁰ EPA OIG, *Improvements Needed in EPA’s Network Traffic Management Practices*, Report No. 11-P-0159, March 14, 2011.

⁷¹ EPA OIG, *Improvements Needed in EPA’s Network Traffic Management Practices*, Report No. 11-P-0159, March 14, 2011.

⁷² *CNN.com/technology*. “U.S. at Risk of Cyber Attacks, Experts Say.” August 18, 2008.

information available for examination while protecting manufacturers' confidential business information.

EPA's effectiveness in assessing and managing chemical risks is hampered in part by limitations on the Agency's authority to regulate chemicals under TSCA. When TSCA was enacted, it authorized the manufacture and use, without any evaluation, of all chemicals that were produced for commercial purposes in 1976 or earlier years. Thus, manufacturers of these grandfathered chemicals were not required to develop and produce data on toxicity and exposure, which are needed to properly and fully assess potential risks. Further compounding this problem, the statute never provided adequate authority for EPA to evaluate existing chemicals as new concerns arose or as new scientific information became available. As enforcement is critical to ensuring environmental protection, while TSCA authorizes EPA to conduct inspections, issue subpoenas, and impose civil penalties for violations, the statute lacks the broad information-gathering and enforcement provisions found in other major environmental protection statutes. For example, TSCA does not provide EPA the administrative authority to seek injunctive relief, issue administrative orders, collect samples, and quarantine and release chemical stocks.

On September 29, 2009, the Administration outlined core principles to strengthen U.S. chemical management laws. Administrator Jackson testified before Congress on December 2, 2009, on the need to revise and modernize TSCA. In the absence of new legislation, we found that EPA could better manage existing authorities. In 2010, we published a report on the New Chemicals Program that showed that EPA did not have integrated procedures and measures in place to ensure that new chemicals do not pose an unreasonable risk to human health and the environment.⁷³ We recommended that EPA better coordinate risk assessment and oversight activities by establishing a management plan that contains new goals and measures that demonstrate the results of EPA actions. Additionally, we recommended that EPA establish criteria for selecting chemicals or classes of chemicals for low-level exposure and cumulative risk assessments, and develop confidential business information classification criteria to improve EPA's transparency and information sharing. Finally, we recommended that EPA develop a management plan for Core TSCA enforcement that includes training, consistent enforcement strategies across regions for monitoring and inspection protocols, and a list of manufacturers and importers of chemicals for strategic targeting. The Agency agreed with our recommendations, and in November 2010, we accepted the Agency's corrective action plan outlining the steps it intends to take to address our recommendations.

EPA's framework for assessing and managing chemical risks from endocrine disruptors is also failing to show results. In August 1996, Congress passed both the Food Quality Protection Act and amendments to the Safe Drinking Water Act, calling for the screening and testing of chemicals and pesticides for possible endocrine-disrupting effects (i.e., adverse effects on the development of the brain and nervous system, the growth and function of the reproductive system, as well as the metabolism and blood-sugar levels). EPA established the Endocrine Disruption Screening Program in 1998. The Endocrine Disruption Screening Program was mandated to use validated methods for the screening and testing of chemicals to identify

⁷³ EPA OIG, *EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities*, Report No. 10-P-0066, February 17, 2010.

potential endocrine disruptors. In 2000, EPA estimated that approximately 87,000 chemicals would need to be screened for potential endocrine-disrupting effects. As of February 25, 2010, EPA issued test orders to industry for 67 pesticide active ingredients and high-production volume chemicals with some pesticide inert uses. Thus, 14 years after the passage of the Food Quality Protection Act and amendments to the Safe Drinking Water Act, EPA has yet to regulate the endocrine-disrupting effects of any chemicals.

Though we have not yet completed any additional reports on EPA's activities under TSCA, we have identified some potential challenges for the Agency. To address the unique properties of nanomaterials and to better address children's health concerns, revisions to EPA's regulations and management approaches may be necessary. In 2009, EPA launched a new initiative to enhance the Agency's current chemicals management program within the limits of existing authorities. Since then, EPA has proposed several new regulations under TSCA that may allow it to better address both children's health and nanomaterials. As EPA implements these steps to improve its management of chemical risks, it must institute sufficient internal controls to ensure the success of its efforts. Specifically, the Agency should create performance measures that demonstrate the impact and overall success in reaching the desired outcome. The Agency must also have a clear strategy that formalizes intra-agency coordination and prioritizes activities to maximize the impact of available resources in pursuit of its goals, ensuring that the most significant risk areas are addressed first.⁷⁴

⁷⁴ EPA OIG, *EPA's Endocrine Disruptor Screening Program Should Establish Management Controls to Ensure More Timely Results*, Report No. 11-P-0215, May 3, 2011.



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R6 - Region 6 -- Immediate Office

Lead Information

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Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jun 29, 2011	Jul 14, 2011	N/A
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Supporting Information

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Assigner	Office	Assignee	Assigned Date
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PRESIDENT/CEO

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
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June 22, 2011

Re: Docket No. EPA-HQ-OAR-2011-0044

Dear Administrator Jackson,

I represent the Carthage Economic Development Corporation and write to express my concern about new environmental proposals that will affect the price of electricity.

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My community understands the need to improve the quality of our air and to protect our environment, but we also are concerned about the cost of new regulations. We have been advised by our electric utility that the hazardous air pollutants rule and other proposed rules could result in double-digit price increases. We also are told that these price increases could be deferred or mitigated if the EPA adopts more flexible regulations.

As our community tries to grow jobs and increase business investment, energy costs are a significant consideration. A 10-to-20-percent increase in our price of electricity can cost some of our existing businesses thousands of dollars and can mean the difference between profit and loss, adding jobs or letting people go. The purpose of environmental regulation should not be to hold back our economy or our ability to make a living. The most effective way to protect our environment is to ensure that our economy prospers so that the resources will be available to make improvements.

Please work with the nation's electric utilities to enact environmental regulations that will allow them to operate as efficiently as possible. Businesses need certainty to plan effectively. Please establish and publicize the conditions under which you will grant the one-year compliance extension so that utilities will know how much time they have to comply.

We all want a cleaner environment, but we need common sense regulation to keep our economy going. Overly stringent, inflexible regulations will harm our communities, our businesses, and our nation.

Thank you for the opportunity to comment.

Sincerely,
Charles Thomas
Charles Thomas, President
Carthage Economic Development Corporation



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Stephen Goldsmith
Deputy Mayor for Operations

June 27, 2011

By Electronic and U.S. Mail

The Hon. Lisa Jackson
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Re: EPA Retrospective Review Plan (Dkt. No. EPA-HQ-OA-2011-0156)

Dear Administrator Jackson:

Thank you for the opportunity to present these additional suggestions of New York City (City) for the U.S. Environmental Protection Agency's (EPA's or Agency's) periodic, retrospective review of existing regulations under Executive Order 13563 (Feb. 18, 2011). These comments supplement the initial submission on behalf of the City by the NYC Department of Environmental Protection (DEP) on March 18, 2011, and reflect our review of the EPA's publication of *Improving our Regulations: A Preliminary Plan for Periodic Retrospective Reviews of Existing Regulations* (May 24, 2011) (Preliminary Plan).

In the City's view, the Preliminary Plan falls far short of the stated objective of EO 13563 to undertake a top-to-bottom review that will improve the regulatory system and align the costs and benefits of regulations based on sound scientific and economic analysis. Because this represents perhaps the last meaningful opportunity to influence the content of the plan before it is finalized, and because so few of New York City's comments are reflected in the draft plan—or have been

taken from the many recent submissions that the City has made in connection with similar EPA requests for public comments that bear upon this reform effort (see note 2 below)—this letter presents our concerns and suggestions in some detail.

The EPA's obligation and authority to enforce landmark environmental legislation that includes (among many others) the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act are unquestioned, and extremely powerful. These groundbreaking national laws have brought about and continue to drive improvements to water and air quality that in many ways make the United States the envy of the world. But since these laws were codified in the 1970s, many of the readily identifiable and low cost sources of pollution have been addressed, federal funding has dropped substantially, and new concerns such as global warming illustrate the need for cross-media, holistic approaches that encourage low carbon footprints. President Obama's call for a sweeping regulatory review by the EPA (and the Federal government generally) in EO 13563 presents a unique opportunity for the Agency to adapt many of its rules and regulations—indeed, its entire enforcement approach—to support and reinforce the unprecedented commitment of resources by cities around the country to tackle our most pressing environmental challenges.

New York City has been and remains a national leader in its commitment of funding and other resources to implement path-breaking sustainability efforts that include PlaNYC, our overall multi-disciplinary plan to meet local public health and environmental needs. Under Mayor Bloomberg's leadership, we have enacted the most comprehensive set of building efficiency laws in the nation that will reduce carbon emissions by five percent; reduce citywide energy costs by \$700 million annually; and create roughly 17,800 construction-related jobs. We have enacted local heating oil rules that will prevent hundreds of deaths annually and reduce greenhouse gases, planted over 483,000 trees, created or preserved more than 64,000 units of housing, and have built entirely new neighborhoods with access to transit. Among other benefits, these initiatives have reduced our greenhouse gases by 13% compared to a 2005 baseline, and we are well on our way to reducing our greenhouse gases by 30% by 2030.

As part of these efforts, the NYC Green Infrastructure Plan to improve water quality in New York Harbor builds on the more than \$20 billion that Mayor Bloomberg has committed to water and wastewater infrastructure since taking office in 2002, and the City's most recent 10-year capital plan commits over \$735 million to implement the plan. The cost of these efforts is substantial for New Yorkers who, since federal support for water infrastructure virtually ended more than 10 years ago, have seen water rates increase by 134% since 2002, and more than 91% since 2006 alone. Yet, many of these increases have been necessary to comply with rigid, one-size-fits-all mandates imposed by federal regulators in parallel with and without consideration for the more comprehensive environmental efforts and priorities of New York and other big cities across the country. In light of this, no local effort to reduce costs will be truly successful without an equally substantial revision of federal requirements. Because the Preliminary Plan falls far short in this respect, cities across the country can only draw the unfortunate conclusion that EPA will not reduce the economic burden that millions of taxpayers continue to shoulder,

even where that can be achieved without compromising the environmental protection that is EPA's mandate.

In this context, the President's regulatory reform effort embodied in EO 13563 presents a generational opportunity to bring the power, expertise, and administrative support of the federal government into line with local sustainability efforts that have outpaced an increasingly obsolete federal enforcement approach—particularly with respect to clean water. It is an opportunity to re-align the federal bureaucracy to help urban areas revitalize their economies, while combatting sprawl, air and water pollution, habitat degradation, and carbon emissions. Indeed, the Urban Waters Federal Partnership that EPA announced last week on behalf of nearly a dozen Federal agencies is predicated on the fact that the localities chosen to pilot the program “already ha[ve] a strong restoration effort underway, spearheaded by local governments and community organizations.” The absence of new funding or other resources to support this effort implicitly confirms that local tax bases will be expected to continue funding the entire cost of environmental improvements and compliance for the foreseeable future. Since urban taxpayers will be spending hundreds of billions of dollars on water infrastructure —many times the amounts that will be paid for by federal grants — local governments should have more control over the timing, nature, and priority of these investments.

But without extensive revisions to the Preliminary Plan that incorporate substantive, meaningful reforms that New York City and others have proposed—in some cases, for several years—EPA will miss this generational opportunity; and, with it, the Obama administration's only meaningful chance to modernize an environmental enforcement paradigm still rooted in the punitive, litigious, and costly regulatory approach of the 1970s and 1980s. The Preliminary Plan includes some general initiatives that the City would support, such as the Agency's intent to use systems approaches and integrated problem-solving strategies that include non-regulatory tools (Preliminary Plan, § 1.1.4) as well as some specific reviews that the City certainly welcomes (for example, comparisons of cost estimates developed prior to the issuance of a regulation and actual costs of compliance (Preliminary Plan, § 2.1.16)). In the main, however, the reviews proposed are largely superficial, or else re-state regulatory actions that EPA already has underway; by our count, at least 26 of the 31 (84%) actions proposed in the Preliminary Plan fall into the latter category (see Table 1 below), and virtually none seek to address the most significant regulatory burdens that cities across the country face.

Perhaps the most glaring omission in this respect is any mention of the EPA's combined sewer overflow (CSO) policy in the Preliminary Plan, despite the fact that this has been and remains a top reform priority for cities across the country. See U.S. Conference of Mayors, *Local Government Recommendations to Increase CSO/SSO Flexibility in Achieving Clean Water Goals* (Oct. 28, 2010) (enclosed). EPA's approach of working through its Office of Enforcement and Compliance Assistance to obtain rigid schedules in judicial consent orders—rather than working through its Office of Water to encourage innovative methods of reducing pollution—is a policy and practice that imposes tens of billions of dollars of compliance costs, and is among those most badly in need of reform. The complete absence of CSOs from the Preliminary Plan is

particularly noteworthy given EPA's stated focus on green infrastructure and other innovative approaches to improve water quality that will not only meet Clean Water Act goals but can also save city residents struggling in these difficult economic times many billions of dollars.

A second prominent omission is the badly needed, and more-than-scientifically justified, review of the Long Term Enhanced Surface Water Treatment Rule (LT2). As currently codified and enforced, there is perhaps no better example of an unduly burdensome rule that will cost New York City billions to implement, with little to no public health benefit. Section 4 below describes the basis for including this rule in EPA's final EO 13563 plan in detail; in brief, LT2 would require New York City to spend \$1.6 billion or more to cover a 90-acre reservoir to address pathogens that DEP and the City's Health Department have shown are not a meaningful public health risk at that facility. Indeed, the data suggest that EPA's risk assessment that was used as a primary basis for the rule overstated the projected risk from the pathogens in question by several orders of magnitude (there are approximately 100 documented cases of cryptosporidiosis in New York City every year; EPA's risk assessment inexplicably claimed that the LT2 would prevent between 112,000 and 365,000 cases per year.)

The omission of the CSO Policy and the LT2 rule from EPA's Preliminary Plan are only the most prominent examples of the ways that the plan falls far short of the meaningful, comprehensive review intended under to EO 13563. EPA's Preliminary Plan, even if fully implemented, includes only very modest reforms that would not provide real, immediate relief; nor does the plan lay the groundwork for a long-term paradigm shift. This is particularly troubling because EPA has indicated that the first review period will last until 2016, and the initial list will not be reevaluated for five more years. (Preliminary Plan, §§ 4.6, 5, pp. 41-42.)

EPA was apparently unable to process and address each of the 1,400 comments received prior to publication of the preliminary plan, including those submitted by the Agency itself (Preliminary Plan, p. 34). It is perhaps because of this that the initial list of items for review reflects a number of internally-generated review items, as 11 of the 31 items are not marked as having been "suggested in one or more public comments." As the Agency considers all public comments, we hope that the final plan will reflect and incorporate the following elements.

1. Provide real mandate reform that is aligned with municipal priorities.

The preliminary list of regulations to be reviewed includes only three topics that even touch upon the recommendations submitted by New York City.¹ DEP is the largest water utility in the

¹ These are discussed in Preliminary Plan, § 2.1.11, removing outdated but unspecified NPDES permit requirements (DEP had suggested the Industrial Pretreatment Program in particular), § 2.1.16, improving cost estimates by comparing pre-adoption cost estimates to post-adoption action costs (EPA will focus on five unspecified rules; DEP has strongly urged that actual costs to comply with the CSO Policy should be compared to predicted costs, and compared to actual benefits), and § 2.2.10, the Lead and Copper Rule (the EPA did not specify the reforms it expected to consider, but did say that it would hold stakeholder meetings). Other review items that might appear

country, serving over nine million customers and millions of visitors daily, and its comments requested review of many of the same items sought by the National Association of Clean Water Agencies (NACWA) and the Association of Metropolitan Water Agencies (AMWA), who represent utilities and cities who collectively serve more than 160 million Americans. Yet the Preliminary Plan includes only two items related to those suggested by NACWA (on its blending policy and certain elements of water quality standards criteria, and the EPA's proposed review is much narrower than sought) and only one item suggested by AMWA (comparing actual costs of compliance with forecasted costs). Furthermore, the U.S. Conference of Mayors (USCM), which consists of the mayors of over 1,200 cities with populations of 30,000 or greater, has raised many of the same issues outside of this docket. (See enclosed white paper on changes sought in the EPA's CSO and separated sewer overflow (SSO) policies and enforcement actions.)

More generally, the Preliminary Plan ignores the broader water quality issues that DEP and other organizations have raised on multiple occasions in prior submissions and public forums, including the EPA's combined sewer overflow controls, financial capability/affordability, green infrastructure, and nutrients.² EPA's plan for regulatory reform should be directed towards relief for the greatest number of Americans; that necessarily requires a review of the water quality mandates borne by the millions of Americans represented by DEP, NACWA, AMWA, and the USCM. America's cities are seeking a rational policy developed through constructive engagement, but we are being largely ignored. We cannot wait until 2016 for the EPA to address the regulatory burdens that matter the most to municipalities.

The 31 specific items identified for review in the Preliminary Plan do not address regulatory mandates that impose significant costs on cities, or include the water quality programs of greatest concern, including the CSO and SSO policies. Only 12 of the 31 items identify cost savings, which total only hundreds of millions of dollars—a fraction of the hundreds of billions that will be spent on infrastructure upgrades in the water sector alone. And of the 31 short- and long-term items that EPA identified for review, by our count only five (5) arguably concern emission or discharge limits or other substantive requirements;³ the balance of the review items concern

similar do not match DEP's suggestions. For example, DEP suggested a holistic review of the EPA's enforcement policies regarding SSOs, but the EPA's review of SSOs (§ 2.1.2) is limited to its blending policy. Similarly, while DEP suggested a holistic review of water quality standards as applied, the EPA's review (§ 2.2.7) is limited in scope.

² The City has submitted comments through DEP on numerous EPA proposals over the past 18 months, including EPA's proposed "Coming Together for Clean Water" strategy, proposed water quality standards revisions, proposed rulemaking related to sanitary systems/SSOs, draft FY2011-2015 strategic plan, and proposed regulations for MS4 systems. To date, very little in the submissions is reflected in EPA's final publications. These submissions are collected together and available on the City's website at www.nyc.gov/html/dep/html/regulatory_reform/regulatory_reform_index.shtml.

³ Preliminary Plan, §§ 2.1.1, 2.1.2, 2.2.10, 2.2.13, and 2.2.14.

internal matters such as developing better policy or cost estimates (6 items),⁴ harmonizing standards and encouraging technology (7 items),⁵ and reforming reporting, recordkeeping or improving information exchanges for regulated entities (9 items),⁶ or for states, or the EPA itself (4 items).⁷

As the City's initial comments of March 18, 2011 emphasized, a comprehensive overhaul of EPA's approach is needed to allow local governments and utilities to prioritize infrastructure investments and address our most pressing needs using holistic, multi-media risk assessments and cost-benefit analyses. New York City and other municipalities have adopted strategic sustainability plans that integrate environmental and regulatory investments with economic development. Federal and state regulators can be partners in this process if they modify the current approach, which adopts rigid compliance deadlines in programs that operate independently from each other, without reference to overall benefits and costs. EPA has substantial discretion to adopt just such a flexible approach, as it is doing with regard to farmers' practices to reduce runoff pollution (Preliminary Plan, § 2.1.5). While this may be an effective policy to reduce pollution from one of the greatest sources of water pollution given the current limitations in the Clean Water Act, the EPA's efforts seem misplaced, as the agricultural sector is largely exempt from any requirements to reduce water pollution, and thus does not bear a significant regulatory burden to be addressed in this review effort. Instead, the EPA's review should be focused on areas where the regulatory burden is greatest.

2. Take a fresh look at regulatory burdens and reform, rather than simply repackage existing initiatives.

The EPA has identified 31 items for review, 16 of which are "Early Action" items and 15 of which are longer term actions. As noted above, 26 of these items—84%—were already under review or development in one form or another (see Table 1 below). Under existing Executive Orders, including not only EO 13563 and EO 12866, but also EO 12291, 12044 and 11821, the Regulatory Flexibility Act, the Unfunded Mandate Reform Act, and other authorities, EPA should have been considering the costs and benefits of its regulations or policies under development. Without any effort to closely scrutinize long-standing mandates beyond those that the Agency has already been working on, this review will not achieve the comprehensive regulatory reform mandated by EO 13563.

⁴ Preliminary Plan, §§ 2.1.5, 2.1.6, 2.1.8, 2.1.16, 2.2.6, and 2.2.7.

⁵ Preliminary Plan, §§ 2.1.3, 2.1.11, 2.1.12, 2.1.13, 2.1.14, 2.1.15, and 2.2.12.

⁶ Preliminary Plan, §§ 2.1.4, 2.1.7, 2.1.9, 2.2.1, 2.2.2., 2.2.3, 2.2.5, 2.2.9, and 2.2.11.

⁷ Preliminary Plan, §§ 2.1.10, 2.2.4, 2.2.8, and 2.2.15.

Table 1: Assessment of Rules Proposed for Review under EPA’s Preliminary Plan

No.	Preliminary Plan Proposal	Already Proposed/ under Review Prior to the EO 13563 Preliminary Plan?	Comments
1	Lead renovation, repair, and painting program: new post-work requirements	Yes	Review of rule additions proposed on May 6, 2010, as well as original rule that took effect on April 22, 2010.
2	Sanitary Sewer Overflow and peak flow wet weather discharges: clarifying permitting requirements	Yes	Review would include only wet weather blending practices, one element of an SSO policy under development and that was subject to public comment in Fall 2010.
3	Vehicle fuel vapor recovery systems: eliminating redundancy	Yes	Policy development well underway; EPA has been planning to publish a proposed rule in summer 2011.
4	Gasoline and Diesel regulations: reducing reporting and recordkeeping	Yes	Will be part of long-planned modifications to gasoline and diesel regulations in late 2011, which are already required to consider cost and benefits under various Executive Orders.
5	Regulatory certainty for farmers: working with the USDA and states	Yes	EPA effort with the USDA already under way, and is expected to be in place by late 2011.
6	Modern science and technology methods in the chemical regulation arena: reducing whole-animal testing	Yes	EPA has been drafting a work plan to modernize its toxicology analysis and has planned stakeholder meetings in 2011.
7	Electronic only reporting of health and safety data	Yes	EPA has already implemented electronic reporting under TSCA and has already launched a pilot for accepting electronic copies of pesticide information under FIFRA and FFDCA.
8	National Priorities List rules: improving transparency	Yes	EPA already shares some information about its NPL process, and the Preliminary Plan characterizes this item as “redoubling” its existing efforts.
9	Quick changes to some TSCA reporting requirements: reducing burden	Yes	EPA has been developing a proposal to change minor reporting requirements, with a proposal scheduled for late 2011.

No.	Preliminary Plan Proposal	Already Proposed/ under Review Prior to the EO 13563 Preliminary Plan?	Comments
10	Integrated pesticide registration reviews: reducing burden and improving efficiencies	Yes	FIFRA requires review of pesticide registrations every 15 years, and will bundle classes together to ease a burden that falls largely on EPA.
11	Coordinated NPDES permit requirements and removing outdated requirements	No	This appears to be a new initiative, but may be limited to notice and reporting requirements.
12	Vehicle regulations: harmonizing requirements	Partially	EPA has already been working with DOT, FTC, and CARB on various labeling requirements and fuel-economy standards; other efforts to harmonize arose from public comments, but the scope of the effort seems to have been broadened.
13	Multiple Air Pollutants: coordinating emission reduction regulations and using innovative technologies	Partially	A court-imposed deadline for re-issuance of rules for the pulp and paper mill industry requires a proposed rule by summer 2011, but the EPA intends to explore additional ways to reduce emissions.
14	New Source Performance Standards reviews and revisions: setting priorities to ensure updates to outdated technologies	Partially	The Clean Air Act requires EPA to review and update NSPS reviews every eight years; a more strategic approach will be announced in summer 2011.
15	Innovative technology: seeking to spur new markets and utilize technological innovations	Unclear	Arguably the EPA has always been obliged to assess innovative technology; while the scope of this effort is unclear, it appears to focus on cooperative programs rather than on reviewing existing regulatory burdens.
16	The costs of regulations: improving cost estimates	Unclear	The EPA will complete a review of pre-proposal cost estimates and post-adoption actual costs for five unspecified rules by fall 2011; this effort is focused on improving EPA's cost estimation methods rather than on revising regulatory requirements.
17	E-Manifest	Yes	EPA has been working on the E-Manifest system since 2004.
18	Electronic hazardous waste side ID form	No	It does not appear that the EPA was already considering the use of electronic ID forms to reduce printing and mailing costs.

No.	Preliminary Plan Proposal	Already Proposed/ under Review Prior to the EO 13563 Preliminary Plan?	Comments
19	Consumer confidence reports for primary drinking water regulations	No	It does not appear that the EPA was already considering streamlining drinking water reports.
20	Reporting requirements under Section 303(d) of the CWA	Yes	In 2006, over 21 states asked to reduce the reporting frequency of the Integrated Report and the EPA committed to "pursue a series of alternatives to respond to the underlying concerns of collecting and reporting the information on a biennial schedule."
21	Export notification for chemicals and pesticides	Partially	Since 2006, EPA has been reviewing the Reporting Requirements of the Export Notification Rule; some aspects of the planned review, however, may be new.
22	Water Quality trading	Partially	EPA is already required to conduct program evaluations and periodic review in accordance with the final Water Quality Trading Policy published in 2003, but some aspects of the planned review may be new.
23	Water Quality Standard Regulations	Yes	Since 2010, EPA has been accepting comments on the WQS regulations and plans to publish a new rule in summer 2011.
24	State Implementation Plan process	Yes	EPA has already streamlined the information that it requires of states, and has in place a state-EPA working group on the issues; while some additional changes may result from the review, the timeframe is to be determined at a later date.
25	CAA Title V Permit Requirements	Yes	As EPA stated in the Proposed Plan, the Clean Air Act Advisory Committee developed ideas for review in 2006 which EPA intends to reconsider at a date to be determined later.
26	National primary drinking water regulations for lead and copper	Yes	The Preliminary Plan commits to consider topics identified in a 2004 review.
27	Adjusting threshold planning quantities for solids in solution	Yes	EPA already had this program underway and recently closed the comment period.

No.	Preliminary Plan Proposal	Already Proposed/ under Review Prior to the EO 13563 Preliminary Plan?	Comments
28	Certification of pesticide applicators	Yes	EPA has been reviewing the pesticide regulations in collaboration with the Certification & Training Assessment Group since 1997 and issued a report in 2005 committing to near term actions and a long term strategy including some of those suggested in the Plan.
29	PCB reforms	Partially	EPA has already initiated a rulemaking to update TSCA, but it appears that the EPA's effort will include additional reforms.
30	SDWA contaminants	Yes	This review is implementing measures included as part of the March 2010 Drinking Water Strategy and a February 2011 regulatory proposal.
31	Section 610 Reviews	Yes	This initiative will combine reviews of regulations already required by the Regulatory Flexibility Act with regulatory review initiated by EO 13563.

3. Look at all regulatory burdens, not just published regulations adopted through notice and comment rulemaking.

The City's initial comments urged EPA to undertake a comprehensive review of all administrative actions, as the text and intent of EOs 13563 and 12866 is to reduce the overall regulatory burdens that create significant costs. Accordingly, EPA's review should extend to final regulations, baseline studies, preliminary determinations, guidance, policy statements, enforcement policy, and enforcement actions. In this respect, the City is encouraged by the EPA's Preliminary Plan; of the 31 items for review, 13 are formal regulations, while 18 are other types of administrative actions. But the items actually reviewed must address real costs and regulatory burdens.

As we noted at the outset, one of the City's greatest concerns, shared by municipalities across the country, is CSO Policy; specifically, EPA's approach of working through its Office of Enforcement and Compliance Assistance and the Department of Justice (DOJ) to obtain rigid schedules in judicial consent orders, rather than working through its Office of Water to encourage innovative methods of reducing pollution. This concern has been raised repeatedly over the last few years (see the attached letter from the U.S. Conference of Mayors). Yet the Preliminary Plan does not mention any aspect of the CSO Policy, which is costing

municipalities—many of whom are older cities in the Northeast and Midwest that are contending with declining populations and manufacturing bases—tens of billions of dollars in compliance costs that must be incurred on a schedule mandated by EPA/DOJ, without consideration of balancing priorities.

This is a glaring omission. Had the CSO Policy been adopted as a regulation, EPA would have been required to balance the tens of billions of dollars in capital and operating costs for compliance against the value of public health and environmental benefits, but it has never done so. The EPA has estimated that only 5,576 people per year or fewer suffer gastrointestinal illness as a result of CSOs or SSOs,⁸ an estimate that stands in stark contrast to those affected by air regulations, which typically estimate a positive impact of thousands of lives saved, and tens of thousands of hospital visits avoided every year. The CSO Policy has incurred many tens of billions in compliance costs without any estimate of benefits that would approach that of air regulations.

The absence of review of the CSO Policy is compounded by the omission of the EPA's "affordability" policy from the Preliminary Plan. That policy—also adopted outside of the regulatory process and requiring some assessment and disclosure of costs and benefits—is being used by the EPA/DOJ as a floor for negotiation, forcing cities to spend an arbitrary amount set at around 2% of median household income, without reference to city-specific shelter costs, impoverished sub-populations, or competing priorities. EPA should not be involved in setting municipal budgets. Similarly, the Agency's recent enforcement actions concerning its "capacity, management, operations and maintenance" policy for separately sewer systems has not been adopted as a regulation and has not been scrutinized for the relative level of benefits for the high costs of compliance. These items, identified as priorities for review by New York City and many others should be included in EPA's final list for regulatory review. We cannot continue the present course until the next review period starts in 2016.

4. Eliminate costly requirements that are not based on sound science and accurate risk assessments.

One of the rules with the greatest imbalance between significant costs and insignificant benefits is the Long Term Enhanced Surface Water Treatment Rule (LT2). As a result of LT2, New York City, for example, may have to spend \$1.6 billion to cover the 90-acre, 900-million gallon Hillview reservoir used to balance flows and maintain citywide water pressure. The City has already nearly completed construction of a \$1.6 billion ultraviolet treatment facility approximately 10 miles north of the reservoir that will be the largest of its kind in the world, and cost up to \$34 million per year to operate. Yet the rule, which will affect many water utilities and cost billions to implement, was not on the EPA's review list, while relatively minor items relating to changes in notices and information sharing have been included.

⁸ EPA, *Report to Congress on the Impacts and Control of CSOs and SSOs* (2004), p. 6-10.

The purpose of the LT2 rule is to reduce illness linked with the contaminant *Cryptosporidium* and other disease-causing microorganisms in drinking water. However, as noted in New York City's initial comments to the proposed rule,⁹ LT2 substantially overestimates the risk of illness due to *Cryptosporidium* in drinking water and underestimates the cost of implementation. The number of cases of cryptosporidiosis averted in New York City was estimated by EPA to range from 112,000 to 365,000 each year. In contrast, the number of cases of confirmed cryptosporidiosis in NYC is approximately 100 cases a year. Moreover, as noted by the City's Department of Health and Mental Hygiene (DOHMH), even prior to implementing LT2, the number of reported cases has been decreasing in New York City. Overall, DOHMH concluded that "it is unlikely that drinking water represents a major or predominant risk of exposure for cryptosporidiosis in New York City."¹⁰ While cases of illness due to cryptosporidiosis go unreported, at a minimum the disparity in the estimates between EPA's risk assessment and the cases of cryptosporidiosis actually reported in New York City suggest that the benefits of LT2 implementation are at best highly uncertain, and are likely to be insignificant.

After public comment and during adoption of the rule, EPA eliminated a key provision from the final draft that would have allowed for consideration of a less costly alternative to covering open finished water reservoirs: allowance for the development of a risk management plan in lieu of covering or treatment. EPA seems to have based this decision principally on one study in which the concentrations of *Cryptosporidium* and *Giardia* entering and leaving several open finished water reservoirs in New Jersey were measured. The City believes the decision to remove this option was not based on sound science or robust data, nor were the reservoirs studied representative of all reservoirs in the United States. DEP conducted its own 18-month study to demonstrate that New York City's uncovered Hillview Reservoir is not a source of either *Cryptosporidium* or *Giardia*.¹¹

Given these uncertainties, the City has repeatedly requested that EPA exercise the discretion afforded by the variance provision of the Safe Drinking Water Act to consider waivers based on alternative proposals, such as risk management plans, that would achieve the same public health benefits. EPA has repeatedly refused to do so for years; one stated ground for refusal is the Agency's view that the rule, as adopted, does not afford it the discretion to use the SDWA's variance provisions. Now, presented with an express opportunity—at the direction of the President—to reconsider and amend the rule to expressly allow a more flexible approach where the science and circumstances demonstrate that an uncovered finished water storage facility does not pose a public health risk, EPA has not proposed doing so. EPA should be encouraging facility-specific risk mitigation plans to identify and address specific risks, rather than imposing a one-size-fits-all solution that will cost billions for New York City to implement. Such an approach would encourage investments that achieve cost-effective, tangible public health

⁹ DEP, "DEP Comments on Proposed Rule-Docket OW-2002-0039" (Jan. 9, 2004).

¹⁰ DOHMH, Public Health Review for the Hillview Reservoir (Sept. 2010).

¹¹ DEP Hillview inflow/outflow study.

benefits without unduly burdening water suppliers and taxpayers—exactly the outcomes that EO 13563 seeks to achieve.

5. Integrate regulatory review with strategic planning.

The EPA should integrate this regulatory review effort with its core strategic documents such as its clean water strategy. Otherwise, programs will persist in “silos” with little coordination and thus little consideration of overall public health and environmental risks, overall benefits and costs, and the cumulative regulatory burden on regulated entities and regulatory authorities. Both Executive Order 12866 and 13563 affirm that federal agencies are to seek the “least burden on society ... [after considering] the costs of cumulative regulations.” A cross-media and cumulative effects assessment will help to ensure that EPA achieves this fundamental goal, and to better articulate its mission and the need for compliance costs to New Yorkers, and people across the country.

New York and other cities and organizations provided detailed suggestions in response to EPA’s request for ideas to integrate regulatory review into the culture of the Agency, a key reform of EO 13563. The Preliminary Plan does not summarize or respond to those suggestions and contains only a general intent to undertake an integrated approach (Preliminary Plan, § 1.1.4). The final plan should translate these intentions into actionable items.

6. Apply the Principles in Executive Orders 12866 and 13563 to Rules and Initiatives under Development or Underway.

Finally, EPA should apply its obligation to undertake rigorous cost-benefit analysis to existing initiatives and policies, as well as to rules that are under development. This should include putting various unpromulgated policies and guidance through the public notice and comment rulemaking process. Some of the initiatives of greatest interest to cities and utilities include:

- CSO enforcement actions
- CSO policy
- SSO enforcement actions
- CMOM policy
- Affordability guidance
- MS4 Rule proposal
- Guidance for MS4 permit writers
- Water Quality Standards regulations
- BEACH Act rulemaking
- Nutrient standards and enforcement

7. Encourage Innovation.

With the shortfalls in the Clean Water and Safe Water Revolving funds, and in the absence of an infrastructure bank, local governments that provide critical transportation, safety, water, and sewage services to the American people need to conserve capital resources and spend money wisely on infrastructure construction and repair. The public needs better and more flexible regulations that allow for risk balancing between future compliance needs and future and current infrastructure needs. To that end, EPA should look for ways to encourage innovation that, while protective of public health, allows local governments to plan for and prioritize how scarce capital dollars should be spent for capital projects based on their knowledge of the needs of their communities. Some suggestions include:

- Provide increased flexibility in meeting compliance requirements for systems that adopt a risk-based total quality management approach to compliance. Municipalities would have to evaluate and rank the various compliance and infrastructure risk issues, based on local circumstances, but might be granted a more flexible compliance schedule or reduced compliance requirements to address the highest priority risk issues first. The plan would have to be transparent and subject to regulatory review and would provide long-range risk reduction. The municipality would have to implement the plan, check that it is performing as planned, recommend improvements, and re-assess its effectiveness at routine intervals (e.g. every five years).
- EPA should review and consider implementation of past innovations. For example, from 1995 to 2002, EPA undertook a national pilot program called Project XL. The program was an effort to help businesses, state and local governments, and federal facilities work with EPA to develop and test innovative approaches to achieve better and more cost-effective environmental and public health protection. EPA should consider implementing a similar program geared to the water and wastewater sector.

Thank you for the opportunity to provide these comments which we hope will inform EPA's formation of a final plan pursuant to EO 13563. We look forward to working with you on this process as it moves forward and can be available to meet at any time on this or any other issue.

Sincerely,



Caswell F. Holloway
Commissioner, NYC DEP



Stephen Goldsmith
Deputy Mayor for Operations

Encl.: U.S. Conference of Mayors, *Local Government Recommendations to Increase CSO/SSO Flexibility in Achieving Clean Water Goals* (Oct. 28, 2010)

- c: Robert Perciasepe, Deputy Administrator, EPA
- Judith Enck, Regional Administrator, EPA Region 2
- Cass Sunstein, Administrator, OIRA
- New York City Congressional Delegation
- Ken Kirk, Executive Director, NACWA
- Diane VanDe Hei, Executive Director, AMWA
- Thomas Cochran, President and CEO, USCM



Memo from Department of State Exec Sec Stephen D. Mull: National Security
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MEMORANDUM FOR NATHAN D. TIBBITS

EXECUTIVE SECRETARY

NATIONAL SECURITY STAFF

SUBJECT: NATIONAL SECURITY AFFAIRS CALENDAR

The National Security Affairs Calendar for the upcoming months is attached.
Please transmit the attached materials to the Executive Secretary-level
representative noted on the attached National Security Affairs Calendar
Distribution Sheet.

**NOTE: CIRCULATION OF THE NATIONAL SECURITY AFFAIRS
CALENDAR IS LIMITED TO MEMBERS LISTED ON THE
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Stephen D. Mull

Executive Secretary

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June 27, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- | | |
|-----------------|--|
| Jun 25 - Jul 4 | Special Olympics, Athens |
| Jun 26 - Jul 17 | 2011 FIFA Women's World Cup, Germany |
| Jun 26-28* | Visit of Crown Prince Philippe and Crown Princess Mathilde of Belgium to Washington |
| Jun 27-28* | Visit of Foreign Minister Vanackere of Belgium to Washington |
| Jun 27 - Jul 1* | U.S.-Egypt Business and Trade Facilitation Initiative Forum, Washington |
| Jun 27* | Diplomacy Conference on U.S.-Caribbean Policy, Washington |
| Jun 28 - Jul 1* | U.S.-Chile Defense Consultative Committee (DCC), Washington |
| Jun 28-29 | Organization for Economic Cooperation and Development (OECD) High Level Meeting: The Internet Economy: Generating Innovation and Growth, Paris |
| Jun 28-30 | 38th Session of the Organization of the Islamic Conference (OIC) Council of Foreign Ministers, Astana |
| Jun 29* | U.S.-Israel Political-Military Group, Washington |

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- Jun 29-30 Global Initiative to Combat Nuclear Terrorism Implementation and Assessment Group (IAG) and Plenary Meeting, Daejeon, Republic of Korea
- Jun 29 - Jul 2 Visit of Secretary of Homeland Security Napolitano to Spain and Austria
- Jun 29 - Jul 2 Visit of Secretary of State Clinton to Hungary, Lithuania and Spain
- Jun 30 P-5 Conference on Verification, Transparency and Confidence-Building, Paris
- Jul 3 Parliamentary Elections in Thailand

LOOKING FORWARD

- Jul 5-17* Private Visit of the Dalai Lama to Washington
- Jul 9 Southern Sudan Independence
- Jul 11-15 2011 Preparatory Committee (PrepCom) Meeting on Arms Trade Treaty (ATT), New York
- Jul 12* Ministerial-Level Meeting of the President's Global Open Government Partnership (OGP), Washington
- Jul 13* Visit of Foreign Minister Lavrov of Russia to Washington
- Jul 13* Visit of Prime Minister Dombrovskis of Latvia to Washington
- Jul 14* Visit of Foreign Minister Naseem of Maldives to Washington
- Jul 15 Libya Contact Group Meeting, Istanbul
- Jul 17 Presidential Elections in Sao Tome and Principe

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Jul 18-20 Central Asia and Afghanistan Women's Economic Symposium, Bishkek

Jul 19 2nd Round U.S.-India Strategic Dialogue, New Delhi

Jul 21-23 East Asia Summit (EAS) Informal Foreign Ministers' Consultations and 18th Association of Southeastern Asian Nations (ASEAN) Post Ministerial Conference (PMC) and ASEAN Regional Forum (ARF) Ministerial, Lower Mekong Initiative (LMI), Bali

Jul 22* Visit of Prime Minister Key of New Zealand to Washington

Jul 24 U.S.-Indonesia Joint Commission Meeting, Bali

Aug 7 Presidential Elections in Cape Verde

Aug 11-12* Visit of Foreign Minister Stoere of Norway to Washington

Aug 21-25 APEC Business Advisory Council (ABAC) III, Lima

Aug 31 Presidential Elections in Singapore

Sep TBD Parliamentary Elections in Egypt

Sep TBD Official Launch of the Global Counterterrorism Forum (GCTF), New York

Sep TBD* 2nd Round of U.S.-Philippines Bilateral Strategic Dialogue, Washington

Sep 6-9 Pacific Islands Forum, Auckland

Sep 9-10 G-7 Finance Ministerial Meeting, Marseille

Sep 11 Presidential and Legislative Elections in Guatemala

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- Sep 12-26 Asia-Pacific Economic Cooperation (APEC) Senior Officials' Meeting 3 and Related Meetings, San Francisco
- Sep 12-16 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sep 13-16 9th Asia-Pacific Economic Cooperation (APEC) Women and Economy Summit, San Francisco
- Sep 13 66th United Nations General Assembly Commences, New York
- Sep 13 Asia-Pacific Economic Cooperation (APEC) High-Level Meeting on Energy Efficiency and Sustainable Transportation, San Francisco
- Sep 14-16 Annual Meeting of the New Champions 2011, Dailian, PRC
- Sep 14 Asia-Pacific Economic Cooperation (APEC) Transportation and Energy Ministerial, San Francisco
- Sep 15 Australia-U.S. Ministerial (AUSMIN) 2011, San Francisco
- Sep 19-20 66th United Nations General Assembly Non-Communicable Disease High-Level Session, New York
- Sep 20 66th United Nations General Assembly Desertification High-Level Session, New York
- Sep 21 66th United Nations General Assembly General Debate begins, New York
- Sep 22 Subnational Legislative Elections in Saudi Arabia (Snap)
- Sep 23 UN Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty, New York
- Sep 23-25* 2011 World Bank/IMF Annual Meetings, Washington

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- Sep 24 Legislative Elections in the United Arab Emirates
- Sep 24 Parliamentary Elections in Bahrain (Snap)-1st Round
- Sep 26 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sep 27-30 Internet Governance Forum (IGF), Nairobi
- Oct TBD Election of UN Security Council Non-Permanent Members
- Oct TBD* U.S.-India Higher Education Summit, Washington
- Oct 1 Parliamentary Elections in Bahrain (Snap)-2nd Round
- Oct 3-28 UNGA First (Disarmament and International Security) Committee, New York
- Oct 5-6 North Atlantic Treaty Organization (NATO) Defense Ministers Meeting, Brussels
- Oct 9-10 Summit on the Global Agenda 2011, Abu Dhabi
- Oct 11 Presidential and Legislative Elections in Liberia
- Oct 16 G-20 Finance Ministerial, Paris
- Oct 17-18 International Congress on Energy Security, Geneva
- Oct 17-21 IAEA: International Conference on the Safe and Secure Transport of Radioactive Materials, Vienna
- Oct 21-23 World Economic Forum on the Middle East, Dead Sea, Jordan

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- Oct 21-23 (T) Association of Southeastern Asian Nations (ASEAN) Summit and related Summits including 3rd U.S.-ASEAN Summit and East Asia Summit (EAS), Bali
- Oct 23 Legislative Elections in Tunisia (Snap)
- Oct 23 Presidential Elections in Bulgaria
- Oct 24-28 International Telecommunication Union (ITU) Telecom World 2011, Geneva
- Nov TBD Pacific Island Conference of Leaders, Honolulu
- Nov TBD Presidential Elections in Egypt
- Nov 1 High-Level Forum on Aid Effectiveness, Seoul
- Nov 3-4 G-20 Summit, Cannes
- Nov 7-9 APEC Business Advisory Council (ABAC) IV, Honolulu
- Nov 8-9 Asia-Pacific Economic Cooperation (APEC) Concluding Senior Officials Meeting and Related Meetings, Honolulu
- Nov 10 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial, Honolulu
- Nov 10-11 Asia-Pacific Economic Cooperation (APEC) CEO Summit, Honolulu
- Nov 11 Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu
- Nov 12-13 19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu

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- Nov 13-15 India Economic Summit, Mumbai
- Nov 14-18 International Atomic Energy Agency (IAEA) International Conference on Research Reactors, Rabat
- Nov 17-18 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Nov 17 (T) East Asia Summit (EAS) Meeting, Indonesia
- Nov 17 (T) U.S.-ASEAN Leaders Meetings, Indonesia
- Nov 24 Presidential Elections in Gambia
- Nov 26 Parliamentary Elections in New Zealand
- Nov 28 (T) Presidential and Legislative Elections in the Democratic Republic of Congo
- Nov 28 - Dec 9 17th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 7th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 7) to the Kyoto Protocol, Durban
- Dec 5-22 Biological Weapons Convention 7th Review Conference, Geneva
- Dec 5 International Afghanistan Conference, Bonn
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Vilnius
- Dec 7-8 North Atlantic Treaty Organization (NATO) Foreign Ministers Meeting, Brussels
- Dec 12-19 World Trade Organization (WTO) Ministerial Conference, Geneva

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2012	Jan 23 - Feb 17	World Radiocommunications Conference 2012 (WRC-12), Geneva
	Jan 25-29	World Economic Forum Annual Meeting, Davos-Klosters
	Feb TBD	48th Munich Security Conference, Munich
	Mar 12-17	6th World Water Forum, Marseille
	Mar 26-27	Nuclear Security Summit, Republic of Korea
	Apr 14-15	6th Summit of the Americas, Cartagena
	May 18-19	2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London
	Jun 4-6	UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
	Jul 1	Presidential and Legislative Elections in Mexico
	Jul 21-25 (T)	19th Annual ASEAN Regional Forum, Phnom Penh
	Jul 27 - Aug 12	XXX Summer Olympic Games, London
	Aug 29 - Sep 9	Paralympic Games, London
	Oct 8	Legislative Elections in Slovenia
	Nov 18-20 (T)	21st Annual ASEAN Summit, Phnom Penh

* = Taking Place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes:

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Correspondence Management System

Control Number: AX-11-001-0458

Printing Date: June 30, 2011 10:37:30



Citizen Information

Citizen/Originator: Furlong, Susan

Organization: State of Nevada Assembly

Address: 401 South Carson Street, Carson City, NV 89701-4747

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0458

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 21, 2011

Received Date: Jun 30, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - Assembly Joint Resolution No. 5 - Urging the Federal Government to engage in discussions with the State of Nevada and Clark and Nye Counties, Nevada, regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R9	Jun 30, 2011

History



Correspondence Management System

Control Number: AX-11-001-0458

Printing Date: June 30, 2011 10:37:30



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R9	Jun 30, 2011

Comments

Commentator	Comment	Date
No Record Found.		

SUSAN FURLONG
CHIEF CLERK



LEGISLATIVE BUILDING:
401 South Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-8555
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sfurlong@lcb.state.nv.us
www.leg.state.nv.us

State of Nevada Assembly

June 21, 2011

RECEIVED
2011 JUN 29 PM 12:16
OFFICE OF THE
EXECUTIVE SECRETARIAT

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
633 3rd Street, NW
Washington, DC 20001

Dear Administrator Jackson:

Pursuant to legislative direction, enclosed is a copy of Assembly Joint Resolution No. 5, adopted by the Assembly and Senate of the Nevada State Legislature on June 3, 2011.

Sincerely,


Susan Furlong
Chief Clerk of the Assembly

SFR:k
Encs.

Assembly Joint Resolution No. 5—Assemblymen Goedhart; Aizley,
Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy,
Hickey, Kirner, Kite, Sherwood, Stewart and Woodbury

Joint Sponsors: Senators Hardy; Cegavske, Gustavson, Halseth,
Rhoads and Settlemeyer

FILE NUMBER.....46

ASSEMBLY JOINT RESOLUTION—Urging the Federal Government to engage in discussions with the State of Nevada and Clark and Nye Counties, Nevada, regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada.

WHEREAS, The Federal Government has conducted numerous public, secret and classified activities and military exercises in Nevada that have resulted in the contamination of the water supply in this State with radioactive material and other hazardous contaminants; and

WHEREAS, The Nevada National Security Site, formerly the Nevada Test Site, which is located in Nye County, Nevada, approximately 40 miles north of Pahrump, Nevada, and 65 miles northwest of Las Vegas, Nevada, was established by the Federal Government in 1950 for the purposes of detonating nuclear devices and conducting other public, secret and classified nuclear tests in connection with the research and development of nuclear weapons for use by the Armed Forces of the United States; and

WHEREAS, From 1951 until 1992, the Federal Government conducted 100 atmospheric nuclear tests and 828 underground nuclear tests at the Nevada National Security Site, which resulted in the detonation of 1,021 nuclear devices; and

WHEREAS, Approximately one-third of the underground nuclear tests at the Nevada National Security Site were conducted directly in aquifers, and many other underground tests were conducted above and below the water table; and

WHEREAS, Radioactive particles have migrated via water from the Paiute Mesa area of the Nevada National Security Site toward Beatty, Nevada; and

WHEREAS, The United States Department of Energy has estimated that nuclear testing at the Nevada National Security Site left behind more than 300 million curies of radionuclides, making



the Site one of the most radioactively contaminated places in the United States; and

WHEREAS, Since 1961, Area 5 and Area 3 within the Nevada National Security Site have been primary storage and disposal sites of the Federal Government for low-level and mixed low-level radioactive waste; and

WHEREAS, A study conducted on behalf of Nye County concluded that nuclear testing at the Nevada National Security Site has polluted approximately 1.6 trillion gallons of water in this State; and

WHEREAS, The aforementioned activities of the Federal Government in Nevada have had a deleterious effect on the environment of this State and have resulted in the contamination of the interconnected surface and subsurface waters, groundwater and aquifers of a large geographic area of Nevada with radioactive and other contaminants; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature respectfully urge the Federal Government to engage in discussions with the State of Nevada and Clark and Nye Counties, Nevada, regarding:

1. The mitigation and containment of water contamination in Nevada which resulted from nuclear testing and storage activities that were conducted by the Federal Government at the Nevada National Security Site; and

2. The restoration of any water contaminated because of those activities; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, the Administrator of the Environmental Protection Agency and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.





Correspondence Management System

Control Number: AX-11-001-0516

Printing Date: June 30, 2011 12:45:59



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OEAAE	Jun 30, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAAE	Jun 30, 2011

Comments

Commentator	Comment	Date
No Record Found.		



June 28, 2011

Thomas Seifert
CFO & Interim CEO
Advanced Micro Devices, Incorporated

John Daane
Chairman, President & CEO
Altera Corporation

Ray Stata
Chairman
Analog Devices, Incorporated

Mark Thompson
Chairman & CEO
Fairchild Semiconductor

Richard Beyer
Chairman & CEO
Freescale Semiconductor

Doug Grose
Chief Executive Officer
GLOBALFOUNDRIES Inc.

John E. Kelly, III
SVP & Director of Research
IBM Corporation

Brian Krzanich
SVP & GM, Manufacturing & Supply Chain
Intel Corporation

David Bell
President, CEO & Director
Intersil Corporation

Robert Swanson
Executive Chairman
Linear Technology

Abhi Talwalkar
President & CEO
LSI Corporation

Steven R. Appleton
Chairman & CEO
Micron Technology, Incorporated

Keith Jackson
President & CEO
ON Semiconductor

Greg Lang
President & CEO
PMC-Sierra, Inc.

Steve Mollenkopf
EVP & President
QUALCOMM CDMA Technologies

Richard K. Templeton
Chairman, President & CEO
Texas Instruments Incorporated

Brian Toohey
President
Semiconductor Industry Association

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20004

Dear Administrator Jackson:

Thank you for meeting with the SIA Board of Directors earlier this month. We appreciate you taking the time to discuss the two EPA regulations on climate change of concern to our industry, and we further appreciate the constructive working relationship we have developed with your team in working to address these regulations.

We are encouraged by the ongoing work by our staffs to resolve successfully the concerns raised by SIA and its member companies on the Reporting Rule and the Tailoring Rule. SIA believes that continued progress will be dependent on continued engagement by you and your senior leadership team to ensure that we reach a reasonable and timely resolution of these matters. We will be reaching out to schedule a meeting with your senior team at the Air Office to assess our progress, and we will request another meeting with you only if insufficient progress is being made.

We thank you for the progress made to date and for your personal efforts in this regard, and we look forward to moving forward on a successful resolution of these issues that achieves our shared goal of improved environmental protection in a manner that addresses the unique flexibility and competitiveness needs of the U.S. semiconductor industry.

Sincerely,

Brian Toohey
President

cc: Gina McCarthy



Correspondence Management System

Control Number: AX-11-001-0518

Printing Date: June 30, 2011 12:26:43



Citizen Information

Citizen/Originator: Townley, Merle

Organization: Office of Personnel Management

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-0518

Alternate Number: N/A

Status: For Your Information

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Due Date: N/A

of Extensions: 0

Letter Date: Jun 29, 2011

Received Date: Jun 30, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-Outstanding Contribution from EPA employees for OPM's blog effort.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: AO-IO - Administrator's Immediate Office

OARM - OARM -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OEAE	Jun 30, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAE	Jun 30, 2011

Comments

Message Information

Date 06/29/2011 10:23 AM
From "Townley,III, Merle Edward" <Merle.Townley@opm.gov>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Outstanding contribution from EPA employees for OPM's blog effort

Message Body

Dear Administrator Jackson,

I could not let the outstanding help provided by several of your employees to the Office of Personnel Management go by without recognizing them in an email to you. Daniel Hart, Kelly Dulka and Denise Owens went above and beyond by coming over to the OPM and giving Insurance Operations guidance and "lessons learned" about EPA's blog Greenversations. We are trying to start our own blog and were impressed by the EPA blog. We contacted EPA a few months after hearing Jeffrey Levy speak at a conference last year; and he graciously gave us their time.

I can't emphasize enough how impressed I was by there presentation and attitude. The EPA has risen to the top of my list of favorite agencies to work with.

Regards,

Merle Townley
Systems Analyst
Health and Insurance
Federal Employee Insurance Operations

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



**Budget Data Collection for National Counterterrorism Budget - Domestic
Countering Violent Extremism**

SES-O@state.gov, DOIExecSec@ios.doi.gov,
Zafar, Shaarik to: USDAExecSec@usda.gov, 09/01/2011 03:53 PM
DOCExecSec@doc.gov,
Cc: "Wiktorowicz, Quintan", "roberan@ucia.gov", "bridgeem@nctc.gov"
,"DANIELWS@nctc.gov", "bridgeem@nctc.gov"

From: "Zafar, Shaarik" <Shaarik_H_Zafar@nss.eop.gov>
To: "SES-O@state.gov" <SES-O@state.gov>, "DOIExecSec@ios.doi.gov"
<DOIExecSec@ios.doi.gov>, "USDAExecSec@usda.gov" <USDAExecSec@usda.gov>,
"DOCExecSec@doc.gov" <DOCExecSec@doc.gov>, "DOLExecSec@dol.gov"
Cc: "Wiktorowicz, Quintan" <Quintan_Wiktorowicz@nss.eop.gov>, "roberan@ucia.gov"
<roberan@ucia.gov>, "bridgeem@nctc.gov" <bridgeem@nctc.gov>, "DANIELWS@nctc.gov"
<DANIELWS@nctc.gov>, "bridgeem@nctc.gov" <bridgeem@nctc.gov>

Colleagues,

As you know, in support of the National Security Staff and the Office of Management and Budget, the National Counterterrorism Center (NCTC) is working collaboratively with departments and agencies to collect, analyze, and display the U.S. Government's level of investment and planned funding for counterterrorism. As your respective departments and agencies continue to work on the data collection, I wanted to ensure that you were aware of the recently-released National Strategy on Empowering Local Partners to Prevent Violent Extremism in the United States, which is attached.

This document expands on the "Homeland" section of the National Strategy for Counterterrorism and – in particular – the language provided at the end of this email. As such, it may help in determining which programs/initiatives to provide to NCTC. I would appreciate it if you could pass the Strategy on to the appropriate individuals who are working on the NCTC data call.

V/R,

Shaarik H. Zafar
Director for Countering Violent Extremism
National Security Staff
(202) 456-9272

RECEIVED
2011 SEP - 2 AM 5:44
OFFICE OF THE
EXECUTIVE SECRETARIAT

szafar@nss.eop.gov

“We are working to bring to bear many of these capabilities to build resilience within our communities here at home against al-Qa‘ida inspired radicalization, recruitment, and mobilization to violence. Although increasing our engagement and partnership with communities can help protect them from the influence of al- Qa‘ida and its affiliates and adherents, we must ensure that we remain engaged in the full range of community concerns and interests. Just as the terrorist threat we face in the United States is multifaceted and cannot be boiled down to a single group or community, so must our efforts to counter it not be reduced to a one-size-fits-all approach. Supporting community leaders and influential local stakeholders as they develop solutions tailored to their own particular circumstances is a critical part of our whole-of-government approach that contributes to our counterterrorism goals. As we refine our efforts in support of communities, state and local governments, and across the Federal government, we will continue to institutionalize successful practices and provide advice and guidance where appropriate, with the goal of preventing al-Qa‘ida inspired radicalization.  - empowering_local_partners.pdf



EMPOWERING LOCAL
PARTNERS TO PREVENT
VIOLENT EXTREMISM
IN THE UNITED STATES

AUGUST 2011



THE WHITE HOUSE

WASHINGTON

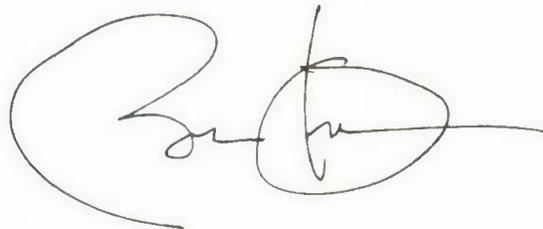
Sadly, the threat of violent extremism in America is nothing new. Throughout our history, misguided groups – including international and domestic terrorist organizations, neo-Nazis and anti-Semitic hate groups – have engaged in horrific violence to kill our citizens and threaten our way of life. Most recently, al-Qa'ida and its affiliates have attempted to recruit and radicalize people to terrorism here in the United States, as we have seen in several plots and attacks, including the deadly attack two years ago on our service members at Fort Hood.

As a government, we are working to prevent all types of extremism that leads to violence, regardless of who inspires it. At the same time, countering al-Qa'ida's violent ideology is one part of our comprehensive strategy to defeat al-Qa'ida. Over the past 2 1/2 years, more key al-Qa'ida leaders – including Usama bin Laden – have been eliminated in rapid succession than at any time since the September 11 attacks. We have strengthened homeland security and improved information sharing. Thanks to coordinated intelligence and law enforcement, numerous terrorist plots have been thwarted, saving many American lives.

Protecting American communities from al-Qa'ida's hateful ideology is not the work of government alone. Communities – especially Muslim American communities whose children, families and neighbors are being targeted for recruitment by al-Qa'ida – are often best positioned to take the lead because they know their communities best. Indeed, Muslim American communities have categorically condemned terrorism, worked with law enforcement to help prevent terrorist attacks, and forged creative programs to protect their sons and daughters from al-Qa'ida's murderous ideology.

The strategy that follows outlines how the Federal Government will support and help empower American communities and their local partners in their grassroots efforts to prevent violent extremism. This strategy commits the Federal Government to improving support to communities, including sharing more information about the threat of radicalization; strengthening cooperation with local law enforcement, who work with these communities every day; and helping communities to better understand and protect themselves against violent extremist propaganda, especially online.

Most of all, this strategy reaffirms the fundamental American principles that guide our efforts. As we approach the 10th anniversary of the September 11 attacks, we remember that al-Qa'ida tried to spark a conflict between faiths and divide us as Americans. But they failed. As this strategy makes clear, we will not waver in defense of our country or our communities. We will defeat al-Qa'ida and its affiliates. We will uphold the civil rights and civil liberties of every American. And we will go forward together, as Americans, knowing that our rich diversity of backgrounds and faiths makes us stronger and is a key to our national security.

A handwritten signature in black ink, appearing to be Barack Obama's signature, located at the bottom right of the page.



Empowering Local Partners to Prevent Violent Extremism in the United States

“Several recent incidences of violent extremists in the United States who are committed to fighting here and abroad have underscored the threat to the United States and our interests posed by individuals radicalized at home. Our best defenses against this threat are well informed and equipped families, local communities, and institutions. The Federal Government will invest in intelligence to understand this threat and expand community engagement and development programs to empower local communities. And the Federal Government, drawing on the expertise and resources from all relevant agencies, will clearly communicate our policies and intentions, listening to local concerns, tailoring policies to address regional concerns, and making clear that our diversity is part of our strength—not a source of division or insecurity.”

—*National Security Strategy, May 2010*

A. THE CHALLENGE

The seal of the United States of America is inscribed with the Latin dictum *E Pluribus Unum*—out of many, one. It is our great strength that the American social fabric continues to weave together waves of immigrants to the United States and people from all backgrounds and walks of life as part of an indivisible community. We are a pluralistic Nation and a society that does not just accept diversity; we embrace it, and we are stronger as a result. We surmount the many challenges that we face by remaining committed to the American ideals of freedom, equality, and democracy, which transcend differences of religion, ethnicity, and place of birth. Since America’s founding, our country and our ideals have been assailed by forces of hate and division, yet we remain strong, unified, and resilient.

Throughout history, violent extremists—individuals who support or commit ideologically-motivated violence to further political goals—have promoted messages of divisiveness and justified the killing of innocents. The United States Constitution recognizes freedom of expression, even for individuals who espouse unpopular or even hateful views. But when individuals or groups choose to further their grievances or ideologies through violence, by engaging in violence themselves or by recruiting and encouraging others to do so, it becomes the collective responsibility of the U.S. Government and the American people to take a stand. In recent history, our country has faced plots by neo-Nazis and other anti-Semitic hate groups, racial supremacists, and international and domestic terrorist groups; and since the September 11 attacks, we have faced an expanded range of plots and attacks in the United States inspired or directed by al-Qa’ida and its affiliates and adherents as well as other violent extremists. Supporters of these groups and their associated ideologies come from different socioeconomic backgrounds, ethnic and religious communities, and areas of the country, making it difficult to predict where violent extremist narratives will resonate. And as history has shown, the prevalence of particular violent extremist ideologies changes over time, and new threats will undoubtedly arise in the future.

We rely on our local, state, and Federal law enforcement to deter individuals from using violence and to protect communities from harm. But we also must ensure that the right tools are applied at the right time to the right situation. Countering radicalization to violence is frequently best achieved by engaging and empowering individuals and groups at the local level to build resilience against violent extremism. Law enforcement plays an essential role in keeping us safe, but so too does engagement and partnership with communities.

While we can and must prioritize our efforts, our approach should be enduring and flexible enough to address a variety of current and possible future threats. Individuals from a broad array of communities and walks of life in the United States have been radicalized to support or commit acts of ideologically-inspired violence. Any solution that focuses on a single, current form of violent extremism, without regard to other threats, will fail to secure our country and communities. Our threat environment is constantly evolving, which is why we must consistently revisit our priorities and ensure our domestic approach can address multiple types of violent extremism.

Today, as detailed in the *National Security Strategy* and the *National Strategy for Counterterrorism*, al-Qa'ida and its affiliates and adherents represent the preeminent terrorist threat to our country. We know that these groups are actively seeking to recruit or inspire Americans to carry out attacks against the United States, particularly as they are facing greater pressure in their safe-havens abroad. The past several years have seen increased numbers of American citizens or residents inspired by al-Qa'ida's ideology and involved in terrorism. Some have traveled overseas to train or fight, while others have been involved in supporting, financing, or plotting attacks in the homeland. The number of individuals remains limited, but the fact that al-Qa'ida and its affiliates and adherents are openly and specifically inciting Americans to support or commit acts of violence—through videos, magazines, and online forums—poses an ongoing and real threat.

This type of violent extremism is a complicated challenge for the United States, not only because of the threat of attacks, but also because of its potential to divide us. Groups and individuals supporting al-Qa'ida's vision are attempting to lure Americans to terrorism in order to create support networks and facilitate attack planning, but this also has potential to create a backlash against Muslim Americans. Such a backlash would feed al-Qa'ida's propaganda that our country is anti-Muslim and at war against Islam, handing our enemies a strategic victory by turning our communities against one another; eroding our shared sense of identity as Americans; feeding terrorist recruitment abroad; and threatening our fundamental values of religious freedom and pluralism. Violent extremists prey on the disenchantment and alienation that discrimination creates, and they have a vested interest in anti-Muslim sentiment. It is for this reason that our security—preventing radicalization that leads to violence—is inextricably linked to our values: the protection of civil rights and civil liberties and the promotion of an inclusive society.

B. A COMMUNITY-BASED APPROACH

The United States relies on a broad range of tools and capabilities that are essential to prevent violent extremism in the United States, emphasizing, in particular, the strength of communities as central to our approach. The best defenses against violent extremist ideologies are well-informed and equipped families, local communities, and local institutions. Their awareness of the threat and willingness to

work with one another and government is part of our long history of community-based initiatives and partnerships dealing with a range of public safety challenges. Communities are best placed to recognize and confront the threat because violent extremists are targeting their children, families, and neighbors. Rather than blame particular communities, it is essential that we find ways to help them protect themselves. To do so, we must continue to ensure that all Americans understand that they are an essential part of our civic life and partners in our efforts to combat violent extremist ideologies and organizations that seek to weaken our society.

We are fortunate that our experience with community-based problem solving, local partnerships, and community-oriented policing provides a basis for addressing violent extremism as part of a broader mandate of community safety. We therefore are building our efforts to counter radicalization that leads to violence in the United States from existing structures, while creating capacity to fill gaps as we implement programs and initiatives. Rather than creating a new architecture of institutions and funding, we are utilizing successful models, increasing their scope and scale where appropriate.

While communities must often lead this effort, the Federal Government has a significant responsibility. Our research and consultations with local stakeholders, communities, and foreign partners have underscored that the Federal Government's most effective role in strengthening community partnerships and preventing violent extremism is as a facilitator, convener, and source of information. The Federal Government will often be ill-suited to intervene in the niches of society where radicalization to violence takes place, but it can foster partnerships to support communities through its connections to local government, law enforcement, Mayor's offices, the private sector, local service providers, academia, and many others who can help prevent violent extremism. Federal departments and agencies have begun expanding support to local stakeholders and practitioners who are on the ground and positioned to develop grassroots partnerships with the communities they serve.

C. GOAL AND AREAS OF PRIORITY ACTION

Our central goal in this effort is to prevent violent extremists and their supporters from inspiring, radicalizing, financing, or recruiting individuals or groups in the United States to commit acts of violence. The U.S. Government will work tirelessly to counter support for violent extremism and to ensure that, as new violent groups and ideologies emerge, they fail to gain a foothold in our country. Achieving this aim requires that we all work together—government, communities, the private sector, the general public, and others—to develop effective programs and initiatives.

“As extremists try to inspire acts of violence within our borders, we are responding with the strength of our communities, with the respect for the rule of law, and with the conviction that Muslim Americans are part of our American family.”

*—President Barack Obama,
State of the Union, January 2011*

To support a community-based approach, the Federal Government is working to strengthen partnerships and networks among local stakeholders. There is no single issue or grievance that pushes individuals toward supporting or committing violence, and the path to violent extremism can vary considerably. As a result, it is essential that we empower local partners, who can more readily identify problems as they emerge and customize responses so that they are appropriate and effective for

Leveraging Existing Models

The United States has rich experience in supporting locally-based initiatives that connect communities and government to address community challenges through collaboration and the development of stakeholder networks. While recognizing that different challenges require the involvement of different stakeholders, we view community-based problem solving as an effective model of organizing communities and government to counter violent extremism in the homeland. The following provides three examples of this model in practice.

Example One: Comprehensive Gang Model

The Department of Justice's *Comprehensive Gang Model* is a flexible framework that communities can use to reduce or prevent gang activity, involving strategies of community mobilization, social intervention, opportunities for educational and vocational advancements, and organizational change. Local community organizations and government offices responsible for addressing gangs—police, schools, probation officers, youth agencies, grassroots organizations, government, and others—help identify causes, recommend appropriate responses, and select activities for local implementation, supported by integrated Federal, state, and local resources to incorporate state-of-the-art practices in gang prevention, intervention, and suppression. This multi-dimensional, community-led response to gangs—driven by local stakeholders and supported by the Federal Government—has reduced serious gang-related crimes in affected locations across the country.

Example Two: Building Communities of Trust Initiative

The Departments of Justice and Homeland Security established the *Building Communities of Trust (BCOT) Initiative* to improve trust among police, fusion centers, and the communities they serve in order to address the challenges of crime and terrorism prevention. In support of BCOT, a National Planning Team comprised of representatives from Federal, state, and local governments; community organizations; and privacy and civil liberties groups convened and, in select locations, conducted roundtables to explore how to build and maintain relationships of trust. Lessons learned from these roundtables have resulted in official guidance highlighting the importance of meaningful information sharing, responding to community concerns, and distinguishing between innocent cultural behaviors and conduct that may legitimately reflect criminal activity or terrorism precursors.

Example Three: Safe Schools/Healthy Students Initiative

Responding to a series of lethal school shootings in the late 1990's, which culminated with the tragedy at Columbine High School, the Departments of Education, Justice, and Health and Human Services launched the *Safe Schools/Healthy Students (SS/HS) Initiative* to create broader, more comprehensive local programs to prevent violence and substance abuse among our Nation's youth, schools, and communities. In order to receive an SS/HS grant, school districts must partner with local mental health experts, juvenile justice officials, and law enforcement. Proposals must include programs that address violence and substance abuse prevention; social, emotional, and behavioral development; school and community-based mental health services; and early childhood development. According to an ongoing evaluation, the Initiative has resulted in fewer students experiencing or witnessing violence, increased school safety, and an overall decrease in violence in communities where the program is active.

particular individuals, groups, and locations. To that end, we have prioritized three broad areas of action where we believe the Federal Government can provide value to supporting partnerships at the local level and countering violent extremism. Our work will evolve over time as we enhance partnerships and further our understanding of what tools and methods are most effective.

1. Enhancing Federal Engagement with and Support to Local Communities that May be Targeted by Violent Extremists

Communication and meaningful engagement with the American public is an essential part of the Federal Government's work. Our open system of governance requires that we respond to inquiries; educate and share information on our programs, policies, and initiatives; and provide a platform for communities to air grievances and contribute their views on policy and government. We do this consistently in a variety of ways: we convene forums, develop brochures, respond to correspondence, post information on websites, and we make available for comment proposed regulations in the *Federal Register*. We also reach out to communities directly to answer questions and provide information and guidance, offering opportunities for communities to provide valuable suggestions about how government can be more effective and responsive in addressing their concerns. As such, engagement with local communities provides an opportunity for us to reexamine and improve how we perform our functions. For these reasons, we view effective community engagement as an essential part of good governance and an important end in itself.

The vast majority of our engagement work relates to issues outside the national security arena, such as jobs, education, health, and civil rights. We must ensure that in our efforts to support community-based partnerships to counter violent extremism, we remain engaged in the full range of community concerns and interests, and do not narrowly build relationships around national security issues alone. Where appropriate, we are relying on preexisting Federal Government engagement efforts to discuss violent extremism, ensuring that these forums continue to focus on a wide variety of issues. There are instances when the government needs to build new relationships to address security issues, but these must be predicated upon multifaceted engagement. Indeed, we refuse to limit our engagement to what we are against, because we need to support active engagement in civic and democratic life and help forge partnerships that advance what we are for, including opportunity and equal treatment for all.

Engagement is essential for supporting community-based efforts to prevent violent extremism because it allows government and communities to share information, concerns, and potential solutions. Our aims in engaging with communities to discuss violent extremism are to (1) share sound, meaningful, and timely information about the threat of radicalization to violence with a wide range of community groups and organizations, particularly those involved in public safety issues; (2) respond to community concerns about government policies and actions; and (3) better understand how we can effectively support community-based solutions.

In addition to engaging communities on a wide range of issues, the Federal Government is using its convening power to help build a network of individuals, groups, civil society organizations, and private sector actors to support community-based efforts to counter violent extremism. Myriad groups with tools and capabilities to counter radicalization to violence often operate in separate spheres of activity and therefore do not know one another. The Federal Government, with its connections to diverse

networks across the country, has a unique ability to draw together the constellation of previously unconnected efforts and programs to form a more cohesive enterprise against violent extremism.

2. Building Government and Law Enforcement Expertise for Preventing Violent Extremism

Although we have learned a great deal about radicalization that leads to violence, we can never assume that the dynamics will remain the same. We must be vigilant in identifying, predicting, and preempting new developments. This necessitates ongoing research and analysis, as well as exchanges with individuals, communities, and government officials who work on the frontlines to counter the threats we all face. In addition, we will continue to hold meetings with foreign partners to share experiences and best practices, recognizing that while not all lessons are transferable to the American context, this sharing can help us improve our approach and avoid common pitfalls.

Government and law enforcement at the local level have well-established relationships with communities, developed through years of consistent engagement, and therefore can effectively build partnerships and take action on the ground. To help facilitate local partnerships to prevent violent extremism, the Federal Government is building a robust training program with rigorous curriculum standards to ensure that the training that communities; local, state, and tribal governments; prison officials; and law enforcement receive is based on intelligence, research, and accurate information about how people are radicalized to accept violence, and what has worked to prevent violent extremism. Misinformation about the threat and dynamics of radicalization to violence can harm our security by sending local stakeholders in the wrong direction and unnecessarily creating tensions with potential community partners. We also are working to support and expand community-oriented policing efforts by our state, local, and tribal partners, and to assist them in enhancing cultural proficiency and other foundations for effective community engagement.

3. Countering Violent Extremist Propaganda While Promoting Our Ideals

Radicalization that leads to violent extremism includes the diffusion of ideologies and narratives that feed on grievances, assign blame, and legitimize the use of violence against those deemed responsible. We must actively and aggressively counter the range of ideologies violent extremists employ to radicalize and recruit individuals by challenging justifications for violence and by actively promoting the unifying and inclusive vision of our American ideals.

Toward this end, we will continue to closely monitor the important role the internet and social networking sites play in advancing violent extremist narratives. We protect our communities from a variety of online threats, such as sexual predators, by educating them about safety on the internet, and we are using a similar approach to thwart violent extremists. We will work to empower families and communities to counter online violent extremist propaganda, which is increasingly in English and targeted at American audiences.

For example, in the case of our current priority, we must counter al-Qa'ida's propaganda that the United States is somehow at war with Islam. There is no single profile of an al-Qa'ida-inspired terrorist, but extensive investigations and research show that they all believe: (1) the United States is out to destroy Islam; and (2) this justifies violence against Americans. Al-Qa'ida and its supporters spread messages of

hate, twist facts, and distort religious principles to weave together a false narrative that Muslims must attack Americans everywhere because the United States is waging a global war against Islam. While al-Qa'ida claims to be the vanguard of Islam, the overwhelming majority of its victims are Muslim.

We will challenge this propaganda through our words and deeds, defined by the very ideals of who we are as Americans. As the President has stated repeatedly, the United States is not, and never will be, at war with Islam. Islam is part of America, a country that cherishes the active participation of all its citizens, regardless of background and belief. We live what al-Qa'ida violently rejects—religious freedom and pluralism. We have emphasized a paradigm of engagement with Muslim communities around the world, based on mutual respect and interest manifest in our new partnerships and programming to promote entrepreneurship, health, science and technology, educational exchanges, and opportunities for women.

But we must remember that just as our words and deeds can either fuel or counter violent ideologies abroad, so too can they here at home. Actions and statements that cast suspicion toward entire communities, promote hatred and division, and send messages to certain Americans that they are somehow less American because of their faith or how they look, reinforce violent extremist propaganda and feed the sense of disenchantment and disenfranchisement that may spur violent extremist radicalization. The Federal Government will work to communicate clearly about al-Qa'ida's destructive and bankrupt ideology, while dispelling myths and misperceptions that blame communities for the actions of a small number of violent extremists.

D. GUIDING PRINCIPLES

How we define and discuss the challenge of radicalization to violence matters. Violent extremism, while of paramount importance given the potential for harm, is only one among a number of threats our Nation is facing. Communities face an array of challenges to their safety, including gang violence, school shootings, drugs, hate crimes, and many others. Just as we respond to community safety issues through partnerships and networks of government officials, Mayor's offices, law enforcement, community organizations, and private sector actors, so must we address radicalization to violence and terrorist recruitment through similar relationships and by leveraging some of the same tools and solutions. In doing so, we are guided by the following principles:

We must continually enhance our understanding of the threat posed by violent extremism and the ways in which individuals or groups seek to radicalize Americans, adapting our approach as needed. As al-Qa'ida and its affiliates and adherents increasingly aim to inspire people within the United States to commit acts of terrorism, we must closely monitor and understand their tactics, both online and offline, remaining nimble in our response, increasing our understanding of the factors that lead individuals to turn to violence, and calibrating our efforts.

We must do everything in our power to protect the American people from violent extremism while protecting the civil rights and civil liberties of every American. Protecting our fundamental rights and liberties is an important end in itself, and also helps counter violent extremism by ensuring nonviolent means for addressing policy concerns; safeguarding equal and fair treatment; and making it more difficult for violent extremists to divide our communities.

As the President said at the National Archives in May 2009, “We uphold our fundamental principles and values not just because we choose to, but because we swear to. Not because they feel good, but because they help keep us safe. They keep us true to who we are . . . So as Americans, we reject the false choice between our security and our ideals. We can and we must and we will protect both.”

We must build partnerships and provide support to communities based on mutual trust, respect, and understanding. We must have honest dialogue between communities and government that is transparent and promotes community-based problem solving.

We must use a wide range of good governance programs—including those that promote immigrant integration and civic engagement, protect civil rights, and provide social services—that may help prevent radicalization that leads to violence. This necessitates a whole-of-government approach, based on the expertise of our traditional national security departments and agencies, as well as other parts of the government, including those with experience in addressing community safety issues.

We must support local capabilities and programs to address problems of national concern. While the demographics of communities and the priorities of local government, communities, and law enforcement vary, our efforts to prevent radicalization to violence and terrorist recruitment must harness the knowledge, expertise, and relationships of local actors, both in and out of government.

Government officials and the American public should not stigmatize or blame communities because of the actions of a handful of individuals. We must instead support communities as partners, recognizing that a particular ethnic, religious, or national background does not necessarily equate to special knowledge or expertise in addressing violent extremism. Where communities have been active in condemning terrorism and confronting violent extremism, we must recognize their efforts; help them build upon their work; and connect them with other communities and stakeholders in order to share best practices.

Strong religious beliefs should never be confused with violent extremism. Freedom of religion is a fundamental American right and one of our most strongly held values. Since our founding, people of diverse and strongly held religious faiths have thrived in America.

Though we will not tolerate illegal activities, opposition to government policy is neither illegal nor unpatriotic and does not make someone a violent extremist. It is a basic tenet of our democracy that citizens of good conscience can respectfully disagree with one another and resolve their differences through peaceful means. Our Nation is built upon the principles of debate, dialogue, and cooperation.

Hon. Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

**Re: Proposed Electric Generating Unit Maximum Achievable Control Technology Rules
Docket ID No. EPA-HQ-OAR-2009-0234**

August 18, 2011

Dear Administrator Jackson:

As Mayor of Pawnee City, Nebraska, I am writing in regard to EPA's proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Our community purchases its total electricity requirements from the Nebraska Public Power District ("NPPD"). NPPD's energy mix is approximately 50 percent coal, 40 percent nuclear, with the remainder made up of wind, natural gas and hydro power. NPPD's two coal-fired power plants, which consist of two units each, use low-sulfur Powder River Basin coal and have installed state-of-the-art baghouses which have virtually eliminated visual emissions and have reduced mercury emissions by approximately 50 percent.

On behalf of my community's customer base, we have serious concerns with the proposed rules. We are concerned that the rules do not provide NPPD with enough time to comply, and that the short time frame for compliance puts us at risk of having to absorb dramatic increases in electricity rates that could cause our customers severe economic harm. We are also concerned about reliability of supply, should our provider have to decrease generation or prematurely retire generation. Our power supplier has informed us that if scrubbers are required, the preliminary cost estimate for the two largest units could reach one billion dollars. Our share of these costs will cause significant rate increases.

While my community supports reasonable initiatives to cost-effectively enhance air quality, we are aware that every form of electric generation comes with certain environmental consequences. Our customers expect and demand reliable, affordable electricity, and we are opposed to rules and deadlines that unreasonably increase costs, impact reliability and ultimately reduce American jobs.

We respectfully request the EPA rethink its overly aggressive rules and deadlines under the proposed EGU MACT rules, and consider the mandates' negative impacts to the economy. Similar to our power supplier, almost half of the U.S. electric generation is fired by coal. The rules as proposed will affect a significant portion of the industry and impact reliability. In addition, we also request the agency reconsider regulating acid gases. This is not required under the Clean Air Act, and its inclusion will make it much more costly and difficult to comply, under existing compliance timelines.

Thank you for your consideration of this request.



Duane Westing
Mayor of Pawnee City, Nebraska

**Cc: Governor Dave Heineman
Mike Linder, Director, Nebraska Department of Environmental Quality
Nebraska Congressional Delegation**



Correspondence Management System

Control Number: AX-12-000-7181

Printing Date: April 24, 2012 04:56:21



Citizen Information

Citizen/Originator: Bishop, Randy

Organization: Verengo Solar
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Fenster, Edward

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Kennedy, Danny

Organization: Sungevity
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Lefebvre, John

Organization: Suntech America, Inc.
Address: 71 Stevenson Street, San Francisco, CA 94105

Rive, Lyndon

Organization: SolarCity
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Shugar, Daniel

Organization: Solaria
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Hall, Mike

Organization: Borrego Solar
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Petrina, Robert

Organization: Yingli Americas, Inc.
Address: 245 5th Avenue, New York, NY 10016

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-7181	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Apr 13, 2012	Received Date:	Apr 23, 2012
Addressee:	POTUS-President of the United States	Addressee Org:	White House
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File- Thanking Administrator Jackson for issuing recent New Source Performance Standards limiting global warming pollution		
Instructions:	For Your Information -- No action required		



Correspondence Management System

Control Number: AX-12-000-7181

Printing Date: April 24, 2012 04:56:21



Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Apr 24, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Apr 24, 2012

Comments

Commentator	Comment	Date
No Record Found.		

Ms. Jackson -

4/14/12

Thanks for all your work re:
limiting global warming emissions. I
put together this CEO letter to President
Obama to support your work.

I have known Jared Blumenfeld for
many years & am also grateful you
appointed him to lead Region 9.

The next time you are out in
Silicon Valley, please come let us
give you a tour of our solar panel
factory.

best, -Dail Afful

cell: 415-314-8042

RECEIVED

APR 23 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

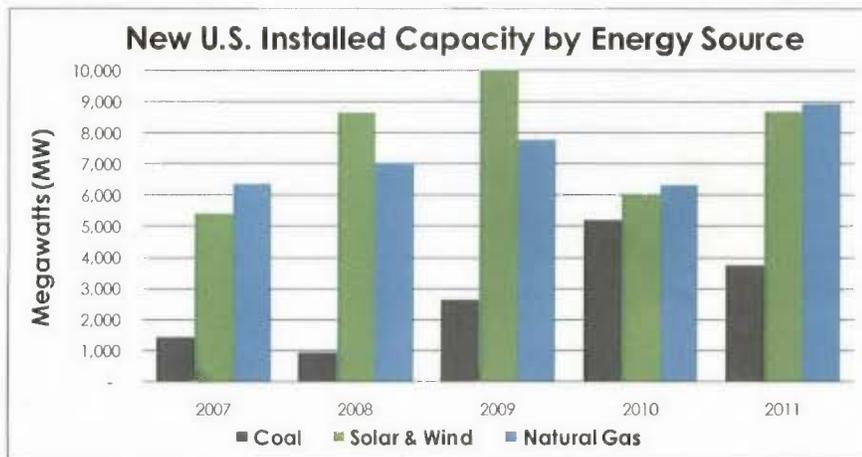
April 13, 2012

RE: Support for EPA's New Limits on Greenhouse Gas Emissions

Dear President Obama:

We are writing to thank you and Environmental Protection Agency (EPA) Administrator Lisa Jackson for issuing the recent New Source Performance Standards limiting global warming pollution from all new power plants installed in the United States. In addition to safeguarding public health and the environment, these new protections will grow the economy, accelerate the deployment of clean energy and generate a net increase in new jobs since clean energy technologies create more jobs per megawatt than continued reliance on coal.

We are particularly grateful for EPA Administrator Jackson's perseverance in developing and promoting these public health and safety protections that will grow our economy through further deployment of clean electricity generation technologies. As you can see from the chart below, clean energy has been growing rapidly and 271% more wind and solar has been installed in the US than coal over the last 5 years.



Data sources:

Coal and natural gas installed capacity from EIA Electric Power Annual;

Solar installed capacity from Solar Energy Industry Administration and wind installed capacity from American Wind Energy Association

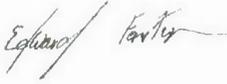
Through your continued leadership and support for EPA's science-based policies, we can keep the momentum going and accelerate America's transition to a clean energy economy. The next step is to apply strong carbon pollution limits to existing power plants which will help restore our environment and economy to full health. Thank you for your leadership on clean energy and support for Administrator Jackson's efforts at the EPA.

Sincerely,

Randy Bishop
CEO Verengo Solar

Ty Daul
CEO, North America, Element Power

cc: Lisa Jackson, EPA Administrator



Edward Fenster
CEO, Sunrun



Danny Kennedy
President, Sungevity



John Lefebvre
President, Suntech America, Inc.



Lyndon Rive
CEO, SolarCity



Daniel Shugar
CEO, Solaria



Mike Hall
CEO, Borrego Solar



Robert Petrina
President, Yingli Americas Inc



Correspondence Management System

Control Number: AX-12-000-7262

Printing Date: April 25, 2012 01:16:47



Citizen Information

Citizen/Originator: Schmid, Dave

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Ball, Lianne

Organization: US Geological Survey (USGS)
Address: 12201 Sunrise Valley Drive, Reston, VA 20192

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-7262	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Apr 18, 2012	Received Date:	Apr 24, 2012
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File- Ten Federal agencies signed Memorandum of Understanding to enter into framework of cooperation to achieve the objectives of Partners in Amphibian and Reptile Conservation (PARC)		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OEAE - Office of External Affairs and Environmental Education		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Apr 25, 2012

History

Action By	Office	Action	Date
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APR 24 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

FEDERAL AGENCIES STEERING COMMITTEE
DAVID SCHMID AND LIANNE BALL, CO-CHAIRS

April 18, 2012

Lisa P. Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Jackson:

We are writing on behalf of the Federal Agency Steering Committee for Partners in Amphibian and Reptile Conservation (PARC) to announce that ten Federal agencies signed a Memorandum of Understanding (MOU) on March 14, 2012. This MOU (attached) serves as a formal agreement among the federal agencies to enter into a framework of cooperation to achieve the objectives of PARC. The signing was celebrated at the 'Get Wild! Partners Meeting,' sponsored by the U.S. Forest Service, in conjunction with the North American Wildlife and Natural Resources Conference in Atlanta. The federal agency signatories include the Bureau of Land Management, Department of Defense, Environmental Protection Agency, Farm Service Agency, Fish and Wildlife Service, USDA Forest Service, U.S. Geological Survey, National Park Service, National Marine Fisheries Service and the Natural Resources Conservation Service. We would like to thank the Environmental Protection Agency, in particular the Office of Water, for their role in making PARC a success and for agreeing to help the partnership continue to conserve amphibians, reptiles and their habitats into the future.

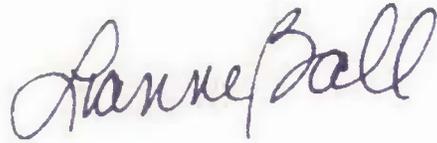
Worldwide, nearly half of turtles and one-third of amphibians are threatened with extinction; and recent predictions for lizards and snakes have been dire. The condition of these taxonomic groups in the U.S. reflects the larger issues about multiple demands on our Nation's resources and whether or not we can determine how to manage them in a way that sustains our ecosystems. Participation in collaborative groups such as PARC is one way to harness the capacities of PARC's Federal partners.

PARC is a coalition of federal, state and local agencies, tribes, conservation and education organizations, industry groups and members of the public that have agreed to contribute to the PARC mission. PARC's mission is to conserve amphibians, reptiles and their habitats as integral parts of our ecosystem and culture through proactive and coordinated public-private partnerships. Because Federal agencies have stewardship responsibilities for millions of acres, their active cooperation is crucial for developing management strategies that consider and benefit amphibians and reptiles across the landscape.

Sincerely,



Dave Schmid
Director, Biological and Physical Resources
Southern Region, USDA Forest Service
404.347.7397



Lianne Ball
National Coordinator - USGS
Amphibian Research and Monitoring Initiative
703-648-4028

cc: Nancy Stoner, Acting Assistant Administrator for Water
Jason Daniels, Kansas City Regional Office



NATURAL RESOURCES DEFENSE COUNCIL

RECEIVED
APR 24 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

April 18, 2012

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Revisions to EPA's Rule on Protections for Subjects in Human Research
Involving Pesticides

Dear Administrator Jackson:

I write to express deep concern that EPA has failed to complete revisions of its rule, "Protections for Subjects in Human Research," commonly known as the "human testing rule."

EPA signed a settlement agreement in *Natural Resources Defense Council v. U.S. EPA*, No. 06-1895-ag (2d Cir.), which required EPA to finalize the rulemaking process last December. EPA has now breached that settlement agreement. This has left on the books a 2006 EPA rule that—in violation of P.L. 109-54—allows experiments to be conducted on people in which they are intentionally dosed with pesticides to assess the pesticides' toxicity without adequate safeguards. The existing rule does not require human pesticide experiments to comply with scientific and ethical safeguards proposed by the National Academy of Sciences. It does not require that such experiments comply with the Nuremberg Code's first principle: fully informed consent. It does not even prohibit all intentional pesticide dosing experiments on pregnant women and children.

In 2005, Congress directed EPA to ban such experiments. The law had strong bipartisan support, and responded to a public outcry from groups as diverse as the United States Conference of Catholic Bishops and Physicians for Social Responsibility. EPA committed in settlement to revisit the Bush Administration's rule that violated Congress's command. Yet EPA has not done so; the agency's proposed final rule has apparently gotten stuck.

This is deeply troubling. It is difficult to imagine why this Administration would leave in place a regulation that it did not promulgate and that authorized experiments, without proper safeguards, in which pesticides are fed to people with their breakfast.

There is a broader principle at stake here as well: Can EPA keep the promises it makes in settlement agreements? If EPA cannot or will not do so, we will be far more reluctant to enter similar settlements in the future. That result would not be in the United States' interests.

Thank you in advance for your careful attention to this issue. Please let me know by May 4, 2012, when EPA will complete its current rulemaking as required.

Best regards,



Frances Beinecke

cc: Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget

Ignacio Moreno, Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice



Amy Granat,
Managing Director CORVA
1500 El Camino #352
Sacramento, CA 95833
916-710-1950
amy.granat@corva.org

April 20, 2012

Rick Cooper
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ricoper@blm.gov

Lisa Jackson
USEPA Headquarters
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1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
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Jim Kenna
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Jared Blumenfeld
USEPA REGION 9
75 Hawthorne Street
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San Francisco, CA 94105
Blumenfeld.jared@Epa.gov

Dear Sirs,

On behalf of the California Off-Road Vehicle Association, I am petitioning the Bureau of Land Management (BLM) to submit a formal request to the Environmental Protection Agency (EPA) to reevaluate the Clear Creek Management Area Risk Analysis. After the release of the original documentation, new data has been made available to the public that was not included in the EPA's publicly released risk analysis. We also believe the EPA has not sufficiently answered the public's questions and concerns in regards to the methodology and conclusions reached in the original EPA analysis. Therefore the need for a reevaluation is warranted.

In this reanalysis, the EPA must take into account the following items that were not considered, or were omitted, in their original documentation:

- 1) Seasons of use; in 2006 the BLM implemented a dry season closure from May through October. The very fact of these existing limitations to motorized travel, and any changes in risk associated with this closure, were not considered in the existing documentation.
- 2) Actual soil conditions and moisture content: the EPA did not accurately report the moisture content in the soil when reporting on risk levels. Instead of using the more accurate method of testing moisture level to reflect an approximate season of use, the EPA arbitrarily assigned labels of samples taken. Given California's notoriously changeable weather climate; a date in November may reflect dryness in the soil generally reflected during summer months, rather than normal winter season moisture content.
- 3) The International Environmental Research Foundation study, released by the OHV Division of California State Parks, along with the conclusions reached therein, were omitted from the EPA analysis.
- 4) Removal of all infrastructures: The BLM has removed all camping and staging areas associated with the Area of Critical Environmental Concern, significantly changing the conditions that were evaluated by the EPA and used to construct their risk analysis.

Given the above changes in conditions and available data, I do not feel it inappropriate for the BLM to ask the EPA for a reevaluation that takes into account these additional criteria. I look forward to hearing that this request has been submitted post haste given the importance of this analysis. The public is looking very carefully at the credibility of the EPA in regards to its scientific evaluation, and a reevaluation and the resulting corrections in the risk analysis will go a long way to restoring the public's trust in their federal agencies.

Sincerely

Amy Granat
Managing Director
California Off-Road Vehicle Association



SBU Memo from Department of State Exec Sec Stephen D. Mull: National Security Affairs Calendar SENSITIVE BUT UNCLASSIFIED/FOR OFFICIAL GOVERNMENT USE ONLY -- SES No. 201207272

Fisher, Nichole J to: Bobbitt, Alicia CIV USAF AF/CC-POLAD,
Allison.Carragher, alison.markovitz,
andre.williams, andrew.beach, anneem1,

04/23/2012 08:01 PM

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MEMORANDUM FOR BRIAN P. MCKEON

EXECUTIVE SECRETARY

NATIONAL SECURITY STAFF

SUBJECT: NATIONAL SECURITY AFFAIRS CALENDAR

The National Security Affairs Calendar for the upcoming months is attached. Please transmit the attached materials to the Executive Secretary-level representative noted on the attached National Security Affairs Calendar Distribution Sheet.

NOTE: CIRCULATION OF THE NATIONAL SECURITY AFFAIRS CALENDAR IS LIMITED TO MEMBERS LISTED ON THE DISTRIBUTION SHEET.

<<201207272-FD.PDF>> <<201207272-BI.PDF>>

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OFFICE OF THE
EXECUTIVE SECRETARIAT

S/ES 201207272



United States Department of State

Washington, D.C. 20520

April 23, 2012

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MEMORANDUM FOR BRIAN P. MCKEON
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "SDM", written in a stylized, cursive script.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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April 23, 2012

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- Apr 20-26 UN Conference on Trade and Development (UNCTAD)
XIII Ministerial Conference/World Investment Forum, Doha
- Apr 23 Nordic-Baltic-U.S. Cooperation Summit, Vilnius
- Apr 23 G-8 Foreign Affairs Sous-Sherpa (FASSIII) Meeting, Paris
- Apr 23* U.S.-Iraq Joint Coordinating Committee on Energy Meeting,
Washington
- Apr 23-24* Visit of Foreign Minister Martinez of El Salvador to Washington
- Apr 23-24* U.S.-Japan-India Trilateral Meeting, Tokyo
- Apr 23-24 U.S.-China Legal Experts Dialogue, Beijing
- Apr 23-25 World Summit of Nobel Peace Laureates 2012, Chicago
- Apr 23-25* Visit of Prime Minister Gilauri of Georgia to Washington
- Apr 23-27 Visit of Secretary of Defense Panetta to Colombia, Brazil and Chile
- Apr 24* Visit of Foreign Minister Carr of Australia to Washington
- Apr 24* Visit of Prime Minister Stuart of Barbados to Washington
- Apr 25-26 3rd Clean Energy Ministerial, London

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- Apr 25-28* Visit of Prime Minister Berisha of Albania to Washington
- Apr 26* The Secretary of State's Forum on Investing with Impact, Washington
- Apr 29 (T) Presidential Elections in Guinea-Bissau-2nd Round
- Apr 29-May 2* Visit of Foreign Minister del Rosario and Defense Minister Gazmin of the Philippines to Washington

LOOKING AHEAD

- Apr 30* U.S.-Philippines 2+2 Ministerial-Level Dialogue, Washington
- Apr 30* Visit of Prime Minister Noda of Japan to Washington
- Apr 30-May 11 Nuclear Nonproliferation Treaty Preparatory Committee Meeting, Vienna
- May 1 31st Meeting of States Parties to the International Convention on Civil and Political Rights, New York
- May 1 U.S.-China Science & Technology Cooperation Joint Committee Meeting, Beijing
- May 2 U.S.-China Innovation Dialogue Joint Committee Meeting, Beijing
- May 2 U.S.-China Strategic Security Dialogue, Beijing
- May 2 Presidential Elections in Hungary
- May 2-3* 2012 International Education Summit on the Occasion of the G-8, Washington

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- May 3-4 U.S.-China Strategic and Economic Dialogue, Beijing
- May 3-4 U.S.-China Consultations on People-to-People Exchange, Beijing
- May 4 Presidential and Parliamentary Elections in Palestinian Authority
- May 4 Parliamentary Elections in Iran-2nd Round
- May 6 Presidential Elections in France-2nd Round
- May 6 Parliamentary Elections in Greece (Snap)
- May 6 Parliamentary Elections in Armenia
- May 6 Parliamentary Elections in Lesotho
- May 6 Presidential (Round 1) and Parliamentary Elections in Serbia
- May 7 Parliamentary Elections in Syria
- May 7 Parliamentary Elections in the Bahamas
- May 7* Visit of Foreign Minister Mammadyarov of Azerbaijan to Washington
- May 7 Presidential Inauguration in Russia
- May 7-8* Visit of Foreign Minister Moreno of Chile to Washington
- May 7-8* 42nd Washington Conference on the Americas, Washington
- May 7-9 International Export Control Conference, Portoroz
- May 9-10* U.S. Leadership Conference on International Disability Rights, Washington

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May 9-11 World Economic Forum on Africa, Addis Ababa

May 10 Parliamentary Elections in Algeria

May 11-13 5th Lennart Meri Conference, Tallinn

May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast

May 14-15 Arctic Council Deputy Foreign Ministers Meeting, Stockholm

May 14-15 U.S.-Indonesia Science and Technology Joint Commission Meeting, Jakarta

May 14-18* Visit of Foreign Minister Wunna Maung Lwin of Burma to Washington

May 15-25 UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn

May 17-18 Visit of Foreign Minister Zarifi of Tajikistan to Washington

May 18* Visit of Foreign Minister Peiris of Sri Lanka to Washington

May 18-19 2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London

May 18-19 G-8 Summit, Camp David

May 18-21 Young Atlanticist Chicago Summit, Chicago

May 20 Presidential Elections in the Dominican Republic

May 20 10th Anniversary of Independence of Timor-Leste

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May 20 Presidential Inauguration in Taiwan

May 20-21 NATO Summit, Chicago

May 20-Jun 5 Asia-Pacific Economic Cooperation (APEC) 2nd Senior Officials Meeting (SOM2) and Related Meetings, Kazan

May 21 (T) U.S.-Saudi Arabia Joint Coordination Committee on Infrastructure Protection (JCCIP), Riyadh

May 21-23 5th Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju

May 21-24 2nd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur

May 21-26 65th Session, World Health Organization (WHO) World Health Assembly, Geneva

May 22-26 Visit of Secretary of Transportation LaHood to Indonesia

May 23 Presidential Elections in Egypt—1st Round

May 23 2nd Set of P5+1 Talks with Iran, Baghdad

May 23 Friends of Yemen Meeting, Riyadh

May 23-24 Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris

May 24* Visit of Foreign Minister McCully of New Zealand to Washington

May 25-26 6th Pacific Island Leaders (PALM 6) Meeting, Nago City

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May 26	National Elections in Lesotho
May 28-30	3 rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro
May 30-31	Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan
May 30-Jun 1	World Economic Forum on East Asia, Bangkok
May 31-Jun 1	African Development Bank Annual Meeting, Arusha
May 31-Jun 2	2012 Wroclaw Global Forum, Wroclaw
Jun TBD	Parliamentary Elections in Mongolia
Jun 1-3	Shangri-la Dialogue, Singapore
Jun 3-5	Organization of American States (OAS) General Assembly, Cochabamba
Jun 4-5	Asia-Pacific Economic Cooperation (APEC) Trade Ministerial Meeting, Kazan
Jun 4-6	World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul
Jun 4-8	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Jun 4-8	25 th World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur

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Jun 7-8	Global Counterterrorism Forum (GCTF) Coordinating Committee Meeting, Istanbul
Jun 10	Legislative Elections in France-1 st Round
Jun 12*	U.S.-India Higher Education Dialogue, Washington
Jun 14	Kabul Ministerial Conference on the Istanbul Process, Kabul
Jun 14* (T)	U.S.-Thailand Strategic Dialogue, Washington
Jun 14*(T)	Visit of Foreign Minister Surapong of Thailand to Washington
Jun 14*	2+2 U.S.-Republic of Korea Ministerial, Washington
Jun 16	Presidential Elections in Egypt-2 nd Round
Jun 17	Legislative Elections in France-2 nd Round
Jun 18-19	G-20 Leaders Summit, Los Cabos
Jun 18-19*	2012 African Growth Opportunity Act (AGOA) Forum, Washington
Jun 18-20	IAEA International Experts' Meeting on Enhancing Transparency and Communication Effectiveness in the Event of a Nuclear or Radiological Emergency, Vienna
Jun 18-Jul 6	20 th Session of the Human Rights Council, Geneva
Jun 20 (T)	Parliamentary Elections in Libya
Jun 20-22	UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

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Jun 20-23 U.S.-Africa Business Convention, Cincinnati

Jun 21 National Constitutional Assembly Elections in Libya

Jun 21* U.S.-Portugal Standing Bilateral Commission, Washington

Jun 23 Parliamentary Elections in Papua New Guinea

Jun 24-25 Asia-Pacific Economic Cooperation (APEC) 10th Energy Ministerial Meeting, St. Petersburg

Jun 25-Jul 5 36th World Heritage Committee Meeting, St. Petersburg

Jun 26-28 Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg

Jun 27-28 High-Level Counter-Piracy Conference: "A Shared Approach for Shared Challenges: Integrating and Enhancing International Responses and Public-Private Partnerships," Dubai

Jun 28-29* P-5 Conference on Verification, Transparency and Confidence-Building, Washington

Jun 30 Presidential Elections in Iceland

Jul 1 Parliamentary Elections in Senegal

Jul 1 Presidential and Legislative Elections in Mexico

Jul 1 (T) Parliamentary Elections in Mali-1st Round

Jul 2-27 Arms Trade Treaty (ATT) Conference, New York

Jul 6-7 7th Annual Croatia Summit, Dubrovnik

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- Jul 7 Parliamentary Elections in Timor-Leste
- Jul 8 Tokyo Development Coordination Conference for Afghanistan, Tokyo
- Jul 8 Legislative Elections in Cameroon
- Jul 9-10 Community of Democracies Governing Council Meeting, Ulaanbaatar
- Jul 9-13 East Asia Summit Foreign Ministers Meeting, 19th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh
- Jul 13-15 U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg
- Jul 16* American Australian Leadership Dialogue (AALD), Washington
- Jul 16-19 3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City
- Jul 17-19 Inaugural Meeting of the Organization of American States (OAS) Second Hemispheric Forum: "Women's Citizenship and Democracy," Santo Domingo
- Jul 22 (T) Parliamentary Elections in Mali-2nd Round
- Jul 22-27* AIDS 2012 XIX, International AIDS Conference, Washington
- Jul 25* 2nd Global Diaspora Forum, Washington
- Jul 27-Aug 12 XXX Summer Olympic Games, London

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- Aug 3 Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg
- Aug 6-8 Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg
- Aug 27-31 Pacific Islands Forum Meetings, Cook Islands
- Aug 29-Sep 9 Paralympic Games, London
- Aug 30 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow
- Sept TBD Australia-U.S. Ministerial (AUSMIN), Australia
- Sept 2-9 Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok
- Sept 4-7 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok
- Sept 6-15 International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju
- Sept 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sept 10-28 21st Session of the Human Rights Council, Geneva
- Sept 11-13 Annual Meeting of the New Champions, Tianjin
- Sept 14* U.S.-Indonesia Joint Commission Meeting, Washington
- Sept 14* Visit of Foreign Minister Natalegawa of Indonesia to Washington

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Sept 17-21 International Atomic Energy Agency (IAEA) General Conference, Vienna

Sept 24 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Sept 24-28 United Nations General Assembly High-Level Week, New York

Sept 24-Oct 15 25th Universal Postal Union Congress, Doha

Oct 1-19 11th Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad

Oct 7 Presidential Elections in Venezuela

Oct 8 Presidential Elections in Slovenia

Oct 12-14 World Bank Group/International Monetary Fund Annual Meeting, Tokyo

Oct 24-28 Americas Competitiveness Forum/Pathways to Prosperity Ministerial, Cali

Oct 28 Parliamentary Elections in Ukraine

Oct 30-Nov 1* G-8 Roma-Lyon Group (RLG) Meeting, Washington

Nov 6-8 India Economic Summit, New Delhi

Nov 6-9 7th Annual Internet Governance Forum (IGF), Baku

Nov 7-10 15th International Anti-Corruption Conference (IACC), Brasilia

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- Nov 17 Presidential and Parliamentary Elections in Sierra Leone
- Nov 18-20 (T) 21st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh
- Nov 27-Dec 7 18th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar
- Nov 29-30 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Nov 30 (T) Presidential and Parliamentary Elections in Madagascar
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin
- Dec 7 Presidential Elections in Ghana
- Dec 15-17 Fukushima Ministerial Conference on Nuclear Safety, Fukushima Prefecture
- Dec 19 Presidential Elections in the Republic of Korea
- Dec 28 Legislative Elections in Ghana

2013

- Mar 4 Presidential and Parliamentary in Kenya-1st Round

* = Taking place in Washington

(T) = Tentative

TBD = To Be Determined

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Correspondence Management System

Control Number: AX-12-000-7316

Printing Date: April 25, 2012 03:20:23



Citizen Information

Citizen/Originator: Mason, Darryl

Organization: United States Environmental Protection Agency
Address: 1200 Pennsylvania Avenue, N.W., Washington, DC 20460

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7316 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: May 9, 2012 **# of Extensions:** 0
Letter Date: Apr 25, 2012 **Received Date:** Apr 25, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File- Outreach for the Office of Inspector General FY 2013 Workplan
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	AO-IO	Apr 25, 2012	May 9, 2012	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OARM as lead office	Apr 25, 2012
(b) (6) Personal Privacy	OEX	Control Taken Over	Apr 25, 2012



Correspondence Management System

Control Number: AX-12-000-7316

Printing Date: April 25, 2012 03:20:23



Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign AO-IO as lead office	Apr 25, 2012

Comments

Commentator	Comment	Date
No Record Found.		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 19 2012

THE INSPECTOR GENERAL

MEMORANDUM

SUBJECT: Outreach for the Office of Inspector General Fiscal Year 2013 Workplan

TO: The Administrator
Deputy Administrator
Assistant Administrators
General Counsel
Chief Financial Officer
Associate Administrators
Regional Administrators

The Office of Inspector General (OIG) is developing its work plan of assignments for Fiscal Year 2013. We are requesting your thoughtful input to help the OIG provide the greatest value to the Agency. We are particularly interested in your ideas about specific issues and emerging challenges, as well as opportunities in which OIG products and services can help Agency programs operate most efficiently and effectively. We are also interested in your continued feedback on the quality, usefulness, and delivery of OIG products and services.

While much of the OIG's work is dedicated to statutory requirements and requests by external stakeholders, a significant portion is internally generated. The OIG is highly committed to being a customer driven organization, providing products and services that support EPA's strategic goals and the needs of Agency management and its stakeholders.

To facilitate our outreach efforts, please use the attached form to provide suggestions and any other feedback by you and your staff. We also welcome the opportunity to meet with you and your staff in person, via video conference, or via telephone to discuss your suggestions, ideas, and any other feedback.

Please provide the completed form(s) by **May 17, 2012**, or request a meeting, and direct any questions to Michael Binder, Deputy Chief of Staff, at binder.michael@epa.gov or (202) 566-2617.


Arthur A. Elkins, Jr.
Inspector General

Attachment

cc: Deputy Assistant Administrators
Deputy Regional Administrators



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

24 20

OFFICE OF THE
CHIEF FINANCIAL OFFICER

MEMORANDUM

SUBJECT: Request for Information on EPA Conference Spending from Chairman Darrell Issa

FROM: Barbara J. Bennett
Chief Financial Officer 

TO: General Counsel
Assistant Administrators
Inspector General
Chief of Staff
Associate Administrators
Regional Administrators

Recent events have led to heightened interest from Congress and the public in how government resources are being spent to host and attend conferences. This is not a new issue and one that EPA takes very seriously. As part of our commitment to being good stewards of public resources, we have been carefully managing our travel resources and implementing OMB Directive M-11-35 "Eliminating Excess Conference Spending and Promoting Efficiency in Government." The Deputy Administrator, in his November 22, 2011 guidance, reiterated his expectation that we will continue to provide a high level of accountability and oversight on conference-related spending and activities.

As part of Congress's efforts to improve oversight Chairman Darrell Issa of the House Oversight and Government Reform Committee has requested that EPA and other agencies provide data about the cost, planning, attendance and frequency of agency-funded conferences held outside the Washington, D.C. area since January 1, 2005. To provide context, attached is a list of the questions from Chairman Issa.

It is important that we collect complete and accurate information in response to this request. My staff has been evaluating the request and designing a data call that will provide the framework needed to collect and organize this large volume of information. The data request will be sent out to your staffs shortly since the timetable for this effort is very short. In the meantime, I have also attached definitions of key terms for your reference.

I appreciate your quick response and continued support and commitment to the level of effort this task will require. If you have any questions, please do not hesitate to call me.

Attachment A: Questions from the House Oversight and Government Reform Committee

Attachment B: Reference Definitions for Data Call

cc: Administrator
Deputy Administrator
Deputy Chief Financial Officer
Associate Chief Financial Officer
Deputy Assistant Administrators
Deputy Regional Administrators
Deputy Associate Administrators
Deputy Chief of Staff
Bob Sussman
Lisa Garcia
Lawrence Elworth
Janet Woodka
Peter Grevatt
Cameron Davis
Assistant Regional Administrators
Senior Budget Officers
Planning Contacts
Regional Comptrollers
Lead Region Coordinators



Correspondence Management System

Control Number: AX-12-000-7343

Printing Date: April 25, 2012 03:12:09



Citizen Information

Citizen/Originator: Lawrence, Megan

Organization: Alaska Airlines

Address: P.O. Box 68900, Seattle, WA 98168-0900

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7343

Alternate Number: N/A

Status: Pending

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Due Date: May 9, 2012

of Extensions: 0

Letter Date: Apr 18, 2012

Received Date: Apr 25, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- Alaska Airlines comments to address proposed ban on urea as airfield pavement deicer

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	Apr 25, 2012	May 9, 2012	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Alaska Airlines

April 18, 2012

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OFFICE OF THE
EXECUTIVE SECRETARIAT

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OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
1650 Pennsylvania Ave. NW
Washington DC 20503

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460

RE: Opposition to EPA's proposed ban on the chemical urea as an airfield pavement deicer. (Docket ID #EPA-HQ-OW-2004-0038)

Dear Administrators Sunstein and Jackson:

Alaska Airlines is submitting these comments to address the proposed ban on chemical urea as an airfield pavement deicer. Although airports are responsible for pavement deicer purchase and application, any change that could impair the safety of flight operations is of utmost importance to airlines. The proposed ban, particularly in the state of Alaska, causes a safety concern.

Safety Concerns: As EPA is aware, urea has already been replaced with other deicing products and is not widely used nationwide. Where urea does provide benefit is as a pavement deicer when other products are not available or do not perform to the same specifications as urea in arctic locations.

Alaska Airlines' top priority is the safety of our passengers. According to the Alaska Department of Transportation and Public Facilities (ADOT & PF), the alternative pavement deicer (E36) is limited in arctic conditions below -20 degrees F. These conditions are normal during winter months at arctic locations in the state of Alaska. Having the ability to use solid urea in these arctic locations is important for maintaining safe operating conditions. Airports in Alaska, particularly in the Arctic, are a vital part of the community. In many cases, air transportation is the only means available during winters months to transport supplies, including food, medicine, and mail. Closing down these airports is not an option.

Storage Concerns: Urea is a low-cost pavement deicer compared to other products. Fortunately, it is also a product that provides other benefits for ease of use and storage, particularly at airports in Alaska where transportation and storage of pavement deicers is an issue. Urea is a product that is able to be stored in dry form in bags that are transported to airports and stored in large quantities to use throughout the deicing season. Once the urea is needed, it is then mixed with water to create the proper deicing mixture. Other pavement deicers are shipped and stored in liquid form, necessitating the need to store large quantities of liquid product for a comparable

Page 2

amount of deicing. Many locations in the state of Alaska, particularly in Arctic regions, are not accessible via highway transportation; materials are either flown in or barged in during the summer months. It is impractical to ship in additional quantities of liquid material during the winter months. Many locations in the state of Alaska also have limited ability to store enough liquid pavement deicer to last for the deicing season due to limited on-airport space. The ability to store dry deicers, and then mix with water, is a necessity at these locations.

Alaska Airlines respectfully urges the EPA to reconsider a ban of urea specifically for the state of Alaska and allow a waiver for Alaskan airports to use urea on an as needed, or emergency basis. A waiver for the State would be the simplest alternative, although a waiver for safety critical functions would adequately address our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Megan Lawrence". The signature is fluid and cursive, with a long horizontal stroke at the end.

Megan Lawrence
Managing Director, Government & Community Relations

cc: U.S. Senator Lisa Murkowski
U.S. Senator Mark Begich
U.S. Congressman Don Young
DOT & PF Commissioner Marc Luiken

January 5, 2012

The Honorable Lisa P. Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

As you make the final decisions regarding the allocation of funds appropriated to the Environmental Protection Agency for Fiscal Year 2012, we urge you to provide a small but meaningful increase in funding for the WaterSense program. An increase of \$500,000 in this fiscal year would increase this program by nearly 20%, allowing additional product specifications, market research, partner collaboration, and program documentation.

We appreciate the support you have provided for WaterSense to date. In a year when other important programs at EPA have been cut, we are very grateful that FY 2011 funding for WaterSense was maintained. But even in these challenging fiscal times, the productivity and success of this program on a small budget argues strongly for additional support. A small shift in funding within EPA can yield substantial additional water and energy savings over time – savings that will be even more valuable to consumers and communities facing the uncertainties of a changing climate on the nation's supply of drinking water. Now more than ever, WaterSense is an especially good value due to its ability to leverage significant non-federal resources with a small amount of federal funding.

This voluntary and highly cost-effective program is an excellent investment for American consumers, businesses, and state and federal government. As stakeholders from diverse sectors of the economy and each corner of the Nation, we join in seeking a modest increase for this program. Under your leadership, WaterSense can become an even more effective tool for making more efficient and responsible use of the Nation's valuable water resources.

Thank you for your attention to this matter.

Signed by:

Donald C. Blackwell Jr.
President
Advanced Irrigation Inc.
Seattle, WA

Jared Teutsch
Water Policy Advocate
Alliance for the Great Lakes
Chicago, IL

Nichole Goodman
Policy Director
Alliance for Sustainable Colorado
Denver, CO

Mary Ann Dickinson
President and Chief Executive Officer
Alliance for Water Efficiency
Chicago, IL



Correspondence Management System

Control Number: AX-12-000-0430

Printing Date: January 11, 2012 01:21:27



Citizen Information

Citizen/Originator: Stenehjem, Wayne

Organization: Office of the Attorney General for the State of North Dakota
Address: State Capitol, 600 East Boulevard Avenue, Bismark, ND 58505-0040

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0430 **Alternate Number:** 853359994872

Status: Pending **Closed Date:** N/A

Due Date: Jan 26, 2012 **# of Extensions:** 0

Letter Date: Jan 9, 2012 **Received Date:** Jan 11, 2012

Addressee: AD-Administrator **Addressee Org:** EPA

Contact Type: LTR (Letter) **Priority Code:** Normal

Signature: RA-R8-Regional Administrator - Region 8 **Signature Date:** N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Docket No. EPA-R08-2010-0406 - Proposed Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan; for Interstate Transport of Pollution Affecting Visibility and Regional Haze - Supplemental Comment

Instructions: RA-R8-Prepare draft response for signature by the Regional Administrator for Region 8

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R8	Jan 11, 2012	Jan 26, 2012	N/A
Instruction: RA-R8-Prepare draft response for signature by the Regional Administrator for Region 8					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

DAILY READING FILE
STATE OF NORTH DAKOTA



Wayne Stenehjem
ATTORNEY GENERAL

OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
600 E BOULEVARD AVE DEPT 125
BISMARCK, ND 58505-0040
(701) 328-2210 FAX (701) 328-2226
www.ag.nd.gov

RECEIVED
2012 JAN 11 AM 6:13
OFFICE OF THE
EXECUTIVE SECRETARIAT

January 9, 2012

Via U.S. Mail and Overnight Courier

Ms. Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Mr. James B. Martin
Regional Administrator, Region 8
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

RE: **Docket No. EPA-R08-OAR-2010-0406** – Proposed Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan; for Interstate Transport of Pollution Affecting Visibility and Regional Haze – Supplemental Comment

Dear Administrator Jackson and Regional Administrator Martin:

On September 21, 2011, EPA published a notice in the Federal Register, entitled *Proposed Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan; for Interstate Transport of Pollution Affecting Visibility and Regional Haze* ("RH FIP"). See 76 Fed. Reg. 58510. One of the central failings of the proposed RH FIP is EPA's preliminary determination that selective catalytic control ("SCR") technology is technically feasible for cyclone boilers burning North Dakota lignite. EPA took public comment on its proposed rulemaking for 60 days, until November 21, 2011. North Dakota submitted extensive comments to EPA on November 21, 2011, requesting EPA approve the North Dakota Regional Haze State Implementation Plan ("RH SIP"), as amended, and abandon its proposed RH FIP.

I am writing now to advise EPA of a significant recent judicial development that is of central relevance to the pending rulemaking and which necessitates that EPA reopen the public comment period in this matter. On December 21, 2011, the U.S. District Court for the District of North Dakota issued the attached Order Denying the United States' Motion Petitioning the Court for Dispute Resolution Under the 2006 Consent Decree in United States of America and State of North Dakota v. Minnkota Power Cooperative, Inc. and Square Butte Electric Cooperative, Case No. 1:06-cv-034 ("Order"). In its Order, the Court denied the United States' Motion seeking to invalidate North Dakota's "best available control technology" ("BACT") determination for reducing nitrogen oxides (NOx) air emissions at the Milton R. Young Station ("MRYS") owned by Minnkota Electric Power Cooperative ("Minnkota"). After closely reviewing North

Lisa P. Jackson
James B. Martin
January 9, 2012
Page 2

Dakota's administrative record, the Court upheld the State's BACT determination for MRYS. The Court concluded that North Dakota acted reasonably and within its lawful discretion and authority under the federal Clean Air Act ("CAA").

As EPA is aware, and as detailed in North Dakota's November 21, 2011, comments, EPA and North Dakota filed a joint complaint against Minnkota in 2006 alleging violations of provisions of the CAA and North Dakota's SIP. Under a Consent Decree entered by the U.S. District Court for the District of North Dakota on July 27, 2006, North Dakota was required to determine BACT at MRYS by December 31, 2010. After years of extensive analysis, North Dakota determined that SCR technology is not technically feasible for cyclone boilers burning North Dakota lignite and accordingly BACT for MRYS was determined to be Selective Non-Catalytic Reduction ("SNCR").

The U.S. District Court's ruling is of central relevance to any final EPA action with respect to North Dakota's RH SIP. In July 2011, North Dakota submitted to EPA its Amendment No. 1 to the RH SIP. Amendment No. 1 includes North Dakota's determination that SCR is not technically feasible at MRYS, which was not available when North Dakota submitted its original RH SIP – including the best available retrofit technology ("BART") determinations for MRYS and Basin Electric's Leland Olds Station Unit 2 ("LOS"). See Amendment No. 1 AR 240. Central to North Dakota's RH SIP and EPA's rulemaking is the technical data demonstrating that SCR is technically infeasible.

Because the requirements for a BACT determination are very similar to the requirements for a BART determination under the Regional Haze program, the information from the MRYS BACT determination (including information on the technical feasibility of control options) was directly relevant to North Dakota's BART determinations for MRYS and LOS. However, rather than consider the BACT technical information that supports North Dakota's BART determinations, EPA asserted in its proposed RH FIP rulemaking that it did not have time to consider Amendment No. 1 because it was required to act on North Dakota's Interstate Transport SIP by September 1. See 76 Fed. Reg. 58579. As North Dakota detailed in its November 21, 2011, comments, EPA could have considered Amendment No. 1 but chose not to. Until EPA fully considers the technical data provided in Amendment No. 1 and the Court's Order, EPA cannot reasonably determine that SCR is technically feasible at MRYS and LOS.

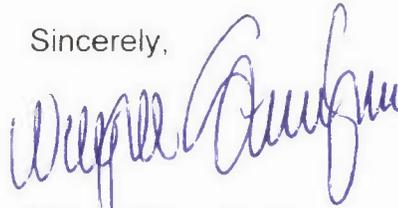
In light of the Court's Order, EPA must reopen Docket No. EPA-R08-OAR-2010-0406 so as to allow this supplemental comment letter and the attached Order to be included in the administrative record, and to allow the public the opportunity to also comment on the nature and effect of the Court's Order with respect to EPA's proposed RH FIP. Pursuant to the Consent Decree agreed to by EPA, WildEarth Guardians, the National Parks Conservation Association, and the Environmental Defense Fund in the case of

Lisa P. Jackson
James B. Martin
January 9, 2012
Page 3

WildEarth Guardians and National Parks Conservation Assoc. v. Lisa Jackson, No. 1:11-cv-001-CMA-MEH, District of Colorado, EPA must currently act by January 26, 2012, to take final action on North Dakota's RH SIP, which may include promulgation of the RH FIP.

While the January 26 deadline is less than 3 weeks away, under the terms of the Colorado Consent Decree, EPA and the parties to the Consent Decree may agree to extend this deadline for up to 60 days or until March 26, 2012, without Court approval. If WildEarth Guardians and/or the other parties to the Colorado Consent Decree do not agree to an extension of the date by which EPA must act on North Dakota's RH SIP, under the terms of the Consent Decree EPA may independently seek the Court's approval to extend the date. Based upon the express federal and state relationship contained within the CAA, North Dakota strongly urges EPA to ask the Court to approve an extension of the deadline should one or more of the non-governmental parties to the Colorado Consent Decree oppose an extension of the January 26 deadline to at least March 26, 2012.

Sincerely,



Wayne Stenehjem
Attorney General

Enclosure

cc: Dave Glatt, Chief, Environmental Health Section, ND Department of Health
Terry L. O'Clair, P.E., Director, Division of Air Quality, ND Department of Health
Gina McCarthy, US EPA
Janet McCabe, US EPA



Correspondence Management System

Control Number: AX-12-000-0432

Printing Date: January 11, 2012 01:37:51



Citizen Information

Citizen/Originator: Carlisle, Bruce K.

Organization: Office of Coastal Zone Management, EOEEA
Address: 251 Causeway Street, Boston, MA 02114-2136

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0432 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Jan 26, 2012 **# of Extensions:** 0
Letter Date: Jan 5, 2012 **Received Date:** Jan 11, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Extend gratitude to the U.S. EPA for its support of important marine science research being conducted in Massachusetts through the use of the EPA Ocean Survey Vessel Bold

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
ORD - Office of Research and Development -- Immediate Office
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R1	Jan 11, 2012	Jan 26, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



THE COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
 OFFICE OF COASTAL ZONE MANAGEMENT
 251 Causeway Street, Suite 800, Boston, MA 02114-2136
 (617) 626-1200 FAX: (617) 626-1240

January 5, 2012

Lisa P. Jackson, Administrator
 U.S. Environmental Protection Agency
 Ariel Rios Building
 1200 Pennsylvania Avenue, N.W.
 Washington, DC 20460

RECEIVED
 OFFICE OF THE
 EXECUTIVE SECRETARIAT
 2012 JAN 11 AM 6:13

Dear Administrator Jackson,

On behalf of the Massachusetts Office of Coastal Zone Management (CZM), I would like to extend our deep gratitude to the U.S. Environmental Protection Agency (EPA) for its support of important marine science research being conducted in Massachusetts through the use of the EPA Ocean Survey Vessel (OSV) *Bold*. As the OSV *Bold* conducts its work along the Nation's coasts, the unique research vessel is made available to support state coastal and ocean research that directly advances defined EPA priorities and leverages non-federal cost sharing and collaboration. The opportunity for such support for the Commonwealth to access otherwise unavailable state-of-the-art research facilities and further our identified ocean science and management priorities is significant. In a time of limited resources, the noteworthy collaboration of the recent *Bold* ocean research cruises with Massachusetts is a bright illustration of how strategic partnerships can further mutual goals.

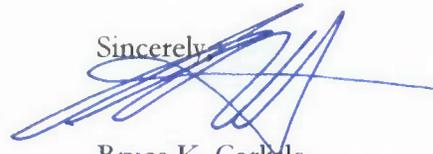
CZM, in partnership with EPA, designed, staffed, and completed two research cruises during 2010 and 2011. Between June 18 and June 25, 2010, we collected benthic samples and video documentation of the seafloor from 200 stations located in southern Massachusetts Bay and northern Cape Cod Bay. From September 9 to 16, 2011, the scientific teams collected benthic samples and photo documentation of the seafloor from 322 stations located in southern Cape Cod Bay, Buzzards Bay, south of Martha's Vineyard and Nantucket, and Vineyard Sound. The survey also successfully deployed a new shallow-water camera system from a smaller on-board support vessel and captured an additional 116 photographs in waters too shallow for the *Bold*. In addition, CZM was able to facilitate the involvement of additional federal and state agencies in these cruises, including the U.S. Geological Survey, the U.S. Army Corps of Engineers, and the Massachusetts Division of Marine Fisheries—further leveraging the research opportunity provided by EPA. The sediment grain size distribution and benthic infauna samples from these two cruises are being used to support the Massachusetts Ocean Management Plan which calls for the development and implementation of a methodology to categorize and map the various marine sediments and habitats in Commonwealth and adjacent waters. The work accomplished aboard the *Bold* is critical to ensuring that Massachusetts meets this essential ocean management goal.

We would like to give special recognition to EPA's Ocean and Coastal Protection Unit in Region 1 as well as the Captain and crew of the *Bold* for their support on these research missions. From the planning to execution, their expertise, exemplary skills and attitudes, as well as the superb condition of the vessel and its equipment, ensured the success of the surveys.



As EPA faces tough decisions regarding future resource allocations, we want emphasize that the availability of this state-of-the-art vessel will be an important piece of meaningful implementation of the National Ocean Policy and will continue to provide key EPA support for state and regional ocean planning. CZM appreciates the opportunity to have worked on such a versatile marine research platform with an outstanding team, and we encourage EPA to continue the important marine science and management collaboration that the *Bold* provides into the future.

Sincerely,



Bruce K. Carlisle
Director

Cc:

Curt Spalding, Regional Administrator, EPA Region 1

Mel Cote, Manager, Ocean and Coastal Protection Unit, EPA Region 1

Paul Diodati, Director, MA Division of Marine Fisheries



Correspondence Management System

Control Number: AX-12-000-0433

Printing Date: January 12, 2012 04:32:29



Citizen Information

Citizen/Originator: Pauley, Sara Parker

Organization: State of Missouri Department of Natural Resources

Address: PO Box 176, Jefferson City, MO 65102-0176

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0433

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Dec 28, 2011

Received Date: Jan 11, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Concern for the utilization of federal funds for addressing the water and wastewater infrastructure needs of Missouri

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R7	Jan 12, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign R7 as lead office	Jan 11, 2012
Dana Peters	R7	Accepted the group assignment	Jan 12, 2012
Dana Peters	R7	Assign R7-WWPD as lead office	Jan 12, 2012

DAILY READING FILE



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

DEC 28 2011

Ms. Lisa P. Jackson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

RECEIVED
2012 JAN 11 AM 6:13
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Ms. Jackson:

The Governor's Office forwarded your letter to me and asked that I respond. I appreciate your concern for the utilization of federal funds for addressing the water and wastewater infrastructure needs of Missouri. Missouri does have a strong relationship with your staff in the Region 7 office and continues to seek their guidance on major issues affecting the State Revolving Fund programs in Missouri.

The Missouri State Revolving Fund (SRF) programs are constantly being reviewed to ensure the continued financial health of the program as well as to ensure that quality service is being provided to funding recipients. I appreciate your suggestions to improve upon our SRF programs. Staff is currently developing the state's Intended Use Plans (IUPs) for both the Clean Water State Revolving Fund and the Drinking Water Revolving Fund for the State Fiscal Year 2013 which begins July 1, 2012. Each IUP will contain current and projected funds that will be available for eligible activities. Your suggestions for the timely and expeditious use of all available SRF funding will be given consideration as our IUP's are developed.

Finally, rest assured that staff does work closely with public entities to "build a pipeline of projects ready to proceed." To this end, staff encourages communities to develop engineering reports and obtain voter approval as soon as possible. Having complete engineering reports for proposed projects and voter approval is a key component in being ready to proceed and ultimately secure funding.

The SRF programs are a valuable asset in addressing water quality and public health needs across the nation. In addition, they have been instrumental in providing jobs during these tough

Ms. Lisa P. Jackson
Page Two

economic times. Missouri's SRF staff will continue to work with the Environmental Protection Agency to improve upon a program that has been extremely successful since its inception.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

A handwritten signature in black ink, appearing to read "Sara Parker Pauley". The signature is written in a cursive style with a large, looping initial "S".

Sara Parker Pauley
Director

c: Office of the Governor
John Madras, Director, Water Protection Program

December 28, 2011

Mr. Barack Obama
President, United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Officers:

Sheila R. Brown, M.Ed., D.D.S.
President

Kim B. Perry, D.D.S., MSCS
Chairman of the Board

Roy L. Irons, D.D.S.
President Elect

Edward H. Chappelle, Jr., D.D.S.
Vice President

Jocelyn D. Kidd, D.D.S.
Secretary

Madge Potts-Williams, D.D.S.
Assistant Secretary

Ronald E. Tolson, D.D.S.
Treasurer

Hugh V. McKnight, Sr., D.D.S.
Assistant Treasurer

Alison P. Riddle Fletcher, D.D.S.
Speaker of the House

Carrie B. Brown, D.M.D.
Vice Speaker of the House

Walter R. Owens, D.D.S., FACD
Immediate Past President

Robert S. Johns
Executive Director

Derrick A. Humphries, Esq.
General Counsel

Dear President Obama,

The National Dental Association (NDA) is a 98 years old dental organization whose mission is to represent the concerns of the ethnic minorities in dentistry, to elevate the global oral health concerns of underserved communities, to enhance educational and financial opportunities, and public policy awareness, for it's members and to recruit underrepresented minorities into the profession through advocacy and mentorship.

Enclosed is a copy of the National Dental Association Position on Amalgam. We are acutely aware of the Mercury Treaty, but hope to provide you with information and research which will provide you with a different prospective. I am quite aware of the letter from the National Medical Association and as result find a need to respond to several statements made in the letter. I have attached this letter also, for comparative value.

Please keep in mind, dentists have the same pharmacological education as physicians, the same cannot be said for physicians with respect to dental materials. Understandably, since dental material and material selection is a part of the armamentarium for fighting dental caries which is the #1 disease that affect children in the United States. In the NDA position paper, the most important part of the paper states, "The National Institutes of Dental and Craniofacial Research (NIDCR), the National Institutes of Health Technology Assessment Conference, The U.S. Public Health Service (USPHS) and the World Health Organization (WHO) that dental amalgam is a safe and effective restorative material."

First, let us address the basics of the matter; mercury in amalgam is bound chemically. It is not free mercury. Amalgam in and of itself does not emit elemental mercury. Second, there are amalgam products that are comprised of close to 70% silver/ copper in composition. The recitations of the sources of emissions are accurate but the volumes ascribed to amalgam by no means approach the emissions of industry worldwide.

NDA Family Organizations

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EXECUTIVE SECRETARIAT
2012 JAN 11 AM 6:12

So over ascribing the mercury emissions in the world to amalgam are conspicuously over estimated. What you find in all studies are the terms “may” and “are estimated” and have little scientific proof. In a word, they are speculative at best.

The reference to fish contamination came from a study in Japan about industrial waste dumped into a lake wherein the population fed from. That is not applicable to amalgam discharged into the water system by dental offices by volume. In fact, the amalgam is placed and not discharged. The scrap, which there is little of when the procedure is completed, is stored in the office and not put into medical waste for incineration. It is then recovered by processors who salvage the silver.

The comment on middle class consumers choosing alternative filling materials is misleading. Most dental offices offer alternative materials regardless of income class. However, the alternative materials are not always the best for the patient. The misinformed conclusion about minorities having limited choices does not take into consideration the extent of dental caries of a patient, the oral environment not being suitable when the caries is extensive, if the requirement of a dry oral field cannot be accomplished for various reasons, or the opportunity to regularly visit the dentist. For example, composite materials are seven times more likely to fail than amalgam. The stability and strength of amalgam is superior to composite. The amalgam is placed more often in minorities due to the fact that they are less likely to return for dental care and have more extensive caries to treat when they do visit the dentist and they would not be able to return when the composite failed. This would lead to tooth loss and further complicates the overall health of the patient.

Middle class consumers are more likely to request composites for cosmetic reasons rather than for the durability of the restoration. This is a similar analogy to the middle class requesting cosmetic surgery that is at an all-time high. They are more likely to be able to afford it.

The cost effectiveness of amalgam versus composites is a factor when the need to treat patients with limited funds comes into play since the minority patient is unfortunately the least capable of funding their own dental care and need to visit public health clinics or the like. The limited funding in these settings necessitates the most economical inventory to treat the patients. Composite materials are seven times more costly than amalgam. Composites are one quarter the comparative cost of gold.

The statement of from the FDA said it was not proven safe, they also said, there was no evidence that it was unsafe either. The quote using the term “may” in regards to sensitivity to mercury vapor. If this were the case, hundreds of millions of people worldwide would exhibit the symptoms of mercury poisoning. Reality is, we know that is not the case. In fact, even those with composite fillings have evidence of mercury in their systems that could not possibly be related to amalgam.

The New England Children’s Amalgam Trials (CAT) found no difference between children with amalgams and those with composites over five years of the study. In fact, the Journal of the American Medical Association (JAMA) found that, “In this study, there were no

statistically significant differences in adverse neuropsychological or renal effects observed over the 5-year period in children whose caries were restored using dental amalgam or composite materials. Although it is possible that very small IQ effects cannot be ruled out, these findings suggest that the health effects of amalgam restorations in children need not be the basis of treatment decisions when choosing restorative dental materials."

Finally, the atraumatic restorative treatment (ART) restorations are commonly known as temporary fillings. These procedures are in fact traumatic and can be -invasive. Excavating carious tissue is in fact invasive. Excavating without anesthesia can be very painful and lead to eventual extraction of the tooth due to the depth of decay, at best it is a band aid on a gash. Definitive treatment is still needed. To suggest that this be the standard of care for the citizens of the United States is not acceptable. These procedures may be appropriate for underserved communities in other countries but the NDA does not promote anything less than the best possible care available for all citizens of the U.S. Otherwise we would be promoting second class dental care for those most in need, the underserved in this country. Unfortunately, this material design does not have the same survivability as the amalgam filling which can be in-service ten times as long.

If consideration for the risk to benefit relationship is seriously considered, the use of amalgam to save millions of hours of lost time at work and for children in school and to present the opportunity for patients of all ages to retain their teeth, rather than extracting them when composite won't work, a reduction in the use of amalgam due to alternatives is reasonable. Elimination of amalgam in the inventory of dental professionals most knowledgeable in dental materials and the selection of the best treatment modalities for their patients was not considered in your letter. Many of the health organizations of the world cannot find the definitive detrimental problems of amalgam.

The National Dental Association stands by its position statement and encourages more studies to definitively clarify the safety of amalgam in treating patients. Until more evidence is found to the contrary we will follow the lead of the studies available without regard to opinions advanced by those not as informed of the clinical implications of placing amalgam and in the best interest of the communities we serve.

Sincerely,



Sheila R. Brown, MEd.,D.D.S.
President
National Dental Association

Cc. Honorable Hillary Clinton, Secretary of State
Honorable Lisa Jackson, Administrator Environmental Protection Agency



Correspondence Management System

Control Number: AX-12-000-0479

Printing Date: January 12, 2012 04:49:48



Citizen Information

Citizen/Originator: Karns, Nathaniel W.

Organization: Berkshire Regional Planning Commission

Address: 1 Fenn Street, Pittsfield, MA 01201

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0479

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jan 25, 2012

of Extensions: 0

Letter Date: Jan 6, 2012

Received Date: Jan 11, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AD-Administrator

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- BRPC provides opinion concerning cleaning up Housatonic River PCB contamination

Instructions: AD-Prepare draft response for the Administrator's signature

Instruction Note: N/A

General Notes: N/A

CC: OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
R1 - Region 1 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OSWER	Jan 11, 2012	Jan 25, 2012	N/A
Instruction: AD-Prepare draft response for the Administrator's signature					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
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DAILY READING FILE

BERKSHIRE REGIONAL PLANNING COMMISSION

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NATHANIEL W. KARNIS, A.I.C.P.
Executive Director

January 6, 2012

Ms. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Richard K. Sullivan, Jr., Secretary
Executive Office of Energy & Environmental Affairs
Commonwealth of Massachusetts
100 Cambridge Street, Suite 900
Boston, MA 02114

2012 JAN 11 PM 12:35
OFFICE OF THE
EXECUTIVE SECRETARIAT

RE: Housatonic River "Rest of River" Clean-up

Dear Administrator Jackson and Secretary Sullivan:

As U.S. EPA and the Commonwealth of Massachusetts continue their discussions regarding the appropriate approach to cleaning up the PCB contamination in the Housatonic River, the Berkshire Regional Planning Commission (BRPC) appreciates the opportunity to provide our opinion concerning this very complex and critical issue. BRPC represents the 32 cities and towns in Berkshire County, including the five towns and one city directly impacted by the contamination and by the resulting clean-up decisions. We believe that the collective viewpoints which we represent are possibly the most important ones for your agencies to consider during your deliberations as this is our region and the river is in our communities and backyards. Included in BRPC's mission statement is the following: "We commit to promote a balance between economic development and resource preservation" and we believe that our stance on the appropriate level of clean-up and community impact fully respects that balance.

Facts about the Geomorphology and Ecology of the Housatonic in Berkshire County

We base many of our recommendations on what we understand of the science of how the river has historically, currently, and will in the future function both from a geomorphology and ecologic perspective. As all parties know, these two aspects are inextricably intertwined in the case of this river. They also reflect our understanding that the particular variety of PCBs in the Housatonic from the GE plant will not deteriorate for many decades.

One hundred years ago, almost all of the river floodplain was in active agricultural use and the river had been significantly channelized in the stretch between Pittsfield and Woods Pond in Lenox. It is quite probable that the very significant ecologically rich areas which exist today were almost non-existent in that setting and thus have established themselves over the intervening decades as the river has naturally reclaimed much of its floodplain. The fact that these habitats have managed to become established as well

as they have, despite the level of contamination, is a testament to natural ecological resiliency which we believe that the clean-up program should fully respect.

From the very in-depth survey work which has been done over the biology of the Housatonic River in this area, it appears that while the amount and variety of important habitat is astounding, this is despite the level of contamination found in the Pittsfield to Lenox stretch. As we understand it, about half of the benthic organisms which should be found in the river are present and the leading culprit for the other half's absence is the level of PCB contamination. It is apparent that animals higher up the food chain which should be present are not here. The fact that they may not be particularly rare is meaningless in this context – the fact that they are not present is evidence that the ecosystem is actually much less diverse than it can be. We can only wonder how much even richer the ecology in this area would be if the PCB's were much, much reduced. As we understand the continued monitoring which has been done on the first two miles of river which were dramatically cleaned-up, that monitoring indicates that the full range of benthic organisms which should be present have started to appear in just the past 2-3 years since that clean-up was completed. This leads us to believe that it is most beneficial, in the longer-term, to the ecology of the Housatonic to see that the PCB's are removed to the maximum extent practicable.

We believe that the known impacts of climate change only reinforce our comments regarding the geomorphology and ecology of the river and the need for extensive PCB removal. Just this past September (2011), Secretary Sullivan released the Massachusetts Climate Change Adaptation Report. That report clearly indicates that we can expect much increased precipitation and much "flashier" rainfall due to climate change. This will lead to more rapid geomorphologic changes in the river than we have experienced over the past one hundred years over the course of the next 50-100 years. Based on the past year, many of us in the region would think we are already experiencing this. This leads us to believe that all PCB's remaining in the floodplain will ultimately be reintroduced into the river system, even if they are currently in areas which are not being currently eroded or are in relatively low concentrations. If the past is any predictor, they will tend to re-accumulate in concentrations in the same types of areas which now have concentrations (behind dams, new cut-off oxbows, etc.). Thus, short-term decisions to leave PCB's in place and not to remove them to the maximum extent practicable will lead to a many decades long process of continued monitoring, ecological damage, and need to re-clean-up.

We also believe that the science of climate change, and the findings in the Massachusetts Climate Change Adaptation Report show that much of the rich ecology currently in place in the Housatonic watershed will be impacted by climate change. Striving for maximum protection of the current ecology by not cleaning up the PCBs in this scenario is something of a losing proposition when viewed through a longer-term lens of 50-100 years. We should be taking as many steps towards trying to achieve long-term resiliency and adaptability as possible rather than a very short-term protection of current species which may not survive climate change impacts. Lessening of the stresses on this ecology caused by PCBs will increase the ecology's ability to adapt to the stress of climate change.

In summary, we believe that the clean-up should be viewed through the lens of long-term sustainability and not short-term lenses of the lowest financial cost or cost certainty, immediate habitat loss, or very short-term disruption behind homes during discrete segments of work. While these considerations should not be ignored, they should not be given preference over longer term community and environmental sustainability.

BRPC's Recommendations Concerning the Rest of River Clean-up

After careful consideration on the Commission's part, we do not support the extremes of expecting that every ounce of PCB's should be removed nor that the PCB's can simply remain and that they either do not cause environmental or health harm or will somehow naturally dissipate or become less toxic. Thus neither

the "do-nothing" nor immediately remove all traces of PCB's, wherever found, approaches are appropriate. We doubt that the Commonwealth or EPA probably feel that these are appropriate either.

We think that the appropriate approach should respect that the Housatonic River will continue to change, both from a geomorphology and ecology standpoint, over the coming decades and that this process is exactly what has made it an ecologically rich system. This automatically eliminates hardening or bank stabilization of the river or approaches such as capping of contaminated areas from consideration.

We believe that the significant concentrations of PCBs in the various impoundments down the river should be removed, not capped, as long as removal does not cause uncontrolled down-stream transport of the contaminants. Removal behind these impoundments needs to occur in the very near term. The impoundments will then require ongoing monitoring and a commitment to further removal if concentrations reappear, regardless of the decisions about how best to go about the rest of the clean-up. We know that the PCB's behind the Columbia Mill dam in Lee have been an impediment to marketing this recently vacated mill building, causing not only environmental but economic harm in this economically distressed environmental justice community. The concentrations in Woods Pond in Lenox and Rising Pond in Great Barrington also need to be removed. These are the ones we are aware of and presume that the other dams and impoundments have somewhat similar issues. If there are not methods to protect from down-stream transport of contamination, this topic will need to be more fully discussed.

To-date, almost all of the public discussion and debate and General Electric's proposed actions have involved only the stretch of river from the confluence in Pittsfield to the Woods Pond dam. We believe that it is appropriate to come up with a clean-up plan for the entire river system. Our comments concerning the dams and impoundments are just a subset of this. There are other areas which warrant close analysis and a determination of the need to remove the PCBs from them. A prime example is the oxbows cut off by the railroad north of the Columbia Mill dam in Lee. We believe that all areas with PCB's above some relatively small level should be addressed in the clean-up plan, even if they are well down-river and may be isolated pockets of modest contamination. This concern is derived from our belief that all the PCBs left in the system will ultimately be moved through natural processes and will re-concentrate in some instances, causing future environmental damage and health risks.

For a variety of reasons, we do not believe that contaminated material landfills should be established in the County for the materials removed during clean-up. Possible sites within proximity of the river only add environmental insult to the environmental damage already done. As is well documented, the area along the river is a very rich natural mosaic and it is not suitable for siting of a landfill of any description. Even sites which have been previously disturbed, in some cases dramatically so, are in such close proximity to the river that they are inappropriate for use as a contaminated materials landfill. The site which has been most frequently mentioned is the Lane Construction site in Lee. The Town's Master Plan and economic development plans designate this site for business use as a potential site for a new business park and utilization of it as a landfill would presumably preclude that use. Lee is a very economically distressed and a designated environmental justice community. Placing a landfill in an environmental justice community is contrary to all current federal and state environmental justice policy.

We believe that it would probably be preferable to remove the contaminated materials to a licensed landfill by rail given the ongoing problems in our community centers (downtown Lee and Pittsfield in particular) caused by existing truck traffic. However, we also understand that this warrants much closer analysis as any removal scenario involves truck traffic, even if it is from a removal site to a dewatering, staging or rail loading facility, and thus this topic needs much closer consideration before we take a firm position on it. In any case, damage from truck traffic must be carefully monitored and repairs required as part of the remediation.

We believe that while institutional controls, such as posting fish advisories, are necessary, they do not substitute for actually systematically removing or neutralizing the reasons for the advisories. There is nothing restorative about an advisory; it is simply a mechanism to try to protect the public health from immediate, known threats. If anything, continual, frequent advisories continue to harm this region and its people economically as it creates a very visible message that we are polluted and you need to stay away. That stigma has a very high economic cost to the individual property owners, the towns and City, and the region as a whole. The Berkshire's struggle economically as it is and does not need the contamination stigma to burden its economic recovery further.

We believe that a very aggressive active adaptive management approach should be taken to the clean-up of the Housatonic River with the goal that ultimately every concentration of PCB's is dealt with and removed or neutralized through innovative remediation. GE has indicated that none of the innovative technologies have been proven in the field at a scale that show they can work on this project. It is appropriate to use this clean-up project to conduct those necessary real-world assessments, perhaps starting at a small scale, and moving up to modest or even greater scales if an innovative approach seems to be working with less disruption to the ecology or community than more standard approaches. While dredging or soil removal may be necessary for removing hotspots, it is the preference of our communities that less disruptive techniques be used for the majority of the river if they can be found to work.

In taking an active adaptive management approach, we believe that the clean-up plans should be developed at a very fine grain, perhaps involving a few hundred square feet at a time in some instances or one technology in one small area and a very different one in another. We do not believe that wholesale excavation of many, many acres at one time is generally an appropriate way to approach this clean up. We recognize that an active adaptive management approach at a fine grain as we are proposing is a long-term project and that neither costs nor impacts can be firmly established at the outset.

We recognize there is a down-side to drawing the clean-up out over many years but we believe that it has the following benefits:

- The disruption caused by clean-up at a given time would be very localized and shorter-term, causing less harm to the neighbors, the broader community and to the environment.
- The natural communities would have a chance to re-colonize a cleansed area from an adjoining area, much as they must have done as the landscape changed from very managed agriculture to what it is today but on an accelerated basis as the land forms can be created to encourage reestablishment and desired native species can be deliberately part of the restoration plans.
- There can be opportunities to test various approaches. While there may not be a "silver-bullet" in-situ technology that has been field tested at this scale now, there are some interesting possibilities that have been suggested. Time will undoubtedly allow the introduction of even newer and better possibilities.
- Taking a methodical deliberative fine-grained approach significantly reduces the risk of major failure using only one approach extensively. As an example, a vernal pool might be cleansed of PCB's using one technique and an approach taken to restore it as a health vernal pool. If that does not work, only one vernal pool has been lost, not a significant number of them.

In short, we are less concerned about achieving quick clean-up which is either incomplete or extremely disruptive to the natural and human communities along the river than in achieving longer-term sustainable benefit to the ecosystem and communities. It took forty years for the PCBs to be introduced into the Housatonic, they have been in it without clean-up for another forty years, and if it takes another forty years to reach some level of finality, that may be appropriate. If General Electric needs an absolute amount of

liability to put into its financial reports, then perhaps it should provide some billions of dollars for a trust fund which is controlled and managed by EPA, the States, and the communities to use for clean-up and restoration of the environment and the communities.

Concern for the Human Communities and the Region

While we understand that neither EPA nor EOEEA has as its primary mission the social and economic health of human communities and regions, those are part of BRPC's mission as the Berkshire's regional planning commission and part of our charge is to advocate on their behalf. We continue to believe that this region and its communities have suffered economically due to the presence of the PCB contamination created by General Electric. This contamination has created a stigma which affects economic development and tourism efforts in the region. Since it was determined that PCB's were probable carcinogens and their use was banned in the very early 1970's, with the residual pollution in the Housatonic River being very well known, the region's population has declined each and every decade, unique amongst Massachusetts counties. Our income levels have declined from being significantly above the national average to being below it during the course of the same period. While it is probably impossible to be able to determine how much of this decline can be specifically and uniquely attributed to the pollution left in our midst, it is probable that the contamination has been a contributing factor.

A more measurable economic impact can be directly attributed to the presence of the pollution over the past forty years and for whatever time into the future significant amounts of it remain. Various opportunities for economic development and jobs along the river have been lost or left in limbo due to actual contamination. Prime examples are the Eagle Mill complex in Lee and the contamination behind its dam. The site is a vacant paper mill which its owner, Schweitzer-Maudit, cannot even market due to the contamination. In another case, General Electric has bought the Rising Pond dam from its former owner. The dam has a FERC hydroelectric license which is sitting idle as GE apparently has no interest in productively using this dam but purchased it simply in hopes of not having to deal with the contamination in the pond. Other properties along the river in Pittsfield and Lenox have also been bought by GE, presumably for the same reason, and sit idle as opportunities lost. The economic impact in these cases is very real and measurable in terms of jobs and income lost to the region and individuals and tax income to the local communities (and the Commonwealth of Massachusetts).

At the individual level, there is also a very direct, measurable economic impact of the past and continued presence of contamination. Many properties along the river are owned by small businesses and individuals. The presence of contamination in the floodplain presumably has a negative impact on the marketability and value of those properties. Thus those property owners bear a disproportionate share of the economic cost of the contamination and deserve compensation. Their disproportionate impacts from clean-up also need to be factored into the equation and they will deserve compensation for those. The municipalities also deserve compensation for the loss of tax revenues due to depressed property values due to contamination and clean-up.

We believe that any final restoration plan must acknowledge, respect and compensate for the economic damage the contamination has caused the six communities and individual property owners. In some cases, there may be forms of compensation which are somewhat indirect, such as working with the communities to plan for recreation/bike paths as part of the clean-up planning and then installing such paths as part of the restoration, to upgrade the railroad infrastructure along the river so that it can serve this region for the next century, including for passenger rail service, and to reactivate the hydro-electric facility at the Rising Pond Dam (and perhaps others) to produce inexpensive, renewable power and provide it to the affected municipalities at no or low cost. However, we believe that as has been done for the first two miles of river in Pittsfield, there should also be endowment of an economic development fund to

Ms. Lisa P. Jackson, Administrator
Mr. Richard K. Sullivan, Jr., Secretary
Page 6
January 6, 2012

compensate for lost tax revenues and jobs in these communities due to the PCB contamination. It must be recognized that the contamination continues to cause economic hardship in these communities and the clean-up efforts will exacerbate this negative impact.

We do request that both the Environmental Protection Agency and the Executive Office of Energy and Environmental Affairs consult closely with the municipal officials in all of the directly impacted communities throughout this process of determining a final clean-up plan. While you have important mandates you must meet, it is our communities which are the front line of the impacts of past contamination and the clean-up effort and which will benefit or suffer from the ultimate clean-up outcome.

We look forward to a continued dialogue as this difficult and complicated process moves forward.

Sincerely,



Nathaniel W. Karns, AICP
Executive Director

Cc: The Honorable John Kerry, U.S. Senator
The Honorable Scott Brown, U.S. Senator
The Honorable John Olver, U.S. Representative
The Honorable Deval Patrick, Governor
The Honorable Benjamin Downing, State Senator
The Honorable Smitty Pignatelli, State Representative
The Honorable Tricia Farley-Bouvier, State Representative
Mr. Curt Spalding, Director, EPA New England
Mr. Kenneth Kimmell, Director, Massachusetts Department of Environmental Protection
Ms. Mary Griffin, Director, Massachusetts Department of Fisheries & Wildlife
Mr. Michael Gorski, Western Regional Director, Mass DEP
The Honorable Daniel Bianchi, Mayor, City of Pittsfield
Select Boards, Towns of Lenox, Lee, Stockbridge, Great Barrington, and Sheffield



Correspondence Management System

Control Number: AX-12-000-0489

Printing Date: January 12, 2012 04:53:53



Citizen Information

Citizen/Originator: Opper, Richard H.

Organization: Montana Department of Environmental Quality

Address: P.O. Box 200901, Helena, MT 59620-0901

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0489

Alternate Number: N/A

Status: For Your Information

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Letter Date: Jan 10, 2012

Received Date: Jan 11, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- compliments to staff who have worked very hard to clean Montana's waters.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
OW - Office of Water -- Immediate Office
R8 - Region 8 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R8	Jan 12, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Jan 11, 2012



Brian Schweitzer, Governor
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

January 10, 2012

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Mailcode 1101A
Washington, DC 20460

Dear Administrator Jackson:

I am writing to pass along my compliments to your staff, who have worked very hard with us in the effort to clean Montana's waters. I'll provide you with some background on this effort.

Montana has developed draft numeric nutrient standards for nitrogen and phosphorous. The U.S. EPA has shown full support for these numeric standards, which are scientifically defensible, fully supportive of beneficial uses, and consistent with the Clean Water Act. The only problem is that the standards are essentially unachievable at this time because of limits of technology and/or because they would create substantial and widespread economic impacts.

The Montana DEQ staff worked with a large and diverse stakeholder group to develop an implementation plan that would work for the water dischargers across the state. Our implementation plan centers on an initial statewide variance from the standards. The variance process we developed was approved by the 2011 Montana State Legislature in the form of Montana SB 367.

Our variance is not a get-out-of-jail free card for our permittees. Approximately 70% of Montana's permitted dischargers would have to immediately reduce the nitrogen and phosphorous in their wastewater just to meet the initial requirements of the variance. Their permits would be re-visited every 3 years, and as technology matures and treatment costs come down, the permit limits would be tightened. The variance would go away in 20 years, after which time all dischargers must meet the tough numeric standards. We think this is a very creative approach to a longstanding problem that should be a model for many other states around the country.

The Montana DEQ has not begun the process of adopting its numeric nutrient standards. I chose not to proceed with this step until we knew whether EPA would accept our variance process. Over the past year, EPA has worked very hard with the State of Montana to understand and defend our variance. This was not a simple task. First we had to collectively demonstrate the substantial and widespread impacts to municipalities throughout the state to show that they should qualify for the variance. Next, we had to undertake the more complex task of making the same substantial and widespread impact determination for private industries in the state, many of which could not share proprietary financial information with our respective agencies.

Lisa P. Jackson
January 10, 2012
Page 2 of 2

The primary reason I am writing you is to let you know how much we appreciate the efforts of your staff, especially Jim Martin, Ellen Gillinsky, Nancy Stoner, and the now-retired Ephraim King. They spent a lot of valuable time on this issue. When we hit roadblocks, your staff was there with suggestions and resources that enabled us to clear them. What impressed me most was their attitude. They sought ways to make this process work rather than looking for ways to say no. The Montana DEQ and EPA collaboration on this issue culminated in a letter I received on January 5, 2011, from Jim Martin, U.S. EPA Region 8 Administrator, that states "...the EPA concludes that the issuance of the variances would be consistent with the Clean Water Act and its implementing regulations." As a result of this letter, Montana will proceed with adopting our numeric nutrient standards and the quality of our waters will get even better. This is a major accomplishment for both our respective agencies, and it couldn't have happened without the cooperation and support of your fine staff.

With much appreciation,

A handwritten signature in black ink, appearing to read "Richard H. Opper", with a long horizontal flourish extending to the right.

Richard H. Opper
Director

c: Sen. Max Baucus
Sen. Jon Tester
Rep. Denny Rehberg



Correspondence Management System

Control Number: AX-12-000-0491

Printing Date: January 12, 2012 04:41:00



Citizen Information

Citizen/Originator: Hamidi, Heela

Organization: U.S. Department of Homeland Security
Address: Nebraska Avenue Complex, Washington, DC 20528

Napolitano, Janet

Organization: Homeland Security
Address: U.S. Department of Homeland Security, Washington, DC 20528

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0491 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jan 9, 2012 **Received Date:** Jan 11, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: EML (E-Mail) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - National Special Security Event Designation for the State of the Union Address, January 24, 2012

Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Brigid Lowery - OSWER-CPA
Jose Lozano - AO-IO
Kecia Thornton - OSWER
Michelle Crews - OSWER
OARM - OARM -- Immediate Office
OEAE - Office of External Affairs and Environmental Education
OSWER - OSWER -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OHS	Jan 11, 2012

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

January 9, 2012

MEMORANDUM FOR: All Federal Departments and Agencies

FROM: Janet Napolitano 

SUBJECT: Designation of the January 24, 2012, State of the Union
Address as a National Special Security Event

In accordance with Homeland Security Presidential Directive 7 and 18 USC § 3056, I have designated the State of the Union Address occurring in the City of Washington, District of Columbia, on January 24, 2012, as a National Special Security Event (NSSE).

The designation of this event as an NSSE allows the full force of the Federal Government to be brought to bear in the development of event security and incident management plans to ensure the safety of all participants.

cc: National Security Staff
American Red Cross



Correspondence Management System

Control Number: AX-12-000-0495

Printing Date: January 11, 2012 02:59:41



Citizen Information

Citizen/Originator: Steingraber, Sandra

Organization: Breast Cancer Action

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0495

Alternate Number: N/A

Status: For Your Information

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Letter Date: Jan 10, 2012

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Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-Writing to ask EPA take urgent action to protect victims of hydraulic fracturing in Dimock, Pennsylvania

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Jan 11, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Jan 11, 2012

Comments

January 10, 2012

Lisa Jackson, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson,

We, the undersigned health professionals and scientists, are writing to ask you to take urgent action to protect the victims of hydraulic fracturing in Dimock, Pennsylvania. Following the contamination of their water wells, these families are living without a safe source of drinking water and face possible health consequences if they are forced to use their contaminated well water. Specifically, we request that you investigate the contamination and, in the meantime, provide clean, potable drinking water as an emergency response action for these citizens. We believe that the US Environmental Protection Agency should step in to protect local residents if a driller jeopardizes drinking water supplies and the state government does not act. Your testimony before Congress in May 2011 on this very issue assures us that you also believe that the provision of safe drinking water in such circumstances is the duty of the EPA.

As you are aware, twelve Dimock families living in the Carter Road area suffered contamination of their wells shortly after the initiation of natural gas development using hydraulic fracturing. The contaminated condition of these families' drinking water was confirmed by the Pennsylvania Department of Environmental Protection (DEP) in 2010, at which time the drilling company arranged for daily water deliveries. But these water deliveries ended on November 30, 2011 even though questions about the safety of the well water remain.

On December 1, 2011, hundreds of concerned citizens, environmental groups, and Mayor Matt Ryan of Binghamton, New York, took on the task of paying for and delivering water. Commendably, EPA Region 3 began further investigation into the affected well water in Dimock in mid-December, and then, in the first week of January, residents were informed that the EPA would continue to investigate the drinking water. On January 6th, EPA Region 3 officials told the affected Dimock families that EPA would provide safe drinking water. And then, in an unexplained reversal on January 7th, EPA backed away from that pledge, leaving the families in Dimock, once again, without the assurance of a safe and reliable supply of drinking water.

We understand that EPA is continuing its investigation into the nature and extent of the contamination in Dimock. However, as long as there are reasonable doubts to the safety of the drinking water and the potential of its consumption posing a significant health threat, the families should not be placed in harm's way. In the face of the complete abdication of responsibility by the polluter and the state of Pennsylvania, it is incumbent upon EPA to ensure that these families have access to safe, potable water.

We are 65 percent water by weight. Drinking water becomes our blood plasma, our cerebral spinal fluid, our sweat, and our tears. It is the steam of our exhaled breath on a cold winter's day. There is no other human right as fundamental as the right to clean water, which is the right to life itself.

We call on EPA to ensure that the families of Dimock do not endure another day without access to safe drinking water.

Sincerely,

Sandra Steingraber, Ph.D.

Distinguished Scholar in Residence, Ithaca College

Science Advisor, Breast Cancer Action

Former working group member, National Action Plan on Breast Cancer

Former science advisor, California Breast Cancer Research Program

Poune Saberi, MD. MPH. University of Pennsylvania, Philadelphia, PA

Vincent Pedre, MD. Mount Sinai School of Medicine, New York, NY

Adam Law, MD. Weill Cornell Medical College, New York, NY

Carol Klepack, BSRN. Dryden Family Medicine, Dryden, NY

William Klepack, MD. Director of Tompkins County Health Department, Tompkins County, NY

Larysa Dryszka, MD. Pediatrician, Sullivan County, NY

Mary Menapace, RN. Upstate Medical University Syracuse, NY

Anise Rich, Ph.D. Forth Worth, TX

Kathryn M. Zunich, MD. Arlington, VA

Rebecca Rehr, MPH. Candidate University of Maryland, College Park, MD

Rachel Goldstein, Doctoral Student University of Maryland, College Park, MD

Julie Becker, MD. Ph.D. Philadelphia, PA

Mitra Ebrahim, MD. MPH. Johns Hopkins, Baltimore MD

Jennifer Sass, Ph.D. Rockville, MD

Cindy Parker, MD. John Hopkins, Baltimore, MD

Chrysan Cronin, Professor of Biology Muhlenberg College, Allentown, PA

Wilma Subra, President Subra Company, New Liberia, LA

Marybeth Carlberg, MD, Skaneateles NY

Joe Brown, Research Fellow Harvard University, Boston, MA

Angela Werner, Ph.D. Candidate University of Queensland, Wernersville, PA

Dorothy Bassett, Ph.D. Izaak Walton League, Gaithersburg, MD

David Brown, ScD. Ph.D. Toxicologist, Westport, CT

Kathleen Nolan, MD. MSL. Regional Director Catskill Mountainkeeper, Woodstock, NY

Eric London, MD. Sullivan County, NY

Martha Powers, Research Assistant University of Pennsylvania, Philadelphia, PA



January 10, 2012

(VIA OVERNIGHT MAIL)

The Honorable Lisa P. Jackson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington DC 20460

RECEIVED
2012 JAN 12 AM 7:17
OFFICE OF THE
EXECUTIVE SECRETARIAT

RE: Draft Pavillion Area Ground Water Investigation Report – External Peer Review

Dear Ms. Jackson:

The draft report released by the US Environmental Protection Agency (“EPA”) in regard to the Pavillion Area Ground Water Investigation has raised serious questions from a number of stakeholders. Knowing that the EPA and the current administration believes that science based on credible evidence should be utilized to drive policy and decision making, Encana Oil & Gas (USA) Inc. (“Encana”) respectfully requests that the EPA ensure a rigorous, external independent peer review be conducted of EPA’s draft report, including the conclusions drawn and the quality and precision of the data used.

We have been informed that the EPA already has a standard process in place for peer review of the draft report that will follow the USEPA – Peer Review Handbook, 3rd edition EPA/100/B-06/002 (“EPA Peer Review Handbook”). Encana has several concerns that we would appreciate the EPA consider.

- The conclusions drawn in the draft report combined with the concern over the safety of hydraulic fracturing should make this report a “Highly Influential Scientific Assessment.” This classification, instead of “Influential Scientific Information,” is necessary because the draft report “[i]s novel, controversial, or precedent-setting or has significant interagency interest” and, therefore, meets the criteria of Section 2.2.4 of the EPA Peer Review Handbook. As a result, we ask that the peer review be conducted with the highest level of integrity and scrutiny. Conflict of interests and affiliations of review panel members should be carefully scrutinized and documented. It also means that the peer review panel will need to consider all concerns raised

Encana Oil & Gas (USA) Inc.
Republic Plaza
370 – 17 Street, Suite 1700
Denver, Colorado
United States 80202
t 303.623.2300
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www.encana.com

by stakeholders (including those of Encana) relating to the scientific and technical underpinnings of the draft report.

- Encana and other stakeholders are preparing technical comments in accordance with the Federal Register notice. We ask that the EPA provide these technical comments to those conducting the peer review. We also ask that the peer review panel be charged with (1) explicitly addressing the numerous quality assurance and quality control issues raised by Encana and others and (2) ensuring that scientific uncertainties are clearly identified and characterized, as well as providing advice on the reasonableness of judgments made from the scientific evidence.
- We remain very concerned by the short list of primary disciplines that the EPA identified in its Peer Review Plan. To be thorough and responsive to the issues raised by the draft report, the following disciplines should be represented on the panel: petroleum engineering; Wind River basin geology and hydrogeology; geophysics; hydraulic fracturing; geochemistry (including isotopic chemistry); analytical chemistry; microbiology; cement bonding and logging; sample collection quality assurance and quality control; monitoring well design, construction and sampling; and, water well design, construction and maintenance.

During our conversation at your office last November, you emphasized support for responsible natural gas development and recognized the importance of this resource to our energy future. The draft report issued by the EPA Office of Research and Development raises serious questions, and we hope you agree that the preliminary conclusions in the draft report require thorough and rigorous external scientific review.

Sincerely,

ENCANA OIL & GAS (USA) INC.



Jeff E. Wojahn
President

cc: Mr. James B. Martin, Regional Administrator
United States Environmental Protection Agency, Region 8



Correspondence Management System

Control Number: AX-12-000-0513

Printing Date: January 12, 2012 01:58:29



Citizen Information

Citizen/Originator: Goldstene, James N.

Organization: California Environmental Protection Agency/Air Resources Board

Address: P.O. Box 2815, 1001 I Street, Sacramento, CA 95812

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0513

Alternate Number: 8605 0791 1935

Status: Pending

Closed Date: N/A

Due Date: Jan 26, 2012

of Extensions: 0

Letter Date: Jan 10, 2012

Received Date: Jan 12, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator

Signature Date: N/A

- OAR

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- finalize the EPA proposal for its Tier 3 criteria emission standards as soon as possible

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OP - Office of Policy

R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jan 12, 2012	Jan 26, 2012	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					
Sabrina Hamilton	OAR	OAR-OTAQ	Jan 12, 2012	Jan 23, 2012	N/A
Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).					

Supporting Information

Supporting Author: N/A



Air Resources Board



Mary D. Nichols, Chairman

1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

January 10, 2012

Lisa Jackson, Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Dear Ms. Jackson:

On January 26, 2012, the California Air Resources Board (CARB) will meet to consider adoption of a set of new regulations called Advanced Clean Cars. These proposed regulations include greenhouse gas emissions standards for model years 2017-25 which we worked with you to develop this summer, more aggressive requirements for zero emissions vehicles (ZEVs) in California and nine other Section 177 states, and more stringent criteria emission standards.

The proposed criteria emission standards for non-methane organic gases (NMOG), nitrogen oxides (NOx) and particulate matter (PM) are a result of over two years of discussions between CARB and the auto industry. Consensus on a proposal was reached in part because the timing of implementation of these standards reflected engineering resources and the schedule of model changes necessary to achieve the proposed greenhouse gas emission standards we reached agreement on this summer. This consensus also reflects the input from and coordination with the Office of Transportation and Air Quality (OTAQ) staff resulting from numerous meetings with my staff and the auto industry that occurred during 2011.

The efforts of our staffs demonstrate that further reductions in criteria emissions are feasible, will result in minimal increased cost to new vehicle purchasers, and create no conflict with the associated greenhouse gas standards or federal fuel economy standards. Because all of the work to develop the criteria pollutant emission standards has been completed, I urge you to finalize the Environmental Protection Agency's (EPA) proposal for its Tier 3 criteria emission standards as soon as possible. The auto industry's support for these standards is premised on a close similarity between CARB and EPA requirements that will allow manufacturers to build one car for sale nationwide.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

OFFICE OF THE
EXECUTIVE SECRETARIAT

2012 JAN 12 AM 7:17

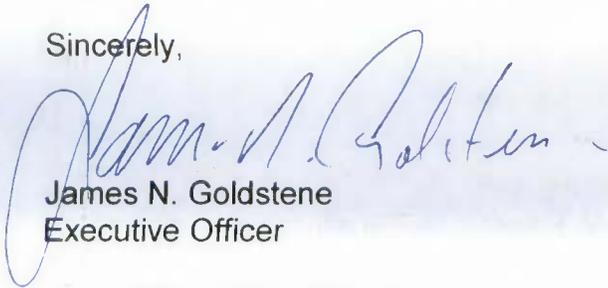
RECEIVED

Lisa Jackson, Administrator
January 10, 2012
Page 2

This will reduce their cost of compliance, as well as minimize any increase in the price of new vehicles. Finally, California's air quality will benefit from EPA action because the Golden State's population is projected to continue to grow, and many of our new residents bring cars with them purchased outside of California and thus built to meet EPA emission standards.

Please let me know if there is anything I or my staff can do to help accelerate EPA's proposal for Tier 3 standards criteria emission. We continue to hope that EPA can propose these standards soon, and finalize them well before the end of 2012.

Sincerely,

A handwritten signature in blue ink, appearing to read "James N. Goldstene".

James N. Goldstene
Executive Officer

cc: Margo Oge, Director
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mary Nichols, Chairman
Air Resources Board



Correspondence Management System

Control Number: AX-12-000-0536

Printing Date: January 12, 2012 05:00:22



Citizen Information

Citizen/Originator: Woteki, Catherine E.

Organization: United States Department of Agriculture
Address: 1400 Independence Ave., S.W., Washington, DC 20250

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-0536	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	Jan 26, 2012	# of Extensions:	0
Letter Date:	Jan 5, 2012	Received Date:	Jan 12, 2012
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	AA-OCSP-PP-Assistant Administrator - OCSP-PP	Signature Date:	N/A
File Code:	404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.		
Subject:	Daily Reading File- USDA supports development of flouridone for use in cotton weed management		
Instructions:	AA-OCSP-PP-Prepare draft response for signature by the Assistant Administrator for OCSP-PP		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	Carol Stangel - OCSP-PP-OPP-PRD Lawrence Elworth - AO-IO OP - Office of Policy ORD - Office of Research and Development -- Immediate Office R4 - Region 4 -- Immediate Office R6 - Region 6 -- Immediate Office Richard Keigwin - OCSP-PP-OPP-PRD		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSP-PP	Jan 12, 2012	Jan 26, 2012	N/A
Instruction: AA-OCSP-PP-Prepare draft response for signature by the Assistant Administrator for OCSP-PP					
Zelma Taylor	OCSP-PP	OCSP-PP-OPP	Jan 12, 2012	Jan 26, 2012	N/A
Instruction: Prepare draft response for the signature by the AA/ for OCSP-PP					
Shirley Myers	OCSP-PP-OPP	OCSP-PP-OPP-FEAD-CSB	Jan 12, 2012	Jan 26, 2012	N/A
Instruction: N/A					



United States
Department of
Agriculture

Research
Education
Economics

Office
of the Under
Secretary

Room 216W
Jamie L. Whitten Building
Washington, DC 20250-0110

JAN 05 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, NW.
Washington, D.C. 20460

RECEIVED
2012 JAN 12 PM 12:49
OFFICE OF THE
EXECUTIVE SECRETARY

Dear Mrs. Jackson:

You are no doubt aware that the proliferation of herbicide-resistant weeds is causing serious economic jeopardy to many crop producers across the United States. At particular risk are cotton producers in the Southeast and Mississippi Delta regions because of a particularly pernicious weed, Palmer amaranth, which has developed resistance to glyphosate, the most widely-used herbicide for cotton. There are no other presently labeled herbicides in cotton that are efficacious for Palmer amaranth.

Fluridone is an herbicide presently labeled for use in aquatic systems, including potable water. Fluridone was evaluated in the mid 1970s as a potential cotton herbicide and found to be highly efficacious on many cotton weeds, including Palmer amaranth. The chemical was never labeled for use on cotton because it was too expensive to produce for the cotton market at that time. Changes in cotton economics and the development of serious herbicide-resistant weed populations have changed the economic landscape for cotton producers. The registrant for fluridone, SePRO Corporation, has indicated a willingness to pursue a registration for cotton for control of glyphosate-resistant weeds. However, because fluridone is off patent, the registrant cannot afford to conduct the studies necessary to support a label and build new production facilities that would be necessary without Exclusive Use Data Protection (EUDP) as provided for in FIFRA § 3(c)(1)(F)(i).

The Department of Agriculture (USDA) Office of Pest Management Policy is currently working with the Environmental Protection Agency, Office of Pesticide Programs, pesticide registrants, and the Weed Science Society of America to develop weed resistance management practices for all crops. USDA supports the development of fluridone for use in cotton weed management as an important tool for resistance management, which is a key aspect of integrated pest management. As such, we encourage the granting of EUDP for fluridone development by SePRO Corporation as provided for in FIFRA § 3(c)(1)(F)(i).

Sincerely,

Catherine E. Woteki, Ph.D.
Under Secretary
Chief Scientist, USDA



Correspondence Management System

Control Number: AX-12-000-0552

Printing Date: January 12, 2012 03:26:37



Citizen Information

Citizen/Originator: Atkinson, Ephraim

Organization: Environmental Protection Agency
Address: 1200 Pennsylvania Avenue N.W., Washington, DC 20460

Bennett, Barbara J

Organization: Environmental Protection Agency
Address: 1200 Pennsylvania Avenue NW, Washington, DC 20460

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-0552	Alternate Number:	N/A
Status:	Closed	Closed Date:	Jan 12, 2012
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jan 10, 2012	Received Date:	Jan 12, 2012
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	EML (E-Mail)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File - FY 2012 Enacted Operating Plan Guidance		
Instructions:	Immediate Closure		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	N/A		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	N/A	Jan 12, 2012	N/A	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
CHIEF FINANCIAL OFFICER

JAN 10 2012

MEMORANDUM

SUBJECT: FY 2012 Enacted Operating Plan Guidance

FROM: Barbara J. Bennett
Chief Financial Officer

A handwritten signature in black ink, appearing to read "Barbara J. Bennett", written over the printed name and title.

TO: Assistant Administrators
General Counsel
Inspector General
Regional Administrators
Associate Administrators
Chief of Staff
Deputy Chiefs of Staff

The FY 2012 Enacted Budget funds EPA at \$8.449 B, a nearly \$524 M reduction from the FY 2012 President's Budget request. This budget is particularly challenging, but the Agency is committed to the goal of balancing priority work within the long-term constrained fiscal outlook. The FY 2012 Operating Plan decisions reflect the need to adapt to budget constraints without compromising our core mission or progress in the Administrator's priorities in FY 2012. As I indicated last year, the Agency must continue to find ways to change business processes, streamline and economize.

I thank you for sharing your thoughts and concerns with the Deputy Administrator and me on the impact of the reductions called for in the FY 2012 Congressional Report language. The Administrator and the senior leadership team have worked to identify areas where restoring funds is essential to maintaining our progress in protecting the environment. When possible we have allowed you flexibility in how to direct resources within your programs. Offices are asked to provide narrative justification when they will not meet congressional report specifications.

Key Agency-wide decision points were payroll, FTE, and travel. While the report did not impose a numerical cap on the FTE level, it indicated the expectation that EPA's actual FTE utilization will not exceed the FY 2010 utilization level. The FY 2012 operating level sets the pace for getting there. FTE associated with FY 2011 or FY 2012 investments that were not supported in the congressional report were reduced but the funds associated with pay are left in place to offset offices' reductions.

To further position the Agency for the constrained fiscal environment, and consistent with decisions made in FY 2011, we have implemented an across the board 1% FTE and payroll reduction. The EPM payroll is being applied to partially restore certain severe, targeted reductions. The payroll from all other accounts has been left in place, to offset offices' reductions.

Travel funding was adjusted to be in line with the anticipated FY 2013 request levels - a nearly \$7.5 M decrease to FY 2012 PB levels. The funds from the travel reduction have also been left in place, to offset offices' reductions. Note that travel ceilings may not be increased.

The schedule is very challenging, and I recognize that these levels will require significant internal review and decision-making in your offices. However, the deadline for delivering the Agency's operating plan to Congress is January 23, and OMB's review begins on January 17. Information from your offices will be due to the Office of Budget by January 12, 2012. In addition, the FY 2013 President's Budget request will be written against this operating plan and meeting deadlines is essential to that effort. I thank you in advance for you and your staff's hard work to meet these very tight deadlines.

Attachments

- A: Summary of Changes for the Initial Operating Plan Levels
- B: FTE Reductions for FY 2012 by NPM
- C: Travel Ceiling Changes
- D: FY 2012 Enacted Operating Plan Milestones

- cc: Administrator
Deputy Administrator
Deputy Assistant Administrators
Deputy Regional Administrators
Deputy Associate Administrators
Bob Sussman
Lisa Garcia
Lawrence Elworth
Janet Woodka
Peter Grevatt
Cameron Davis
Assistant Regional Administrators
Senior Budget Officers
Planning Contacts
Regional Comptrollers
Lead Region Coordinators

RECEIVED

2012 JAN 12 PM 2:29

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 01/12/2012 01:33 PM
From Ana BAPTISTA <abaptista@ironboundcc.org>
LisaP Jackson/DC/USEPA/US@EPA; Cass_R._Sunstein@omb.eop.gov;
To Nancy_H._Sutley@ceq.eop.gov; Paul Anastas/DC/USEPA/US@EPA; Becki
Clark/DC/USEPA/US@EPA
cc
Subject Dioxin Reassessment

Message Body

Dear All

Please see our attached letter urging the USEPA to finalize the non-cancer dioxin IRIS assessment by the end of January.

Sincerely,
Ana I. Baptista, Ph.D.
Environmental & Planning Projects Director
Ironbound Community Corp
317 Elm Street
Newark, NJ 07105



[973-817-7013 x217 ICC_Dioxin letter.pdf](#)

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

The Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
1200 Ariel Rios Building
Washington, DC 20460

January 12, 2012

Dear EPA Administrator Jackson:

Thank you for your attention to dioxin. The Dioxin Reassessment document is extremely important to the health of the American people and we applaud your efforts to bring this long delayed process to closure.

We are writing to strongly urge you to finalize the non-cancer dioxin IRIS assessment by the end of January, and expeditiously release the cancer dioxin IRIS assessment as you have pledged to do.

In the Ironbound neighborhood of Newark, NJ, massive exposure results from the nation's largest dioxin site, the Diamond Alkali (aka Diamond Shamrock) plant, which produced pesticides such as DDT prior to it's being banned, and was a major production site for the herbicidal warfare material "Agent Orange," leading to its current designation as a Superfund site. Dioxin from the plant leached into the Passaic River, contaminating the river and leading the State of New Jersey to ban the consumption of blue claw crabs from the river. The New Jersey Department of Environmental Protection (NJDEP) has calculated that cancer risk levels for people who eat blue claw crabs from Newark Bay could be as high as one million times above what government agencies typically consider an acceptable level for an environmental contaminant.¹ The Ironbound is also home to one of the largest solid waste incinerators in the Northeast, which burns around 1 million tons of garbage every year emitting dioxin into the air and ash from the plant.

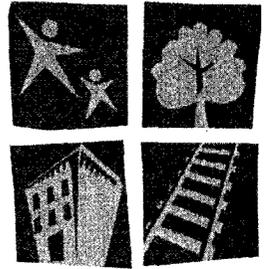
Since 1985, efforts by EPA to assess the risks of dioxin have been delayed time and time again. Scientists at EPA have long concluded dioxin and dioxin-like compounds are highly toxic, but a strong coalition of industries responsible for generating dioxins as a by-product of production and disposal have successfully stalled the completion of this health assessment report. As EPA has continued to work on the Dioxin Reassessment, people in communities across the country are continuing to be exposed to this highly toxic chemical. We are very concerned that industry is attempting to stall the release of this important report yet again.

Sincerely,



Ana I. Baptista, Ph.D.
Environmental & Planning Programs Director

¹ http://www.hackensackriverkeeper.org/pr_archive/dioxin_dump.htm



Ironbound
COMMUNITY CORPORATION

Administration &
Community Organizing
179 Van Buren Street
Newark, New Jersey 07105
973.589.3353
fax: 973.589.3637
www.ironboundcc.org
info@ironboundcc.org

Children's Center
1 New York Avenue
Newark, New Jersey 07105
973.589.6873
fax: 973.589.2479

Community Center
432 Lafayette Street
Newark, New Jersey 07105
973.465.0947
fax: 973.589.4668

Family Success Center
West
317 Elm Street
Newark, New Jersey 07105
973.465.0555
fax: 973.465.9505

Family Success Center
East
29-31 Cortland Street
Newark, New Jersey 07105
973.344.5949
fax: 973.344.0397

Early Head Start
380 East Kinney Street
Newark, New Jersey 07105
201.536.8367
fax: 973.589.3637



Correspondence Management System

Control Number: AX-12-000-0556

Printing Date: January 13, 2012 12:54:04



Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jan 13, 2012	Jan 27, 2012	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Jan 13, 2012

Comments

Commentator	Comment	Date
No Record Found.		

RECEIVED

2012 JAN 12 PM 2:28

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 01/12/2012 01:01 PM
From Paul Billings <Paul.Billings@lung.org>
To LisaP Jackson/DC/USEPA/US@EPA
"nancy_sutley@ceq.eop.gov" <nancy_sutley@ceq.eop.gov>; "Zichal, Heather R. (Heather_R._Zichal@who.eop.gov)" <Heather_R._Zichal@who.eop.gov>; Bob Perciasepe/DC/USEPA/US@EPA; Gina McCarthy/DC/USEPA/US@EPA;
cc Margo Oge/DC/USEPA/US@EPA; "Patel, Rohan" <Rohan_Patel@ceq.eop.gov>; Janet McCabe/DC/USEPA/US@EPA; Arvin Ganesan/DC/USEPA/US@EPA; Michael Goo/DC/USEPA/US@EPA; Lorie Schmidt/DC/USEPA/US@EPA; Joseph Goffman/DC/USEPA/US@EPA
Subject Health and Medical Letter on Tier 3 vehicle and gasoline standards

Message Body

Administrator Jackson,

Attached please find a letter from seven leading health and medical organizations (Asthma and Allergy Foundation of America, American Heart Association, American Lung Association, American Thoracic Society, Health Care Without Harm, Physicians for Social Responsibility & Trust for America's Health) urging you to move ahead with the Tier 3 vehicle emissions and gasoline standards. These lifesaving standards will dramatically cut vehicle pollution. EPA should propose new vehicle and fuel standards without any further delay.

Please contact me if you have any questions

Thank you
Paul Billings

NOTE new email Paul.Billings@Lung.org - please update your contacts

Paul G. Billings
Vice President National Policy & Advocacy
American Lung Association
1301 Pennsylvania Ave NW Suite 800
Washington, DC 20004-1725
Phone: 202-785-3355 x 3988
Fax: 202 -452-1805



Health group Tier 3 letter to EPA_Jan 12 2012.pdf



Asthma and Allergy
Foundation of America



American
Heart
Association®
Learn and Live



January 12, 2012

The Honorable Lisa P. Jackson
Administrator,
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

As leading public health and medical organizations, we write to request that you move forward with the Tier 3 vehicle emission and gasoline standards and finalize these standards as soon as possible. These new health protections are urgently needed as millions of Americans live in communities where polluted air threatens their health and motor vehicles remain a major source of this pollution.

On May 21, 2010, President Obama issued a memorandum that directed you to review the adequacy of current regulations of nitrogen oxides, air toxics and gasoline sulfur standards for new motor vehicles and if needed, to promulgate emissions regulations. It is clear that such new standards are needed to protect public health and are extremely cost effective.

According to a National Association of Clean Air Agencies study, a Tier 3 vehicle and fuels standard would reduce overall mobile source emissions of nitrogen oxides by 29%, carbon monoxide by 38% and volatile organic compounds by 26% by 2030. The state air pollution officials' analysis indicates that, in 2017, Tier 3 will reduce nitrogen oxide emissions by 260,000 tons, the equivalent to taking 33 million cars off our nation's roads. These benefits are a great bargain for the American people, costing less than one cent per gallon of gasoline and about ½ of a percent, or \$150, of the cost of the average new car.

As communities work to provide clean and healthy air to their residents, these reductions are urgently needed to protect the health of all, but especially the most vulnerable; children, seniors and people with chronic lung and heart disease. To protect public health, we ask that you move forward now with the Tier 3 vehicle and fuel standards.

Sincerely,

Asthma and Allergy Foundation of America
American Heart Association
American Lung Association
American Thoracic Society

Health Care Without Harm
Physicians for Social Responsibility
Trust for America's Health

cc: Nancy Sutley, Chair, Council on Environmental Quality
Heather Zichal, Deputy Assistant to the President for Energy and Climate Change
Bob Perciasepe, Deputy Administrator, US EPA
Gina McCarthy, Assistant Administrator, Office of Air and Radiation, US EPA
Margo Oge, Director, Office of Transportation and Air Quality, US EPA



Correspondence Management System

Control Number: AX-12-000-0565

Printing Date: January 13, 2012 12:16:23



Citizen Information

Citizen/Originator: Beinecke, Frances

Organization: Natural Resources Defense Council
Address: 1200 New York Ave NW, Washington, DC 20005

Brune, Michael

Organization: Sierra Club
Address: 408 C Street, NE, Washington, DC 20005

Knobloch, Kevin

Organization: Green Group
Address: 2 Brattle Square, Cambridge, MA 02238-9105

Krupp, Fred

Organization: Environmental Defense Fund
Address: 1875 Connecticut Avenue, N.W., Washington, D.C. 20009

Mesnikoff, Ann

Organization: Sierra Club
Address: 408 C Street, NE, Washington, DC 20005

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-0565	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	Jan 31, 2012	# of Extensions:	0
Letter Date:	Jan 11, 2012	Received Date:	Jan 13, 2012
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	EML (E-Mail)	Priority Code:	Normal
Signature:	DX-Direct Reply	Signature Date:	N/A
File Code:	404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.		
Subject:	Daily Reading File - Letter in support of Tier 3 and low sulfur fuel standards		
Instructions:	DX-Respond directly to this citizen's questions, statements, or concerns		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OEAE - Office of External Affairs and Environmental Education OP - Office of Policy		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jan 13, 2012	Jan 31, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

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2012 JAN 12 PM 2:27

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 01/11/2012 03:46 PM
From Ann Mesnikoff <ann.mesnikoff@sierraclub.org>
To LisaP Jackson/DC/USEPA/US@EPA
Bob Perciasepe/DC/USEPA/US@EPA; Gina McCarthy/DC/USEPA/US@EPA;
cc Nancy_H._Sutley@ceq.eop.gov; Gary_S._Guzy@ceq.eop.gov; Margo
Oge/DC/USEPA/US@EPA; Cass_R._Sunstein@omb.eop.gov;
Heather_R._Zichal@who.eop.gov
Subject Letter in support of Tier 3 and low sulfur fuel standards

Message Body

Dear Administrator Jackson,

Attached and pasted below is a letter from the Environmental Defense Fund, Natural Resources Defense Council, Sierra Club and Union of Concerned Scientists regarding Tier 3 emissions and gasoline standards.

Sincerely,

Ann Mesnikoff

Ann Mesnikoff

Director, Green Transportation Campaign

(202) 675-2397 (o)

(202) 375-8296 (m)

January 11, 2012

BY EMAIL AND US MAIL TRANSMISSION

The Honorable Lisa Jackson

Administrator

USEPA Headquarters

Ariel Rios Building

Mail Code: 1101A

1200 Pennsylvania Avenue, N.W.



FINAL NGO Tier 3 letter to Jackson - Jan 11 - 2012.pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

January 11, 2012

BY EMAIL AND US MAIL TRANSMISSION

The Honorable Lisa Jackson
Administrator
USEPA Headquarters
Ariel Rios Building
Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
jackson.lisa@epa.gov

Dear Administrator Jackson:

We are writing to strongly urge you to take an important step to reduce pollution from the nation's cars, light trucks, and sport-utility vehicles. In particular, we respectfully ask you to immediately propose Tier 3 emissions and gasoline standards for passenger vehicles and to finalize these protections by the summer of 2012. A rigorous Tier 3 program would have immediate and far-reaching health and environmental benefits: reducing a cascade of harmful airborne contaminants, ensuring longer and healthier lives, and helping states and communities across our country restore healthy air. These vital health protections will be achieved at an extremely modest cost – the additional cost to consumers of the cleaner gasoline would be less than a penny a gallon. And timely finalization of Tier 3 standards would allow manufacturers to efficiently align technology upgrades with pending fuel efficiency and greenhouse gas emissions standards. Now is the time to secure these human health protections for our nation.

Millions of Americans breathe cleaner, healthier air as a result of the U.S. Environmental Protection Agency's leadership in carrying out our nation's clean air laws. But serious challenges remain. More than 1 in 3 Americans still live in areas where air pollutant levels exceed at least one of the health-based National Ambient Air Quality Standards. And passenger vehicles remain the second largest emitters of oxides of nitrogen and volatile organic compounds in the U.S. – the primary pollutants that form ozone. These vehicles also emit more than half of all carbon monoxide pollution and contribute significantly to lethal particulate matter emissions.

A protective Tier 3 program has the potential to cut gasoline vehicle emissions of nitrogen oxides by nearly sixty percent, carbon monoxide by about 38 percent, and volatile organic compounds by close to a third when these protections are carried out. The substantial emissions reductions from all vehicles will translate into more than 400 avoided premature deaths and 52,000 avoided lost workdays each year.¹

¹ NACAA, *Cleaner Cars, Cleaner Fuel, Cleaner Air: The Need for and Benefits of Tier 3 Vehicle and Fuel Regulations*; October, 2011.

Reducing sulfur in gasoline will also result in an immediate reduction in emissions from the existing fleet – on the order of approximately 260,000 tons of nitrogen oxides in 2017 when the program begins – equivalent to taking 33 million cars off our nation’s roads.

A timely federal Tier 3 program is also imperative for states to meet the health-based National Ambient Air Quality Standards, including the ozone standard adopted in 2008, which assumed final Tier 3 emissions and gasoline standards in its baseline. Emissions reductions not achieved through a rigorous Tier 3 program would have to come from controls on local sources, which could be far less significant in magnitude and less cost-effective.

A timely Tier 3 program is critical to protect human health from transportation sector pollution and one of the single most cost-effective solutions our nation can deploy to help states achieve and maintain healthy air in communities out of compliance with health-based national air quality standards. We cannot afford to delay these vital clean air protections for millions of Americans.

In a May 2010 Rose Garden ceremony, President Obama announced his intention to finalize a Tier 3 program by 2012 that would reduce sulfur levels in gasoline and introduce cleaner cars, light trucks and sport-utility vehicles on the same schedule as his already-finalized greenhouse gas program. Proposing this program now will help ensure that the President’s commitment is kept. Thus, we strongly urge you to propose this program as soon as possible.

Sincerely,

Frances Beinecke
President
Natural Resources Defense Council

Kevin Knobloch
President
Union of Concerned Scientists

Michael Brune
Executive Director
Sierra Club

Fred Krupp
President
Environmental Defense Fund

cc: Bob Perciasepe, Deputy Administrator, EPA (perciasepe.bob@epa.gov)
Gina McCarthy, Assistant Administrator, OAR (mccarthy.gina@epa.gov)
Nancy Sutley, Chair, CEQ (Nancy_H._Sutley@ceq.eop.gov)
Gary Guzy, Deputy Director, CEQ (Gary_S._Guzy@ceq.eop.gov)
Margo Oge, Director, OAR/OTAQ (oge.margo@epa.gov)
Cass Sunstein, Administrator, OIRA (Cass_R._Sunstein@omb.eop.gov)
Heather Zichal, Deputy Assistant to the President for Energy and Climate Change,
(Heather_R._Zichal@who.eop.gov)



Correspondence Management System

Control Number: AX-12-000-0613

Printing Date: January 13, 2012 02:51:41



Citizen Information

Citizen/Originator: Sisk, Jennifer

Organization: U.S. Department of Interior
Address: 1849 C Street, NW, Washington, DC 20240

Coeur D'Alene Tribe

Organization: Coeur D'Alene Tribe
Address: 850 A Street, P.O. Box 408, Plummer, ID 83851

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-000-0613	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jan 12, 2012	Received Date:	Jan 13, 2012
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	EML (E-Mail)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File - Briefing Paper - EPA Superfund and BIA Water Rights Issues in the Coeur d'Alene Basin		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	Brigid Lowery - OSWER-CPA Kecia Thornton - OSWER Michelle Crews - OSWER OEAE - Office of External Affairs and Environmental Education OITA - Office of International and Tribal Affairs OSWER - OSWER -- Immediate Office OW - Office of Water -- Immediate Office		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R10	Jan 13, 2012



REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

BRIEFING PAPER

PREPARED BY: The Coeur d'Alene Tribe
SUBMITTED TO: President Barack Obama, White House Cabinet Members and Staff
DATE: December 2, 2011
SUBJECT: EPA Superfund and BIA Water Rights Issues in the Coeur d'Alene Basin

From time immemorial: the Coeur d'Alene Tribe lived within their ancestral homeland of over 4 million acres. The heart and soul of the people known as Schitsu'umsh, "those who were found here" was Coeur d'Alene Lake, surrounding waters, lands, and vast natural resources of the Coeur d'Alene Basin. The Tribe lived and thrived on the abundance of natural resources in this basin until the advent of white settlement. White settlement brought promises and violations of promises, but above all, it brought a legacy of natural resource degradation due to mining pollution, over exploitation of timber, agricultural practices that created massive soil erosion, among other detrimental activities. Throughout nearly 100 years of unbridled resource extraction no thought was given to promise that the Federal government made, through a Presidential Executive Order of 1873. The promise was to hold in Trust a reservation for the exclusive occupancy and use of the Coeur d'Alene Tribe, a trust responsibility to protect the natural resources and allow the Tribe to live as they please utilizing healthy natural resources. From the turn of the century laws were broken, deals were made and the pollution continued. All of which disregarded the people born to this land.

This deep-seated connection to the land and waters of the basin cannot be adequately underscored and as a result of this connection, nearly 25 years ago, Tribal leadership began their fight against the environmental injustices perpetrated on them due to mining pollution. This action was in part a reaction to local disregard of the problem, and EPA's initial response. To adequately explain the situation, the Tribe submits this chronology of events for your review and consideration of our current needs.

1982: EPA recognizes the acute toxic nature of the CdA Basin and lists the site on the National Priorities List (NPL). Arguably, the largest Superfund site in the United States.

1986: The State of Idaho Attorney General recognizes the acute toxic nature of pollution in the basin and begins to pursue a Natural Resource Damage Assessment (NRDA). This effort was

abandoned when the State legislator refused to fund the assessment. The State then proceeded to settle with all potential responsible parties (PRPs), except Hecla, for \$5 million dollars. For nearly 20 years the State has supported the mining industry and has been a leader in "anti-EPA" rhetoric. They have always opted for incomplete, temporary fixes that minimized the cost of cleanup (to reduce their 10% match obligations) and masked the perception of "stigma."

1990: EPA finalized Record of Decision #1 to address the "populated" portion of the 21 square mile "box," a tiny portion of the overall problem. The Tribe considered this to be a 10% remedy for 10% of the problem (none the less, a good start). Given the local pressure that was waged upon EPA for conducting any remedial actions in the basin (claiming EPA was putting the mining industry out of business and casting a Superfund stigma on economic development), the Tribe stood shoulder to shoulder with EPA and supported the ROD.

1991: Due to the State's lack of remedial/restoration actions and EPA's confinement of remedial actions to a small portion of the "box," the Tribe filed a NRD action with a preliminary damage claim of \$3 billion dollars. The Tribe was ridiculed by governmental agencies, the State, and local politicians. We were cast as the Tribe that wanted to ruin the local economy by hanging the Superfund stigma on northern Idaho and its beloved tourist attraction, Coeur d'Alene Lake. The Tribe was also accused of "just wanting to pocket the money." Nobody (not even EPA) supported the Tribe's view that it took 100 years to pollute the basin and it would take \$3 billion dollars and 100 years to clean up the basin.

1992: The Tribe applied for NRDA funding through the national DOI NRD fund, a fund that was established to conduct NRDA's on federal lands. The Tribe was originally denied access to this fund because we were told that "tribal lands" were not "federal lands". The Tribe then contacted Senator Inouye (the sponsor of the bill that developed the NRDA fund) to seek clarification as to the purpose of the NRDA account and who may receive funding. Senator Inouye supported the Tribe and submitted a letter to the DOI NRDA funding managers that led to the Tribe accessing the fund. It was then that the Tribe was the first Tribe in the nation to be considered a "Trustee" for natural resources and received DOI NRDA funding. It was then that the Tribe began the long process of conducting this NRDA; it was then that Tribal Elder Henry SiJohn declared that we would "leave no stones unturned" and collect the "irrefutable data."

1992: EPA completes ROD #2 that provided a remedy for the "non-populated" area within the 21 square mile box. Although this remedy allowed for the continuation of EPA CERCLA activity, the Tribe was greatly disappointed that it did not address the river that ran through the box and therefore would not address the massive "conveyor belt" that would continue to move pollution from the river into the floodplains and downstream into Coeur d'Alene Lake. Although the Tribe was disappointed, we once again formally supported EPA publicly and was once again negatively treated in the local media and among local/regional and State politicians.

1992-1996: The Tribe continues to collect data as part of the NRDA. Tribal efforts were joined by BLM, USFWS, and USFS. At a field level, local agency scientists were very

interested in the NRDA and very disturbed by the ecosystem injury that had and was occurring, but the United States did not join the lawsuit. All of this data was shared with EPA.

1996: After four years of collecting dead birds, dead fish, poisoned water, soils, and sediment, among other environmental media, DOJ finally files to join the Tribe's NRD lawsuit. This was a major milestone wherein the Tribe was finally being recognized as having valid and significant natural resource damage claims.

1996-2002: EPA conducts "basinwide" RI/FS and develops a \$1.3 billion dollar proposed plan. This plan was marginalized/minimized due to State influence (the Governor threatened to not sign such a ROD due to the 10% State match and due to the perceived century long Superfund stigma that would follow). Therefore the final ROD was marginalized and was coined, "a thirty year interim ROD." Interim because EPA knew that the cleanup plan they proposed would never meet federal ARARS nor address the pollution in Coeur d'Alene Lake and the lower basin. Instead the remedy for the lake was "deferred" pending the development, and effective implementation of a Lake Management Plan (LMP). Once again the Tribe was very concerned that EPA omitted the lake from remedial actions and guardedly agreed with the ROD #3 and committed to developing an LMP. In fact, the Tribe challenged the State of Idaho and EPA by pledging to use its entire Asarco NRD settlement (\$5 million) to implement the LMP, if both the State and EPA matched this financial commitment. Neither the State nor EPA accepted the challenge and did not commit matching funds. The Tribe however, began to spend Asarco settlement funds on lake monitoring and protection.

During this time the Tribe also worked closely with EPA technical staff and contractors to transfer and explain our data which became the foundational data for the development of the RI/FS and ultimately the ROD #3.

2009: After many failed attempts to develop a Lake Management Plan with the State of Idaho, one was developed and adopted in 2009. To date this LMP has only received the bare minimum of funding (funding has come via the Tribe's NRD settlement with Asarco, and through the State of Idaho). The funds currently earmarked for the implementation of the LMP is grossly inadequate and begs the question as to whether the LMP can be the "non-CERCLA" vehicle for managing mining contamination in our Lake.

2009-present: EPA seeks to amend their ROD #3. Although the Proposed Plan includes an additional \$1.3 billion dollars in clean up actions, this Plan still omits actions in the lower 30 miles of the Basin and once again, "carves" Coeur d'Alene Lake from the clean-up.

2010-2011: The NRD Trustees and EPA settle their environmental lawsuits with Asarco and Hecla. The State of Idaho joined the settlement of claims against Hecla, thus ending 20 years of protracted litigation. Combined funds recovered include over \$650 million to EPA for remedy and \$140 million to Natural Resource Trustees for restoration; a tribute to the Tribe's efforts and its relationship with EPA and the Natural Resource Trustees. CERCLA and the DOI NRDA funds were instrumental in this outcome!

Currently: Given this background it is apparent that the Tribe has been at the forefront of environmental clean-up in the basin and throughout this history we have remained a firm

partner and supporter of EPA remedial actions. The Tribe however, is at a "crossroad" as to agreeing with the newly developed EPA amendment to ROD #3. In a recent government to government consultation we were told:

- that the final Plan will carve some \$400 million dollars of work activities from what was outlined in the Proposed Plan. Therefore, EPA once again relented to local political pressures to reduce their clean up actions
- the final Plan will, once again be an "interim remedy" because EPA believes their actions will not improve water quality back to applicable standards
- they are conducting detailed studies and modeling efforts on the lower river basin and in the next few years they will begin developing another amendment to address the contamination of the CDA River, 12 chain lakes and 20,000 acres of poisoned floodplains that provide habitat to numerous migratory bird species as well as resident flora and fauna
- the \$700 million they recovered from Asarco and Hecla will be insufficient to pay for the upper basin work, let alone the amendment to that plan and the plan to deal with the lower basin. It is their hope that the Asarco funds that are being managed by Mr. Dan Silver of Olympia Washington (the Trustee for this settlement) will accrue interest at a level such that EPA can conduct work each year (approximately \$20 million/year) that expends the interest but leaves the principle intact. This is the hope of EPA, Region 10 Administrator (Mr. Dennis McLerran), but may not be the hopes of EPA central office
- the Coeur d'Alene Lake is still not been considered for EPA remedial actions and no process is in place to evaluate whether the LMP is the effective mechanism to address the problem
- the EPA hopes to provide the Tribe with opportunities to train Tribal members in various technical fields so they can become a major part of the work force that conducts the clean-up in the Basin over the next 100 years. To date, EPA has denied our 2011, \$320,000 Brownfield funding request for training minority peoples most effected by pollution to participate in the clean-up; a clear sign that local EPA commitment has not translated into tangible support for this critical need

In Summary: the Tribe has led the charge in the clean-up of legacy pollution in our homeland. We have expanded, proportionally, significantly more of our governmental funds on this effort than the State of Idaho and the federal government. Now that our litigation has brought forth significant funds to address the problem we need the help of the federal government to:

- Make sure Asarco Trust funding is used in a manner to sustain clean up actions over the next 100 years. It took 100 years to pollute the basin. It will take 100 years to address the pollution.

- Support aggressive EPA remedial actions that are comprehensive and permanent in nature. The lower Basin and Lake contamination ecosystem is massive and needs to be included in future EPA clean up RODs. The Tribe believes it will take \$1.5 billion to address the upper Basin and at least 2 billion dollars to address the lower Basin/Lake.
- Support the Tribe's efforts to have a local workforce conduct the clean-up (via funding for training, and through direct contracting of Tribal members). Our people have been disconnected from our homeland because of this pollution for too long, it is time to start the healing process by provided the Tribe a direct leadership role in clean-up. We have dedicated staff and the ability to build further capacity to take on all aspects of the clean-up (from science to engineering to construction). These jobs can no longer to given to big consulting firms with headquarters in Seattle and Portland instead what better way to invest in the clean-up of the Basin than by hiring locals who have been, are, and always will be here (the Coeur d'Alene people).

Water Rights Activities

Just when the litigation portion of the mining issue has been addressed, the adjudication of water rights in North Idaho commenced. Being a fishing people (people created along the shores of Coeur d'Alene lake), the Tribe's dependence on water is immeasurable. Our rights to water date back to time immemorial and are, therefore aboriginal. Our fight now is to maintain those rights via a State sanctioned court system that has a history of minimizing tribal rights whenever possible. In an effort to prepare for this battle the Tribe has been working with the Bureau of Indian Affairs (BIA) to help develop water rights claims. Although we have received much support from BIA in this endeavor, we have recently had our funding requests reduced and it is our understanding that the BIA water rights program has not been funded at all. Without adequate funding the Tribe and the United States will in no way be able to prepare to defend our water rights.

As we all know the Tribe has, "one bite out of this apple" and without adequate funding our rights will be diminished and the federal government will have breached their trust responsibility to the Tribe to uphold and support the executive order creating the reservation and the rights that appertain to the reservation. The purposes of the reservation include the Tribe's rights to maintain the health and wellbeing of its people. Within adequate water supply for fish, transportation, commercial, industrial, domestic, recreation, culture and aesthetics uses, among others the very core needs of the people can not be satisfied.

Funding History

In September 2010, the Tribe submitted a funding proposal to BIA to fund the following work:

Seeps/spring Evaluation (\$77K requested and \$77K received), Historic Uses (\$64k requested, \$50K received), Hydrologic Sampling (\$16K requested,\$16K received), Instream Flow (\$141K requested, \$0K received), Settlement proposal development (\$225K requested, \$50K received), Encroachment evaluation (\$11K requested, \$0K received), and Land ownership Evaluation (\$23K requested and \$23K received).

This funding proposal submitted on September 15, 2010 was critically important to have been fully funded as early as possible. Unfortunately it took 11 months to receive funding and BIA was unable to fund completely two proposals and did not provide any funding for two proposals (see above). Compounding this problem, as of today, the Tribe has been notified that our FY2012 proposal will not be funded at all.

In Summary: water rights adjudication is a long and protracted process that historically does not favor Tribal aboriginal and senior water rights. Instead this process favors the white farmer that needs water to irrigate. The Coeur d'Alene people are a water borne people that rely on water for a myriad of purposes, some recognized by State and federal courts, others not. To best prepare for this battle that inherently aims to reduce the Tribe's water rights requires the development of studies, conducting detailed field evaluations, using economic and engineering principles to develop claims, and prepare expert reports. This work is labor intensive and requires significant funding to accomplish. To date the Tribal has a strong working relationship with the federal government on this effort but;

- the Tribe is under an unrealistic timeline to file their water rights claims (December 2012)
- funding has been reduced (FY10 and FY11) to conduct the necessary work to develop our claims
- 2012 funding to BIA and the Tribe will not be funded through the current Continuing Resolution, therefore compounding the Tribe's funding shortfall to conduct the necessary work required to develop our water rights claim

The Tribe requires federal support to fund this work to protect the purposes of the reservation and therefore to uphold the United States trust responsibility to the Coeur d'Alene people.

DAILY READING FILE



U.S. Department of the Interior • Office of the Secretary (OS/SIO/NISC) • 1849 C Street, N.W. • Washington, DC 20240
Phone: (202) 513-7243 • Fax: (202) 371-1751 • www.invasivespecies.gov

December 20, 2011

TO: Members of the National Invasive Species Council (NISC)

SUBJECT: Recommendations to NISC from the ISAC Meeting held December 6-8, 2011

During the December 6-8, 2011 meeting held in Washington, DC, ISAC agreed upon the following recommendations:

Recommendation #1: ISAC recommends that NISC support and encourage the National Research Council of the National Academy of Sciences review of frameworks for the validation of advanced molecular assays for aquatic invasive species detection technologies and their protocols.

Recommendation #2: Expanding trade across the Pacific poses a dual challenge to the control of invasive species. First, there is a high potential for introductions of new species in both directions. Second, there is a high potential that some introduced species will become invasive because of similarities between the climates and ecology of central and eastern Asia and North America.

In light of these challenges and the potential negative impacts of the introduction of invasive species in either direction across the Pacific on the economies and environment of the U.S. and its trading partners in eastern Asia, ISAC recommends that the Department of State seek the cooperation of appropriate agencies in convening a multilateral meeting of scientists and governmental representatives from APEC countries to develop measures to prevent the introduction of invasive species in the course of transpacific commerce.

Recommendation #3: ISAC recommends that the U.S. Army Corps of Engineers immediately reinstate the funding for the Aquatic Plant Control Research Program due to its national importance in the control and management of aquatic invasive plants.

Sincerely,

E. Ann Gibbs
Chair, Invasive Species Advisory Committee
Maine Department of Agriculture

Attachment:

NISC Distribution List

Department of the Interior • Department of Agriculture • Department of Commerce • Department of State
Department of Defense • Department of Homeland Security • Department of Transportation
Department of the Treasury • Department of Health and Human Services • Environmental Protection Agency
U.S. Agency for International Development • U.S. Trade Representative • National Aeronautics and Space Agency

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Correspondence Management System

Control Number: AX-12-000-0915

Printing Date: January 19, 2012 01:01:09



Citizen Information

Citizen/Originator: Mull, Stephen D

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-0915 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
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Addressee: OEX-Director - OEX **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File The National Security Affairs Calendar January 14-December 7, 2012
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OEAEE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Jan 19, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Jan 19, 2012

Comments



201200843

United States Department of State

Washington, D.C. 20520

January 17, 2012

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR VALERIE S. BOYD
ACTING EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "SDM", written in a cursive style.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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FOR OFFICIAL GOVERNMENT USE ONLY

January 17, 2012

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Jan 14-19 Nuclear Security Summit Sherpa Meeting, New Delhi

Jan 15-19* Visit of King Abdullah II of Jordan to Washington

Jan 16-17 Visit of Secretary of State Clinton to Liberia, Cote d'Ivoire, Togo
and Cape Verde

Jan 16-18 2nd Annual U.S.-Maghreb Entrepreneurship Conference, Marrakech

Jan 16-19 5th World Future Energy Summit, Abu Dhabi

Jan 17 30th Meeting of States Parties of the International Covenant on
Civil and Political Rights, New York

Jan 18 Regional Strategic Initiative (RSI) Conference on East Africa and
Yemen, Dar es Salaam

Jan 19-20* G-8 Political Directors Meeting, Washington

Jan 20* Visit of Foreign Minister Westerwelle of Germany to Washington

Jan 22 Presidential Elections in Finland-1st Round

Jan 22 Legislative Elections in Egypt-1st Round

Jan 22 Presidential Inauguration in Bulgaria [Swearing-in ceremony will be
January 19]

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LOOKING AHEAD

Jan 23-30 African Union Summit, Addis Ababa

Jan 23-Feb 17 World Radiocommunications Conference 2012 (WRC-12), Geneva

Jan 25-29 World Economic Forum Annual Meeting, Davos-Klosters

Jan 30* Visit of President Saakashvili of Georgia to Washington

Jan 30-31* G-8 Foreign Affairs Sous Sherpa Meeting, Washington

Jan 31* Visit of Foreign Minister Kazykhanov of Kazakhstan to Washington

Jan 31* Visit of Foreign Minister Poposki of Macedonia to Washington

Feb 1* Visit of Foreign Minister Shanmugam of Singapore to Washington

Feb 1* U.S.-Singapore Strategic Partners Dialogue, Washington

Feb 2 Parliamentary Elections in Kuwait

Feb 2* Visit of President Jahjaga of Kosovo to Washington

Feb 2-3 NATO Defense Ministerial Meeting, Brussels

Feb 2-3 Clean Energy Ministerial Preparatory Meeting, New Delhi

Feb 3-5 48th Munich Security Conference, Munich

Feb 5 Presidential Elections in Finland-2nd Round

Feb 8-12*(TBC) Visit of Foreign Minister Davutoglu of Turkey to Washington

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Feb 9* Great Lakes Contact Group (GLCG) Meeting, Washington

Feb 12 Presidential Elections in Turkmenistan

Feb 13-18* Visit of Vice President Xi of China to Washington

Feb 15-17 Paris Pact Ministerial on the Afghan Drug Trade, Vienna

Feb 18-20 Informal G-20 Foreign Ministers Meeting, Los Cabos

Feb 19 Parliamentary Elections in Greece (Snap)

Feb 21 Presidential Elections in Yemen

Feb 21 APEC Business Advisory Council (ABAC) Meeting, Hong Kong

Feb 21* Visit of Foreign Minister Reynders of Belgium to Washington

Feb 21-24* Visit of Foreign Minister Sikorski of Poland to Washington

Feb 23 UK-hosted Conference on Somalia, London

Feb 24* Visit of Prime Minister Thorning-Schmidt of Denmark to Washington

Feb 25-27* U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Winter Meeting, Washington

Feb 26 Presidential Elections in Senegal—1st Round

Feb 26-28 High-Level Segment of the UN Human Rights Council, Geneva

Feb 27* Visit of Defense Minister Aguiar-Branco of Portugal to Washington

Feb 27* Visit of Foreign Minister Lamothe of Haiti to Washington

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4

Feb 27-28	Mobile World Conference, Barcelona
Feb 27-28*	Visit of NATO Secretary General Rasmussen to Washington
Mar TBD*	U.S.-Philippines Strategic Dialogue, Washington
Mar 4	Presidential Elections in Russia
Mar 5-9	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Mar 8-9	4 th ASEAN Regional Forum (ARF) Intersessional Meeting on Nonproliferation and Disarmament, Sydney
Mar 10	Parliamentary Elections in Slovakia
Mar 11	Legislative Elections in El Salvador
Mar 12-14	International Energy Forum (IEF) Ministerial Meeting, Kuwait City
Mar 12-17	6 th World Water Forum, Marseille
Mar 13-15*	Visit of Prime Minister Cameron of the United Kingdom to Washington
Mar 17	Presidential Elections in Timor-Leste
Mar 18	Presidential Elections in Senegal—2 nd Round [if needed]
Mar 20*	Visit of Prime Minister Kenny of Ireland to Washington
Mar 24	Parliamentary Elections in Gambia

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Mar 25	Hong Kong Chief Executive Selection
Mar 26-27	2 nd Nuclear Security Summit, Seoul
Mar 26-27	Regional Economic Conference for Cooperation in Afghanistan (RECCA), Dushanbe
Mar 29	Parliamentary Elections in Iran
Mar 29	Legislative Elections in The Gambia
Mar 31	Parliamentary Elections in Mauritania
Mar 31-Apr 3	Boao Forum for Asia, Boao
Apr 1	Parliamentary Elections in Burma
Apr 3-5	Pan-African Intellectual Property Rights (IPR) Summit, Cape Town
Apr 11-12*	G-8 Foreign Ministerial Meeting, Washington
Apr 14-15	6 th Summit of the Americas, Cartagena
Apr 16-18	World Economic Forum on Latin America, Puerto Vallarta
Apr 18	Joint NATO Foreign and Defense Ministerial Meeting, Brussels
Apr 18-19	Clean Energy Ministerial, London
Apr 20-22*	World Bank Group/International Monetary Fund Spring Meeting, Washington
Apr 22	Presidential Elections in France-1 st Round

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Apr 23	Nordic-Baltic-U.S. Cooperation Summit, Vilnius
Apr 29	Presidential Elections in Mali-1 st Round
Apr 30-May 11	Nuclear Nonproliferation Treaty Preparatory Committee Meeting, Vienna
May 4	Presidential and Parliamentary Elections in Palestinian Authority
May 6	Presidential Elections in France-2 nd Round
May 9-11	World Economic Forum on Africa, Addis Ababa
May 12-Aug 12	Expo 2012 Yeosu Korea: The Living Ocean and Coast
May 13	Presidential Elections in Mali-2 nd Round
May 18-19	2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London
May 19-20	G-8 Summit, Chicago
May 20	Presidential Elections in the Dominican Republic
May 20-21	NATO Summit, Chicago
May 25-26	6 th Pacific Island Leaders (PALM 6) Meeting, Nago City
May 28-30	3 rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro
May 28-Jun 5	Asia-Pacific Economic Cooperation (APEC) Senior Officials Meeting 2, St. Petersburg

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May 30-Jun 1	World Economic Forum on East Asia, Bangkok
May 31-Jun 1	African Development Bank Annual Meeting, Arusha
Jun TBD	Presidential Elections in Egypt
Jun 3-5	Organization of American States (OAS) General Assembly, Cochabamba
Jun 4-8	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Jun 4-8	25 th World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur
Jun 10	Legislative Elections in France-1 st Round
Jun 14 (T)	Australia-U.S. Ministerial (AUSMIN), Australia
Jun 17	Legislative Elections in France-2 nd Round
Jun 17	Parliamentary Elections in Senegal
Jun 18-22*(T)	2012 African Growth Opportunity Act (AGOA) Forum, Washington
Jun 19-21	World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul
Jun 20-22	UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
Jun 30	Presidential Elections in Iceland
Jul 1	Presidential and Legislative Elections in Mexico

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Jul 1	Parliamentary Elections in Mali-1 st Round
Jul 9-13	East Asia Summit Foreign Ministers Meeting, 19 th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh
Jul 13-15	U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg
Jul 22	Parliamentary Elections in Mali-2 nd Round
Jul 22-27*	AIDS 2012 XIX, International AIDS Conference, Washington
Jul 27-Aug 12	XXX Summer Olympic Games, London
Aug TBD	Pacific Islands Forum Meetings, Cook Islands
Aug 14	Presidential and Parliamentary in Kenya-1 st Round
Aug 29-Sep 9	Paralympic Games, London
Sept 4-10	Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok
Sep 10-14	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sept 17-21	International Atomic Energy Agency (IAEA) General Conference, Vienna
Sept 24-28	United Nations General Assembly High-Level Week, New York
Oct 7	Presidential Elections in Venezuela

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- Oct 8 Presidential Elections in Slovenia
- Oct 12-14 World Bank Group/International Monetary Fund Annual Meeting, Tokyo
- Oct 28 Parliamentary Elections in Ukraine
- Nov 17 Presidential and Parliamentary Elections in Sierra Leone
- Nov 18-20 (T) 21st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh
- Nov 27-Dec 7 18th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar
- Nov 29-30 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin

* = Taking place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at sarkiss@state.sgov.gov or sarkiss@state.gov.

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