



MPUA

Missouri Public Utility Alliance

RECEIVED

2011 AUG -2 PM 12: 24

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 27 2011

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

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234; EPA-HQ-OAR-2011-0044

Dear Administrator Jackson:

On behalf of the 110 members of the Missouri Association of Municipal Utilities, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). As you are aware over 80% of the power generated in Missouri comes from coal fired power plants, so all of the state's six million residents will be significantly impacted by this rule and the related New Source Performance Standards (NSPS) requirements.

Our cities have major concerns regarding many provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our local utilities under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use.

As not-for-profit electric utilities owned and operated by local government, we have standing under each of these Executive Orders to call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame. Our specific concerns are as follows:

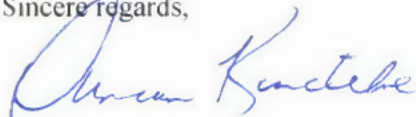
- The proposed rules do not provide our member utilities with enough time to comply. The short time frame for compliance risks having to raise electricity rates for power purchased on the open market that would cause customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule is unrealistic about the ability of utilities and state or regional energy authorities to avoid electricity reliability issues in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired power plants will be impacted by the rules, other industry analysts and the North American Electric Reliability Corporation (NERC), charged

under federal law with maintaining the reliability of the nation's power grid, estimate that at as many as 70 GW of capacity could be impacted.

- EPA's economic and reliability analysis in the proposed rules assumes that the mercury MACT regulations are the only major capital expenditures the utility sector will be undertaking in the next four years. The analysis completely ignores the current state of the economy, the unsettled nature of the municipal finance market and the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed rules include many additional controls beyond those to reduce methyl mercury. These controls are not required under the Clean Air Act or the EPA's own hazardous air pollutants study. We respectfully request that EPA withdraw these rules and re-propose them to solely address methyl mercury.
- The statutorily imposed three year time frame for compliance with the rules is too short. The electric industry needs at a minimum, an additional two years to avoid local and regional reliability issues when coal fired power plants shut down for retrofit (often during shoulder seasons). We respectfully encourage EPA to grant the one year extension it is statutorily allowed to do and hope that a second year extension is granted via a presidential order.
- Smaller utilities and those that are located in rural areas are likely to have difficulties getting vendors and contractors to respond to requests for proposals (RFPs) for a single opportunity to sell a scrubber, activated carbon technology, or baghouse when large utilities will also be seeking larger quantities of such equipment from the same vendors. They are very likely to serve larger utilities first based on economic considerations.
- The EPA's own Regulatory Impact Analysis (RIA) is flawed and suggests that only 97 municipal utilities will face a compliance cost of \$666.30 million annually. These costs underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.
- The proposed rules assume that all coal types can still be used with available control technologies. This is generally not the case, especially with the sophisticated emission control systems generally required by more stringent EPA rules that are designed to close tolerances for specific fuel blends. Such fuel switching from one coal type to another or fuel blending can be very expensive for a municipal utility which serves a smaller customer base than many investor owned utilities.
- The proposed rules assume that the utility sector will still be able to sell or trade coal ash to the cement and wall-board manufacturing sector once they take effect. Our member cities share the concern of many in the electric utility sector that the control technologies needed to reduce acid gases will increase the sodium content of coal ash, thus exceeding the allowable levels in the ASTM standards. Should that occur, our utilities would face additional costs for coal ash management. In addition, the market for trading or selling coal ash would be negatively impacted. The agency's cost analysis did not take this into account.
- Should the proposed rules be finalized in their current form, they could have a significant impact on jobs across our country. The cost of compliance in areas with substantial reliance on coal will result in increases in electric rates that could drive out businesses out of state or country or result in job losses because of increased energy costs.

We respectfully request that EPA reevaluate the premises of the proposed EGU MACT rules. We support EPA's efforts to reduce harmful mercury emissions, but believe such efforts need to be realistic, comply with federal administrative procedures and done in a cost effective manner. Close to 50% of the U.S.'s electric generation is fired by coal. The rule as proposed will affect a significant portion of the industry and impact reliability. In addition, we also respectfully request that the agency reconsider regulating acid gases. It is not required under the Clean Air Act and its inclusion will make it much more costly and difficult to comply with under the existing compliance timelines.

Sincere regards,



Duncan Kincheloe
General Manager and CEO
Missouri Association of Municipal Utilities

Cc: The Honorable Claire McCaskill, Senator
The Honorable Roy Blunt, Senator
The Honorable Lacy Clay, Representative, District 1
The Honorable Todd Akin, Representative, District 2
The Honorable Russ Carnahan, Representative, District 3
The Honorable Vicky Hartzler, Representative, District 4
The Honorable Emanuel Cleaver, Representative, District 5
The Honorable Sam Graves, Representative, District 6
The Honorable Billy Long, Representative, District 7
The Honorable Jo Ann Emerson, Representative, District 8
The Honorable Blaine Luetkemeyer, Representative, District 9

Ms. Sara Parker-Pauley, Director – Missouri Department of Natural Resources



Correspondence Management System

Control Number: AX-11-001-2959

Printing Date: August 03, 2011 11:49:12



Citizen Information

Citizen/Originator: Jacobs, LLoyd

Organization: The University of Toledo Office of the President
Address: 2801 West Bancroft Street, Toledo, OH 43606-3390

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2959 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 17, 2011 **# of Extensions:** 0
Letter Date: Jul 21, 2011 **Received Date:** Aug 2, 2011
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-As the president of a university with huge commitments to and faculty expertise in solar, wind and fuel cell energy as well as biofuel technology, I can see the day coming when transportation bypasses the issue of fossil fuels altogether. But until this technology is fully commercialized, I urge you to be judicious as new fuel economy 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
R5 - Region 5 -- 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	Aug 3, 2011	Aug 17, 2011	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



2011 AUG -2 AM 11:04

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 21, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

The city of Toledo was established in large part as a transportation hub able to easily move people and goods across the nation. From Toledo, companies can easily ship by rail or road and by air or sea.

At The University of Toledo, we are working every day to ensure that this institution is relevant to the students in our classrooms, the industries in our region, and the people in our communities. We have maximized the benefits of our geographical opportunities and developed centers of excellence in transportation and logistics. We're developing biofuel research and spun off companies that use plant waste, rather than grains, to create ethanol.

The topic of fuel is the reason I write you today. As an institution creating the alternative fuel technologies that will power tomorrow's world, I understand and applaud goals and standards designed to increase fuel economy. But it is essential that these standards keep pace with realistic assessments of current fuel efficiency and economic pressures.

As students in UT's College of Business and Innovation logistics classes are learning, even relatively small fluctuations in a supply chain can lead to massive disruptions further down the line. An unreasonable increase in fuel standards, particularly at a time when the nation's economy is struggling to recover, may very well cost jobs at the very time our auto industry, our city and our nation needs them most.

Just as The University of Toledo is striving every day to ensure our research, education and outreach is relevant to the communities we serve, fuel economy standards must be relevant to the economic realities within which we find ourselves.

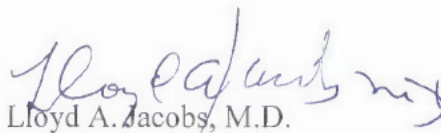
As the president of a university with huge commitments to and faculty expertise in solar, wind and fuel cell energy as well as biofuel technology, I can see the day coming when transportation bypasses the issue of fossil fuels altogether. But until this technology is fully commercialized, I urge you to be judicious as new fuel economy standards are set. Raising

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LLOYD.JACOBS@UTOLEDO.EDU • WWW.UTOLEDO.EDU

standards too high, too fast would raise the cost of a vehicle, increase the overall cost of business, and create disruptions across a fragile U.S. economy.

Thank you so much for all you do for the people of this nation.

Sincerely,


Lloyd A. Jacobs, M.D.
President

LAJ:dh



Correspondence Management System

Control Number: AX-11-001-2965

Printing Date: August 03, 2011 12:42:19



Citizen Information

Citizen/Originator: McCulloch, Linda

Organization: Montana Secretary of State

Address: Post Office Box 202801, Helena, MT 59620-2801

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2965

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jul 21, 2011

Received Date: Aug 3, 2011

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-SJ 10 is a joint resolution of the Senate and the I-louse of Representatives of the State of Montana opposing efforts by the Environmental Protection Agency to use existing federal laws to regulate greenhouse gas emissions.

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
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	OAR	Aug 3, 2011

History

Action By	Office	Action	Date
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DAILY READING FILE

MONTANA SECRETARY OF STATE

LINDA McCULLOCH

July 21, 2011

Ms. Lisa Jackson
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms Jackson:

As the Secretary of State it is my official responsibility to distribute resolutions passed by the Montana Legislature to those entities referred to in the resolutions. Therefore, on behalf of the President of the Senate, the Speaker of the House and all of the members of the 62nd Legislature, I have enclosed a copy for review of Senate Joint Resolution 10.

SJ 10 is a joint resolution of the Senate and the House of Representatives of the State of Montana opposing efforts by the Environmental Protection Agency to use existing federal laws to regulate greenhouse gas emissions.

Thank you for your consideration of this resolution.

Sincerely,

A handwritten signature in blue ink that reads "Linda McCulloch".

Linda McCulloch
Secretary of State

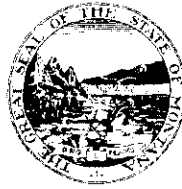
Enclosure

OFFICE OF THE
EXECUTIVE SECRETARAT

2011 AUG -2 AM 11:02

RECEIVED





A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING EFFORTS BY THE ENVIRONMENTAL PROTECTION AGENCY TO USE EXISTING FEDERAL LAWS TO REGULATE GREENHOUSE GAS EMISSIONS.

WHEREAS, the U.S. Environmental Protection Agency has proposed or is proposing numerous new regulations, particularly in the area of air quality and the regulation of greenhouse gases, that could have major detrimental effects on the economy, jobs, and U.S. competitiveness in worldwide markets; and

WHEREAS, federal laws, such as the Clean Air Act, were never intended or designed to regulate greenhouse gases; and

WHEREAS, Montana's two U.S. senators have gone on record that Congress, not just the EPA, is the appropriate venue to consider greenhouse gas regulations; and

WHEREAS, concern is growing that with cap-and-trade legislation having failed in Congress, the EPA is attempting to obtain some of the same results through the adoption of regulations; and

WHEREAS, neither the EPA nor President Obama's administration has undertaken any comprehensive study of what the cumulative effect of all of this new regulatory activity will be on the economy, jobs, and competitiveness; and

WHEREAS, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits; and

WHEREAS, since the EPA has identified "taking action on climate change and improving air quality" as its first strategic goal for the 2011-2015 time period, the EPA should be required to identify the specific actions it intends to take to achieve these goals and to assess the total cost of all these actions together; and

WHEREAS, the Montana Legislature supports continuing improvements in the quality of the nation's air and believes that those improvements can be made in a sensible fashion without damaging the economy, as long as there is a full understanding of the cost and benefits of the regulations at issue; and

WHEREAS, the primary goal of government at the present time must be to promote economic recovery and to foster a stable and predictable business environment that will lead to the creation of jobs; and

WHEREAS, Montana is the seventh largest user of energy per capita but only ranks 49th, second to last, in take-home pay; and

WHEREAS, Montana possesses vast reserves of proven, low-cost energy, including coal, natural gas, and oil, that creates high-paying jobs; and

WHEREAS, 40% of the nation's coal used for electricity generation comes from the Powder River Basin states of Montana and Wyoming; and

WHEREAS, more than 70% of Montana's coal production is exported to generate low-cost electricity used in homes, small businesses, and manufacturing; and

WHEREAS, more than 1,100 families depend on the good-paying jobs the Montana coal industry provides; and

WHEREAS, the state of Montana receives more than \$70 million in direct tax benefits annually from coal industries; and

WHEREAS, the oil and gas industry is responsible for 4,500 direct jobs in Montana, and another 7,500 indirect jobs; and

WHEREAS, production tax revenue alone accounts for more than \$220 million that is distributed to state and local government and schools across the state; and

WHEREAS, the total economic impact of the petroleum industry in Montana is \$9 billion; and

WHEREAS, Montana's four refineries provide more than 1,000 jobs with an average wage of over \$90,000; and

WHEREAS, environmental improvement is only possible in a society that generates wealth.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 62nd Legislature requests that the United States Congress consider:

(1) adopting legislation prohibiting the EPA from utilizing existing federal laws to regulate greenhouse gas emissions, including, if necessary, defunding the EPA's greenhouse gas regulatory activities;

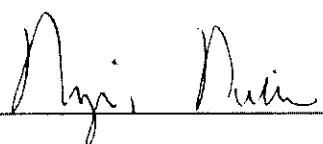
(2) imposing a moratorium on promulgation of any new air quality regulation by the EPA by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least 2 years; and

(3) requiring President Obama's administration to undertake a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specify the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness. This study should be a multiagency study drawing on the expertise of the EPA, agencies, and departments having expertise in and responsibility for the economy and the electric system and should provide an objective cost-benefit analysis of all of the EPA's current and planned regulation.

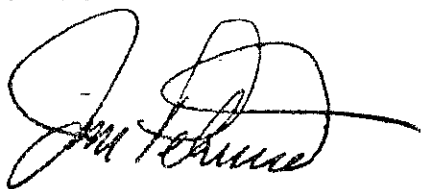
BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Montana's Congressional Delegation, and the Administrator of the Environmental Protection Agency.

- END -

I hereby certify that the within joint resolution,
SJ 0010, originated in the Senate.



Secretary of the Senate



President of the Senate

Signed this 5th day
of April, 2011.



Speaker of the House

Signed this 5th day
of April, 2011.



Correspondence Management System

Control Number: AX-11-001-2983

Printing Date: August 03, 2011 05:40:03



Citizen Information

Citizen/Originator: Pollard, Kevin

Organization: Norris Public Power

Address: 606 Irving Street Post Office Box 399, Beatrice, NE 68310-0399

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-2983

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Aug 1, 2011

Received Date: Aug 3, 2011

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-Regarding to EPA's proposed electric generating unit maximum achievable control technology rules ("11GU MACF").

Instructions: DX-CO-Respond directly to this citizen's questions, statements, or concerns. Be sure to copy the Member of Congress on your reply.

Instruction Note: N/A

General Notes: N/A

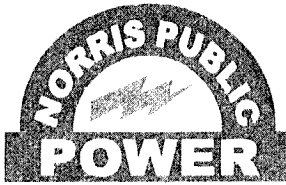
CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R7 - Region 7 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Aug 3, 2011	Aug 17, 2011	N/A
	Instruction: DX-CO-Respond directly to this citizen's questions, statements, or concerns. Be sure to copy the Member of Congress on your reply.				
Martha Faulkner	OAR	OAR-OAQPS	Aug 3, 2011	Aug 15, 2011	N/A
	Instruction: OAQPS - Prepare response for the signature of Steven Page, Director of the Office of Air Quality Planning and Standards (OAQPS).				
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Aug 3, 2011	Aug 12, 2011	N/A
	Instruction: AA-OAR-OAQPS-Prepare Draft response for Steve Page's signature				
Joanne Tammaro	OAR-OAQPS-SPPD	OAR-OAQPS-SP-	Aug 3, 2011	Aug 9, 2011	N/A



SERVING
GAGE - JEFFERSON - LANCASTER
SALINE - THAYER COUNTIES

606 IRVING STREET - P.O. BOX 399
BEATRICE, NEBRASKA 68310-0399
402/223-4038
FAX 402/228-2895

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 1, 2011

Dear Administrator Jackson:

As the General Manager and CEO of the Norris Public Power District, I am writing in regard to EPA's proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Norris Public Power District 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 Norris Public Power District'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 Norris Public Power District 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.

Sincerely,

Kevin Pollard
General Manager & CEO

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



Correspondence Management System

Control Number: AX-11-001-3006

Printing Date: August 03, 2011 05:50:07



Citizen Information

Citizen/Originator: Storey, Peter B.

Organization: Childersburg Chamber of Commerce

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3006

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Aug 1, 2011

Received Date: Aug 2, 2011

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-As business leaders and citizens of the State of Alabama, we urge the EPA to exercise restraint in the adoption of the proposed Electric Utility Air Toxics Rule. This rule, also known as Utility MACT, would impose stringent emission standards on coal-fired electric power generation plants. Issue 2011-Stop Mercury and Air Toxics Now
EPA-HQ-OAR-2009-0234

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

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
R4 - Region 4 -- 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	Aug 3, 2011	Aug 17, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Sabrina Hamilton	OAR	OAR-OAQPS	Aug 3, 2011	Aug 12, 2011	N/A
Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).					
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Aug 3, 2011	Aug 10, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					



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

RE: EPA's Electric Utilities Air Toxics Rule, *Docket ID No.: EPA-HQ-OAR-2009-0234*

Dear Administrator Jackson,

As business leaders and citizens of the State of Alabama, we urge the EPA to exercise restraint in the adoption of the proposed Electric Utility Air Toxics Rule. This rule, also known as Utility MACT, would impose stringent emission standards on coal-fired electric power generation plants. It is one of the most expensive regulations in EPA history and threatens the reliability of our nation's electric system. We are alarmed by the speed with which this rule was proposed and considered. We are even more concerned by the short timeline for compliance. We urge the EPA to refrain from adopting this rule, or in the alternative, to provide a reasonable timeline for compliance.

Alabama is home to nine coal-fired power plants that employ more than 1500 workers. We rely on coal to supply nearly 60 percent of our power generation needs. Like many states, Alabama is struggling to allocate limited resources during this difficult economic time. Simultaneously, we are soliciting new business development in an effort to boost economic growth and create job opportunities. If adopted, this regulation threatens to drive up utility prices, jeopardize reliability, and discourage business development in our State.

The cost of compliance with Utility MACT will be astronomical. The EPA puts the pricetag at \$10.9 billion annually, making it one of the most expensive regulations in Agency history. The cost is even more impressive when one considers that Alabama Power, the State's largest utility, has already invested \$2.6 billion to install technologies, namely SCRs and scrubbers, to reduce emissions from its coal-fired units. As a result of their investment, emissions of NOx and SO₂ have dropped approximately 65 percent since 1996. For the EPA to choose this time to issue such stringent new standards is unreasonable and unfounded. Any incremental environmental benefit that might result from this proposed standard is vastly outweighed by the devastating blow it would deal to utilities companies and their customers.

As a result of the massive cost of complying with this regulation, utility companies in the region will have to consider whether to undertake additional retrofits to their units, or simply shut down those units altogether. In Alabama and across the nation, the majority of coal-fired units that do not have scrubbers are small units. It is those units for which the cost of upgrades may be too expensive to be prudent. Closing them will result in lost jobs and decreased local revenue.

The timeline for compliance with the proposed Utility MACT is unreasonably short. All necessary unit upgrades would have to be completed by 2015. Whether the required technology can even be designed and manufactured in three years is highly doubtful. Further, installation will take significant time, and could result in temporary interruptions in service. Power generation facilities are part of an interconnected grid. Upgrades at one plant could affect service across an entire region. This could also lead to a reduction in reserve margins which further threatens reliability. A decline in reliable power generation will be an inconvenience for individuals and a hindrance to business at a time when our economy can afford neither. For these reasons, we urge the EPA to consider a more reasonable compliance schedule.

The effects of this rule become even more alarming when considered amidst the EPA's broader regulatory landscape. The Edison Electric Institute conducted a study of the overall impact of all proposed EPA regulations and found that half of the U.S. coal fleet may be unavailable by 2015, due to insufficient time to install required controls or find replacement generation sources. In addition to Utility MACT, the EPA's proposed new limits on the disposal of coal residuals, or coal ash, will cost utility providers nationwide up to \$20 billion over the next fifty years, according to the EPA's own estimate. (This is in addition to the costs utility providers have incurred in managing the safe disposal of coal ash over the past fifty years.) The EPA's proposed new ozone limits are another matter of concern. The EPA has proposed lowering permissible ozone limits from 0.075 ppm to between 0.060-0.070 ppm. If lowered to 0.060 ppm, thirteen of Alabama's fourteen monitored counties will move to non-attainment status. Nationwide, 85 percent of monitored counties will move to non-attainment. According to the EPA's own estimates, the cost of coming into attainment will be between \$20 and \$90 billion annually. Analysis by Manufacturers' Alliance/MAPI found that the new standard could cost up to 7 million jobs by 2020. In addition to the cost in jobs and dollars, moving thirteen of Alabama's counties to non-attainment status will essentially close these counties to new business at the very time we are trying to grow the economy.

Another concerning development is the recently finalized Cross-State Air Pollution Rule. This Rule is directed at twenty-seven states, including Alabama, and requires reductions in already controlled emissions. The cost of this Rule for coal-fired utility providers in the impacted states is estimated at \$2.4 billion annually. Finally, we have great concern about the EPA's Cooling Water Intake Rule, which is designed to protect fish from being drawn into cooling water systems at large power plants and industrial facilities. This will require Alabama plants to either monitor the mortality rates of specified fish, or demonstrate that the plant meets certain design criteria. Alabama Power alone has nine cooling water intake systems subject to this rule. The Chairman of the U.S. House Energy and Commerce Committee recently estimated the cost at up to \$300 million per site for coal-fired plants. While the goal of protecting marine life is noble, a restrained and measured approach would better reflect the countervailing interest in protecting local citizens.

We appreciate that there are those who believe that these regulations will create a healthier environment. However, recent science belies such claims. For example, the new ozone limit is supposedly aimed toward reducing asthma rates. However, from 1980-2009, asthma rates increased from 3.1% of the population to 8.2%, while two of the key emissions from coal-fired plants, SO₂ and NO_x, fell approximately 70 percent. Such evidence, which is exemplary of other research that has been performed, raises significant doubt as to the link between air quality and asthma.

As citizens of the State of Alabama, we want to emphasize our goals of clean air, land, and water. As business leaders, we have a vested interest in a clean environment, first for our families, and second for the development of new business in this region. At the same time, we believe that in these challenging economic times, new regulations that come with costs far exceeding any additional incremental benefit must be approached with great caution and restraint. We would thus call upon the EPA to perform a true economic analysis, evaluating the proposed Utility MACT in light of the crushing onslaught of draconian regulations being imposed upon the utility industry today. We urge the EPA to adopt more flexible standards and reasonable compliance timelines, which will achieve the Agency's goals while ensuring affordable utility bills, stable jobs and reliable power.

Sincerely,

Peter B. Storey, IOM
President/CEO
Childersburg Chamber of Commerce

cc: U.S. Senator Richard Shelby
304 Russell Senate Building
Washington, D.C. 20510

U.S. Senator Jeff Sessions
326 Russell Senate Office Building
Washington, D.C. 20510

District 1:
U.S. Congressman Jo Bonner
2236 Rayburn House Office Building
Washington, D.C. 20515



Correspondence Management System

Control Number: AX-11-001-3007

Printing Date: August 03, 2011 05:37:03



Citizen Information

Citizen/Originator: Cravens, Kent L.

Organization: New Mexico State Senate

Address: Post Office Box 93817, Albuquerque, NM 87199

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3007

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Jul 13, 2011

Received Date: Aug 3, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

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-Transportation is a critical component of our economic vitality and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views. .

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

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
R6 - Region 6 -- 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	Aug 3, 2011	Aug 17, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OTAQ	Aug 3, 2011	Aug 12, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				
Tanya Meekins	OAR-OTAQ	OAR-OTAQ-ASD	Aug 3, 2011	Aug 10, 2011	N/A
	Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR				



DAILY READING FILE
New Mexico State Senate

State Capitol
Santa Fe

July 13, 2011

SENATOR KENT L. CRAVENS
R-Bernalillo & Sandoval-21

P.O. Box 93817
Albuquerque, NM 87199

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

COMMITTEES: D
RECORDED
MEMBER:
Corporations & Transportation
Rules
2011 AUG -2 PM 2:40

OFFICE OF THE
EXECUTIVE
Office: (505) 888-2679
Home: (505) 858-0799
Fax: (505) 883-0753

Dear Secretary LaHood and Administrator Jackson:

Today jobs, the economy and energy security are on the minds of every American. As a Member of the New Mexico State Senate, I believe we should focus on proactive policies to address these critical issues and grow New Mexico toward a more secure future. Transportation is a critical component of our economic vitality and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views.

Safe, efficient and reliable transportation impacts each individual, family and business in my city. Jobs in New Mexico are all tied to cost effective transportation. With the recent increase in gas prices and turmoil in the Middle East, reducing fuel use and dependence on foreign oil are on all our minds. We support your efforts to improve fuel economy by laying out a long-term program, but encourage you to carefully consider a balanced and thoughtful approach.

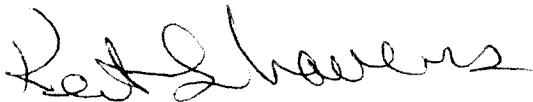
We encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses in New Mexico.

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickup, as do the construction industry and local trades.

Our region's businesses all share the need for affordable transportation. The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, resulting in more expensive vehicles, many of our region's consumers can be expected to hold on to their older vehicles longer and defer buying a new car, which could put jobs across the country at risk and delay compliance with federal air quality standards. Affordability, customer choice and job preservation is as much as priority as raising fuel economy.

We encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent L. Cravens". The signature is fluid and cursive, with the first name "Kent" being more prominent and the last name "Cravens" following in a similar style.

Kent L. Cravens



Correspondence Management System

Control Number: AX-11-001-3008

Printing Date: August 03, 2011 05:38:35



Citizen Information

Citizen/Originator: Payne, Camile

Organization: City of Thomasville

Address: Post Office Box 1540, Thomasville, GA 31799

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3008

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Jul 26, 2011

Received Date: Aug 3, 2011

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-On behalf of the city of Thomasville, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Issue 2011-Stop Mercury and Air Toxics Now EPA-HQ-OAR-2009-0234

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

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
R4 - Region 4 -- 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	Aug 3, 2011	Aug 17, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Martha Faulkner	OAR	OAR-OAQPS	Aug 3, 2011	Aug 12, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Aug 3, 2011	Aug 11, 2011	N/A
	Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR				
Joanne Tammaro	OAR-	OAR-	Aug 3, 2011	Aug 8, 2011	N/A

DAILY READING FILE
City of Thomasville

P. O. Box 1540

Thomasville, Georgia 31799

July 26, 2011

RECEIVED

2011 AUG -2 PM 2:40

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234

Dear Administrator Jackson:

On behalf of the city of Thomasville, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Our community-owned, non-for-profit electric utility serves 15,269 customers. We supply electricity produced in part by coal-fired electric generating units that could be significantly impacted by the proposed EGU MACT rule – even though those coal units are already well-controlled for mercury and for criteria pollutants such as sulfur dioxide and nitrogen oxides.

We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use. As a not-for-profit electric utility owned and operated by local government, we support these Executive Orders that call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame.

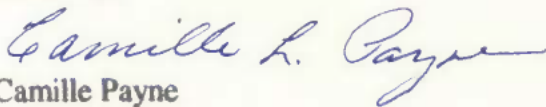
Our concerns include the following:

- The proposed rules create a risk of having to raise electricity rates, that could cause our customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule raises electricity reliability issues in some regions in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired capacity may face retirement nationally because of the rules, other industry analysts and the North American Electric Reliability Corporation (NERC) estimate that as many as 70 GW of capacity could face retirement.

- EPA's economic and reliability analysis in the proposed rules addresses only impacts from the proposed EGU MACT regulations. The analysis does not address the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed EGU MACT rules include many additional requirements beyond those to reduce mercury emissions. Control of other emissions under the EGU MACT rule may not be necessary or required under the Clean Air Act or based EPA's own hazardous air pollutants study. EPA should consider whether to decline to adopt the rules not related to control of mercury emissions.
- The statutorily imposed three-year time frame for compliance with the EGU MACT rules is too short. The electric industry needs at a minimum, an additional two years to avoid reliability issues that could arise when coal fired power plants must shut down for an extended period to retrofit emissions controls needed to comply with the rule. We respectfully encourage EPA to grant the one-year extension it is statutorily allowed to do and urge that a second year of extension is granted via a presidential order.
- EPA's own Regulatory Impact Analysis (RIA) appears to suggest that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs appear to significantly underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.

Thank you for your consideration.

Sincerely,



Camille Payne
Mayor

Cc: Congressman Sanford Bishop



Correspondence Management System

Control Number: AX-11-001-3024

Printing Date: August 03, 2011 12:32:26



Citizen Information

Citizen/Originator: Hedman, Susan

Organization: USEPA Region 5

Address: 77 West Jackson Boulevard, Chicago, IL 60604

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3024 **Alternate Number:** 1ZA49E010193267081
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Aug 1, 2011 **Received Date:** Aug 3, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: MEM (Memo) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - FY 2011 Federal Managers' Financial Integrity Act Assurance Letter
Instructions: For Your Information -- No action required
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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OCFO	Aug 3, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCFO	Aug 3, 2011

Comments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REC'D

2011 AUG -3 AM 5:53

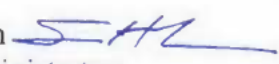
AUG 1 2011

OFFICE OF THE
EXECUTIVE SECRETARY

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: FY 2011 Federal Managers' Financial Integrity Act Assurance Letter

FROM: Susan Hedman 
Regional Administrator

TO: Lisa P. Jackson
Administrator

PURPOSE

In accordance with the *Federal Managers' Financial Integrity Act* (FMFIA) and Agency guidance, I am submitting the FY 2011 annual assurance letter attesting to the soundness of internal controls for Region 5.

STATEMENT OF ASSURANCE

Under my leadership, Region 5 has assessed the effectiveness of its internal controls based on the five standards for internal control established by the Government Accountability Office. In my judgment, Region 5 complies with Federal Managers' Financial Integrity Act requirements, and the internal controls within Region 5 are adequate to reasonably ensure the protection of the programs, operations, functions, and resources for which I am responsible against fraud, waste, abuse, and mismanagement.

Additionally, in accordance with the American Recovery and Reinvestment Act of 2009 (Recovery Act) and Agency guidance, I can provide reasonable assurance that:

- All Recovery Act programs were managed effectively and efficiently, utilized reliable and accurate data to report achievement of program goals, and were in compliance with laws and regulations;
- All Recovery Act funds designated for Region 5 have been used solely for the purpose of that program and, if applicable, were awarded and distributed in a prompt, fair, and reasonable manner;
- Region 5 is monitoring the risks and internal controls identified in EPA's Recovery Act Stewardship Plan and is in compliance with the Stewardship Plan.

CERTIFICATION OF MANAGEMENT INTEGRITY TRAINING

I certify that the appropriate staff, Senior Executive Service employees, GS-15 managers and supervisors, and Management Integrity Advisor completed the Agency's on-line Management Integrity Training on Internal Controls by July 1, 2011.

FRAMEWORK FOR ASSESSING INTERNAL CONTROLS

Region 5 Divisions and Offices looked to several sources to assist in establishing priorities, identifying risk, and setting commitments. Sources included statutes, laws and regulations; National Program Manager Guidance and program review strategies; the Office of Inspector General (OIG) and Government Accountability Office (GAO) reports; internal management and staff discussions; and quality assurance review to identify risks to processes, functions, and resources.

In addition, the FY 2011 Management Integrity guidance identified the National Program Managers (NPM) as having primary responsibility for identifying and analyzing risks associated with achieving national mission results, establishing internal controls to manage and mitigate those risks, and reporting on the effectiveness of those controls. As a result, Region 5 Divisions and Offices were to review NPM Program Review Strategies and Multiyear Review Plans for guidance and provided input through the Lead Region process. The process included soliciting, compiling, and submitting comments to NPMs for consideration. Region 5 is the lead for the Office of Enforcement and Compliance Assistance and Environmental Justice. Below are specific examples of sources used in assessing internal controls.

- Office of the Regional Counsel (ORC) continues to use Standard Operating Procedures or Memorandum of Agreements and other various management tools to meet the requirements established by the statutes and laws and continually update processes to better serve clients and manage the workflow within ORC in the office.
- The Region 5 Water Division (WD) uses Standard Operating Procedures over both administrative and programmatic areas to provide discipline and structure as well as the climate which influences the overall quality of internal controls. The Region 5 WD also created a database which contains a list of all assessments and internal and external reviews conducted or planned.
- Superfund Division (SFD) works with internal and external partners to identify risk. For example, SFD works with the Office of Solid Waste and Emergency Response (OSWER) Office of Emergency Management's Business Operations Center to ensure the Division's contracts are managed properly. SFD also looks to OSWER guidance and the lead region process to identify risks.
- The Air and Radiation Division (ARD) utilized the lead region process as a means to involve regions in identifying potential risks at the national level. ARD also sent comments to the OAR and Office of Enforcement and Compliance Assurance (OECA) draft FY 2012 NPM guidance documents, and uses the final documents throughout the fiscal year.
- The Information Management Branch (IMB) security program is continually assessing threats and taking action to assure the confidentiality, integrity, and accessibility of the

Region 5 local area network. This assessment is done in concert with the national IT security program and other EPA regions and offices

- The Chicago Regional Laboratory follows the guidance of the Quality Staff in the Office of Environmental Information regarding documentation of its quality system. Also Chicago Regional Laboratory is accredited to ISO 17025 international standards as a testing laboratory. This external audit insures that the Quality Assurance System and the standard operating procedures used are sufficient to provide data of known quality and integrity for our internal and external customers.

RESULTS OF INTERNAL CONTROL REVIEWS

Region 5 Divisions and Offices conducted a number of programmatic, administrative, and financial internal control reviews in FY 2011. No material or agency-level weaknesses were identified as a result of the reviews. Below are review highlights.

Over Programmatic Operation

- The Air and Radiation Division (ARD) performed cost reviews on every Air and Radiation Division grant that was awarded. In addition, all program and project grants were closed out by ARD in a timely fashion. No material weaknesses were identified.
- The Land and Chemicals Division (LCD) further refined its electronic human resources management system to ensure LCD personnel actions are tracked and to provide a means for managers to forecast human resource needs. The data system allows the Director and Deputy Director the ability to reallocate payroll charging to ensure human resources are staffed to meet agency, region, and division priorities.
- The Water Division completed assessments on 17 of its 116 programmatic standard operating procedures (SOP). As a result of the assessments, seven SOPs were revised adding or modifying control objectives.
- The Superfund Division reviewed its Remedial, Emergency Response, Emergency Operations, and Enforcement Programs in FY11. No material weaknesses were identified.
- Office of the Regional Administrator created a Standard Operating Procedure for the Minority Academic Institution program and assessed several controls for Enforcement and Public Affairs, and determined that updates were needed due to changes in procedures that will take place in FY12.
- The Comptroller Branch reviewed the Region's travel card administration and maintenance process. No material weaknesses were found.

Over Recovery Act Operations

- The Assistance Section established procedures and internal guidance specifically for collaborative management and oversight of Recovery Act grant actions in Region 5. The Assistance Section also incorporated use of the Post Award Baseline Tracking Tool via EPA Quick Reports, which helps Grant Specialists monitor and manage Recovery Act grants post-award activity.
- The Water Division completed nine on-site Recovery Act reviews per the requirements of the Recovery Act Stewardship Plan (RASP), and four others are in the process of being reviewed. The reviews covered Recovery Act activities and monitoring efforts undertaken by

the grantees, and are counted in the programmatic operations numbers. The RASP State Revolving Fund reviews included testing significant transactions for improper payments. All reviews were completed in accordance with Office of Water and Office of Grants and Debarment guidance. None of the reviews disclosed significant weaknesses or deficiencies.

- The Leaking Underground Storage Tank program is monitoring the risks and internal controls identified in the Recovery Act Stewardship Plan (RASP). In addition, all Recovery Act programs were managed effectively and efficiently, utilized reliable and accurate data to report achievement of program goals, and were in compliance with laws and regulations.
- The Air and Radiation Division (ARD) performs advanced monitoring on all Recovery Act grants and grantee activities, as required. Concerns or deficiencies identified during monitoring were immediately corrected and there are no outstanding issues with Clean Diesel Recovery Act grants. The ARD Recovery Act grant project officer and the Midwest Clean Diesel Initiative coordinator review all Recovery Act funding data in the Agency's Financial Data Warehouse frequently and are in constant contact with Recovery Act grantees. The project officer and Diesel Coordinator both report to headquarters monthly regarding draw downs and operation activities. ARD's goal is to have all Recovery Act projects completed by September 30, 2011, and all grants closed out by December 31, 2011.
- The Superfund Division (SFD) works with the Office of Brownfield's and Land Revitalization (OBLR) to closely monitor Recovery Act financial transactions using automated reports from ORBIT. The OBLR notifies SFD of reporting requirements, data requirements, and deadlines through regular emails and conference calls.
- In an effort to fully and consistently utilize Recovery Act resources, Comptroller Branch Quality Assurance staff performed a review comparing travel authorizations charged to Recovery Act funds versus payroll charging for the same traveler and time period. Several travel authorizations and timecards were identified that did not match, so the Budget Staff contacted the individuals and had them correct their timecards. While an important issue to resolve, it does not rise to the level of material weakness or significant deficiency.
- In support of EPA's priority to ensure adequate oversight of Recovery Act funding, the Office of Financial Management (OFM) selected the Recovery Act Stewardship Plan (RASP) as the first financial policy to be reviewed. The OFM review team spent a week in Region 5 reviewing a sample of Recovery Act grants and contracts, with the goal of verifying overall efficiency, effectiveness, and consistency of the RASP. The review results were not available at the time of this writing; however, should weaknesses be identified, we will notify the appropriate parties.

Over Financial Activities (OMB Circular A-123, Appendix A)

- ***Control Environment*** – The control environment sets the tone of an organization and is the foundation for all other components of internal controls. The Control Environment provides discipline and structure, as well as the climate which influences the overall quality of internal controls. Attachment 1 Control Environment, details Region 5's approach to utilizing GAO's internal control standards as a guide to effectively and efficiently manage the Region's resources, functions, and processes, and safeguarding them against fraud, waste, and abuse.
- ***Unliquidated Obligations (ULO)*** – Region 5 Detail and Summary certifications for Contracts, Miscellaneous, and Travel ULOs were completed in the ULO certification database by June 1, 2011. Additionally, the Comptroller's Branch Quality Assurance Team

performed a Circular A-123 review of the Unliquidated Obligation review process and classified four of four key controls tested as effective. See Attachments 2 and 3, ULO Review Design and Review Certification for details.

- ***Superfund State Contract (SSC) Process*** – Review of the Superfund State Spreadsheet was a two part process in FY11. Part one required reviewing a 25% random sample of SSC sites, verifying completeness and accuracy of the information reported quarterly to the Cincinnati Finance Center. The Region 5 Comptroller certified on May 5 that the review found the information to be accurate and complete (Attachment 4). Part two of the process required a review of key controls of the Region’s SSC process to ensure the controls reviewed were effective. The review found three of three controls effective. Details of the SSC Process review can be found in Attachment 5.
- ***Recovery Act Stewardship Plan (RASP)*** – Review of high risk control objectives and medium risk post award control objectives found in general, Region 5 monitoring activities are consistent with RASP. For review details, please see Attachment 6.
- ***Superfund Site Identifier ZZ Account*** – While the Superfund Division has the lead for the Superfund Site Identifier (SSID) ZZ Accounts, the Comptroller Branch Quality Assurance Team assessed four key internal controls associated with charging costs to the ZZ site identifiers and establishing new SSIDs to ensure the process is functioning effectively. The review found three of the four key controls tested as functioning effectively and one key control as deficient. The deficiency does not rise to the level of material weakness or significant deficiency. The deficient key control will be retested during the 2012 A-123 review. For complete details of the review, see Attachment 7.
- ***Grants Management – Comprehensive Performance Review (CPR), Assessing Conformance with EPA Requirements for Establishing and Managing Grant Files Report, Conducted by Office of Grants and Debarment.*** The CPR report recommended Region 5 implement a file and knowledge management system to consistently track grant files. The Assistance Section made several changes to implement the recommendation. For example, all grant files were consolidated into one centrally located file room, increasing the likelihood that required documents are placed in the grant file. In addition, Assistance Section Team Leaders are required to review all grant actions to ensure the required documents are attached. Finally, Grants Management Officers are required to review close-out documents prior to officially closing grants in the Integrated Grants Management System. This effort also improved compliance with Minority Business Enterprise/Women’s Business Enterprise reporting requirements and subsequent confirmation from the Las Vegas Finance Center that the final Federal Financial Report was received, accepted, and approved. The aforementioned improvements and oversight for grant file management will ensure conformance with Agency requirements for establishing and maintaining grant files.

CURRENT WEAKNESSES

Region 5 does not have the lead for addressing any of EPA’s current weaknesses. However, where appropriate, we provided feedback to Lead Regions on weaknesses for which other offices/regions have the lead.

MANAGEMENT CHALLENGES AND POTENTIAL WEAKNESSES IDENTIFIED BY OIG, GAO, AND OMB

Region 5 does not have the lead for any of EPA's new management challenges or proposed weaknesses.

NEW OR EMERGING ISSUES

Region 5 continues to work on addressing e-discovery issues on a variety of fronts. The management of Litigation Holds is an area that the Office of Regional Counsel (ORC) has focused on and continues to focus on. Court requirements mandate that Litigation Holds be issued for matters where litigation is reasonably foreseeable. This mandate requires employees to save and preserve all documents related to any case in litigation or with the possibility of going into litigation. On April 6, 2011, ORC certified that all pending enforcement cases have Litigation Holds in place. A review of Litigation Holds is ongoing. This preservation requirement is voluminous both in hard copy form and electronically. ORC and the Region lack adequate software and hardware to handle this process in the most efficient and effective method. Note that the Office of Environmental Information (OEI) has purchased and will deploy state-of-the-art software for these tasks within the second half of calendar year 2011. ORC and the Regional Information Management Branch will continue to work together on the process of e-discovery preservation, collection of documents, privilege reviews, and productions of documents.

At this time, Region 5 does not believe the issues described rise to the level of a material or agency weakness. We will continue to monitor the issues and report as appropriate.

ACCOMPLISHMENTS AND BEST MANAGEMENT PRACTICES

Below are highlights of Region 5 Divisions and Offices accomplishments and best practices that demonstrate programs, functions, and resources were protected from fraud, waste, abuse, and mismanagement.

- The Air and Radiation Division (ARD) anticipated a potential increase in workload due to promulgation of the tribal minor New Source Review (NSR) rule. To address the increased workload demand, ARD developed air permitting procedures for staff to utilize when issuing Part 71 and major source construction permits on tribal lands. As a result of proactively addressing workload issues, ARD demonstrated efficient utilization of resources in issuing Federal permits as a result of the new procedures.
- The Land and Chemicals Division (LCD) further refined its data systems for performance measures, financial and human resources, and regional priorities. These systems enable managers to monitor progress and redirect resources as needed. As a result of developing these data systems, LCD managers are able to produce reports utilizing the most current data available to respond to stakeholder requests.
- The Superfund Division (SFD) upgraded its Pipeline Budget Implementation Tracking System (PBITS). The upgrade allowed for additional budget tracking, more robust audit reporting, and a new workflow exchange that alerts requestors, approvers, and SFD managers

about changes to requested and approved amounts in the system. The net results of the improvements are more transparency around the budget planning process, tighter internal controls for budget execution, and better reporting and monitoring to reduce waste.

- The Superfund Division implemented a tracking tool to manage Full Time Equivalent (FTE) utilization. As a result, charging to Enforcement FTE is projected to reach utilization rate of 99.8% in FY 2011, up from 97.5% utilization rate in FY 2010 and 93.2% in FY 2009. The new tracking tool resulted in greater efficiency and effectiveness of program resources.
- Also in FY 2011, the Superfund Division (SFD) created a new process for evaluating opportunities to reimburse prior expenditures (reclassifications) of Superfund appropriated funds with Potentially Responsible Parties, site-specific (Special Account) Funds. The new process resulted in greater control over resources and a more efficient and effective way of managing the program and division. As a result of the new process, in FY 2011 SFD identified a significant number of reclassifications, which are projected to reach \$9 million in FY 2011. The projection is close to 50% higher than the \$5.2 million reclassified in FY 2009.
- The Water Division (WD) integrated FMFIA requirements and the annual Quality Assurance Annual Report and Work Plan (QAARWP). WD found that combining the two makes for an efficient approach to establish a sound control environment and a quality program review strategy.
- Office of Regional Counsel (ORC) worked with the Comptroller Branch Audit Liaison, and representatives from each division and office, to update procedures and provide guidance on handling the regional procedure for resolving assistance disputes, grant appeals, and financial law work. The purpose of revising standard operating procedures was to formalize the procedures among the Region 5 Divisions and Offices and to set forth operating guidance for program administration and legal counseling on these and related financial law matters. The procedures are designed to promote and maintain a close cooperative working relationship between the Divisions and Offices and ORC, the results of which will assist in attaining the Region's and Agency's goals concerning resolving disputes and addressing other EPA financial program and legal issues.
- Comptroller Branch Program, Accounting and Analysis Section worked with Headquarters to correct negative balances on the Superfund State Contract (SSC) Available Balances report. Several administratively closed SSCs were shown on the report as having negative balances (overruns). Many of the issues dated back ten or more years, which required extensive research. Once the overrun cause was identified, PAAS staff worked with the Region 5 Superfund Division and the Cincinnati Finance Center to resolve the problem. As of July, 2011, all Region 5 overruns were corrected.

CLOSING

Thank you for the opportunity to report on the soundness of Region 5 internal controls. If you or your staff have any questions or require additional information, please feel free to contact me, Bharat Mathur, Deputy Regional Administrator, 312-886-3000 or Walter Kovalick, Assistant Regional Administrator, 312-886-0147.



Correspondence Management System

Control Number: AX-11-001-3043

Printing Date: August 03, 2011 01:16:45



Citizen Information

Citizen/Originator: Berry, John

Organization: United States Office of Personnel Management

Address: 1900 E Street, NW, Washington, DC 20415

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3043

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Aug 2, 2011

Received Date: Aug 3, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: MEM (Memo)

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- This memorandum is to inform you of an interagency effort to enhance SES performance management.

Instructions: For Your Information -- No action required

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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OARM	Aug 3, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OARM	Aug 3, 2011

Comments



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

August 2, 2011

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: JOHN BERRY
Director

A handwritten signature in black ink, reading "John Berry", is written over the printed name and title.

Subject: President's Management Council (PMC) Senior Executive Service (SES)
Workgroup on Performance Management

This memorandum is to inform you of an interagency effort to enhance SES performance management. At the present time, Federal agencies apply a vast number of different SES performance management systems and approaches to communicate and evaluate executive performance. This lack of uniformity complicates the Federal Government's ability and success to promote simplicity and accountability in managing executive performance. The absence of a standardized system has also created complications and administrative burdens for agencies to achieve approval and certification of their performance appraisal systems.

Last year, the PMC sponsored an interagency SES Initiative to revitalize the SES, and a PMC-chartered workgroup tasked with identifying ways to streamline the SES performance appraisal system certification process produced a recommendation that the Federal Government develop a standard SES performance management system. This concept will significantly improve the certification process and the overall performance management of senior executives by providing a common framework and structure – while enabling agency customization – thereby improving consistency, clarity, transferability, efficiency, and accountability. A standard system will also foster a holistic approach for selecting, developing, appraising, recognizing, and retaining a diverse and high-performing cadre of Federal executives.

Recently, the PMC chartered another interagency workgroup to coordinate on the development of a standard SES performance management system. This workgroup is composed of a broad group of Federal agencies, and is led by a steering committee composed of the following volunteer agencies: OPM; OMB; Department of Defense; Office of the Director of National Intelligence; Department of Energy; Department of Labor; Department of Health and Human Services; Department of Veterans Affairs; Nuclear Regulatory Commission; and the Federal Energy Regulatory Commission. The workgroup will review Federal agency models to capitalize on existing practices that may be adopted or adapted, and also consider private sector executive performance management practices through consultation with the President's Management Advisory Board. Through a very aggressive timeline, the workgroup aims to complete the design by the end of September; however, agencies will implement the new system in a phased manner over the course of the next two years, as their certifications near expiration, to ensure a smooth transition.

I appreciate the time and effort devoted by your agencies to this important endeavor, and I ask for your full support. This initiative provides a significant opportunity for Federal agencies to collaborate on a standard solution, allowing us to innovatively improve our management of executives in the Federal Government.

Please distribute this memorandum to your agencies' Chief Human Capital Officers and Executive Resources staff; their input and support will be essential to our next steps. If you have any questions, please contact Steve Shih, Deputy Associate Director for Executive Resources and Employee Development, by telephone at (202) 606-8046 or by e-mail at sespolicy@opm.gov.

cc: Chief Human Capital Officers
Human Resources Directors



Correspondence Management System

Control Number: AX-11-001-3047

Printing Date: August 03, 2011 12:50:07



Citizen Information

Citizen/Originator: Graybill, Thea

Organization: National Association of Clean Water Agencies
Address: 1816 Jefferson Place, NW, Washington, DC 20036

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3047 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Aug 2, 2011 **Received Date:** Aug 3, 2011
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: DRF - Letter to Administrator Jackson on Numeric Nutrient Criteria
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
R1 - Region 1 -- Immediate Office
R10 - Region 10 -- Immediate Office
R2 - Region 2 -- Immediate Office
R3 - Region 3 - Immediate Office
R4 - Region 4 -- Immediate Office
R5 - Region 5 -- Immediate Office
R6 - Region 6 -- Immediate Office
R7 - Region 7 -- Immediate Office
R8 - Region 8 -- Immediate Office
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

August 2, 2011

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

Dear Administrator Jackson,

Nitrogen and phosphorus are unlike any pollutants previously addressed through the Clean Water Act (CWA). The unique properties of these nutrients and the varying responses aquatic ecosystems can exhibit when nutrient levels increase or decrease demand special consideration when crafting control approaches. The undersigned organizations and their respective members are ready to do their fair share to address nutrient-related impacts where water quality goals are attainable, measurable, and meaningful and are achieved through the most cost-effective nutrient control measures by all relevant sources, including nonpoint sources such as agriculture.

The municipal clean water community, however, continues to be the only major source of nutrients held accountable for its contributions in most parts of the country and has already invested billions of dollars of ratepayer money to address this critical water quality challenge. Given that tens of billions of dollars in additional investment may be needed nationwide to address our sector's contribution of nutrients, there must be certainty as to the corresponding water quality outcomes from these investments. Therefore, it is critical that the U.S. Environmental Protection Agency (EPA) enable the States to develop meaningful water quality goals to serve as the foundation of the CWA's total maximum daily load (TMDL) and permitting programs. This will serve to help ensure that nutrient loading reductions are both cost-effective and sustainable and the investments municipalities make have a real and significant impact on water quality while maximizing overall environmental benefit.

With this as context, we recommend that EPA accept approaches that do not fit its current mold for developing water quality criteria. EPA's continued insistence that States develop independently applied numeric criteria for both nitrogen and phosphorus for all waters is hindering progress and we urge EPA to embrace and support the many innovative approaches being employed by, and available to, States to reduce nutrient loadings.

Recently, concerns have been raised about an apparent conflict in two EPA policy statements. The first is a March 1, 2011 letter from Nancy Stoner, Acting Assistant Administrator for EPA's Office of Water, responding to a letter from the New England Interstate Water Pollution Control Commission. The second is a March 16, 2011 memorandum from Ms. Stoner to the EPA Regional Administrators. The March 1 letter was in response to correspondence regarding the

nutrient criteria being developed by two States in the Northeast. The States' preferred methodology relies on a weight of evidence approach for determining when designated uses were not being met. The Agency's response was clear – States must adopt numeric nutrient criteria (NNC) in all waterbodies for both nitrogen and phosphorus and those numeric values must be applied independent of any other information (e.g., biological indicators of water quality) to determine whether a use was being impaired. The letter was interpreted as limiting State innovation when responding to local water quality needs.

Two weeks later, however, EPA issued the March 16 memorandum which stressed that States must take the lead in addressing nutrients and that they "need room to innovate and respond to local water quality needs, so a one-size-fits-all solution to nitrogen and phosphorus pollution is neither desirable nor necessary." While the March 16 memorandum suggested additional flexibility from EPA on the development of NNC, in reality the memorandum only provided the timeframe and process in which EPA expects all States to develop NNC for nitrogen and phosphorus for all waters. The March 16 memorandum also states that in the interim, while States work to develop these NNC, they should focus on making reductions by ensuring the "effectiveness of point source permits".

Though the March 16 memorandum contained some language that could be read as EPA being open to flexible approaches, it simply gave "interested and willing states" more time to develop independently applicable NNC for all waters. This federal model for numeric criteria development has not been working and has only resulted in further delay in implementing nutrient controls. States are exploring new approaches, including:

- Adopting criteria for response variables, such as chlorophyll *a* or dissolved oxygen, instead of numeric values for nitrogen and phosphorus;
- Developing predictive tools and models to evaluate nutrient impacts and protect unimpaired waters;
- Timing technology upgrades for nutrient control with wastewater treatment plant upgrades;
- Taking steps to control nutrients to protect downstream uses, such as monitoring to ensure uses are maintained, setting permit limits that ensure upstream discharges do not cause exceedances of downstream criteria, and applying antidegradation rules at upstream sites;
- Using other indicators of adverse water quality impacts in a waterbody to direct reduction activities;
- Exploring the use of water quality trading to achieve nutrient reductions;
- Prioritizing to make targeted reductions to address key watersheds first using existing narrative standards.

EPA must embrace and support these types of approaches and ensure that other States have the flexibility to undertake similar efforts.

States must be able to look beyond simple numeric values for nitrogen and phosphorus and use different approaches and strategies as needed to address the unique needs of a particular watershed. Where numeric values that lack a meaningful link to water quality are simply imposed, as with the federal nitrogen and phosphorus criteria developed by EPA for Florida's rivers and streams, there are significant concerns that implementation will be costly and ineffective in protecting the environment. Efforts in the Chesapeake Bay have demonstrated that NNC for response variables, instead of nitrogen and phosphorus, can still enable TMDL development and CWA permitting. Criteria development efforts in Ohio are demonstrating that a weight of evidence approach, using biology in addition to concentrations of nitrogen and phosphorus, can be used not only to evaluate impairment, but to predict adverse water quality impacts and prevent impairments in waters that are currently healthy. In Kansas, real progress is being made in addressing nutrient-related water quality impacts even though the State has not developed any numeric nutrient criteria. At the same time as supporting these different State efforts, EPA must use the full suite of CWA tools currently available, including adaptive management and variances like the approach being explored by Montana, to ensure criteria implementation is as flexible as possible. Where NNC are developed, they must:

- Be technically and scientifically defensible, and adequately reflect the full range of biological, chemical, and physical properties of the waterway, ultimately protecting the designated use;
- Be based on a demonstrated and quantified cause and effect relationship and appropriately qualified by the uncertainty in that relationship; and
- Not be used as the basis for imposing nutrient controls unless the weight of the evidence indicates that impacts have resulted, or will result, from excess nutrients.

Reliance on criteria development and permit implementation approaches that are poorly linked to the ecological effects of nutrient pollution will result in major expenditures for point sources with possibly no or minimal improvement to water quality for many waters and potentially having a greater overall environmental impact (e.g., greenhouse gas release, raw material consumption, etc.). This is especially true in the majority of watersheds nationwide where point sources are not the predominant source of nutrient loadings. At the same time, placing an emphasis on reducing nutrient loadings ahead of criteria development, as encouraged in the March 16 memorandum, will similarly result in a waste of resources if there is a lack of connection to the specific ecological needs of a waterbody. Reducing nutrient loadings cannot be presumed to yield positive outcomes in all cases and efforts to address impacts must be prioritized based on an understanding of the underlying biological conditions.

Ultimately, for real progress to be made on this critical issue, more comprehensive change is needed to ensure all sources of nutrients are equitably incorporated into any viable solution and held accountable for their fair share. Too often point sources, even in cases where they represent a fraction of the total load, are being required to achieve reductions at the limits of

technology simply because they are deemed by EPA to be the only controllable source under the CWA. Recent examples in New Hampshire and Colorado underscore this inequity in nutrient control implementation.

Again, the undersigned organizations urge EPA to focus on water quality, not process, and embrace and support the many innovative approaches being employed by States to reduce nutrient loadings.

Signed

National Association of Clean Water Agencies
Water Environment Federation
Association of Environmental Authorities of New Jersey
Association of Ohio Metropolitan Wastewater Agencies
Bay Area Clean Water Agencies
California Association Sanitation Agencies
Colorado Nutrient Coalition
Colorado Stormwater Council
Colorado Wastewater Utility Council
Georgia Association of Water Professionals
Florida Water Environment Association Utility Council
Illinois Association of Wastewater Agencies
Kansas Water Environment Association
Lower Neuse Basin Association
Maryland Association of Municipal Wastewater Agencies
Massachusetts Coalition for Water Resources Stewardship
Massachusetts Water Pollution Control Association
Missouri Water Environment Association
New England Water Environment Association
Neuse River Compliance Association
New York Water Environment Association
Oregon Association of Clean Water Agencies
Rocky Mountain Water Environment Association
South Carolina Water Quality Association
Southern California Alliance of Publicly Owned Treatment Works
Texas Association of Clean Water Agencies
Virginia Association of Municipal Wastewater Agencies
Water Environment Association of Texas
Western Coalition of Arid States

cc: Nancy Stoner, Acting Assistant Administrator, Office of Water, U.S. EPA



Correspondence Management System

Control Number: AX-11-001-3049

Printing Date: August 03, 2011 12:42:09



Citizen Information

Citizen/Originator: McGregor, Carol

Organization: Cedar-Knox Public Power District
Address: P.O. Box 947, Hartington, NE 68739

Leise, Dan

Organization: Cedar-Knox Public Power District
Address: P.O. Box 947, Hartington, NE 68739

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3049 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Aug 2, 2011 **Received Date:** Aug 3, 2011
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: DRF - Proposed Electric Generating Unit Maximum Achievable Control Technology Rules
Docket ID No. EPA-HQ-OAR-2009-0234
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R7 - Region 7 -- 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	Aug 3, 2011	Aug 18, 2011	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.			



CEDAR-KNOX PUBLIC POWER DISTRICT

P.O. BOX 947 • HARTINGTON, NEBRASKA 68739

PHONE (402) 254 6291

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 1, 2011

Dear Administrator Jackson:

As CEO of the Cedar-Knox Public Power District, I am writing in regard to EPA's proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Our utility 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 utility'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 utility 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.


www.cedarknoxppd.com

"LIVE BETTER ELECTRICALLY"

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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Leise".

Dan Leise
General Manager
Cedar-Knox Public Power District

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



Correspondence Management System

Control Number: AX-11-001-3051

Printing Date: August 03, 2011 12:37:31



Citizen Information

Citizen/Originator: **Suess, Neal D.**

Organization: Loup Power District

Address: PO Box 988, Columbus, NE 68602-0988

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3051

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Aug 2, 2011

Received Date: Aug 3, 2011

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

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

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R7 - Region 7 -- 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	Aug 3, 2011	Aug 18, 2011	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

Action By	Office	Action	Date
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LOUP POWER DISTRICT

"SERVING YOU ELECTRICALLY"

GENERAL OFFICE

2404 15th Street

P.O. Box 988

Columbus, NE 68602-0988

Phone:

402/564-3171

Fax:

402/564-0970

August 2, 2011

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

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

Dear Honorable Lisa P. Jackson:

As the President/CEO of the Loup River Public Power District (District) in Columbus, Nebraska, I am writing in regard to the Environmental Protection Agency's (EPA) proposed rules regarding electric generating unit maximum achievable control technology (EGU MACT). The District is a total requirements electric purchaser from the Nebraska Public Power District (NPPD). Over the years, in order to best protect the consumers of electricity in the State of Nebraska, NPPD has done an excellent job of diversifying generating resources. The current energy mix for NPPD is approximately fifty (50) percent coal, forty (40) percent nuclear, with the remaining ten (10) percent consisting of natural gas, wind and hydroelectric power. Each of NPPD's two coal-fired power plants, which consist of two units each, use low-sulfur Powder River Basin coal and have state of the art baghouses that basically eliminate visual emissions and reduce mercury emissions by approximately fifty (50) percent.

On behalf of the District's customer base, we have serious concerns regarding the proposed rules being set forth by the EPA. It is our belief that these new rules do not provide NPPD with enough time to comply, and that with this short time frame, the District may be at risk for absorbing large increases in electric rates that could create economic hardship on our consumers. In addition, there is significant concern regarding reliability of supply should NPPD have to decrease generation or prematurely retire some of this generation. NPPD has indicated if scrubbers are required, the potential cost estimate for just the two largest units could be \$1,000,000,000 (one billion dollars). The District's share of these costs would cause a significant increase in our retail rates.

While the District supports reasonable initiatives to enhance air quality, while maintaining a reasonable cost structure, we are aware that every form of electric generation comes with certain environmental consequences. The District's customers expect and demand reliable, affordable electricity and we are opposed to rules and deadlines that unreasonably increase costs, impact reliability and ultimately reduce jobs for the American people.

We request the EPA review and rethink these rules and deadlines as proposed under the EGU MACT rules, and consider the potential harm to the economy of these mandates. Almost half of the electric generation in the United States is fired using coal as a fuel. These rules, as proposed, will impact a significant portion of the industry and impact reliability. Additionally, it is our belief that the EPA should also reconsider regulating acid gases in the United States. This is not a requirement under the Clean Air Act and including these regulations will make it costly and difficult to meet compliance under the timelines established in these regulations.

Thank you for your consideration of this request.

Sincerely

A handwritten signature in black ink, appearing to read 'Neal D. Suess', written in a cursive style.

Neal D. Suess, P.E.
President/CEO

C: Governor David Heineman
Mr. Mike Linder, Director, Nebraska Department of Environmental Quality
Nebraska Congressional Delegation



Correspondence Management System

Control Number: AX-11-001-3097

Printing Date: August 03, 2011 04:27:05



Citizen Information

Citizen/Originator: Harrell, Robert W

Organization: South Carolina House of Representatives

Address: P.O. Box 11867, Columbia, SC 29211

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3097 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 29, 2011 **Received Date:** Aug 3, 2011
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: DRF - National Fuel Economy Standards
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OARM - OARM -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
OP - Office of Policy
OSBP - Office of Small Business Programs
R4 - Region 4 -- 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	Aug 3, 2011	Aug 18, 2011	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



Office of the Speaker
South Carolina House of Representatives

P. O. BOX 11867

Columbia 29211

(803) 734-3125

July 29, 2011

ROBERT W. HARRELL, JR.
SPEAKER OF THE HOUSE

RECEIVED
2011 AUG-3 PM 12:29
OFFICE OF THE
EXECUTIVE SECRETARY

DISTRICT 114
CHARLESTON-DORCHESTER
COUNTIES

HOME ADDRESS
1625 BULL CREEK LANE
CHARLESTON, SC 29414
(843) 572-1500

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

As you work to develop national fuel economy standards for 2017-2025, I felt it important to express some of my views on the impact those standards may have on the economic vitality of our country and encourage you to give full consideration to the impact these new standards will have on the people and businesses in our country.

First, let me state that I have great concerns about our country's dependence on oil from the Middle East. This is one of the reasons I have long supported efforts to develop alternative energies as well as efforts to improve domestic production of oil. I believe that breaking our country's addiction to foreign oil is important to the future security of our country.

However, I believe it is important that your agencies strike an appropriate balance in your development of additional national fuel economy standards. As you know, strong standards have already been established by NHTSA and the EPA for 2012-2016 which increase fleet averages by 40% to 35 miles per gallon. It will be important to keep in mind the impacts that the standards your agencies establish will have on individuals, families and businesses moving forward.

If regulations provide standards that are overreaching, it can place a significant cost burden on the people and businesses in every state. Transportation is key to the economy in every state in our country. It impacts every business and every industry. In a state such as South Carolina, with a wide array of business and industry, the potential impacts can be found on everyday businesses from tourism to agriculture.

July 29, 2011

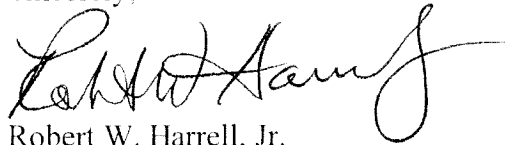
Page Two

Thus, it is vital that your agencies adopt a national fuel economy standard that considers our country's need for increased fuel economy while also preserving choices for families and businesses to meet their transportation needs without sacrificing affordability, safety or jobs. Doing this will mean giving consideration to the wide range of needs of families and businesses across this country in addition to the important issues of affordability and choice for consumers.

Finally, it is my belief that the next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. I hope and trust that these factors will also be a part of your consideration when making decisions about our country's future fuel standards.

Thank you for your attention to this matter and please feel free to contact me if you have any questions or if I can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Harrell, Jr.", with a stylized, cursive script.

Robert W. Harrell, Jr.
Speaker of the House

RWHjr:bsw



Correspondence Management System

Control Number: AX-11-001-3098

Printing Date: August 03, 2011 04:12:15



Citizen Information

Citizen/Originator: Price, Mickey

Organization: Gaston County

Address: 128 West Main Avenue, PO Box 1578, Gastonia, NC 28053-1578

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3098

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Jul 28, 2011

Received Date: Aug 3, 2011

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: DRF - Request for EPA to carefully examine all the possible outcomes of lowering ozone standards

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

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
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: Katherine Bass

Office: OAR-OAQPS-HEID

Due Date: Aug 12, 2011

Assigned Date: Aug 3, 2011

Complete Date: N/A

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

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Aug 3, 2011	Aug 18, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OAQPS	Aug 3, 2011	Aug 15, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				
Jean Walker	OAR-OAQPS	OAR-	Aug 3, 2011	Aug 12, 2011	N/A

Gaston County
Board of Commissioners
www.gastongov.com



Donnie Loftis
Chairman
Gastonia Township

Tracy L. Philbeck
Vice-Chairman
Dallas Township

Chad Brown
Riverbend Township

Joe D. Carpenter
Crowders Mtn. Township

Allen R. Fraley
Cherryville Township

Tom Keigher
Gastonia Township

Mickey Price
South Point Township

Jan Winters
County Manager

Charles L. Moore
County Attorney

Martha M. Jordan
Clerk to the Board

Mission Statement
Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

GASTON COUNTY, NORTH CAROLINA

July 28, 2011

Ms. Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Jackson:

Dropping the 2008 ozone standard to a new level as low as 60 ppb would disrupt investment and job creation in our community, threatening the ability of our citizens to find family-wage work and maintain an acceptable standard of living. I ask that you take no action on the ozone standard at this time.

As a commissioner of Gaston County, North Carolina, I am very concerned about the economic effects of lowering the ozone standard. Even a reduction to 70 ppb would put Gaston County in nonattainment status, along with 47 other counties in our state.

The lowest proposed limits could affect as many as 55 counties, potentially hindering new facility construction, business permitting, access to federal highway funds and economic development efforts in all of them.

North Carolina ozone levels are already improving under the present standards. Unhealthy days for O₃ continue to decrease, and more reductions are expected as a result of emission mitigating programs and factors including idle reduction mandates, school bus retro refits and motor vehicle fleet turnover. Some North Carolina utilities are even considering switching from coal to natural gas to lower their emissions.

Given all this, it seems very unwise to further lower ozone standards just three years into the present regulatory program, when doing so would heavily impact businesses both small and large. Everyone from major manufacturers to family owned auto body shops and filling stations would be affected.

All told, it is estimated that an ozone standard set at the lowest proposed level could potentially trigger the loss of well over 100,000 North Carolina jobs, and saddle local governments and businesses with \$9.5 billion in annual attainment costs. It would be a terrific blow to our state and the families that live here.

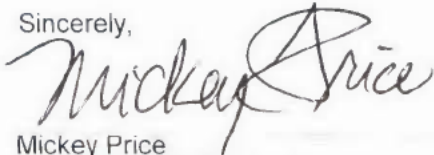
All told, it is estimated that an ozone standard set at the lowest proposed level could potentially trigger the loss of well over 100,000 North Carolina jobs, and saddle local governments and businesses with \$9.5 billion in annual attainment costs. It would be a terrific blow to our state and the families that live here.

RECEIVED
2011 AUG -3 PM 12:29
OFFICE OF THE
EXECUTIVE SECRETARIAT

Ms. Lisa Jackson
July 28, 2011
Page 2

Please carefully examine all the possible outcomes of lowering ozone standards. I firmly believe that any environmental benefits new standards might achieve are not nearly worth the harm they *would do to* North Carolina businesses and families. You should abandon this plan at this time.

Sincerely,

A handwritten signature in black ink that reads "Mickey Price". The signature is fluid and cursive, with the first name "Mickey" and last name "Price" clearly legible.

Mickey Price
Commissioner, Gaston County

Cc: The White House Office of Public Engagement and Intergovernmental Affairs
White House Chief of Staff Bill Daley
Senator Richard Burr
Senator Kay Hagan



Correspondence Management System

Control Number: AX-11-001-3099

Printing Date: August 03, 2011 03:38:36



Citizen Information

Citizen/Originator: Herring, J.D.

Organization: City of Quitman (Georgia)

Address: P.O. Box 208 100 W. Screven Street, Quitman, GA 31643

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3099

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Jul 27, 2011

Received Date: Aug 3, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

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- On behalf of the City of Quitman, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules.

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
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R4 - Region 4 -- 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	Aug 3, 2011	Aug 17, 2011	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.			

CITY COUNCIL:
CURTIS L. PICKELS, Mayor
ANNIE D. BOWER, Mayor Pro-Tem
WENDELL CHISHOLM
VIRGIL WALKER, JR.
NIKKI L. BRADLEY

City of Quitman

CITY OFFICIALS:
J. D. HERRING, City Manager
JANICE M. JARVIS, Clerk & Treasurer
C. GERALD SPENCER, Attorney
CLAY PHILLIPS, Fire Chief
WESLEY ROSS, Police Chief

July 27, 2011

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

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234

RECEIVED
2011 AUG - 3 PM 12: 29
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

On behalf of the City of Quitman, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Our community-owned, non-for-profit electric utility serves approximately 2,360 customers. We supply electricity produced in part by coal-fired electric generating units that could be significantly impacted by the proposed EGU MACT rule – even though those coal units are already well-controlled for mercury and for criteria pollutants such as sulfur dioxide and nitrogen oxides.

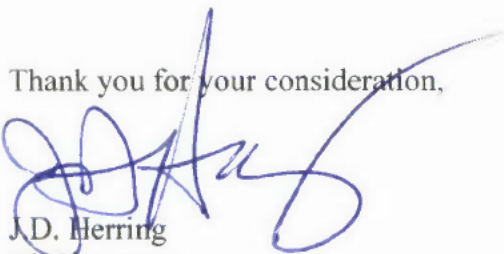
We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use. As a not-for-profit electric utility owned and operated by local government, we support these Executive Orders that call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame.

Our concerns include the following:

- The proposed rules create a risk of having to raise electricity rates, that could cause our customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule raises electricity reliability issues in some regions in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired capacity may face retirement nationally because of the rules, other industry analysts and the North American Electric Reliability Corporation (NERC) estimate that at as many as 70 GW of capacity could face retirement.

- EPA's economic and reliability analysis in the proposed rules addresses only impacts from the proposed EGU MACT regulations. The analysis does not address the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed EGU MACT rules include many additional requirements beyond those to reduce mercury emissions. Control of other emissions under the EGU MACT rule may not be necessary or required under the Clean Air Act or based EPA's own hazardous air pollutants study. EPA should consider whether to decline to adopt the rules not related to control of mercury emissions.
- The statutorily imposed three-year time frame for compliance with the EGU MACT rules is too short. The electric industry needs at a minimum, an additional two years to avoid reliability issues that could arise when coal fired power plants must shut down for an extended period to retrofit emissions controls needed to comply with the rule. We respectfully encourage EPA to grant the one-year extension it is statutorily allowed to do and urge that a second year of extension is granted via a presidential order.
- EPA's own Regulatory Impact Analysis (RIA) appears to suggest that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs appear to significantly underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.

Thank you for your consideration,



J.D. Herring
City Manager
City of Quitman, Georgia

Cc: Honorable Sanford Bishop, Member of Congress
Senator Saxby Chambliss
Senator Johnny Isakson



Correspondence Management System

Control Number: AX-11-001-3100

Printing Date: August 03, 2011 04:03:06



Citizen Information

Citizen/Originator: Roberts, Kenneth D C

Organization: City of Barnesville

Address: 109 Forsyth Street, Barnesville, GA 30204

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3100

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Jul 26, 2011

Received Date: Aug 3, 2011

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 the City of Barnesville writing EPA proposed electric generating unit maximum achievable control technology (EGU MACT) rules Docket ID Nos. EPA-HQ-OAR-2009-0234

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

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

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Aug 3, 2011	Aug 17, 2011	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



City of Barnesville

"Buggytown U.S.A."

109 FORSYTH STREET
BARNESVILLE, GEORGIA 30204
PHONE 770-358-0181
FAX 770-358-0185

CITY MANAGER
KENNETH D. ROBERTS

CITY CLERK
CAROLYN S. PARKER

July 26, 2011

MAYOR
PETER L. BANKS

COUNCIL MEMBERS
ANNE H. CLAXTON
CHRISTOPHER HIGHTOWER
SAMMIE D. SHROPSHIRE, JR.
ROBERT NEAL DEVANE
MARK R. STONE

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

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234

Dear Administrator Jackson:

On behalf of the City of Barnesville, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Our community-owned, non-for-profit electric utility serves 3,500 customers. We supply electricity produced in part by coal-fired electric generating units that could be significantly impacted by the proposed EGU MACT rule – even though those coal units are already well-controlled for mercury and for criteria pollutants such as sulfur dioxide and nitrogen oxides.

We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use. As a not-for-profit electric utility owned and operated by local government, we support these Executive Orders that call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame.

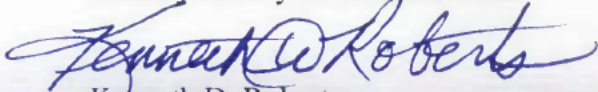
Our concerns include the following:

- The proposed rules create a risk of having to raise electricity rates, that could cause our customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule raises electricity reliability issues in some regions in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired capacity may face retirement nationally because of the rules, other industry analysts and the North American Electric Reliability Corporation (NERC) estimate that at as many as 70 GW of capacity could face retirement.

RECEIVED
2011 AUG - 3 PM 12: 29
OFFICE OF THE
EXECUTIVE SECRETARIAT

- EPA's economic and reliability analysis in the proposed rules addresses only impacts from the proposed EGU MACT regulations. The analysis does not address the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed EGU MACT rules include many additional requirements beyond those to reduce mercury emissions. Control of other emissions under the EGU MACT rule may not be necessary or required under the Clean Air Act or based EPA's own hazardous air pollutants study. EPA should consider whether to decline to adopt the rules not related to control of mercury emissions.
- The statutorily imposed three-year time frame for compliance with the EGU MACT rules is too short. The electric industry needs at a minimum, an additional two years to avoid reliability issues that could arise when coal fired power plants must shut down for an extended period to retrofit emissions controls needed to comply with the rule. We respectfully encourage EPA to grant the one-year extension it is statutorily allowed to do and urge that a second year of extension is granted via a presidential order.
- EPA's own Regulatory Impact Analysis (RIA) appears to suggest that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs appear to significantly underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.

Thank you for your consideration.



Kenneth D. Roberts

City Manager

Cc: Senator Johnny Isakson
Senator Saxby Chambliss
Representative Lynn Westmoreland



Correspondence Management System

Control Number: AX-11-001-3101

Printing Date: August 03, 2011 03:51:07



Citizen Information

Citizen/Originator: Yost, Dave

Organization: Auditor of State (Ohio)

Address: 88 East Broad Street, Columbus, OH 43215

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3101

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Jul 29, 2011

Received Date: Aug 3, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

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- Raising light vehicle fuel economy standards to the levels proposed would be an expensive mandate that Ohio's economy simply cannot afford. I ask that you reconsider this proposal.

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
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R5 - Region 5 -- 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	Aug 3, 2011	Aug 17, 2011	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.			



Dave Yost • Auditor of State

July 29, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

After several years of decline, Ohio's economy is on the rebound as more Ohioans are finding work and growing their families here in the Buckeye State. I am writing with concern about reports that the National Highway Traffic Safety Administration and the Environmental Protection Agency are considering a proposal to roughly double the light vehicle fuel economy standards for U.S.-made vehicles by 2025. Just as Ohio's economy is showing signs of momentum, this overly aggressive mandate may put the brakes on our economic recovery.

A recent study by the Ohio Department of Development found that the auto industry currently supports close to 400,000 jobs in Ohio alone. This includes not only the 37,000-plus workers directly employed by vehicle manufacturers, but also the hundreds of thousands more that work for parts suppliers, spin-off companies and other businesses that serve the needs of this important sector of our economy.

Part of our Ohio family includes the world headquarters of Cooper Tire & Rubber, Parker-Hannifin, and Goodyear Tire & Rubber, all of which provide thousands of jobs to Northern Ohioans because of their relationship with the automobile industry. In Central Ohio, a Honda manufacturing facility employs over 13,000 employees. We are proud to have these companies call our state home so we work hard to give businesses an opportunity to flourish, and not to implement burdensome mandates.

The Center for Automotive Research, based in Ann Arbor, Mich., recently published a study based on government data which shows that extreme standards will cost the auto manufacturing industry about 260,000 jobs and could force vehicle prices up by nearly \$10,000—a cost that for the most part would be borne by customers. While it may be feasible to design a lighter vehicle, the study

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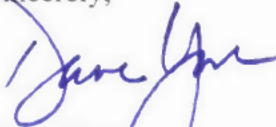
2011 AUG -3 PM 12:28

RE
D

finds it will require an investment of billions of dollars – for such things as all-new advanced power trains and exotic lightweight materials – with no guarantee that they will be successful in the market.

Raising light vehicle fuel economy standards to the levels proposed would be an expensive mandate that Ohio's economy simply cannot afford. I ask that you reconsider this proposal.

Sincerely,



Dave Yost
Ohio Auditor of State



Correspondence Management System

Control Number: AX-11-001-3114

Printing Date: August 03, 2011 03:41:49



Citizen Information

Citizen/Originator: Howard, Carl

Organization: National Education Association Healthy Schools Caucus

Address: 4028 Lake Underhill Avenue, Orlando, FL 32803

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3114

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 17, 2011

of Extensions: 0

Letter Date: Aug 1, 2011

Received Date: Aug 3, 2011

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 Urge you to support EPA's voluntary, cost-effective Indoor Air Quality Tools for Schools program and ensure that it is not eliminated

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	Aug 3, 2011	Aug 17, 2011	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

Action By	Office	Action	Date
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DAILY READING FILE

Message Information

Date 08/01/2011 06:06 PM
From Carl Howard <MrCarlHoward@hotmail.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc Bob Perciasepe/DC/USEPA/US@EPA; Gina McCarthy/DC/USEPA/US@EPA
Subject Tools for Schools

Message Body

Dear Administrator Jackson:

I enjoyed attending the 2010 EPA Tools for Schools symposium in Washington, DC and appreciated your comments at that symposium. I am grateful to you for championing EPA's Healthy Schools Initiative and fully support these efforts. I understand these are tough times for all the federal agencies and especially EPA.

I also know these are tough times for schools and for children and other school occupants.

Nevertheless, I urge you to support EPA's voluntary, cost-effective *Indoor Air Quality Tools for Schools* program and ensure that it is not eliminated. As asthma is the leading cause of school absenteeism; we must do more, not less, to promote clean, healthy indoor air in schools.

Clear and convincing research shows that improving specific school indoor environmental quality factors can improve health, attendance, and achievement, and reduce health care costs and district operating costs. Helping schools prevent environmental problems is a tough job, but one that results in savings for schools and tax payers, as well as many benefits for children and their educational outcomes – especially for children with disabilities who may be even more vulnerable. This is a win for everyone.

Please do not defund and archive the toolkit, as proposed in the President's FY 12 Budget for EPA. IAQ TFS does much more than just address typical IAQ issues- it provides the framework for addressing on all school-level indoor environmental issues, such as chemical clean outs, IAQ, molds, renovations, design. It sets forth models of how schools can be successful with a coordinator and team approach.

Thanks in advance for your attention on this matter.

Carl Howard, Secretary
National Education Association Healthy Schools Caucus

4028 Lake Underhill Ave, Apt K
Orlando FL 32803



Correspondence Management System

Control Number: AX-11-001-3115

Printing Date: August 03, 2011 05:00:36



Citizen Information

Citizen/Originator: Cooper, Jim

Organization: Protect Our Watersheds

Address: 390 Coral Creek Drive, Cape Haze, FL 33946

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3115

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jul 20, 2011

Received Date: Aug 3, 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: Daily Reading File- Re: Support for Aerial Radiation Surveys of Former Florida Phosphate Mines

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
OSWER - OSWER -- Immediate Office
OW - Office of Water -- Immediate Office
R4 - Region 4 -- 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	OSWER	Aug 3, 2011

History

Action By	Office	Action	Date
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Protect Our Watersheds

390 Coral Creek Drive
Cape Haze, FL 33946

RECEIVED

2011 AUG -3 PM 12:55

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 20, 2011

Honorable Lisa Jackson, Administrator
US Environmental Protection Agency
Ariel Rios Building, 1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Support for Aerial Radiation Surveys of Former Florida Phosphate Mines

Dear Administrator Jackson:

We are a group of Florida community and environmental organizations, listed below, which have been active for many years in efforts to ensure that the phosphate mining industry in Florida complies with environmental laws and requirements, and that the risks of mining are fully understood and properly addressed. Newspaper articles have recently disclosed a February 16, 2011 letter to you from several Florida congressmen who believe that USEPA should cease plans to conduct aerial radiation surveys of former Florida phosphate mines.

Our members live in the districts represented by the congress persons involved. We strongly support a full scientific review of the impacts of phosphate mining, including the aerial radiation surveys which are long overdue. We participate regularly, and with responsible technical input, in proceedings regarding phosphate mining and are important stakeholders in the process.

Those radiation surveys are an important part of your Superfund evaluation process. Further, the data from your survey process should be included in the ongoing Area-Wide Environmental Impact Statement which is currently being conducted by USEPA and the Corps of Engineers for the Central Florida Phosphate District.

The congress persons' letter argues that the radiation standard to be used is arbitrary, that the phosphate industry is valuable to Florida, and that the data to be obtained will negatively impact phosphate, tourism, real estate and the development industries.

As you are aware, the standard applied by USEPA for radioactivity is a longstanding national standard which has been used at many sites nationwide to evaluate risk. The USEPA process for evaluation for Superfund sites, and there are at least 20 sites in Florida which are identified for evaluation for Superfund treatment, involves selection of ARARs (Applicable or Relevant and Appropriate Requirements). Review of ARARs leads to application of either the state or federal standard, whichever is more stringent. It would be highly improper to apply a different rule for Florida, or to refuse to look at the data because you don't want to know what it says, which is the underlying premise of the February letter.

As USEPA's response to the February letter quite rightly points out, aerial surveys are reliable and much less costly than other survey methods. The survey results allow a scientific evaluation of risk and can have the effect of lifting the stigma currently associated with many such sites. Further, there is overwhelming data supporting the larger economic value of many other resources and the jobs

those vital resources sustain. These include the agriculture-related jobs permanently lost and only partially replaced by temporary mining jobs, and the thousands of recreation and tourism-related jobs impacted by damage to areas such as the Charlotte Harbor estuary, an Aquatic Resource of National Importance. The February letter presumes that this is a debate between economics and public health. This simply isn't true. It's a debate between powerful narrow corporate interests and a broader regional interest in environmental, public and economic health.

When our local newspaper, the Charlotte Sun, reported on this issue recently, Congressman Dennis Ross was quoted as saying, "From water to phosphate, Florida doesn't need the EPA." We submit that his quote is a perfect illustration of why Florida DOES need the EPA and why the federal environmental statutes were adopted in the first place, to prevent parochial and powerful economic interests from overwhelming concerns for public health and environmental protection.

As resident stakeholders in these issues we respectfully ask to be included in any collaborative process as the EPA moves forward with this work.

Thank you for your attention and for your important service to our environment.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jim Cooper", with a stylized flourish at the end.

Jim Cooper, President, Protect Our Watersheds (POW)

On behalf of:

ManaSota-88
People Protecting Peace River (3PR)
Protect Our Watersheds (POW)
Sierra Club Florida Phosphate Committee

Cc: Mathy Stanislaus, USEPA Office of Solid Waste and Emergency Response

Rep. Vern Buchanan

Rep. Dennis A. Ross

Rep. Thomas J. Rooney

Rep. Gus M. Bilirakis

Rep. Richard B. Nugent



Correspondence Management System

Control Number: AX-11-001-3117

Printing Date: August 03, 2011 03:45:04



Citizen Information

Citizen/Originator: Sturdevant, Ted

Organization: WA Department of Ecology
Address: PO Box 47600, Olympia, WA 98504

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-3117 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jul 28, 2011 **Received Date:** Aug 3, 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: Daily Reading File- Comments in Response to Federal Register Notice Regarding Identification of Waters Protected by the Clean Water Act, May 2, 2011 (Docket number EPA-HQ-OW-201 1-0409)
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: 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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Aug 3, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Aug 3, 2011



STATE OF WASHINGTON

RECEIVED

2011 AUG -3 PM 12:30

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 28, 2011

Ms. Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Water Docket, Environmental Protection Agency
Mail Code 2822T, 1200 Pennsylvania Avenue Northwest
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OW-2011-0409

**RE: Comments in Response to *Federal Register* Notice Regarding Identification of Waters Protected by the Clean Water Act, May 2, 2011
(Docket number EPA-HQ-OW-2011-0409)**

Dear Administrator Jackson:

The Washington State Departments of Ecology and Fish and Wildlife are pleased to provide comments in response to the proposed guidance regarding the scope of jurisdiction under the Clean Water Act. Your agency has made a great deal of effort to obtain input from the states, which we appreciate.

We commend both the Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) for embarking on this effort. A critical need exists for guidance that clarifies a fractured jurisdictional framework for wetlands and waters under the Clean Water Act. The regulatory uncertainty that has ensued since the Rapanos decision has increased regulatory decision timelines, decreased efficient coordination among state-federal partners and lessened protection to important aquatic resources. The regulatory uncertainty has, no doubt, increased the cost to people doing business in our state. For these and other reasons mentioned in this letter, we welcome your effort to provide regulatory clarity.

The state of Washington is blessed by its incredible, yet dwindling, water resources. Our landscape is quite varied and includes some of the wettest and driest spots in the lower 48 states. The geographic variability that defines many western states results in regional differences that are quite distinct from those found in eastern states. These differences often make it difficult to implement national standards without regionally-adapted technical procedures. We suggest that regional methods may be needed once the guidance and rule are developed. Our concern, of course, is that these steps be taken in a timely manner. We encourage the Corps and EPA to move towards rulemaking and regional method development in an expeditious manner.

Ms. Lisa Jackson

July 28, 2011

Page 2

We see this guidance development as a positive effort in clarifying the methods and criteria for determining federal jurisdiction. We believe, however, that the guidance needs further clarification on determining a significant nexus and using a watershed approach. As currently written, the guidance could result in different Corps districts delivering different determinations for similar wetlands.

We believe that the guidance is a step in the right direction for clarifying jurisdiction of non-traditionally navigable waters. We believe that once clarified, the guidance will:

- Help with timeliness in jurisdictional determinations and will reduce the confusion over what is regulated by the federal agencies.
- Provide consistency in how to determine which wetlands and waters of the state are under federal jurisdiction.
- Reduce conflicts between wetlands and waters that the state regulates under the state Water Pollution Control Act and those regulated under the federal Clean Water Act.

We have enclosed specific comments on the guidance. Please feel free to contact us if you have any questions or concerns. You may also contact Dr. Hal Beecher at the Washington State Department of Fish & Wildlife at (360) 902-2421/ Hal.Beecher@dfw.wa.gov) and Ms. Lauren Driscoll, at the Washington State Department of Ecology at (360)407-7045/ Lauren.Driscoll@ecy.wa.gov).

Sincerely,



Phil Anderson
Director
Department of Fish and Wildlife
(360) 902-2200



Ted Sturdevant
Director
Department of Ecology
(360) 407-7001

Enclosure: JOINT AGENCY COMMENTS

cc: Dr. Hal Beecher
Lauren Driscoll

Joint Agency Comments on Draft Guidance for Determining Jurisdiction Under the Clean Water Act

Staff from the Washington State Department of Ecology (Ecology) and the Washington State Department of Fish and Wildlife (WDFW) have reviewed the April 2011 **Draft Guidance on Identifying Waters Protected by the Clean Water Act** by the United States Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps). Our comments follow:

Goals of the Clean Water Act:

The goals of the Clean Water Act are clear:

SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical and biological integrity of the nation's waters. In order to achieve this objective, it is hereby declared that, consistent with the provisions of this Act—

- (1) It is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;
- (2) It is the national goal that, wherever attainable, an interim goal of water quality, which provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water, be achieved by July 1, 1983;
- (3) It is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited.

The Clean Water Act (CWA), if effectively implemented and enforced, provides an important instrument for protecting fish and wildlife values of water bodies through regulations that apply to waters under CWA jurisdiction. Fish and wildlife largely depend on the quantity and quality of habitat in waters of the state, including wetlands; the CWA is directed at important components of habitat in water bodies (including wetlands) that are subject to CWA jurisdiction.

As the agency of the state of Washington with responsibility for preserving, protecting, perpetuating and managing fish and wildlife (RCW 77.04.012), WDFW has a direct and focal interest in the CWA being used effectively for the *"protection and propagation of fish, shellfish and wildlife"* and *"for recreation in and on the water."* The Washington State Department of Ecology has a similar direct interest in proper implementation of the CWA due to its authority under Section 401 of the CWA, as well as under the state's independent Water Pollution Control Act (RCW 90.48).

All water bodies in Washington State support some form of wildlife, whether fish, birds, amphibians, aquatic reptiles, butterflies or other insects, crustaceans, mollusks and diverse other invertebrates that also provide a food source for other wildlife. As noted above, the degree to which such wildlife is supported depends on habitat quality and quantity. The level of protection at the federal level for such habitats and their fish and wildlife depends partly on the degree to which CWA protection is available – i.e., the degree of coverage by CWA. The draft Guidance document provides guidance on which water bodies are subject to CWA jurisdiction and protection.

Purpose of the Guidance Document:

The purpose of the Guidance document is to clarify what water bodies, including wetlands, are under CWA jurisdiction, what water bodies are not under the CWA and how determinations will be made in new cases. As noted above, the extent of coverage by the CWA is important to WDFW and Ecology: coverage of a water body (including wetlands and altered natural watercourses) is important for protection and management of fish and wildlife and their habitat and protection of the beneficial uses of these waters.

We note that the document clearly states that it is non-binding guidance for determination of whether a water body is under the jurisdiction of the CWA. The draft provides firm guidance only on those waters that are clearly and undisputedly jurisdictional waters – navigable waters, interstate commerce waters, adjacent wetlands and tributaries.

The draft does not provide a process for replicable decisions by different evaluators on the same water, those for which demonstration of a “significant nexus” is required. The guidance allows an evaluator to reach a “significant nexus” conclusion, but this requires evaluation and more time than is usually available in permitting decisions. This could lead different Corps districts to make non-equivalent determinations on wetlands or waters even though the wetlands or waters have nearly identical ecological and hydrological characteristics and functions. As a result, the science that should be determining what is and what is not regulated in different districts may be ignored or submerged beneath non-scientific considerations. **For that reason, we recommend the development of regionally-adapted technical procedures.**

If protection afforded wetlands and other waters by the CWA is reduced through reduced jurisdictional coverage, the goals of the CWA would be moved further from, rather than closer to, reality. We urge that application of the Guidance document be consistent with “*protection and propagation of fish, shellfish and wildlife and ... for recreation in and on the water.*”

We support the inclusion of shallow groundwater connections as demonstrating a connection to navigable waters. All waters on the landscape are interconnected as part of the hydrologic cycle, be they fog drip, rain, snow or glacier melt, surface or groundwater. Most water that is considered isolated is stored on the landscape for a longer period of time because surface soils that are hydrologically connected to other waters are saturated. These seemingly isolated surface waters maintain biodiversity and habitat for fish and wildlife, while also contributing to other water sources through groundwater recharge. Importantly, surface waters considered isolated are disproportionately or exclusively used by most species, constituting selected segments of the biota, namely amphibians and some invertebrate groups. Based on scientific testimony, the Washington State Supreme Court clarified Washington State water law in the *Postema v. Pollution Control Hearings Bd.* decision (11 P.3d 726 (2000) 142 Wash.2d 68), specifying that shallow groundwater and surface water are unambiguously connected. Thus, seemingly isolated surface water bodies are actually connected to other water bodies, including Waters of the United States.

Standards for Jurisdictional Determination:

Based on interpretation of United States Supreme Court opinions, the draft Guidance discusses standards for consideration when determining whether a water body is under the jurisdiction of the CWA.

The draft Guidance first enumerates waters that are unquestionably under CWA jurisdiction: (Section 1) traditional navigable waters and (Section 2) interstate waters. However, discussion of interstate waters (Section 2) extends upstream and downstream into a discussion of stream order, an indicator of stream size (see below). The subsequent sections discuss “significant nexus” analysis for jurisdiction determinations in cases that are less clear than those in Sections 1 and 2.

Although Section 2 of the draft Guidance indicates that any stream or water body, including a wetland, which crosses an interstate boundary is considered a water of the U.S., the reference to stream order as a distinguishing feature is confusing. Although stream order changes with the confluence of certain tributaries, those tributaries contribute directly to the chemical, physical and biological integrity of the stream crossing the boundary. Once a stream flows downstream across a boundary its importance (as indicated by its designation as a Water of the United States) does not generally diminish.

Section 3, on Significant Nexus Analysis, needs further clarification to ensure that the use of a watershed approach is replicable and consistent. This section provides major standards for determining a “significant nexus” that would lead to a determination of CWA jurisdiction. Statement and explanation of these standards is helpful, although some standards appear unclear (see migration of aquatic organisms below). It states that surface hydrologic connection is not a requirement for “significant nexus,” as lack of connectivity can result in pollutant or flood retention, etc. It states that similarly situated waters within a watershed should be treated similarly as far as CWA jurisdiction. It states that indicators of hydrology, effects on water quality, and physical, chemical and biological (including ecological) connections or functions should be investigated in CWA jurisdiction determinations. Migration of aquatic organisms is listed as a consideration, but the example is fish and invertebrates (bottom p. 9), leaving amphibians uncertain (discussion about ecological integrity and protecting components [p. 10] would argue in favor of amphibians, and all life history stages of fish life as well). **We recommend that regionally-specific technical methods for determining “significant nexus” should be developed.**

Section 4, on Tributaries, recognizes that natural or man-made breaks in a tributary do not mark a tributary’s end if bed and banks are identifiable upstream and downstream. Channelized and hardened tributaries are still considered tributaries. Such inclusion is consistent with WDFW’s view of protection of aquatic habitats. Ditches are considered tributaries only if they have bed, bank and ordinary high water mark (OHWM); connect to navigable water; and have one of the following characteristics:

- Natural streams that have been altered (e.g., channelized, straightened or relocated);
- Ditches that have been excavated in waters of the U.S., including wetlands;
- Ditches that have relatively permanent flowing or standing water;
- Ditches that connect two or more jurisdictional waters of the U.S.; or
- Ditches that drain natural water bodies (including wetlands) into the tributary system of a traditional navigable or interstate water.

We support the guidance that altered natural watercourses with defined bed and banks should be subject to CWA jurisdiction. An important statement is in the Legal and Scientific Basis discussion for Section 4 in the Appendix: Water withdrawal that converts a stream from perennial to intermittent does not reduce the status of a stream from being subject to CWA jurisdiction. Conversely, we maintain that adding irrigation water to an intermittent or seasonal stream with defined bed and banks should not reduce the status of that stream from being subject to CWA jurisdiction. Seasonal and intermittent streams, including some with perennial headwater reaches, throughout Washington have been altered to provide for operational spill from irrigation canals. "Operational spill" from an irrigation delivery system is not the same as *"return flows from irrigated agriculture, which are excluded from the NPDES program."* Fish and amphibians have access to, and use these watercourses, for spawning and rearing. WDFW believes that these altered natural watercourses should not be exempt from CWA jurisdiction, and that the point of compliance for herbicide treatments should be any tributary channel receiving operational spill, as well as the receiving water at the point of discharge. We are not, however, suggesting that completely artificial irrigation canals and infrastructure be included under CWA jurisdiction.

An important type of ditch (p. 12) that should be specifically identified as subject to CWA jurisdiction is that portion of irrigation delivery ditches leading from irrigation diversion headworks to fish screens, which may be located some distance downstream, and the fish bypass ditches that return the fish from the fish screens to the natural stream or river channel. Fish screens are required in Washington (RCW 77.57.010) and some other states. These ditches are consistent with the types listed on p.12 and they provide habitat for rearing migrating fish, especially out-migrating salmon and steelhead smolts. In some instances, more than half of the entire production of salmon and steelhead from a watershed may be routed through that portion of the water diversion.

Section 5, on Adjacent Wetlands, appears inconsistent in whether an artificial feature can create a boundary between a water under CWA jurisdiction and one that is not, in contrast to the statement in Section 4 about longitudinal breaks in streams. At the bottom of p. 15, berms and dikes that separate a wetland from a traditional navigable water or water of the U.S. are determinants of whether or not a wetland is a water of the U.S. Thus, an artificial factor could be a criterion. However, on p. 16, wetlands separated from waters of the U.S. are adjacent wetlands and are waters of the U.S. Use by various biota of both a wetland and a water of the U.S., a frequent pattern for many amphibians, is one consideration for determining whether the wetland is a water of the U.S. Subsurface connections are recognized. On p. 17, river berms are discussed as not disassociating wetlands from a river and it could be added that the top of such berms is generally lower than the river surface that formed the berms (during high flows), further emphasizing the connection to the wetland.

The distinction made (p. 17) between migratory species and locally-migrating species is confusing and could benefit from specific examples, particularly as migratory species appear to be included in both categories (waters of the U.S. and not). Coho salmon (*Oncorhynchus kisutch*) clearly confound what is written: they are anadromous and adults migrate upstream past or through wetlands to flowing streams where they spawn, but fry emerge and disperse to wetlands and rear there (and in streams) for up to a year before migrating to sea. Chinook salmon (*Oncorhynchus tshawytscha*) fry have been found in wetlands behind dikes within the Skagit River, indicating hyporheic migration through permeable gravels in the dike.

Section 6, on Other Waters (i.e., categories of water bodies not addressed before this point in the document), states that EPA and the Corps are not providing guidance on non-physically-proximate other waters, but defer to policy calls by their agency managers on individual cases. This could lead to

different jurisdictional determinations for similar wetlands. For this reason, we recommend that the agencies develop regionally-specific methods for determining jurisdiction.

Section 7, on Waters Generally Not Jurisdictional, lists categories of waters that are not under CWA jurisdiction. This is helpful, but our concerns about connectivity or hydraulic continuity remain. **We recommend you incorporate the Arid West OHWM guidance recently developed by Bob Lichvar to underpin jurisdictional determinations in the arid regions of the western states.**

Implementation and Enforcement:

We emphasize that even looking at navigable water important for interstate and international commerce – Puget Sound or Salish Sea, **the CWA goal of eliminating discharge of pollutants into the navigable waters remains unrealized.** Direct discharge into Puget Sound and other water bodies is not the only problem. Non-point stormwater surges have been reported to kill up to 88% of returning salmon in some urban streams. Such stormwater surges can be reduced through the protection of floodplain wetlands and wetlands adjacent to tributaries because of the hydrologic functions of those wetlands. Losses in these wetland resources will exacerbate existing problems.

If protection afforded wetlands and other waters by the Clean Water Act is reduced, and this is accompanied by impacts of Climate Change, the goals of the Clean Water Act will be moved further, rather than closer, to reality.

In closing, we support your efforts to develop repeatable, legally-defensible guidance that protects the chemical, physical and biological integrity of our waters.



Correspondence Management System

Control Number: AX-11-001-3122

Printing Date: August 03, 2011 03:31:47



Citizen Information

Citizen/Originator: Oroho, Steven V.

Organization: New Jersey Legislature
Address: 115 Demarest Road, Sparta, NJ 07871

McHose, Alison Littell

Organization: New Jersey Legislature
Address: 115 Demarest Road, Sparta, NJ 07871

Chiusano, Gary R

Organization: New Jersey Legislature
Address: 115 Demarest Road, Sparta, NJ 07871

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-3122 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 28, 2011 **Received Date:** Aug 3, 2011
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: DRF - National Fuel Economy Standards
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OARM - OARM -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
OSBP - Office of Small Business Programs
R2 - Region 2 -- 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	Aug 3, 2011	Aug 18, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information



NEW JERSEY LEGISLATURE

LEGISLATIVE OFFICES

24TH DISTRICT

SUSSEX · MORRIS · HUNTERDON

STEVEN V. OROHO

SENATOR

senoroho@njleg.org

ALISON LITTELL MCHOSE

ASSEMBLYWOMAN

aswmchoso@njleg.org

GARY R. CHIUSANO

ASSEMBLYMAN

asmchiusano@njleg.org

REC'D
2011 AUG -3 PM 12:30

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EXECUTIVE SECRETARY
115 DEMAREST ROAD, SUITE 2B
SPARTA, NJ 07871
(973) 300-0200
FAX (973) 300-1744

227 ROUTE 206, SUITE 15
FLANDERS, NJ 07836
(973) 584-4670
FAX (973) 584-4672

July 28, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

Today jobs, the economy and energy security are on the minds of every American. As an elected official of New Jersey, I am focused on proactive policies to address these critical issues and grow toward a more secure future. Transportation is a critical component of our economic vitality and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views.

Safe, efficient and reliable transportation impacts each individual, family and business in my district. Jobs in New Jersey are all tied to cost effective transportation. With the recent increase in gas prices and turmoil in the Middle East, reducing fuel use and dependence on foreign oil are on all our minds. I support your efforts to improve fuel economy by laying out a long-term program, but encourage you to carefully consider a balanced and thoughtful approach.

I encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, or jobs. NHTSA and EPA have already set strong standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, I recognize that overreaching regulations can place a significant cost burden on individuals, families and businesses of New Jersey.

It is important that standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickup, as do the construction industry and local trades.

New Jersey's residents all share the need for affordable transportation. The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, resulting in more expensive vehicles, many consumers can be expected to hold on to their older vehicles longer and defer buying a new car, which could put auto jobs across the country at risk and delay compliance with federal air quality standards. Affordability, customer choice and job preservation is as much as priority as raising fuel economy.

As an elected official, I think every day about job creation and security for my region. As a policymaker, I know that good regulations and laws are often a balancing act of competing demands. I encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery.

Sincerely,

The image shows three handwritten signatures in black ink. From left to right, they are: Steven V. Oroho, Alison Littell McHose, and Gary R. Chiusano. The signatures are written in a cursive, flowing style.

Steven V. Oroho
Senator

Alison Littell McHose
Assemblywoman

Gary R. Chiusano
Assemblyman

SVO/ALM/GRC: dsd



Correspondence Management System

Control Number: AX-11-001-3130

Printing Date: August 03, 2011 04:26:03



Citizen Information

Citizen/Originator: Oleskevich, Diana

Organization: Sisters of St. Joseph of Carondelet

Address: 6400 Minnesota Avenue, St. Louis, MO 63111-2899

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3130

Alternate Number: N/A

Status: Closed

Closed Date: Aug 3, 2011

Due Date: N/A

of Extensions: 0

Letter Date: Jul 25, 2011

Received Date: Aug 2, 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: Daily Reading File- I am writing with over 600 Sisters of St. Joseph of Carondelet, to ask that you enact an immediate moratorium on mountaintop-removal coal mining in Appalachia and that the federal government undertake a comprehensive study of the public-health effects of this devastating form of mining.

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) (5) Personal Privacy	OEX	OW	Aug 3, 2011
Valerie Barnes	OW	OW-OWOW	Aug 3, 2011

History

Action By	Office	Action	Date
(b) (5) Personal Privacy	OEX	Forward control to OW	Aug 3, 2011
Valerie Barnes	OW	Forwarded control to OW-OWOW	Aug 3, 2011



SISTERS OF ST. JOSEPH OF CARONDELET
ST. LOUIS PROVINCE

8/1
REC'D

2011 AUG -2 AM 9:38

July 25, 2011

OFFICE OF THE
EXECUTIVE SECRETARIAT

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

Dear Ms. Jackson:

I am writing with over 600 Sisters of St. Joseph of Carondelet, to ask that you enact an immediate moratorium on mountaintop-removal coal mining in Appalachia and that the federal government undertake a comprehensive study of the public-health effects of this devastating form of mining. Recent peer-reviewed scientific studies have found that mountaintop removal is associated with increased incidence of birth defects, cancer clusters, increased mortality rates, and lower quality of physical and mental health for citizens living near mountaintop-removal mine sites. Wildlife downstream of mountaintop-removal sites suffers from reproductive impairment. In light of this new information, I urge you to study and mitigate the public-health crisis in Appalachia being caused by mountaintop removal. I also request that a federal investigation of environmental crimes in Appalachia be undertaken.

The toll of mountaintop removal on human health and endangered species outweighs its purported economic benefits. The areas with the highest levels of mining also have the highest human mortality rates and remain among the poorest regions in the nation. The impacts of mountaintop removal are pervasive and irreversible, mitigation cannot compensate for losses, and current regulations are inadequate to regulate mountaintop mining.

The environmental and public-health effects of mountaintop removal are unacceptable, and I ask that you take immediate action to ban this form of mining and to protect Appalachian communities and endangered species from further harm.

We send you blessings and hope to receive a prompt response.

Sincerely,

Diana Oleskevich CSJA

Serving the dear neighbor for more than 350 years

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Correspondence Management System

Control Number: AX-11-001-3134

Printing Date: August 03, 2011 04:20:55



Citizen Information

Citizen/Originator: Hlava, Fred

Organization: The City of Gordon

Address: 311 North Oak Street, Post Office Box 310, Gordon, NE 69343-0310

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3134

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Aug 2, 2011

Received Date: Aug 3, 2011

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: DRF - Proposed Electric Generating Unit Maximum Achievable Control Technology Rules

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

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
R7 - Region 7 -- 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	Aug 3, 2011	Aug 18, 2011	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

Action By	Office	Action	Date
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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

July 28, 2011

Dear Administrator Jackson:

As City Manager for the City of Gordon, 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".

On behalf of the City of Gordon 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.

The City of Gordon 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.

The increased costs associated with the implementation of the EGU MACT rule will

increase electric rates that negatively impacts those that can least afford it - the elderly, the poor, those on fixed incomes, those that have lost jobs. Are these the people that we want to negatively impact with the proposed questionable rules? The unemployment rate is now higher than it has ever been and there are more people that have lower incomes today than in the past decade.

To further impact this issue, the president has recommended cutting the Low Income Home Energy Assistance Program to those in need from the authorized \$5.1 billion to \$2.57 billion in FY 2012. The potential negative impact to those most vulnerable will be compounded and catastrophic.

With our national economy at its lowest ebb and extremely fragile, we are requesting that the US EPA rethink the implementation of the proposed EGU MACT rules that will have a negative impact on our electric utilities and on the citizens of this great nation.

Thank you for your consideration of this request.

THE CITY OF GORDON

Fred Hlava
City Manager

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

-

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February 5, 2007

-

Dear Mr. Mei,

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-

~~I have enclosed for you Resolution No. 2004-05 designating and adopting a specific area within the municipality of Gordon as a special economic development site as per authorized by federal empowerment zone regulation. I have also enclosed for you a drafting of the entire community with the economic designation area highlighted and a second document that has the economic designation area enlarged where the Local Pride Packing House facility is located.~~



Correspondence Management System

Control Number: AX-11-001-3136

Printing Date: August 03, 2011 05:15:14



Citizen Information

Citizen/Originator: Gibbs, Clay A

Organization: Cornhusker Public Power District
Address: PO Box 9, 23169 235th Avenue, Columbus, NE 68602-0009

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3136
Status: Pending
Due Date: Aug 18, 2011
Letter Date: Aug 3, 2011
Addressee: AD-Administrator
Contact Type: EML (E-Mail)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: DRF - Proposed Electric Generating Unit Maximum Achievable Control Technology Rules Docket ID No. EPA-HQ-OAR-2009-0234
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R7 - Region 7 -- 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	Aug 3, 2011	Aug 18, 2011	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

Action By	Office	Action	Date
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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

July 28, 2011

Dear Administrator Jackson:

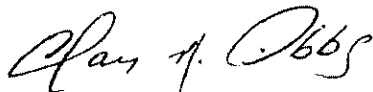
As CEO of Cornhusker Public Power District, I am writing in regard to EPA's proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Our utility purchases its total electricity requirements from the Nebraska Public Power District ("NPPD"). NPPD's energy mix is approximately 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 utility'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 Cornhusker PPD 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 reconsider the aggressive rules and deadlines under the proposed EGU MACT rules, and consider the 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.



Clay A. Gibbs
CEO/GM
Cornhusker Public Power District

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



Correspondence Management System

Control Number: AX-11-001-3138

Printing Date: August 03, 2011 03:41:07



Citizen Information

Citizen/Originator: Clinton, Hillary Rodham

Organization: U.S. 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-11-001-3138 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Aug 2, 2011 **Received Date:** Aug 3, 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 - Thank you to the Administrator for invitation to sign the Memorandum of Understanding on environmental justice and implementation of Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OECA - OECA -- 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	Lisa Garcia	Aug 3, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to Lisa Garcia	Aug 3, 2011

8/3
1119
1110

THE SECRETARY OF STATE
WASHINGTON

August 2, 2011

The Honorable Lisa P. Jackson
Administrator
Environmental Protection Agency
Washington, DC 20460

Dear Administrator Jackson:

Thank you for your invitation to sign the Memorandum of Understanding (MOU) on environmental justice and implementation of Executive Order (E.O.) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

I share your keen interest in advocating for environmental justice, and the Department has a long history of promoting these essential principles in bilateral and multilateral discussions. We cite the E.O. in international venues as evidence the United States practices domestically the same principles and standards that we promote abroad.

Since the Department of State is not covered by the E.O., and the E.O. was not structured to account for the international nature of the Department's activities, we do not believe it would be appropriate for the Department to sign the proposed MOU. We will continue to explore, however, how we might further advance environmental justice working with the Environmental Protection Agency (EPA) both here and abroad, and we will share our efforts through our ongoing participation in the environmental justice working group.

I look forward to continuing to cooperate with the EPA and the Council on Environmental Quality to help advance this important agenda.

Sincerely yours,

Hillary
Hillary Rodham Clinton



Correspondence Management System

Control Number: AX-11-001-4566

Printing Date: August 30, 2011 03:46:32



Citizen Information

Citizen/Originator: Roewer, James R.

Organization: Utility Solid Waste Activities Group

Address: 701 Pennsylvania Avenue, NW, Washington, DC 20004-2696

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-4566

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 13, 2011

of Extensions: 0

Letter Date: Aug 25, 2011

Received Date: Aug 30, 2011

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 - Draft Toxicological Review of Hexavalent Chromium

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
OEAAE - Office of External Affairs and Environmental Education
OP - Office of Policy
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	ORD	Aug 30, 2011	Sep 13, 2011	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

Action By	Office	Action	Date
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Utility Solid Waste Activities Group

c/o Edison Electric Institute
701 Pennsylvania Avenue, NW
Washington, DC 20004-2696
202-508-5645
www.uswag.org

USWAG

August 25, 2011

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 AUG 30 PM 12:35

REC'D

Re: Draft Toxicological Review of Hexavalent Chromium
Docket ID No. EPA-HQ-ORD-2010-0540

Dear Administrator Jackson:

The Utility Solid Waste Activities Group (USWAG) urges the Environmental Protection Agency (EPA) to extend its timeline for finalizing its *Toxicological Review of Hexavalent Chromium* so that it can incorporate important study results from the American Chemistry Council (ACC) into the risk assessment.

USWAG is an association of over one hundred and ten energy utilities, utility operating companies, energy companies and associations, including the Edison Electric Institute ("EEI"), the American Public Power Association ("APPA"), and the National Rural Electric Cooperative Association ("NRECA").¹ As EPA is aware, Integrated Risk Information System (IRIS) assessments often have significant regulatory implications. It is critical, therefore, that these assessments reflect thorough consideration of all available reliable evidence so that the appropriate exposure risk levels may be identified accurately. If the risk levels are not accurately identified, there is a substantial likelihood that regulations promulgated in reliance on such risk assessments will not efficiently or effectively address the human health and environmental issues of concern.

As others have pointed out, the hexavalent chromium (Cr(VI)) IRIS risk assessment is likely to have a significant effect on a number of regulated activities, including drinking water standards, site remediation, and waste disposal. It is imperative therefore that the Cr(VI) risk assessment accurately identify the risks associated with oral ingestion of Cr(VI) in light of all reliable evidence.

¹ EEI is the principal national association of investor-owned electric power and light companies. APPA is the national association of publicly-owned electric utilities. NRECA is the national association of rural electric cooperatives. Together, USWAG members represent more than 73 percent of the total electric generating capacity of the United States and service more than 95 percent of the nation's consumers of electricity.

The ACC provided funding for a highly qualified team of independent experts, including ToxStrategies Inc., Summit Toxicology Inc., and various academic researchers, to generate additional mode of action and pharmacokinetic data for Cr(VI). The researchers completed four studies that fill important gaps in the data available to EPA during the preparation of the present draft Cr(VI) risk assessment. The results of this research may be vital for establishing accurate risk levels for Cr(VI). Moreover, the experts EPA selected to conduct the peer review of the *Draft Toxicological Review of Hexavalent Chromium* expressed opinions strongly in favor of incorporating the ACC research into the risk assessment.

USWAG acknowledges EPA's desire to expediently complete the Cr(VI) risk assessment, as evidenced by the Agency's decision to shorten the assessment's final deadline by two years. USWAG also appreciates the importance of ensuring that the nation's drinking water standards are protective of human health. However, the significant regulatory implications of the Cr(VI) risk assessment necessitate that all available and reliable data, including the ACC studies, should be given proper consideration. EPA has already been provided with many of the results of the ACC research and we understand that the Agency should be in possession of the remainder of the research very shortly. For these reasons, USWAG respectfully requests that EPA extend its timeline for finalizing its *Toxicological Review of Hexavalent Chromium* so that it can incorporate these important study results from the ACC.

USWAG appreciates EPA's consideration of this request. If you have questions or if we can be of further assistance, please contact me (202-508-5645).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Roewer', with a long horizontal line extending to the right.

James R. Roewer
Executive Director



Correspondence Management System

Control Number: AX-11-001-4570

Printing Date: August 30, 2011 04:25:34



Citizen Information

Citizen/Originator: Erasmus, Bill

Organization: Assembly of First Nations Regional Office Dene National Office

Address: 5125-50th Street P.O. Box 2338, X1A 2PZ

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-4570

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 13, 2011

of Extensions: 0

Letter Date: Aug 26, 2011

Received Date: Aug 30, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: AA-OITA-Assistant Administrator
- OITA

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- 41st Dene National Assembly Motion on Opposition to the proposed Keystone XL Pipeline

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

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (5) Personal Privacy	OEX	OITA	Aug 30, 2011	Sep 13, 2011	N/A
Instruction: AA-OITA-Prepare draft response for signature by the Assistant Administrator for OITA					

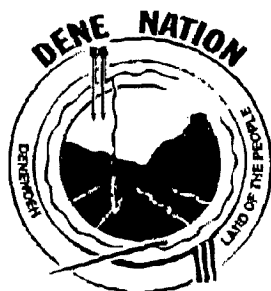
Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



**Dene National Office
Assembly of First Nations (NWT)**

5125- 50th Street
P.O. Box 2338
Yellowknife, NT X1A 2P7

Toll Free: 1 866-511-4081
Phone: (867) 873-4081
Fax: (867) 920-2254
Website: www.denenation.com



Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

August 26, 2011

Dear Secretary Clinton:

**RE: 41ST DENE NATIONAL ASSEMBLY MOTION ON OPPOSITION TO THE
PROPOSED KEYSTONE XL PIPELINE**

The Dene Nation recently held the 41st Dene National Assembly in Fort Providence. At this Assembly, Dene leaders and delegates unanimously passed a motion, attached, stating the Dene Nation's opposition to the proposed Keystone XL Pipeline.

This pipeline will carry half a million barrels of synthetic oil each day from Alberta's tar sands to refineries in the Gulf of Mexico, facilitating further expansion of tar sands developments.

The Dene Nation represents 31 First Nation communities in Denendeh (the Northwest Territories and Northern Alberta). Most of these communities are isolated with few opportunities in the wage economy, and excessively high prices for food and other products. Many Dene families still rely on hunting, trapping, and fishing to provide food and supplement income. But these harvesting rights, protected by Treaties, are not just substitutes for jobs, they are integral parts of Dene culture and spirituality.

Tar sands projects in Alberta are a huge concern for Dene. Our communities are downstream from the tar sands, and span the entire Mackenzie River Basin, from Lake Athabasca to the Mackenzie Delta near the Arctic Ocean. Contamination from tar sands developments near the Athabasca River is already impacting Dene communities, and this pollution will make its way north through all regions of Denendeh.

Unusually low water levels have been experienced on most major lakes and rivers in Denendeh, and our people attribute this to the massive amounts of water taken from the Athabasca River to refine tar sands into synthetic crude oil. For each barrel of tar sands crude produced, approximately four barrels of fresh water are needed. Thus, an expansion of tar sands production of 1 million barrels per day, facilitated by the Keystone XL Pipeline, means an additional 4 million barrels of fresh water taken from the environment each day, and 1.46 billion additional barrels each year.

Exploitation of the tar sands accounts for 6.5% of Canada's greenhouse gas emissions, and is the country's fastest growing source of greenhouse gas pollution. Many Dene communities are above the Arctic circle, and are already impacted with drastic climatic changes and temperature

"Implementing Treaty & Aboriginal Rights Since 1970"

increases that are four times higher than the global average.

Canada's greenhouse gas reduction target is not science-based and is not adequate to prevent runaway climate change, and the Canadian federal government does not have a comprehensive plan to meet its greenhouse gas reduction target. Both the Canadian federal government and Alberta government have failed to plan properly to ensure that tar sands exploitation proceeds with minimal environmental impacts. There are no appropriate environmental monitoring regimes in place to gauge the full scale of the impact of these tar sands projects (see the attached media releases for more information).

Dene food security, livelihoods, and cultures are being threatened by the impacts of tar sands exploitation and climate change. Construction of the Keystone XL and other pipelines will expand the destructive tar sands mega-project, and lead towards the tipping point of runaway climate change. The price we will pay is not worth the return. This pipeline is not being built to protect our energy security as there is no shortage of oil in North America, and specifically in the United States which has a surplus of fossil fuel reserves. Tar sands oil will be sold to the highest bidder for the profit of some of the richest corporations on the planet.

In the absence of leadership on climate change and environmental stewardship in Canada, we are looking to the United States to lead by example with comprehensive action on climate change, respect for Indigenous Peoples rights, initiatives towards sustainable development of resources with minimal environmental impact, and robust monitoring regimes to ensure ecosystems are not destroyed by industries like fossil fuel extraction. We are looking to the United States government to do the right thing and not support the Keystone XL Pipeline.

We are not alone in our opposition to the Keystone XL pipeline. Other First Nations in Canada have taken a stand against this project, as have many Native Americans in the United States. We stand in solidarity with these Nations, and others who opposes this pipeline, and have resolved to continue our participation in organized opposition to the Keystone XL in cooperation with our allies.

We rely on your support in our opposition to the Keystone XL Pipeline, and look forward to working with you and your government on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Erasmus', with a stylized flourish at the end.

Bill Erasmus Dene National Chief
AFN Regional Chief, NWT



**Dene National Office
Assembly of First Nations (NWT)**

5125- 50th Street
P.O. Box 2338
Yellowknife, NT X1A 2P7

Toll Free: 1 866-511-4081
Phone: (867) 873-4081
Fax: (867) 920-2254
Website: www.denenation.com



41st DENE NATIONAL ASSEMBLY
July 11 – 15, 2011 Fort Providence, Denendeh

MOTION #11/12-004

SUBJECT: DENE NATION OPPOSITION TO KEYSTONE XL PIPELINE

MOVED BY: Chief Roy Fabian, Katlodecche First Nation

SECONDED BY: Dene National Chief Bill Erasmus

DECISION: Unanimous

WHEREAS, the Dene Nation has convened the 41st Dene National Assembly in Fort Providence, Denendeh from July 11 - 15, 2011; and

WHEREAS, the proposed Keystone XL pipeline project will carry oil from Alberta's tar sands 1,000 miles south to the Gulf of Mexico, and will facilitate an expansion of tar sands developments; and

WHEREAS, tar sands developments are directly impacting the lands and rights of Dene First Nations, and threaten the water of downstream Dene communities and the environment of Denendeh; and

WHEREAS, climate change is a threat to Dene communities and the Dene way of life, and expansion of the tar sands will contribute to further climate change and global warming; and

WHEREAS, oil transported to the USA through the proposed Keystone XL pipeline is not needed in North America, and will go to market to be sold to the highest bidder; and

WHEREAS, Native Americans south of the border oppose the proposed Keystone XL pipeline, and the Dene Nation stands in solidarity with these peoples in this opposition; and

THEREFORE BE IT RESOLVED, that Dene Nation will continue to participate in organized opposition of the Keystone XL pipeline, in cooperation with other First Nations governments.

Certified copy of a resolution adopted on the 14th day of July 2011 in Fort Providence, Denendeh

**Original Signed by
Dene National Chief**

Bill Erasmus, Dene National Chief

11/12-004



**Dene National Office
Assembly of First Nations Regional Office (NWT)**

5125- 50th Street
P.O. Box 2338
Yellowknife, NT, X1A 2P7

Phone: (867) 873-4081/920-2632
Fax: (867) 920-2254/920-2636
Website: www.denenation.com



Media Release

DENE NATION PLEASED WITH FIRST NATIONS COURT DECISION ON CARIBOU PROTECTION

For Immediate Release
August 2nd, 2011
Yellowknife, NT

The Dene Nation is pleased with a Federal Court of Canada decision requiring federal environment Minister, Peter Kent, to draw up a protection plan for boreal caribou habitat under the federal Species at Risk Act by September 1st, 2011.

The judgment, handed down Thursday, July 28th, 2011, was the result of a court case launched by the Athabasca Chipewyan First Nation along with other First Nations and environmental groups, and found that, "the Minister clearly erred in reaching his decision by failing to take into account the First Nations Applicants' Treaty Rights and the honour of the Crown in interpreting his mandate under [the Species at Risk Act]."

"This decision by the courts is a positive step in ensuring that First Nations' Treaty rights are upheld in Canada," said Dene National Chief Bill Erasmus. "Treaties 8 and 11 both guarantee their beneficiaries the right 'to pursue their usual vocations of hunting, trapping and fishing,' and these harvesting rights cannot be practiced if caribou herds are not protected. As Alberta has failed to protect boreal caribou in its borders, it is the responsibility of the federal Minister to recommend an emergency protection order under the Species at Risk Act and to uphold the Crown's obligations under the Treaties."

"Caribou are very important to Dene and other First Nations, both as a staple food source and as an animal of economic, cultural and spiritual significance" Erasmus said. "All levels of government need to take the protection of caribou herds and caribou habitat seriously."

Erasmus also stressed the importance of transboundary cooperation in caribou protection plans.

"Caribou don't recognize political borders, and boreal caribou in Alberta cross over to the Northwest Territories and other jurisdictions. It is important that in matters of protecting these caribou herds, the federal government works in conjunction with First Nations in all regions where the caribou reside including the Northwest Territories, Saskatchewan and British

"Implementing Treaty & Aboriginal Rights Since 1970"

Columbia. We are in the process of informing the Minister about our concerns regarding the protection of boreal caribou habitat."

-30-

For more information please contact: Daniel T'seleie, at the Dene National Office (867) 873-4081



**Dene National Office
Assembly of First Nations Regional Office (NWT)**

5125- 50th Street
P.O. Box 2338
Yellowknife, NT, X1A 2P7

Phone: (867) 873-4081/920-2632
Fax: (867) 920-2254/920-2636
Website: www.denenation.com



Oil Sands: Dene Nation Announces Support of BC First Nations Opposition to Enbridge Northern Gateway Pipeline

Opposition gains powerful new ally in Dene Nation; resolution supports right of decision-making power over development on First Nations land.

For Immediate Release
July 21st, 2011
Yellowknife, NT

YELLOWKNIFE, NORTHWEST TERRITORIES - First Nations opposition to the proposed Enbridge Northern Gateway pipeline has gained a powerful new ally in the Dene Nation. The thirty-five Chiefs of Denendeh, stretching from northern Alberta through the entire Northwest Territories, passed a resolution supporting British Columbia's Yinka Dene (a completely different Carrier nation) in their opposition to Enbridge's proposed Northern Gateway Pipeline at the 41st Annual Dene National Assembly last week in Fort Providence, NWT.

"This resolution is an expression of our solidarity with the Yinka Dene Alliance, and an expression of our support for their right to have decision-making power over developments on their land," said Dene National Chief Bill Erasmus. "More than 50 per cent of the proposed Enbridge pipeline and tanker route passes through the territories of First Nations that have banned this development according to their traditional laws. These Nations now have the support of Dene from northern Alberta to the Arctic coast."

The proposed pipeline is also a direct concern for members of the Dene Nation and communities in Denendeh, the Northwest Territories, who are feeling the effects of tar sands expansion.

"We know this pipeline will enable further development of Alberta's destructive tar sands projects, which are contaminating the waters of Denendeh, and which are a growing source of greenhouse gas pollution responsible for the climate changes that are impacting our communities, cultures, and ways of life," Erasmus said. "We are also concerned about the potential for a spill from this pipeline, which would run through the headwaters of the Mackenzie River watershed. We are currently experiencing the impacts of an oil spill from Enbridge's Norman Wells pipeline in the Deh Cho region. The company failed to detect this estimated 63,000 gallon spill, which was ultimately discovered by Dene hunters."

"Implementing Treaty & Aboriginal Rights Since 1970"

"With over 100 pipeline spills and accidents recorded in Canada over the past two years there is only one thing to say about pipelines; they will spill," Erasmus said.

The Dene Nation is the national organization representing all Dene, from northern Alberta to the Gwich'in regions in northern Northwest Territories. The Dene Nation is mandated to retain sovereignty by strengthening the Dene spiritual beliefs and cultural values in Denendeh.

-30-

For more information please contact: Barret Lenoir, at the Dene National Office (867) 873-4081.



Correspondence Management System

Control Number: AX-11-001-4584

Printing Date: August 31, 2011 12:21:18



Citizen Information

Citizen/Originator: Lester, A. D.

Organization: Council of Energy Resource Tribes
Address: 695 South Colorado Boulevard, Denver, CO 80246

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-4584 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Sep 13, 2011 **# of Extensions:** 0
Letter Date: Aug 26, 2011 **Received Date:** Aug 30, 2011
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 - We are writing to bring your attention to the adverse impacts to our sovereign member Indian tribes associated with final promulgation of the EPA final air emissions rule entitled Minor New Source Review Program in Indian Country.
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OAR-OAQPS-OID - Outreach & Information Division
OEAE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
OP - Office of Policy
R8 - Region 8 -- 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	Aug 30, 2011	Sep 13, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Gloria Hammond	OAR	OAR-OAQPS	Aug 30, 2011	Sep 8, 2011	N/A
Instruction: DX - DIRECT REPLY - - PREPARE RESPONSE FOR THE SIGNATURE OF THE DIVISION DIRECTOR.					
Jean Walker	OAR-OAQPS	OAR-OAQPS-OID	Aug 31, 2011	Sep 8, 2011	N/A
Instruction: AA-OAR-OAQPS-Prepare Draft response for Steve Page's signature					



RECEIVED
2011 AUG 30 PM 2:25
OFFICE OF THE
EXECUTIVE SECRETARIAT

Executive Board:

Chairman
John D. Red Eagle, Osage
Vice Chairman
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Secretary
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Three Affiliates
Crow Nation
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Salish Kootenai

CERT Council Members

Acoma
Blackfeet
Cherokee Nation
Cheyenne-Arapaho
Cheyenne River Sioux
Chippewa
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Fort Peck
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Iowa
Jicarilla Apache
Kaibab Paiute
Kaw
Lummi
Muckleshoot
Navajo
Nez Perce
Northern Arapaho
Northern Cheyenne
Northern Ute
Oglala Sioux
Ohkay Owingeh
Pauma
Pawnee
Penobscot
Picuris Pueblo
Ponca
Ramona Band of Chuiilla
Rosebud Sioux
Round Valley
Saginaw Chippewa
Santa Ana Pueblo
St. Regis Mohawk
Standing Rock Sioux
Tule River
Turtle Mountain Chippewa
Umatilla
Ute Mountain Ute
Walker River Paiute
Yakama
Zia Pueblo

Canadian First Nations:

Ermineskin Cree
Louis Bull Cree
Montana Cree
Samson Cree

Executive Director

A. David Lester

August 26, 2011

Lisa Jackson, EPA Administrator
1200 Pennsylvania Avenue NW
Room 3000
Washington D.C. 20460

Dear Administrator Jackson:

We are writing to bring your attention to the adverse impacts to our sovereign member Indian tribes associated with final promulgation of the EPA final air emissions rule entitled Minor New Source Review Program in Indian Country. See 76 Fed. Reg. 38748-38808. (July 1, 2011). As written and scheduled to be implemented on August 30, 2011, we find the rules contravene the EPA Indian Policy, the duty to consult with tribal governments on a government to government basis and the execution of the federal trust responsibility to Indian tribes.

The Council of Energy Resource Tribes ("CERT") has been determined by the federal courts to be an "Indian League of Nations" doing together what no single Indian tribe could do alone to protect our sovereign rights, environments and assets. CERT enacted Resolution 2011-1 this year to address the adverse impacts of these rules to the rights of our sovereign tribal members to balance the protection of our air environments with the growth of our economies. While standing for the protection of tribal environments, CERT advocates such protection must be achieved in tandem with the responsible development of tribal energy resources contributing to sustainable tribal communities.

Under the Minor Source Rule, EPA establishes regulatory mechanisms by which it will begin permitting for three types of air emissions sources for which regulations had not previously existed: (1) true minor sources of air pollutants within Indian country; (2) synthetic minor sources within Indian country; and (3) major sources in nonattainment areas within Indian country. We agree that EPA is responsible for administering the Clean Air Act within Indian country in the absence of delegated tribal air programs. We do not agree that the Federal Implementation Plan mechanism to be implemented in the rule is the best means of closing any perceived regulatory gap in Indian country.

The EPA Indian Policy recognizes tribal governments as the primary parties for setting standards, making environmental policy decisions and managing programs for reservations consistent with Agency standards and regulations. The Policy specifies that in any Agency action in Indian country “it will be necessary to proceed in a carefully phased way, to learn from successes and failures and to gain experience.”

EPA has departed from the policy by imposing, under the Minor Source Rule, a sweeping FIP regime that treats Indian country the same because it is “inconvenient” and “neither practical nor administratively feasible for us to develop and implement a separate program for each area of Indian country.”

This is also inconsistent with the tribal provisions of the Clean Air Act which favor treatment of tribes as states. Indian tribes have been provided, generally, less time, financial resources and regulatory flexibility, compared to the states, in the implementation of the Clean Air Act programs.

Indian tribes were turned away in different EPA regions ten years ago when seeking funding for delegated tribal air programs. EPA funding for tribal air programs was a flat \$11 million a year spread between Indian tribes seeking to compile emissions inventories and performing various kinds of air monitoring.

This is remarkable as the Minor Source Rule in Indian country is based upon calculated emissions rates that are assumed to “mirror” the National Emissions Inventory from 1999. Turning away Indian tribes seeking to achieve emissions inventories, the Agency now finds that it will require a five year study to determine actual emissions from Indian country for potential use in 2018 to support the implementation of this rule.

Lacking a foundation of sufficient actual emissions data for Indian country with which to implement this rule, we find that the Agency should aggressively fund tribal governments over five years to establish such an inventory before considering a FIP that applies to all of Indian country. Such an action would be consistent with the EPA Indian Policy which provides that the Agency “will take appropriate steps to remove existing legal and procedural impediments to working directly and effectively with tribal governments or reservation programs.”

EPA has a duty to consult with tribal governments on a government to government basis when EPA actions and decisions may affect tribal interests. See, President Obama Memorandum to Heads of Executive Departments and Agencies regarding Tribal Consultation (November 5, 2009). As specified by EPA, “consultation is a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking action or implementing decisions that may affect tribes.” Further, the EPA consultation policy provides that “tribal officials may request consultation in addition to EPA’s ability to determine what requires consultation.” Given the complexity and the significance of the Minor Source Rule in Indian country, we find that EPA did not engage in meaningful consultation with tribal governments before promulgating this rule.

In view of our finding, we request that EPA consult again with affected tribal governments before this rule is implemented. Please consider this a formal request to the EPA Designated Consultation Official, to initiate a new consultation with tribal governments that will be meaningful according to tribal criteria.

Finally, the Minor Source Rule appears to abridge the execution of the federal trust responsibility to Indian tribes. The EPA Indian Policy provides that the Agency will “in keeping with the federal trust responsibility assure that tribal concerns and interests are considered whenever EPA’s actions and decisions may affect reservation environments.” The federal government holds over five billion barrels of oil, 37 trillion cubic feet of natural gas and 53 billion tons of coal that are technically recoverable with current technologies. See, Senate Indian Affairs Committee, “Indian Energy Development”, 110th Congress, 2d Session, May 1, 2008.

The rule as it is to be implemented harms, in our view, the growth of tribal economies. This is in derogation of the federal trust responsibility under which the government owes a fiduciary duty to Indian tribes when it formally holds Indian property and assets dating back to treaty and executive order cessions of land made by Indian tribes.

As the EPA Indian Policy provides, especially where Indian tribes have a “substantial proprietary interest in, or control over” privately owned facilities in Indian country, the Agency will strive to assure compliance by working “cooperatively with tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary.” Where, as here, EPA has not provided any meaningful consultation nor engaged tribal leadership to develop sufficient emissions inventories as a first step to achieving treatment of tribes as states before promulgating this rule, we find that the Agency has not kept the trust responsibility to Indian tribes affected by the Minor Source Rule to be implemented.

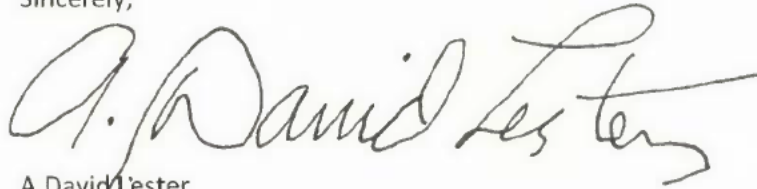
We request that the EPA provide direct and meaningful technical support to tribal governments up to five years to develop minor NSR programs under the same wide discretion states enjoy so long as Indian tribes collect and evaluate air quality data to assess the impacts of proposed facilities and modifications thereto in Indian country.

Without prejudice to the findings and requests above, we affirm the petitions of our sovereign member Indian tribes that EPA sanction continued construction of energy operations such as oil and gas wells and related facilities during the initiation of these rules by extending the availability of the EPA Transition Policy governing such synthetic minor sources in Indian country since 1999 for at least an additional two years and as long as five years. This would facilitate a smooth implementation of any prospective final regime of the Minor Source Rule in Indian country by allowing construction of synthetic minor sources while they are awaiting their permits to be issued in accordance with the rules.

In sum, it is our view that tribal governments, if provided the rightful opportunity consistent with the law, the EPA Indian Policy and the federal trust responsibility, could simultaneously bring any sources covered by the Minor Source Rule under control and expedite the permit processes under which the responsible development of our energy resources can take place. This result can only be achieved if, however, the Agency works with us as sovereign governments to achieve the goals of the Act consistent with our goals for balancing protection of our air environments with the development of our economies.

We request up to five years before the permitting requirements of the rule go into effect to develop tribal emissions inventories and compliance alternatives as the sound base for air programs. We further request that the EPA 1999 Transition Policy be extended up to five years to allow the continued development of our energy resources while assuring a better transition towards the eventual implementation of the Minor Source NSR Program in Indian country. Finally, we support development of associated and negotiated guidance over five years with which to implement the Minor Source Rule programs, as applicable and appropriate.

Sincerely,

A handwritten signature in black ink, reading "A. David Lester". The signature is fluid and cursive, with a long horizontal stroke at the end.

A. David Lester
Executive Director
Council of Energy Resource Tribes
League of Indian Nations



Correspondence Management System

Control Number: AX-11-001-4645

Printing Date: August 31, 2011 03:47:40



Citizen Information

Citizen/Originator: Harris, Robert J.

Organization: Industrial Fasteners Institute (IFI)

Address: 6363 Oak Tree Boulevard, Independence, OH 44131

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-4645

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 15, 2011

of Extensions: 0

Letter Date: Aug 30, 2011

Received Date: Aug 31, 2011

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- I am writing to alert you to the potential impact of the EPA's Toxicological Review of hexavalent chromium under its IRIS program

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

OW - Office of Water -- Immediate Office

R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (5) Personal Privacy	OEX	ORD	Aug 31, 2011	Sep 15, 2011	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



August 30, 2011

The Honorable Lisa Perez Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

On behalf of the Industrial Fasteners Institute (IFI), I am writing to alert you to the potential impact of the U.S. Environmental Protection Agency's (EPA) Toxicological Review of hexavalent chromium under its Integrated Risk Information System (IRIS) program on the manufacturing supply chain. It is critical that EPA use the most recent scientific evidence available when completing its assessment.

IFI is the trade association that represents 85% of the North American production capacity for mechanical fasteners – the nuts, bolts, screws, and rivets that hold together everything from aircraft to wind turbines. Hexavalent chromium is used as a corrosion inhibitor on aerospace and military fasteners.

On May 12, 2011, during a peer review workshop conducted by EPA, a panel of nine scientific experts recommended significant revisions to the current draft IRIS assessment regarding hexavalent chromium. These scientists urged EPA to incorporate the findings gathered from a significant research program currently being conducted by ToxStrategies in the agency's Toxicological Review for hexavalent chromium. The preliminary results from this research program involving state-of-the-art mode of action and pharmacokinetic information, shows mounting evidence of a biological threshold for hexavalent chromium toxicity.

EPA staff were aware of this research program as early as 2009 and have been briefed on the early findings. In fact, program staff specifically expressed interest in this type of data to inform the agency on whether further regulation is needed and, if so, what the basis would be. EPA's original published schedule for the completion of its draft Toxicological Review for hexavalent chromium was fall 2012, which would have easily enabled EPA staff to incorporate the results of the research studies into its IRIS assessment for hexavalent chromium. However, EPA has now accelerated the IRIS assessment process by two years.

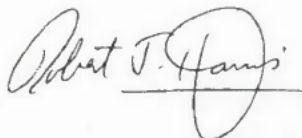
INDUSTRIAL FASTENERS INSTITUTE
6363 Oak Tree Boulevard • Independence, OH 44131
Phone 216/241-1482 • Fax 216/241-5901
Web site: www.indfast.org

The potential for costly regulations as a result of EPA's premature hexavalent chromium assessment is very likely to be far-reaching and have devastating effects within many industries. We must ensure that the health effects of hexavalent chromium, particularly at low levels to which the general public is exposed, are well understood before the Toxicological Review of hexavalent chromium is completed and a regulatory process begins. A delay of a few months is well justified for this ubiquitous substance.

We agree with the experts on the EPA scientific peer review panel and urge EPA to reconsider its accelerated schedule and revert back to the original timeline, thus allowing the groundbreaking work being conducted by ToxStrategies to be finalized and submitted to EPA scientists for review and incorporation into the EPA's final assessment on hexavalent chromium.

We appreciate your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Harris", with a stylized flourish at the end.

Robert J. Harris
Managing Director



Correspondence Management System

Control Number: AX-11-001-2624

Printing Date: August 04, 2011 04:03:20



Citizen Information

Citizen/Originator: Webber, Jay

Organization: New Jersey General Assembly
Address: 76 Route 10 West, Whippany, NJ 07981

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-2624 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 22, 2011 **Received Date:** Aug 4, 2011
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-Transportation is a critical component of our economic vitality, and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views.
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R2 - Region 2 -- 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	Aug 4, 2011	Aug 18, 2011	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



NEW JERSEY GENERAL ASSEMBLY

JAY WEBBER

ASSEMBLYMAN, 26TH DISTRICT

MORRIS & PASSAIC COUNTIES

760 ROUTE 10 WEST, SUITE 101

WHIPPANY, NJ 07981

(973) 884-6190 • FAX (973) 884-6197

asmwebber@njleg.org

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2011 JUL 27 PM 4:03

RECEIVED

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 22, 2011

The Honorable Ray LaHood
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

Today jobs, the economy, and energy security are on the minds of every American. As an elected official of New Jersey, I am focused on proactive policies to address these critical issues and grow toward a more secure future. Transportation is a critical component of our economic vitality, and given that your agencies are now developing national fuel economy standards for 2017-2025, I wanted to share my views.

Safe, efficient, and reliable transportation impacts each individual, family, and business in my district. New Jersey's jobs are tied to cost-effective transportation, especially considering our State's status as home to millions of long-range consumers.

I encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, or jobs. NHTSA and EPA have already set standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. Overreaching regulations can place a significant cost burden on individuals, families and businesses of New Jersey.

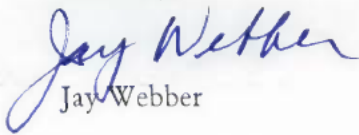
It is important that any standards for 2017-2025 support a broad range of consumer needs in terms of utility and function. Americans need a range of vehicles to meet their family and business needs. Large families require automobiles with sufficient passenger space, including room for multiple child-safety seats in the back. Small businesses need vans and utility vehicles to conduct commerce. Agriculture depends on pickup trucks, as do the construction industry and local trades. Affordability, consumer choice, and job preservation should be top priorities.

New Jersey's residents all share the need for affordable transportation, and we must be cognizant of the unforeseen consequences of well-intentioned but misguided government regulations. For example,

if fuel economy standards increase too quickly, resulting in more expensive vehicles, many consumers can be expected to hold on to their older vehicles longer and defer buying a new car, which could put auto jobs across the country at risk and delay compliance with federal air quality standards.

As an elected official, I think every day about job creation and security for my region, and know that good regulations and laws are often a balancing act of competing demands. I encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability, and the economic concerns that weigh on our nation's fragile recovery.

Sincerely,

A handwritten signature in blue ink that reads "Jay Webber". The signature is fluid and cursive, with the first name "Jay" being more prominent than the last name "Webber".

Jay Webber



Correspondence Management System

Control Number: AX-11-001-3095

Printing Date: August 04, 2011 03:57:15



Citizen Information

Citizen/Originator: Wilson, Jackie L.

Organization: City of Douglas (Georgia)
Address: P.O. Box 470, Douglas, GA 31534

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

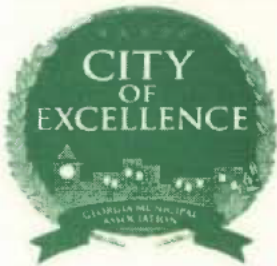
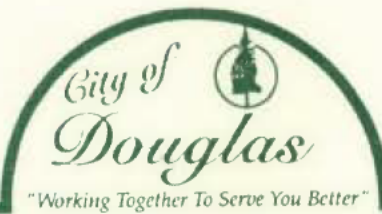
Control Number: AX-11-001-3095 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 27, 2011 **Received Date:** Aug 3, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
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- On behalf of The City of Douglas, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules.
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
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: Pamela Garrett
Office: OAR-OAQPS-SPPD-ESG
Due Date: Aug 9, 2011
Assigned Date: Aug 4, 2011
Complete Date: N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Aug 4, 2011	Aug 18, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					



Mayor

Jackie L. Wilson

Mayor Pro Tem

Ronnie Anderson

Commissioners

Dennis Josey

Bob Moore

Olivia Pearson

Johnnie Lee Roper, Sr.

Marty Swain

City Manager

Terrell Jacobs

P.O. Box 470
Douglas, GA 31534
(912) 389-3401
Fax: (912) 384-6730



July 27, 2011

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

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234

RECEIVED
2011 AUG -3 PM 12:30
OFFICE OF THE
EXECUTIVE SECRETARIAT

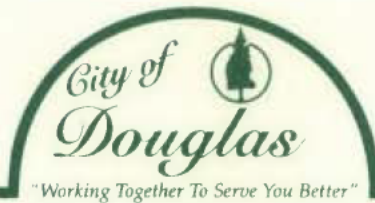
Dear Administrator Jackson:

On behalf of The City of Douglas, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Our community-owned, not-for-profit electric utility serves 5,866 customers. We supply electricity produced in part by coal-fired electric generating units that could be significantly impacted by the proposed EGU MACT rule – even though those coal units are already well-controlled for mercury and for criteria pollutants such as sulfur dioxide and nitrogen oxides.

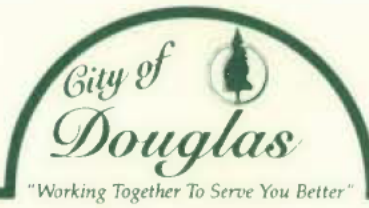
We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use. As a not-for-profit electric utility owned and operated by local government, we support these Executive Orders that call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame.

Our concerns include the following:

- The proposed rules create a risk of having to raise electricity rates, that could cause our customers economic hardship, particularly those negatively impacted

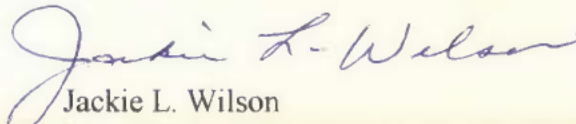


- by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule raises electricity reliability issues in some regions in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired capacity may face retirement nationally because of the rules, other industry analysts and the North American Electric Reliability Corporation (NERC) estimate that as many as 70 GW of capacity could face retirement.
- EPA's economic and reliability analysis in the proposed rules addresses only impacts from the proposed EGU MACT regulations. The analysis does not address the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed EGU MACT rules include many additional requirements beyond those to reduce mercury emissions. Control of other emissions under the EGU MACT rule may not be necessary or required under the Clean Air Act or based EPA's own hazardous air pollutants study. EPA should consider whether to decline to adopt the rules not related to control of mercury emissions.
- The statutorily imposed three-year time frame for compliance with the EGU MACT rules is too short. The electric industry needs at a minimum, an additional two years to avoid reliability issues that could arise when coal fired power plants must shut down for an extended period to retrofit emissions controls needed to comply with the rule. We respectfully encourage EPA to grant the one-year extension it is statutorily allowed to do and urge that a second year of extension is granted via a presidential order.
- EPA's own Regulatory Impact Analysis (RIA) appears to suggest that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs appear to significantly underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.



Thank you for your consideration.

CITY OF DOUGLAS


Jackie L. Wilson
Mayor

Cc: Honorable Johnny Isakson
Honorable Saxby Chambliss
Honorable Jack Kingston



Correspondence Management System

Control Number: AX-11-001-3124

Printing Date: August 04, 2011 04:45:19



Citizen Information

Citizen/Originator: Thompson, Greg

Organization: The City of Monroe
Address: Post Office Box 1249, Monroe, GA 30655

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-3124 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 26, 2011 **Received Date:** Aug 3, 2011
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 the City of Monroe regarding the EPA proposed electric generating unit maximum achievable control technology EGU MACT rules.Docket ID Nos. EPA-HQ-OAR-2009-0234; Stop the mercury
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
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
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: Pamela Garrett
Office: OAR-OAQPS-SPPD-ESG
Due Date: Aug 9, 2011
Assigned Date: Aug 4, 2011
Complete Date: N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Aug 4, 2011	Aug 18, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Sabrina Hamilton	OAR	OAR-OAQPS	Aug 4, 2011	Aug 15, 2011	N/A
	Instruction: OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).				



Post Office Box 1249 • Monroe, Georgia 30655
Telephone 770-267-7536 • Fax 770-267-2319

Greg Thompson, Mayor
L. Wayne Adcock, Vice Mayor

July 26, 2011

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

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234

Dear Administrator Jackson:

On behalf of the City of Monroe, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Our community-owned, not-for-profit electric utility serves 5,997 customers. We supply electricity produced in part by coal-fired electric generating units that could be significantly impacted by the proposed EGU MACT rule – even though those coal units are already well-controlled for mercury and for criteria pollutants such as sulfur dioxide and nitrogen oxides.

We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use. As a not-for-profit electric utility owned and operated by local government, we support these Executive Orders that call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame.

Our concerns include the following:

- The proposed rules create a risk of having to raise electricity rates, that could cause our customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule raises electricity reliability issues in some regions in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired capacity may face retirement nationally because of the rules, other industry analysts and the North American Electric Reliability Corporation (NERC) estimate that at as many as 70 GW of capacity could face retirement.

Councilmembers: Denise H. Dixon • Nathan Little • Lee P. Malcom
Cliff Peters • Jimmy Richardson • Rita A. Scott • Jerry Smith

RECEIVED
2011 AUG -3 PM 12:29
OFFICE OF THE
EXECUTIVE SECRETARIAT

-Page 2-

The Honorable Lisa Jackson

July 26, 2011

- EPA's economic and reliability analysis in the proposed rules addresses only impacts from the proposed EGU MACT regulations. The analysis does not address the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed EGU MACT rules include many additional requirements beyond those to reduce mercury emissions. Control of other emissions under the EGU MACT rule may not be necessary or required under the Clean Air Act or based EPA's own hazardous air pollutants study. EPA should consider whether to decline to adopt the rules not related to control of mercury emissions.
- The statutorily imposed three-year time frame for compliance with the EGU MACT rules is too short. The electric industry needs at a minimum, an additional two years to avoid reliability issues that could arise when coal fired power plants must shut down for an extended period to retrofit emissions controls needed to comply with the rule. We respectfully encourage EPA to grant the one-year extension it is statutorily allowed to do and urge that a second year of extension is granted via a presidential order.
- EPA's own Regulatory Impact Analysis (RIA) appears to suggest that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs appear to significantly underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Thompson", is written over the printed name.

Greg Thompson

cc: The Honorable Saxby Chambliss
The Honorable Johnny Isakson
The Honorable Rob Woodall



Correspondence Management System

Control Number: AX-11-001-3160

Printing Date: August 04, 2011 12:49:44



Citizen Information

Citizen/Originator: Blachford, Charles

Organization: The Genesis Group LLC

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3160

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Aug 3, 2011

Received Date: Aug 4, 2011

Addressee: Diane Thompson

Addressee Org: EPA

Contact Type: EML (E-Mail)

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- Premature action by the EPA regarding NAAQS br ozone would have a truly detrimental impact on The Timken Company and we respectfully request that the Agency wait until at least 2013 when the scientific panel will complete its work before any new NAAQS for ozone standards are put in place.

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

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	Aug 4, 2011	Aug 18, 2011	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

Fw: NAAQS for ozone standards

Eric Wachter to (b) (6) Personal Privacy

08/03/2011 04:17 PM

From: Eric Wachter/DC/USEPA/US
To: (b) (6) Personal Privacy/DC/USEPA/US@EPA

----- Forwarded by Eric Wachter/DC/USEPA/US on 08/03/2011 04:17 PM -----

From: Diane Thompson/DC/USEPA/US
To: "Eric Wachter" <wachter.eric@epa.gov>
Date: 08/03/2011 01:07 PM
Subject: FW: NAAQS for ozone standards

For processing

Diane E. Thompson
Chief of Staff
U.S. Environmental Protection Agency

----- Forwarded by Diane Thompson/DC/USEPA/US on 08/03/2011 01:07:55 PM-----

----- Original Message -----

From : "Charles Blachford" <cblachford@genesishgroupllc.com>
To : Diane Thompson/DC/USEPA/US@EPA
Cc : "Mark Benedict" <mbenedict@genesishgroupllc.com>, "Caroline E. Vilchez" <cvilchez@genesishgroupllc.com>
Sent on : 08/03/2011 12:07:53 PM
Subject : NAAQS for ozone standards

Dear Ms. Thompson,

I am contacting you on behalf of The Timken Company (www.timken.com). Timken is a world leader with innovative friction management and power transmission products and services that are critical to help hard-working machinery perform efficiently and reliably. Our vast array of products are used in industries that are vital to our nation's economy like the energy and automotive sectors. With almost 10,000 people operating from 60 locations throughout the United States we wanted to inform you that our operations will be greatly impacted if the EPA prematurely tightens the National Ambient Air Quality Standards (NAAQS) for ozone.

As you are aware, your agency has a scientific panel in place to review NAAQS for ozone and is scheduled to complete its work in 2013. If you were to prematurely release a new stringent NAAQS ozone standard it would be inappropriate because the scientific study is incomplete and

very costly to our operations which would thwart our ability to expand.

Currently, the NAAQS for ozone standard is 75ppm which is quite stringent in itself and some states have yet to fully implement the 1997 and 2008 standards. Lowering an already stringent standard will put virtually every county in the country into non-attainment. Additionally, tightening these standards to 70ppm would be extremely difficult for some states to come under compliance if they could meet those standards at all. Any further tightening to levels close to 60ppm would be impossible for states such as Ohio to meet because the technology does not even exist to meet those standards in these states.

Premature action by the EPA regarding NAAQS for ozone would have a truly detrimental impact on The Timken Company and we respectfully request that the Agency wait until at least 2013 when the scientific panel will complete its work before any new NAAQS for ozone standards are put in place.

Respectfully,

Charles Blachford

Charles D. Blachford

Principal

The Genesis Group LLC

540-449-3988

cblachford@genesishgroupllc.com



Correspondence Management System

Control Number: AX-11-001-3163

Printing Date: August 04, 2011 04:08:28



Citizen Information

Citizen/Originator: McPhail, Donald L

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-11-001-3163 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Aug 1, 2011 **Received Date:** Aug 4, 2011
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- SBU/FOUO: Memo from Department of State Exec Sec Stephen D. Mull:
National Security Affairs Calendar SENSITIVE BUT UNCLASSIFIED/FOR OFFICIAL
GOVERNMENT USE ONLY - S/ES No. 201113474
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OEAE - 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	Aug 4, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OARM	Aug 4, 2011
(b) (6) Personal Privacy	OEX	Control Taken Over	Aug 4, 2011



S/ES 201113474

United States Department of State

Washington, D.C. 20520

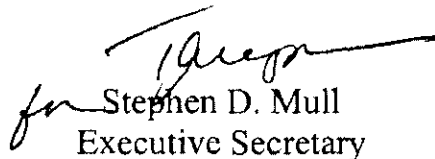
August 1, 2011

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FOR OFFICIAL GOVERNMENT USE ONLY

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.


for Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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August 1, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Aug 3-4*	Visit of Foreign Minister Moreno of Chile to Washington
Aug 4*	Visit of Foreign Minister Baird of Canada to Washington
Aug 4-7*	Visit of Foreign Minister II Pehin Lim of Brunei to Houston and Washington
Aug 7	Presidential Elections in Cape Verde
Aug 7	Presidential Elections in Sao Tome and Principe-2nd Round

LOOKING FORWARD

Aug 11-12*	Visit of Foreign Minister Stoere of Norway to Washington
Aug 16-24	Visit of Vice President Biden to China, Mongolia and Japan
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

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Sep TBD*	2nd Round of U.S.-Philippines Bilateral Strategic Dialogue, Washington
Sep 2	ASEAN Ministers of Energy Meeting, Brunei
Sep 6-9	42nd Pacific Islands Forum, Auckland
Sep 6-8	1st APEC Forestry Ministerial, Beijing
Sep 9-10	G-7 Finance Ministerial Meeting, Marseille
Sep 11	Presidential and Legislative Elections in Guatemala
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 17-19*	Visit of Crown Prince Al-Mutahdee Billah of Brunei to Washington
Sep 17	Parliamentary Elections in Latvia (Snap)

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3

Sep 19-20	66th United Nations General Assembly Non-Communicable Disease High-Level Session, New York
Sep 19-23	IAEA General Conference, 55th Session, Vienna
Sep 20	66th United Nations General Assembly Desertification High-Level Session, New York
Sep 20	Presidential and Legislative Elections in Zambia
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
Sep 24	Legislative Elections in the United Arab Emirates
Sep 24	Parliamentary Elections in Bahrain (Snap)-1st Round
Sep 25-26	Asia-Pacific Economic Cooperation (APEC) Senior Officials' Meeting 3, San Francisco
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 1	Parliamentary Elections in Bahrain (Snap)-2nd Round

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4

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 5-6	Pathways to Prosperity Ministerial Meeting, Santo Domingo
Oct 5-7	The Americas Competitiveness Forum, Dominican Republic
Oct 7	Parliamentary Elections in Morocco
Oct 9	Parliamentary Elections in Poland
Oct 10-11	Summit on the Global Agenda 2011, Abu Dhabi
Oct 11	Presidential and Legislative Elections in Liberia
Oct 13*	U.S.-India Higher Education Summit, Washington
Oct 16	G-20 Finance Ministerial, Paris
Oct 16-17	APEC Workshop on Terrorist Abuse of Non-Profit Organizations, Kuala Lumpur
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 17-20	7th UNESCO Youth Forum, Paris
Oct 21-23	World Economic Forum on the Middle East, Dead Sea, Jordan
Oct 23	Legislative Elections in Tunisia (Snap)

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5

Oct 23	Presidential Elections in Bulgaria
Oct 24-28	International Telecommunication Union (ITU) Telecom World 2011, Geneva
Oct 30	Presidential Elections in Kyrgyzstan
Nov TBD	Pacific Island Conference of Leaders, Honolulu
Nov TBD	Presidential Elections in Egypt
Nov 1	High-Level Forum on Aid Effectiveness, Seoul
Nov 1-2	London International Cyber Conference, London
Nov 2	Regional Summit on Afghanistan, Istanbul
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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6

Nov 12	Parliamentary Elections in Denmark
Nov 13-15	India Economic Summit, Mumbai
Nov 14-18	International Atomic Energy Agency (IAEA) International Conference on Research Reactors, Rabat
Nov 14-18	International Education Week
Nov 17-18	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Nov 17-19	ASEAN Summit and Related Meetings, Bali
Nov 19	East Asia Summit (EAS) Meeting, Bali
Nov 20	Parliamentary Elections in Spain
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 4	Parliamentary Elections in Croatia
Dec 5-22	Biological Weapons Convention 7th Review Conference, Geneva
Dec 5	International Afghanistan Conference, Bonn

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7

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
2012 Jan 16-19	5th World Future Energy Summit, Abu Dhabi
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
May 20	Presidential Elections in the Dominican Republic
Jun 4-6	UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
Jul 1	Presidential and Legislative Elections in Mexico
Jul 8-10	Organization of American States (OAS) General Assembly, Cochabamba, Bolivia

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8

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:

Please email Saadia Sarkis at sarkiss@state.sgov.gov or sarkiss@state.gov.

SENSITIVE BUT UNCLASSIFIED



Correspondence Management System

Control Number: AX-11-001-3164

Printing Date: August 04, 2011 12:37:06



Citizen Information

Citizen/Originator: Gard, Beverly

Organization: Indiana State Senate

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3164

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Aug 1, 2011

Received Date: Aug 4, 2011

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-By law, the Environmental Protection Agency is required to review ozone standards every five years. In 2008, the EPA lowered the existing 8-hour standard from 0.075 ppm to 0.084 ppm but now we are in 2011, and the administration is already pushing for even lower standards.

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

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
R5 - Region 5 -- 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	Aug 4, 2011	Aug 18, 2011	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.			

Dear Mr. Daley,

It is widely known that the U.S. government is generally behind schedule when it comes to many regulatory issues. Therefore, when a government agency jumps years ahead of schedule to take action, significant problems arise for stakeholders and taxpayers as well. By law, the Environmental Protection Agency is required to review ozone standards every five years. In 2008, the EPA lowered the existing 8-hour standard from 0.075 ppm to 0.084 ppm but now we are in 2011, and the administration is already pushing for even lower standards.

The government's change of pace on regulatory issues is moving so fast that often rules are proposed without adequate reasoning or consideration of their effects on a recovering economy.

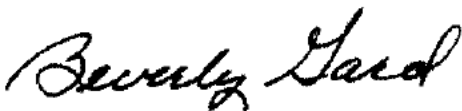
Currently all 92 counties in Indiana are in attainment with the existing ozone standards. As a State Senator, who represents one of the newly affected counties and is Chairman of the Energy and Environmental Affairs Committee, I am gravely concerned that this proposal will create unnecessary economic hardships to at least 20 counties. These hardships will have a negative impact on the entire state as well.

Members of the Business Roundtable have warned the EPA of the economic harm that would result from lowering the ozone standards and have labeled it the single most expensive environmental regulation ever imposed on the U.S. economy. The EPA's own projections estimate that the revised standards would cost our already weakened economy as much as \$90 billion annually. The proposed rules will also prevent business from expanding, which will hurt communities and local governments across Indiana. According to a study by the Manufactures Alliance (MAPI) nearly 7.3 million jobs will be lost by 2020.

Hoosiers cannot afford this and frankly, should not have to. Indiana is sound economically and we have worked hard to maintain that status. The fact that several states are only recently coming into attainment with the 1997, 0.084 ppm ozone standard, while Indiana counties are at 100 percent attainment with the current standard, is something we should be proud of, not something we should be punished for.

The EPA is not justified in pushing for the lower ozone standards without new scientific data or evidence to justify its actions. Hoosiers deserve a credible explanation for why the agency is acting so eagerly to implement this rule without a sufficient basis. Hoosiers, by law, deserve to keep the ozone level at the current sustainable level without unnecessary burdens that would be brought on by this proposal.

Please reconsider your current proposed regulations and consider the economic health of the constituents that we all serve.



Sincerely,

Beverly Gard
Chairman of the Energy and Environmental Affairs Committee
Indiana State Senate[attachment "image001.png" deleted b (b) (6) Personal Privacy s/DC/USEPA/US]

significant problems arise for stakeholders and taxpayers as well. By law, the Environmental Protection Agency is required to review ozone standards every five years. In 2008, the EPA lowered the existing 8-hour standard from 0.075 ppm to 0.084 ppm but now we are in 2011, and the administration is already pushing for even lower standards.

The government's change of pace on regulatory issues is moving so fast that often rules are proposed without adequate reasoning or consideration of their effects on a recovering economy.

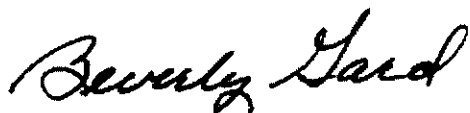
Currently all 92 counties in Indiana are in attainment with the existing ozone standards. As a State Senator, who represents one of the newly affected counties and is Chairman of the Energy and Environmental Affairs Committee, I am gravely concerned that this proposal will create unnecessary economic hardships to at least 20 counties. These hardships will have a negative impact on the entire state as well.

Members of the Business Roundtable have warned the EPA of the economic harm that would result from lowering the ozone standards and have labeled it the single most expensive environmental regulation ever imposed on the U.S. economy. The EPA's own projections estimate that the revised standards would cost our already weakened economy as much as \$90 billion annually. The proposed rules will also prevent business from expanding, which will hurt communities and local governments across Indiana. According to a study by the Manufactures Alliance (MAPI) nearly 7.3 million jobs will be lost by 2020.

Hoosiers cannot afford this and frankly, should not have to. Indiana is sound economically and we have worked hard to maintain that status. The fact that several states are only recently coming into attainment with the 1997, 0.084 ppm ozone standard, while Indiana counties are at 100 percent attainment with the current standard, is something we should be proud of, not something we should be punished for.

The EPA is not justified in pushing for the lower ozone standards without new scientific data or evidence to justify its actions. Hoosiers deserve a credible explanation for why the agency is acting so eagerly to implement this rule without a sufficient basis. Hoosiers, by law, deserve to keep the ozone level at the current sustainable level without unnecessary burdens that would be brought on by this proposal.

Please reconsider your current proposed regulations and consider the economic health of the constituents that we all serve.



Sincerely,

Beverly Gard
Chairman of the Energy and Environmental Affairs Committee



Indiana State Senate image001.png



Correspondence Management System

Control Number: AX-11-001-3165

Printing Date: August 04, 2011 04:12:15



Citizen Information

Citizen/Originator: Krzenesky, Allan J.

Organization: City of Peshtigo

Address: 331 French Street/P.O. Box 100, Peshtigo, WI 54157-0100

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3165

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Jul 15, 2011

Received Date: Aug 4, 2011

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- We respectfully request your consideration to reappropriating the funds for our project which have been rescinded,

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

Instruction Note: N/A

General Notes: N/A

CC: OCFO - OCFO -- Immediate Office

OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (5) Personal Privacy	OEX	OW	Aug 4, 2011	Aug 18, 2011	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

July 15, 2011

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

RE: City of Peshtigo Special Appropriation Grant

Ms. Jackson,

The City of Peshtigo, a fourth Class City located in northeast Wisconsin, has been working diligently on their Water Treatment Facilities and Wastewater Treatment Plant Improvements. These projects will better serve the residents of our City, as well as BPM, Inc., the largest industrial user of the Wastewater Treatment Plant, with no significant environmental impact. The availability of the Special Appropriation Grant has a significant impact on the City's sewer users. The sewer user rates will increase if the grant is rescinded.

The City received a letter from the USEPA on February 21, 2008 informing that the City had been designated, through a Congressional appropriation, to receive a grant from the USEPA for water-related infrastructure improvements. An Application, Budget Sheet, Assurances, Certifications, Compliance Review Report, Project Work Plan, and Environmental Planning Worksheet for the Water Treatment Facilities for radionuclide compliance were submitted to the USEPA on May 19, 2008.

In June of 2008, the City received a USEPA memorandum listing the City for Award of Special Appropriation Act Project Grant 273 WI. The City was requested by the USEPA and the Congressional Appropriations Committee to repurpose their request for the Special Appropriation Grant from the Water System Improvements to the Wastewater Treatment Plant Improvements.

The Application, Budget Sheet, Assurances, Certifications, Compliance Review Report, Project Work Plan, and Environmental Planning Worksheet for the Wastewater Treatment Plant Improvements were submitted to the USEPA on December 10, 2010. The Wastewater Treatment Plant Project has no significant environmental impact and will result in significant reduction of electrical energy. In January of 2011, the City received a USEPA letter from Kenneth A. Westlake stating the project has no significant environmental impact and is categorically excluded from a detailed National Environmental Policy Act (NEPA) Analysis. Also, in January of 2011, Ms. Barbara Cash, USEPA Region 5 Project Manager, informed the City the grant will be awarded in approximately two months. In March of 2011, Ms. Cash indicated the review of the project would be finalized on March 17, 2011. The project Work Plan was approved on March 18, 2011. On March 29, 2011, Ms. Cash requested the signature by the Authorized Official, Mr. George Cowell, on the Application, Assurances Form, Certification Forms, and Compliance Review Report Form. Mr. George Cowell signed all required signature pages and the City e-mailed them to Ms. Barbara Cash, USEPA on April 4, 2011. On June 17, 2011 the City learned from Steffanie Crossland, USEPA Region 5 in Chicago, that the grant we applied for is currently on hold and funds may or may not be rescinded.

The City has worked carefully through the activities required on the project to obtain the Special Appropriation Grant putting in a lot of time and effort to assure it was done properly. We are now at the point where we're ready to bid the Wastewater Treatment Plant Improvement Project. However, we do not have the EPA contractual requirements for the Special Appropriation Grant, which we expected after the April 4, 2011 signing of all the required documents.

The City of Peshtigo has never received a Special Appropriation Grant before and felt we were doing everything as required. We also do not understand how Congress released the funds for USEPA FY2009 and FY2010 projects, but did not release the appropriated grant for our project.

We respectfully request your consideration to reappropriating the funds for our project which have been rescinded, so the City of Peshtigo may proceed in the completion of this much needed Wastewater Treatment Plant Improvement Project. Thank you.

Sincerely,

CITY OF PESHTIGO

Allan J. Krizenesky
Mayor

AJK/maw

cc: House Committee on Appropriations
Senate Committee on Appropriations
Senator Herbert Kohl
Congressman Reid Ribble
Senator Ron Johnson
BPM, Inc.



Correspondence Management System

Control Number: AX-11-001-3172

Printing Date: August 04, 2011 12:42:18



Citizen Information

Citizen/Originator: Billings, Paul

Organization: American Lung Association

Address: 1301 Pennsylvania Avenue NW, Washington, DC 20004

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3172

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Aug 3, 2011

Received Date: Aug 4, 2011

Addressee: POTUS-President of the United States

Addressee Org: N/A

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-As leading public health and medical organizations, we strongly support your administration's decision to reconsider the 2008 National Ambient Air Quality Standards for ozone air pollution.

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	Aug 4, 2011	Aug 18, 2011	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

American Academy of Pediatrics • American Association of Cardiovascular and Pulmonary Rehabilitation • American College of Preventive Medicine • American Heart Association
American Lung Association • American Public Health Association • American Thoracic Society
Asthma and Allergy Foundation of America • National Association for Medical Direction of
Respiratory Care • National Association of County and City Health Officials • National
Environmental Health Association • National Home Oxygen Patients Association • Physicians
for Social Responsibility • Trust for America's Health

August 3, 2011

The President
The White House
Washington, DC 20500

Dear Mr. President:

As leading public health and medical organizations, we strongly support your administration's decision to reconsider the 2008 National Ambient Air Quality Standards for ozone air pollution. We note with great concern that, once again, your Administration has not met the deadline promised to complete that reconsideration.

This marks the fourth delay of this lifesaving health standard. This work was originally scheduled for completion nearly one year ago in August 2010. Each day of delay postpones the start of the implementation of these standards and the lifesaving pollution cleanup. We urge you to finalize the most protective standard, and do so immediately.

The ozone health standard must protect those who are most vulnerable from the dangerous health impacts of ozone, including infants, children, older adults, and those with chronic diseases. To safeguard the health of the American people, help to save lives, and reduce health care spending, we support the most protective standard under consideration: 60 parts per billion (ppb) averaged over eight hours.

As we have seen this summer with numerous code orange and code red days, ozone or smog can cause asthma attacks, coughing and wheezing, and shortness of breath. There are hundreds of studies documenting harm to the respiratory system, and now growing evidence warns that ozone may harm the cardiovascular system as well. Breathing unhealthy levels of smog sends people to the hospital and emergency rooms and creates serious health risks. Multiple studies show that ozone actually can kill people.

In fact, based on EPA's own estimates, measures to reduce ozone pollution will save as many as 12,000 lives each year. Reducing ozone levels is an important component of a larger national strategy to prevent diseases and promote health. Beyond the direct health effects, efforts to encourage the public to pursue more active, healthier lifestyles are hampered by poor air quality and the environmental health risks associated with exposure to ozone.

An overwhelming 75 percent of voters support EPA setting stricter limits on smog, according to a recent America Lung Association bi-partisan poll. The poll found that 65 percent say that stricter standards on air pollution will not damage our economic recovery, with 54 percent believing that updates are likely to create more jobs, not less.

Reducing ozone levels is fundamental to protecting the health of Americans. Reducing ozone saves expenses that are currently going for additional medicine, avoidable hospital admissions and emergency department treatment, missed school days and missed work days. Millions live in areas that are already polluted with too much smog. They are already paying the price—too often with their lives.

Setting a health-based ozone standard based on the science is long overdue. We urge you to act today and set a new ozone standard to protect public health.

Sincerely,

American Academy of Pediatrics
American Association of Cardiovascular and Pulmonary Rehabilitation
American College of Preventive Medicine
American Heart Association
American Lung Association
American Public Health Association
American Thoracic Society
Asthma and Allergy Foundation of America
National Association for Medical Direction of Respiratory Care
National Association of County and City Health Officials
National Environmental Health Association
National Home Oxygen Patients Association
Physicians for Social Responsibility
Trust for America's Health

cc. William M. Daley, Chief of Staff, The White House
Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency
Nancy Sutley, Chair, Council on Environmental Quality



Correspondence Management System

Control Number: AX-11-001-3182

Printing Date: August 04, 2011 03:45:15



Citizen Information

Citizen/Originator: Hunnicutt, Robert T

Organization: City of Fort Valley Georgia Utility Commission
Address: Post Office Box 1529, Fort Valley, GA 31030-1529

Watson, Ned

Organization: City of Fort Valley Georgia Utility Commission
Address: Post Office Box 1529, Fort Valley, GA 31030-1529

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3182 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 27, 2011 **Received Date:** Aug 4, 2011
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 Fort Valley Utility Commission concerns regarding Stop Mercury and Air Toxics Now EPA-HQ-OAR-2009-0234
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
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
R4 - Region 4 -- 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	Aug 4, 2011	Aug 18, 2011	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.			



UTILITY COMMISSION

P.O. BOX 1529 • FORT VALLEY, GEORGIA 31030-1529
(478) 825-7701 • FAX (478) 825-7704 • www.fvutil.com

REC'D

2011 AUG -4 PM 12:20

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 27, 2011

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

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234

Dear Administrator Jackson:

On behalf of the Fort Valley Utility Commission, I am writing regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology ("EGU MACT") rules. Our community-owned, non-for-profit electric utility serves 4,750 customers. We supply electricity produced in part by coal-fired electric generating units that could be significantly impacted by the proposed EGU MACT rule – even though those coal units are already well-controlled for mercury and for criteria pollutants such as sulfur dioxide and nitrogen oxides.


We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders – EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use. As a not-for-profit electric utility owned and operated by local government, we support these Executive Orders that call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame.

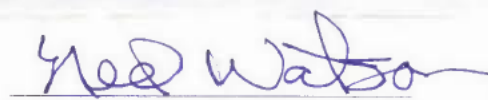
Our concerns include the following:

- The proposed rules create a risk of having to raise electricity rates, that could cause our customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes.
- The proposed rule raises electricity reliability issues in some regions in 2014 when compliance with these rules begins. While EPA estimates that only 9 GW of coal-fired capacity may face retirement nationally because of the rules, other industry analysts and the North American Electric Reliability Corporation (NERC) estimate that at as many as 70 GW of capacity could face retirement.

- EPA's economic and reliability analysis in the proposed rules addresses only impacts from the proposed EGU MACT regulations. The analysis does not address the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years.
- The proposed EGU MACT rules include many additional requirements beyond those to reduce mercury emissions. Control of other emissions under the EGU MACT rule may not be necessary or required under the Clean Air Act or based EPA's own hazardous air pollutants study. EPA should consider whether to decline to adopt the rules not related to control of mercury emissions.
- The statutorily imposed three-year time frame for compliance with the EGU MACT rules is too short. The electric industry needs at a minimum, an additional two years to avoid reliability issues that could arise when coal fired power plants must shut down for an extended period to retrofit emissions controls needed to comply with the rule. We respectfully encourage EPA to grant the one-year extension it is statutorily allowed to do and urge that a second year of extension is granted via a presidential order.
- EPA's own Regulatory Impact Analysis (RIA) appears to suggest that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs appear to significantly underestimate the real impact and show no regional additional impacts in states such as Indiana, Ohio, Wisconsin, Michigan, Minnesota, Kentucky, Georgia, Alabama and Texas.

Thank you for your consideration.


Robert T. Hunnicutt Sr.
Chairman


Ned Watson
General Manager

cc: Senator Saxby Chambliss, US Senate
Senator Johnny Isakson, US Senate
Representative Sanford Bishop, US House of Representatives



Correspondence Management System

Control Number: AX-11-001-3183

Printing Date: August 04, 2011 04:40:38



Citizen Information

Citizen/Originator: Thompson, Steven A.

Organization: Oklahoma Department of Environmental Quality
Address: 707 North Robinson, Post Office Box 1677, Oklahoma City, OK
73101-1677

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3183 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 25, 2011 **Received Date:** Aug 4, 2011
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 National Pollutant Discharge Elimination System - Cooling Water Intake Structures at Existing Facilities and Phase I Facilities Comments from the Oklahoma Department of Environmental Quality EPA-HQ-OW-2008-0667
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
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
R6 - Region 6 -- Immediate Office
R8 - Region 8 -- 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	Aug 4, 2011	Aug 18, 2011	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.			



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

July 25, 2011

U.S. Environmental Protection Agency
Mail Code: 4203M
Water Docket
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OW-2008-0667
National Pollutant Discharge Elimination System – Cooling Water
Intake Structures at Existing Facilities and Phase I Facilities
Comments from the Oklahoma Department of Environmental Quality

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 AUG -4 PM 12:20

REC'D

Dear Administrator Jackson:

The Oklahoma Department of Environmental Quality (DEQ) appreciates the opportunity to comment on EPA's draft rule of section 316(b) of the Clean Water Act. The purpose of this rule is to protect fish from impingement and entrainment at cooling water intakes that have a design intake greater than 2 MGD and use more than 25% for cooling purposes. The proposed rule will require modifications to existing facilities to protect aquatic life at the intake point. Please consider the following comments to the proposed rule:

1) Resource and Expertise Limitations

Due to the current economic climate in Oklahoma and the United States, there is very limited funding to implement the myriad expanding Clean Water Act requirements. As drafted this rule will require:

- a) a substantial number of meetings between facilities and state staff;
- b) extensive research hours for the state personnel;
- c) very specific expertise and additional staff that DEQ does not have; and
- d) large expenditure by the regulated community.

These additional resources will be required to obtain only minimal environmental protection. States should have the ability to prioritize and only apply these requirements when the state determines that there is an appropriate environmental protection for the cost required.

2) Implementation

The ODEQ suggests that the new rule should allow for compliance schedules for implementation. This will help ODEQ and the facilities comply gradually over time and ensure that the CWIS's are fully in compliance with the rule. This would assist with the workload burden.



3) Exemption for closed-cycle systems

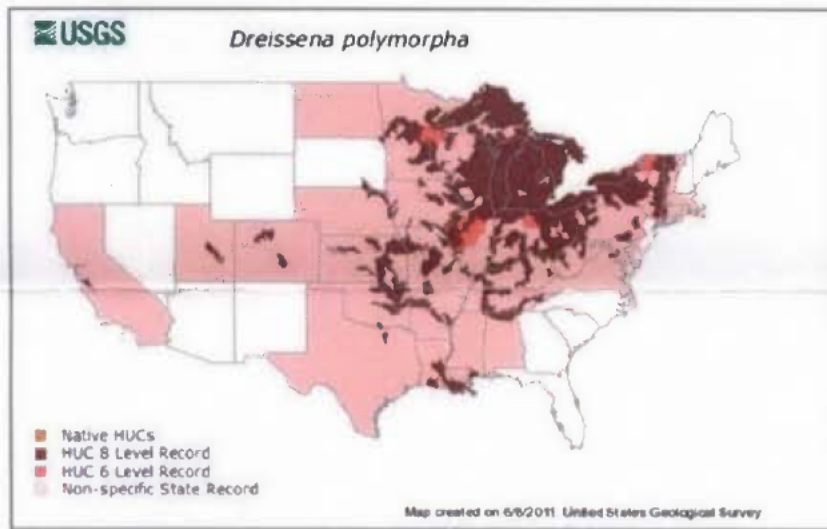
Facilities that have cooling towers and are considered closed-cycle systems should be considered as meeting BTA and no further action should be necessary. This would eliminate unnecessary expenditure of state and regulated community resources.

4) Restoration

The effected electrical generation plants in Oklahoma are all situated on lakes specifically built for the sole purpose of providing cooling water to the facility. Although these lakes are considered "Waters of the State" they are man-made impoundments and do not house any species of concern, nor do they provide structures mandatory for the reproduction of native species that would not be otherwise found in the natural habitats common in Oklahoma. Oklahoma has no fishing industry aside from commercial fish farming and recreational angling. The facilities that will be impacted by this rule in Oklahoma have performed Phase II 316(b) Impingement Mortality Characterization Studies. As a result, the facilities found that the most affected species by impingement or entrainment are gizzard shad, inland silverside, threadfin shad, and skipjack herring. These fish are common in very large numbers in the manmade lakes in Oklahoma. Because the affected species are not considered Species of Concern, the ODEQ proposes that restocking or restoration should be an acceptable option for implementing 316(b) requirements. This rule should allow the states to consider site specific criteria and the flexibility to determine if restocking is an environmentally responsible option to allow a more cost effective approach to environmental protection.

5) Zebra Mussel Colonization on Mechanical Structures

The exotic invasive zebra mussel (*Dreissena polymorpha*) poses many problems within the State of Oklahoma and nationwide (Map courtesy of USGS). It is not uncommon for power plants located on affected lakes to have issues with zebra mussels on their intake structures. This is increasingly becoming a problem within Oklahoma, especially with facilities that have large intake structures in affected lakes.





Zebra mussel colonization on a hydroelectric plant intake (photograph courtesy of USACE)

Additional structures to prevent impingement or entrainment of fish such as rotating screens will provide substrate for zebra mussels to colonize, thus reducing the efficiency of the plants and causing potential mechanical failure. As illustrated by the photograph above, removal of zebra mussels is extremely labor intensive and requires temporary plant shutdown. As a result, the ODEQ is concerned that these additional structures will cause a substantial expense and workload on the facilities already struggling with the control of zebra mussels. At facilities where zebra mussels are present, the ODEQ suggests that alternatives such as restoration be an acceptable method for meeting the requirements of the rule.

Once again, thank you for the opportunity to provide comments on this important regulatory issue.

Sincerely,

Steven A. Thompson
Executive Director



Correspondence Management System

Control Number: AX-11-001-3190

Printing Date: August 04, 2011 02:27:55



Citizen Information

Citizen/Originator: Nichols, Mary D.

Organization: California Air Resources Board
Address: 1001 I Street-Post Office Box 2815, Sacramento, CA 95812

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3190
Status: Pending
Due Date: Aug 18, 2011
Letter Date: Jul 28, 2011
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Aug 4, 2011
Addressee Org: EPA
Priority Code: Normal
Signature Date: N/A

Subject: Daily Reading File-California recognizes the benefit for the country of continuing the historic National Program to address greenhouse gases and fuel economy that the Environmental Protection Agency (EPA), the National Highway Traffic Safety Administration (NHTSA), and California began in 2009 with the standards for model years 2012 through 2016, and that those federal agencies and California are continuing for model years 2017 and beyond.

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
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	Aug 4, 2011	Aug 18, 2011	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.			



Air Resources Board



Linda S. Adams

*Acting Secretary for
Environmental Protection*

Mary D. Nichols, Chairman

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

Edmund G. Brown Jr.
Governor

July 28, 2011

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RECORDED
2011 AUG -4 PM 12:46
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Secretary LaHood and Administrator Jackson:

California recognizes the benefit for the country of continuing the historic National Program to address greenhouse gases and fuel economy that the Environmental Protection Agency (EPA), the National Highway Traffic Safety Administration (NHTSA), and California began in 2009 with the standards for model years 2012 through 2016, and that those federal agencies and California are continuing for model years 2017 and beyond.

California fully supports the proposal and adoption of a continued National Program that we understand will be subject to full notice-and-comment rulemaking, affording all parties, including California, the right to participate fully, comment, and submit information, the results of which are not pre-determined but depend upon processes set by law. California welcomes the opportunity to be a partner in helping to advance a continued, harmonized National Program, which California understands does not alter California's longstanding authority under the Clean Air Act to have its own motor vehicle emissions program. California also commits to working with EPA and NHTSA, other states, and other stakeholders to help our country address the need to reduce dependence on oil, to save consumers money, and to address global climate change by continuing this kind of strong, coordinated National Program.

*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

In order to promote the adoption of the continued National Program, California commits to take the following actions, subject to the further understandings described thereafter below. California also stands ready to enter into any appropriate agreements permissible by law to effectuate these commitments.

- (1) California commits that if EPA proposes federal GHG standards and NHTSA proposes CAFE standards for model years (MYs) 2017 and beyond substantially as described in the July 2011 Notice of Intent, and the agencies adopt standards substantially as proposed, California will not contest such standards.
- (2) California commits to propose to revise its standards on GHG emissions from new motor vehicles for model-years MYs 2017 through 2025, such that compliance with the GHG emissions standards adopted by EPA for those model years that are substantially as described in the July 2011 Notice of Intent, even if amended after 2012, shall be deemed compliance with the California GHG emissions standards, in a manner that is applicable to states that adopt and enforce California's GHG standards under Clean Air Act (CAA) Section 177.
- (3) California commits to propose that its revised ZEV program for the 2018-2021 MYs include a provision providing that over-compliance with the federal GHG standards in the prior model year may be used to reduce in part a manufacturer's ZEV obligation in the next model year.

California's commitment to take the above actions contemplates that all of the following will occur:

- (1) Manufacturers of motor vehicles and other parties affiliated with such manufacturers and/or under their control will use their best efforts to ensure that the trade association(s) to which they belong will not contest the actions discussed in paragraphs (2) and (3) above or in paragraphs (3) through (6) below.
- (2) EPA proposes federal GHG standards and NHTSA proposes CAFE standards for MYs 2017 and beyond substantially as described in the July 2011 Notice of Intent, and the agencies adopt standards substantially as proposed.
- (3) Manufacturers of motor vehicles and other parties affiliated with such manufacturers and/or under their control, commit that if EPA proposes

national GHG standards and NHTSA proposes CAFE standards for MYs 2017 and beyond substantially as described in the July 2011 Notice of Intent, and the agencies adopt standards substantially as proposed, said parties will not contest or challenge any part of those final rules or support any contest or challenge of those final rules.

- (4) California submits its amended GHG emissions standards for motor vehicles for MYs 2017-2025 to EPA requesting a waiver of preemption under Section 209 of the CAA, and EPA grants California's request for MYs 2017-2025.
- (5) Manufacturers of motor vehicles and other parties affiliated with such manufacturers and/or under their control commit to not contest or challenge any part of California's emission standards for MYs 2017 through 2025 in any state or federal administrative or judicial forum, including but not limited to preemption claims relating to the Energy Policy Conservation Act (EPCA) or the 2007 Energy Independence and Security Act of 2007, or support any such contest or challenge.
- (6) Manufacturers of motor vehicles and other parties affiliated with such manufacturers and/or under their control, do not contest or challenge any part of a final decision by EPA granting California's eventual request for a waiver of preemption under Section 209 of the CAA for model years 2017-2025, or support any such contest or challenge, but this does not apply to subsequent changes made by CARB, including changes resulting from the midterm evaluation.
- (7) California will fully participate in the mid-term evaluation, however, California reserves all rights to contest final actions taken or not taken by EPA or NHTSA as part of or in response to the mid-term evaluation.

California believes that the actions discussed in the letter could occur under a timeline as follows:

EPA and NHTSA issue the [July 2011] Notice of Intent.

EPA and NHTSA issue a Notice of Proposed Rulemaking.

California holds a hearing on a proposed rule consistent with the actions described above.

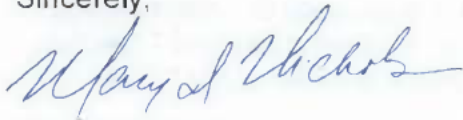
EPA and NHTSA issue a Final Rule.

Secretary LaHood and Administrator Jackson
July 28, 2011
Page 4

California issues a Final Rule that revises its regulations.

EPA, NHTSA, and California conduct a mid-term evaluation for the standards
for MYs 2022-2025.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary D. Nichols". The signature is fluid and cursive, with the first name "Mary" being more prominent.

Mary D. Nichols
Chairman



Correspondence Management System

Control Number: AX-11-001-3194

Printing Date: August 04, 2011 02:29:54



Citizen Information

Citizen/Originator: Tavi, Andrew J.

Organization: Nissan North American

Address: Post Office Box 685001, Franklin, TN 37068-5001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3194

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Jul 29, 2011

Received Date: Aug 4, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-As requested, we are herewith enclosing Nissan North America. Inc's commitment letter to a harmonized National Program for light duty vehicle greenhouse gas emissions and fuel economy for 201 7-2025.

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

Instruction Note: N/A

General Notes: N/A

CC: OEAAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R4 - Region 4 -- 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	Aug 4, 2011	Aug 18, 2011	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

Action By	Office	Action	Date
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NISSAN

Andrew J. Tavi
VP Legal and Government Affairs,
and General Counsel

NISSAN NORTH AMERICA, INC.
Legal Department
One Nissan Way - 10th Floor
Franklin, TN 37067
Mailing Address: P.O. Box 685001
Franklin, TN 37068-5001
Telephone: 615.725.2252

July 29, 2011

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

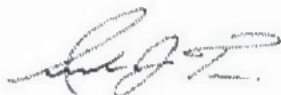
Dear Secretary LaHood and Administrator Jackson,

As requested, we are herewith enclosing Nissan North America, Inc.'s commitment letter to a harmonized National Program for light duty vehicle greenhouse gas emissions and fuel economy for 2017-2025.

Please note that our Commitment Letter is subject to the clarifications sent to you by our industry trade association, Global Automakers, in the attached cover letter to its Commitment Letter. Our commitment is, therefore, based on the same interpretation of the harmonized national program, and accordingly clarifies the commitment letter signed by Scott Becker.

With these clarifications, please accept our enclosed Commitment Letter.

Sincerely,



Andrew J. Tavi
VP Legal and Government Affairs,
and General Counsel

RECEIVED
2011 AUG -4 PM 12:48
OFFICE OF THE
EXECUTIVE SECRETARIAT

GlobalAutomakers

Association of Global Automakers, Inc. 1050 K Street, NW, Suite 650 Washington, DC 20001
Tel: 202.650.5555 Fax: 202.650.5556 www.globalautomakers.com

July 29, 2011

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Secretary LaHood and Administrator Jackson,

On behalf of the Association of Global Automakers and those member companies that have agreed to sign the "Commitment Letter" concerning the harmonized National Program governing light duty vehicle greenhouse gas emissions and fuel economy for model years 2017 through 2025, we are submitting this additional letter. Also enclosed is Global Automakers' own Commitment Letter. Having reviewed the commitment letter signed by the California Air Resources Board (CARB), we believe it is necessary to clarify the following ambiguities in the CARB letter:

- The Commitment Letters relate solely to the national and California emissions programs for greenhouse gas emissions. Accordingly, our commitment to refrain from challenging California's greenhouse gas emission standards for model-years 2017 through 2025 applies only to these emissions and programs. This commitment is reflected in the language of the Commitment Letter, by which Global Automakers and each of our signatory members retains its rights with respect to all other regulatory requirements of California other than the greenhouse gas emissions standards.
- The only parties subject to the obligations set forth in these Commitment Letters are the participating manufacturers who signed these Commitment Letters and their trade associations. Neither Global Automakers nor our members has any control over other parties (e.g., its dealers and non-signatory manufacturers), and no power to bind them to any obligations under the Commitment Letter. In the event that non-participating parties take actions inconsistent with the commitments reflected in the attached letter, it is our understanding that CARB will abide by its commitments.



- Both the Commitment Letters signed by Global Automakers and our signatory members and the CARB commitment letter provide that CARB will revise its standards on greenhouse gas emissions for model-years 2017 through 2025 to accept as compliance with its standards "compliance with the GHG emissions standards adopted by EPA for those model years that are substantially as described in the July 2011 Notice of Intent, even if amended after 2012." Consequently, should CARB under any circumstances remove this national compliance option, Global Automakers and our signatory members are released from their commitments and may exercise any and all legal rights available to it to challenge California's greenhouse gas emissions program.

With these clarifications, please accept Global Automakers' enclosed Commitment Letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Stanton".

Michael J. Stanton
President & CEO, Global Automakers

Enclosure: Global Automakers Commitment Letter



Correspondence Management System

Control Number: AX-11-001-3195

Printing Date: August 04, 2011 03:24:42



Citizen Information

Citizen/Originator: Speck, Doug

Organization: Volvo Cars of North America LLC

Address: Volvo Drive, Rockleigh, NJ 07647

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3195

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Jul 29, 2011

Received Date: Aug 4, 2011

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 DOT and EPA developing national fuel economy standards for 2017-2025 share views.

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

Instruction Note: N/A

General Notes: N/A

CC: OEAAA - Office of External Affairs and Environmental Education

OP - Office of Policy

R2 - Region 2 -- 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	Aug 4, 2011	Aug 18, 2011	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

Action By	Office	Action	Date
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DAILY READING FILE



Volvo Cars of North America, LLC

Volvo Drive
Rockleigh, NJ 07047
201 768 7300
www.volvocars.us

July 29, 2011

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 AUG -4 PM 12:48

RECEIVED

Dear Secretary LaHood and Administrator Jackson,

Volvo Car Corporation recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) began in 2009 with the standards for model years 2012 through 2016, and that those agencies are continuing for model years 2017 through 2025.

Volvo Car Corporation fully supports the proposal and adoption of a continued National Program. We understand that the continued National Program will be subject to full notice-and-comment rulemaking, affording all interested parties, including Volvo Car Corporation, the right to participate fully, comment, and submit information, the results of which are not pre-determined but depend upon processes set by law. Volvo Car Corporation welcomes the opportunity to be a partner in helping to advance a continued, harmonized National Program.

Volvo Car Corporation believes that the robust and comprehensive mid-term evaluation described by EPA and NHTSA in the July 2011 Supplemental Notice of Intent is critical, given Volvo Car Corporation's view of the uncertainty associated with the model years 2022-2025 standards. Although Volvo Car Corporation may not have full knowledge about the evolution and cost of technologies necessary to meet these standards, particularly in 2022-2025, the mid-term evaluation provides a basis for Volvo Car Corporation's support for adoption of standards for model years that far into the future.

Volvo Car Corporation also commits to working with EPA and NHTSA, the states, and other stakeholders to help our country address the need to reduce dependence on oil, to save consumers money, and to ensure regulatory predictability and certainty by developing this kind of strong, coordinated National Program.

In order to promote the adoption of the continued National Program, Volvo Car Corporation commits to take the following actions, subject to the understandings described below.

- (1) Volvo Car Corporation] commits not to contest the final standards established by this rulemaking and by California for MYs 2017 through 2025 if:
- a. EPA proposes national GHG standards and NHTSA proposes CAFE standards for MYs 2017-2025 as substantially described in the July 2011 Supplemental Notice of Intent to conduct rulemaking, but with necessary technical corrections and non-substantive refinements, and if the agencies adopt standards as substantially proposed.
 - b. California adopts standards on GHG emissions from new motor vehicles for MYs 2017 through 2025 such that compliance with the GHG emissions standards adopted by EPA, even if amended after 2012, shall be deemed compliant with the California GHG emissions standards, in a manner that is binding on states that adopt and enforce California's GHG standards under Clean Air Act (CAA) section 177.
- (2) Volvo Car Corporation reserves all right to contest final actions taken or not taken by EPA, NHTSA, and CARB as part of or in response to the mid-term evaluation.
- (3) Volvo Car Corporation commits that it will not contest final actions taken or not taken by EPA granting California's future request for a waiver of preemption under section 209 of the CAA for its GHG emissions standards for motor vehicles for MYs 2017-2025, if California revises its regulations as described above in (1)(b), but this does not apply to subsequent amendments California may make.
- (4) Volvo Car Corporation will use its best efforts to ensure that the trade association(s) to which Volvo Car Corporation belongs will not contest the actions discussed in (1) and (3) above.

Sincerely,



Doug Speck
Senior Vice President
Marketing, Sales and Customer Service

Volvo Car Corporation



Correspondence Management System

Control Number: AX-11-001-3196

Printing Date: August 04, 2011 04:19:53



Citizen Information

Citizen/Originator: Lentz, James E.

Organization: Toyota Motor Sales

Address: 19001 South Western Avenue, Torrance, CA 90501

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3196

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Jul 29, 2011

Received Date: Aug 4, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

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- Toyota recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) began.

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

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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Aug 4, 2011
Martha Faulkner	OAR	OAR-OTAQ	Aug 4, 2011

History

TOYOTA

DAILY READING FILE

James E. Lentz
President & CEO

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Fountain Valley, CA 92708

July 29, 2011

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RECEIVED
2011 AUG -4 PM 12:47
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Secretary LaHood and Administrator Jackson,

Toyota recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) began in 2009 with the standards for model years 2012 through 2016, and that those agencies are continuing for model years 2017 through 2025.

Toyota fully supports proposal and adoption of a continued National Program. We understand that the continued National Program will be subject to full notice-and-comment rulemaking, affording all interested parties, including Toyota, the right to participate fully, comment, and submit information, the results of which are not pre-determined but depend upon processes set by law. Toyota welcomes the opportunity to be a partner in helping to advance a continued, harmonized National Program.

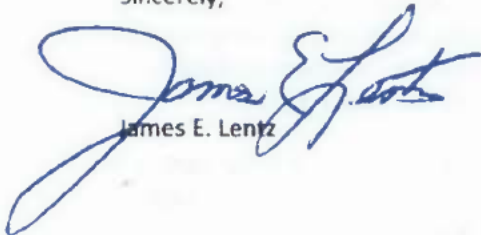
Toyota believes that the robust and comprehensive mid-term evaluation described by EPA and NHTSA in the July 2011 Supplemental Notice of Intent is critical, given Toyota view of the uncertainty associated with the model years 2022-2025 standards. Although Toyota may not have full knowledge about the evolution and cost of technologies necessary to meet these standards, particularly in 2022-2025, the mid-term evaluation provides a basis for Toyota support for adoption of standards for model years that far into the future.

Toyota also commits to working with EPA and NHTSA, the states, and other stakeholders to help our country address the need to reduce dependence on oil, to save consumers money, and to ensure regulatory predictability and certainty by developing this kind of strong, coordinated National Program.

In order to promote the adoption of the continued National Program, Toyota commits to take the following actions, subject to the understandings described below.

- (1) Toyota commits not to contest the final standards established by this rulemaking and by California for MYs 2017 through 2025 if:
 - a. EPA proposes national GHG standards and NHTSA proposes CAFE standards for MYs 2017-2025 as substantially described in the July 2011 Supplemental Notice of Intent to conduct rulemaking, but with necessary technical corrections and non-substantive refinements, and if the agencies adopt standards as substantially proposed.
 - b. California adopts standards on GHG emissions from new motor vehicles for MYs 2017 through 2025 such that compliance with the GHG emissions standards adopted by EPA, even if amended after 2012, shall be deemed compliance with the California GHG emissions standards, in a manner that is binding on states that adopt and enforce California's GHG standards under Clean Air Act (CAA) section 177.
- (2) Toyota reserves all right to contest final actions taken or not taken by EPA, NHTSA, and CARB as part of or in response to the mid-term evaluation.
- (3) Toyota commits that it will not contest final actions taken or not taken by EPA granting California's future request for a waiver of preemption under section 209 of the CAA for its GHG emissions standards for motor vehicles for MYs 2017-2025, if California revises its regulations as described above in (1)(b), but this does not apply to subsequent amendments California may make.
- (4) Toyota will use its best efforts to ensure that the trade association(s) to which Toyota belongs will not contest the actions discussed in (1) and (3) above.

Sincerely,



James E. Lentz

TOYOTA

James E. Lentz
President & CEO

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Fountain Valley, CA 92708

July 29, 2011

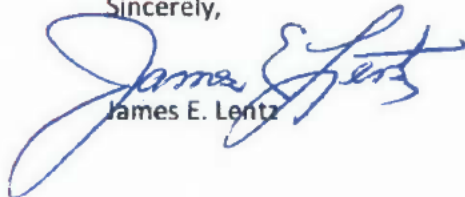
The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Secretary LaHood and Administrator Jackson,

In order to eliminate any possible confusion regarding the scope of the representations provided in my letter dated July 29, 2011, it is Toyota's understanding that any such representations with regard to not challenging California rules are expressly limited to the MY 17-25 GHG emission standards which are being proposed and adopted in conjunction with the actions being taken by EPA and NHTSA. This understanding is consistent with representations made by members of your agencies. Toyota retains all rights with regard to any other emission standards that are not specifically part of this agreement.

Sincerely,



James E. Lentz



Correspondence Management System

Control Number: AX-11-001-3197

Printing Date: August 04, 2011 04:25:21



Citizen Information

Citizen/Originator: Ahn, Byung M.

Organization: Kia Motors America and Kia Motors Manufacturing Georgia

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3197

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 18, 2011

of Extensions: 0

Letter Date: Jul 29, 2011

Received Date: Aug 4, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

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- Kia Motors America (KMA) recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA). KMA fully supports proposal and adoption of a continued National Program

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

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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b)(6) Personal Privacy	OEX	OAR	Aug 4, 2011
Martha Faulkner	OAR	OAR-OTAQ	Aug 4, 2011

History

DAILY READING FILE

July 29, 2011



The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RECEIVED
2011 AUG -4 PM 12:47
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Secretary LaHood and Administrator Jackson,

Kia Motors America (KMA) recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) began in 2009 with the standards for model years 2012 through 2016, and that those agencies are continuing for model years 2017 through 2025.

KMA fully supports proposal and adoption of a continued National Program. We understand that the continued National Program will be subject to full notice-and-comment rulemaking, affording all interested parties, including KMA, the right to participate fully, comment, and submit information, the results of which are not pre-determined but depend upon processes set by law. KMA welcomes the opportunity to be a partner in helping to advance a continued, harmonized National Program.

KMA believes that the robust and comprehensive mid-term evaluation described by EPA and NHTSA in the July 2011 Supplemental Notice of Intent is critical, given KMA's view of the uncertainty associated with the model years 2022-2025 standards. Although KMA may not have full knowledge about the evolution and cost of technologies necessary to meet these standards, particularly in 2022-2025, the mid-term evaluation provides a basis for KMA's support for adoption of standards for model years that far into the future.

KMA also commits to working with EPA and NHTSA, the states, and other stakeholders to help our country address the need to reduce dependence on oil, to save consumers money, and to ensure regulatory predictability and certainty by developing this kind of strong, coordinated National Program.

In order to promote the adoption of the continued National Program, KMA commits to take the following actions, subject to the understandings described below.

(1) KMA commits not to contest the final standards established by this rulemaking and by California for MYs 2017 through 2025 if:

a. EPA proposes national GHG standards and NHTSA proposes CAFE standards for MYs 2017-2025 as substantially described in the July 2011 Supplemental Notice of Intent to conduct rulemaking, but with necessary technical corrections and non-substantive refinements, and if the agencies adopt standards as substantially proposed.

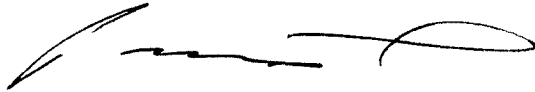
b. California adopts standards on GHG emissions from new motor vehicles for MYs 2017 through 2025 such that compliance with the GHG emissions standards adopted by EPA, even if amended after 2012, shall be deemed compliance with the California GHG emissions standards, in a manner that is binding on states that adopt and enforce California's GHG standards under Clean Air Act (CAA) section 177.

(2) KMA reserves all right to contest final actions taken or not taken by EPA, NHTSA, and CARB as part of or in response to the mid-term evaluation.

(3) KMA commits that it will not contest final actions taken or not taken by EPA granting California's future request for a waiver of preemption under section 209 of the CAA for its GHG emissions standards for motor vehicles for MYs 2017-2025, if California revises its regulations as described above in (1)(b), but this does not apply to subsequent amendments California may make.

(4) KMA will use its best efforts to ensure that the trade association(s) to which KMA belongs will not contest the actions discussed in (1) and (3) above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Byung Mo Ahn', with a stylized flourish at the end.

Byung Mo Ahn
Group President and C.E.O.
Kia Motors America and Kia Motors Manufacturing Georgia



Correspondence Management System

Control Number: AX-11-001-3198

Printing Date: August 04, 2011 04:17:37



Citizen Information

Citizen/Originator: Reithofer, Norbert

Organization: BMW Group
Address: Petuelring 130, 80788

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-3198 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 18, 2011 **# of Extensions:** 0
Letter Date: Jul 27, 2011 **Received Date:** Aug 4, 2011
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- BMW Group recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA)
Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR
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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Aug 4, 2011
Martha Faulkner	OAR	OAR-OTAC	Aug 4, 2011

History

DAILY READING FILE

Dr.-Ing. Dr.-Ing. E.h. Norbert Reithofer
Chairman of the Board of Management
Bayerische Motoren Werke Aktiengesellschaft

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RECEIVED
2011 AUG -4 PM 12:46
OFFICE OF THE
EXECUTIVE SECRETARIAT

July 27th, 2011

Dear Secretary LaHood and Administrator Jackson,

BMW Group recognizes the benefit for the country of continuing the historic National Program to address fuel economy and greenhouse gases that the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) began in 2009 with the standards for model years 2012 through 2016, and that those agencies are continuing for model years 2017 through 2025.

BMW Group fully supports proposal and adoption of a continued National Program. We understand that the continued National Program will be subject to full notice-and-comment rulemaking, affording all interested parties, including BMW Group, the right to participate fully, comment, and submit information, the results of which are not pre-determined but depend upon processes set by law. BMW Group welcomes the opportunity to be a partner in helping to advance a continued, harmonized National Program.

BMW Group believes that the robust and comprehensive mid-term evaluation described by EPA and NHTSA in the July 2011 Supplemental Notice of Intent is critical, given BMW Group's view of the uncertainty associated with the model years 2022-2025 standards. Although BMW Group may not have full knowledge about the evolution and cost of technologies necessary to meet these standards, particularly in 2022-2025, the mid-term evaluation provides a basis for BMW Group's support for adoption of standards for model years that far into the future.

BMW Group also commits to working with EPA and NHTSA, the states, and other stakeholders to help our country address the need to reduce dependence on oil, to save consumers money, and to ensure regulatory predictability and certainty by developing this kind of strong, coordinated National Program.

In order to promote the adoption of the continued National Program, BMW Group commits to take the following actions, subject to the understandings described below.



- (1) BMW Group commits not to contest the final standards established by this rulemaking and by California for MYs 2017 through 2025 if:
- a. EPA proposes national GHG standards and NHTSA proposes CAFE standards for MYs 2017-2025 as substantially described in the July 2011 Supplemental Notice of Intent to conduct rulemaking, and if the agencies adopt standards as substantially proposed.
 - b. California adopts standards on GHG emissions from new motor vehicles for MYs 2017 through 2025 such that compliance with the GHG emissions standards adopted by EPA shall be deemed compliance with the California GHG emissions standards, in a manner that is binding on states that adopt and enforce California's GHG standards under Clean Air Act (CAA) section 177.
- (2) BMW Group reserves all right to contest final actions taken or not taken by EPA, NHTSA, and CARB as part of the mid-term evaluation.
- (3) BMW Group commits that it will not contest final actions taken or not taken by EPA granting California's future request for a waiver of preemption under section 209 of the CAA for its GHG emissions standards for motor vehicles for MYs 2017-2025, if California revises its regulations as described above in (1)(b), but this does not apply to subsequent amendments California may make in response to the midterm evaluation.
- (4) BMW Group will use its best efforts to ensure that the trade association(s) to which BMW Group belongs will not contest the actions discussed in (1) and (3) above.

Sincerely,



Rolls-Royce
Motor Cars Limited



Correspondence Management System

Control Number: AX-11-001-3203

Printing Date: August 04, 2011 04:29:37



Citizen Information

Citizen/Originator: Buhnerkempe, John

Organization: Mississippi Flyway Council

Address: One Natural Resources Way, Springfield, IL 62702-1271

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3203

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jul 27, 2011

Received Date: Aug 4, 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: Daily Reading File- The Mississippi Flyway Council states write in support of the direction of the "Draft Guidance on Identifying Waters Protected by the Clean Water Act" (CWA) released by the U.S. Army Corps of Engineers and Environmental Protection Agency (agencies) in April

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R4 - Region 4 -- Immediate Office

R5 - Region 5 -- Immediate Office

R6 - Region 6 -- Immediate Office

R7 - Region 7 -- 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	Aug 4, 2011

History

MISSISSIPPI FLYWAY COUNCIL

MISSISSIPPI FLYWAY COUNCIL



1952

July 27, 2011

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

Attn: Docket ID No. EPA-HQ-OW-2011-0409

Dear Administrator Jackson:

The Mississippi Flyway Council was organized in 1952 and represents 14 state fish and wildlife conservation agencies from within the Mississippi River corridor and basin. The Council was established to coordinate the management of the shared migratory game bird resource in the Mississippi Flyway, and to promote those activities of its members that serve the long-term benefit to the resources and the flyway as a whole. Furthermore, these agencies collectively have management responsibility for the shared migratory bird resources in the Flyway, and also for the non-migratory fish and wildlife resources within the respective states, many of which are dependent upon or associated with wetlands and other waters of the U.S. The Council also provides a point of contact for the U.S. Fish and Wildlife Service, which ultimately bears treaty-based and statutory responsibility for migratory bird conservation in the U.S. The Council thus plays a key role in coordinating federal/state/provincial management activities, and providing advice to the Service on long-term and short-term migratory bird management needs of the flyway.

The Mississippi Flyway Council states write in support of the direction of the "Draft Guidance on Identifying Waters Protected by the Clean Water Act" (CWA) released by the U.S. Army Corps of Engineers and Environmental Protection Agency (agencies) in April. Furthermore, we strongly encourage the agencies to (1) finalize the guidance, and (2) move forward with a rulemaking in as timely a fashion as possible. The resources for which the Council states share responsibility depend upon restoring Clean Water Act wetland protections as nearly as possible to the status of the protection that existed in 2001, i.e., at the time of the U.S. Supreme Court's *SWANCC* decision.

We also support the draft guidance's maintenance of the longstanding exemptions for normal agricultural, ranching, forestry, and other economic activities that have been in statutes since 1977. These exemptions are important for maintaining the economic health of many of the private partners and landowners from throughout the flyway whose farming and other activities help provide habitat for waterfowl.

The Council would like to point out the States' longstanding support for restoring federal CWA protections to wetlands such as prairie potholes, playas, and other wetlands, including so-called "geographically isolated wetlands," i.e., physically non-proximate waters as described in the draft guidance. As evidence of that position, the attorneys general from 12 of the Council's 14 states (Alabama, Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin) signed onto the amicus brief in support of the U.S. Government's case in support of strong federal CWA wetland protection in the 2006 *Rapanos* case, and the State of Indiana also supported this position within the context of its comments in response to the 2003 Advance Notice of Proposed Rulemaking (ANPRM) regarding CWA protections. Overall, a total of 42 states formally supported such a position of federal protection of wetlands within the context of the *Rapanos* brief and/or the ANPRM comments. Thus, the Council does not perceive this issue as being in conflict with the rights and desires of the states, but rather views this issue from the perspective that the waterfowl and migratory bird resources for which the Council states are responsible are as interconnected and interdependent as the water-based habitats and resources

of the flyway states. Downriver states such as Louisiana, for instance, know only too well that wetland and water-dependent resources upon which significant portions of the state's economy are based, such as waterfowl and the shrimp fishery, are directly impacted by what happens in the Mississippi River watershed including the fate of its wetlands. Justice Kennedy's example of the Gulf of Mexico hypoxic zone as a problem that the Clean Water Act exists to address is a good example of those kinds of inter-relationships and interdependencies among the Nation's water-based resources.

The Council will not attempt to provide a detailed technical or legal analysis of the draft guidance. Other organizations, such as Ducks Unlimited, have provided extensive and compelling scientific evidence relative to the significant nexus that broadly exists between most wetlands and headwaters and traditional navigable waters. The Council strongly supports the use of such compelling wetland and hydrologic scientific evidence. We assert that such evidence broadly demonstrates the hydrologic and ecologic connections among wetlands, tributaries, groundwater, and traditionally navigable waters. Science clearly demonstrates that the nation's aquatic resources are interconnected in many ways, and the Council supports the restoration of CWA protections as supported by the strong scientific evidence that exists relative to this issue.

In summary, the Mississippi Flyway Council strongly supports the direction that the draft guidance takes in establishing a strong scientific foundation for the exercising of CWA protections. This science-based approach will restore protection to many wetlands that are inter-connected with traditional navigable waters, and that serve to connect the aquatic, migratory bird, and other resources for which our states are responsible. However, understanding the limits to which guidance, in any form, can go toward restoring critically important wetland protections, we further encourage the agencies to proceed as expeditiously as possible with a rulemaking process that can even further strengthen the nation's protection of wetlands and other water resources.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Buhnerkempe', is written over the printed name.

John Buhnerkempe, Chair
Mississippi Flyway Council



Correspondence Management System

Control Number: AX-11-001-3239

Printing Date: August 05, 2011 03:02:15



Citizen Information

Citizen/Originator: McClung, Marilyn

Organization: City of South Sioux City
Address: 1615 First Avenue, South Sioux City, NE 68776

McLarty, William I

Organization: City of South Sioux City, Nebraska
Address: 1615 First Avenue, South Sioux City, NE 68776-2245

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3239 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 22, 2011 **# of Extensions:** 0
Letter Date: Aug 3, 2011 **Received Date:** Aug 5, 2011
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: DRF - Proposed Electric Generating Unit Maximum Achievable Control Technology Rules - Docket ID No. EPA-HQ-OAR-2009-0234
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R7 - Region 7 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

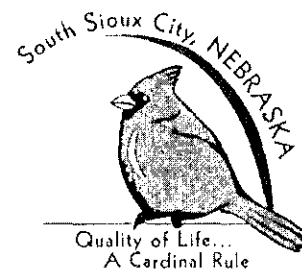
Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Aug 5, 2011	Aug 22, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			



August 3, 2011

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**

Dear Administrator Jackson:

As Mayor of the City of South Sioux City, I am writing in regard to EPA's proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Our city 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 bag houses which have virtually eliminated visual emissions and have reduced mercury emissions by approximately 50 percent.

On behalf of the City of South Sioux City, 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 our city 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.




City of South Sioux City, Nebraska
1615 First Avenue, South Sioux City, Nebraska 68776-2245
Phone: 402-494-7500 Fax: 402-494-7527 TTD: 402-494-7500 ext 339
www.southsiouxcity.org



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.

Sincerely,


William I. McLarty
Mayor

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



Correspondence Management System

Control Number: AX-11-001-3242

Printing Date: August 05, 2011 03:23:07



Citizen Information

Citizen/Originator: Niedfeldt, Neal F

Organization: City of Beatrice

Address: Board of Public Works 400 Ella Street, Beatrice, NE 68310

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-3242

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 19, 2011

of Extensions: 0

Letter Date: Aug 3, 2011

Received Date: Aug 5, 2011

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 Proposed Electric Generating Unit Maximum Achievable Control Technology Rules Docket ID EPA-HQ-OAR-2009-0234

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

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
R7 - Region 7 -- 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	Aug 5, 2011	Aug 19, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Martha Faulkner	OAR	OAR-OAQPS	Aug 5, 2011	Aug 17, 2011	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Aug 5, 2011	Aug 15, 2011	N/A
	Instruction: AA-OAR-OAQPS-Prepare Draft response for Steve Page's signature				

Supporting Information

City of Beatrice

www.beatrice.ne.gov

402-228-5200

400 Ella Street

Beatrice, Nebraska 68310

August 3, 2011

Honorable 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**

Dear Administrator Jackson:

On behalf of the citizens of the City of Beatrice I would like to express our opposition to the proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). We are concerned our wholesale power supplier, the Nebraska Public Power District (NPPD), will not have enough time to comply with the new rules. We are also concerned with the associated costs of meeting the new rules and the impact it will have on our customers. NPPD has informed us the preliminary cost estimate for their two largest coal-fired generating units could reach one billion dollars. Our share of those costs would cause significant rate increases to the citizens of Beatrice.

The City of Beatrice purchases its total electricity requirements from NPPD. NPPD's energy mix is approximately 50 percent coal and 40 percent nuclear, with the remainder made up of wind, natural gas and hydro power. NPPD should be applauded for their past actions in reducing emissions at their coal-fired generating plants. Those plants use low-sulfur Powder River Basin coal. Previously installed state-of-the-art baghouses have virtually eliminated visual emissions and have reduced mercury emissions by approximately 50 percent.

While the City of Beatrice 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 and impact reliability.

We respectfully request the EPA reconsider its' overly aggressive rules and deadlines under the proposed EGU MACT rules and consider the negative impacts it will have to our economy. The rules will have far reaching affects across the nation as almost half of the U.S. electric generation is produced by coal. The rules as proposed will undoubtedly affect a significant portion of the industry causing higher rates to the consumer and reducing reliability.

Thank you for your consideration of this request.



Neal F. Niedfeldt
City Administrator

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



Correspondence Management System

Control Number: AX-11-001-3249

Printing Date: August 05, 2011 03:09:23



Citizen Information

Citizen/Originator: Campbell, Ann H

Organization: City of Ames, Iowa
Address: 515 Clark Avenue, P.O. Box 811, Ames, IA 50010

Kom, Donald

Organization: City of Ames, Iowa
Address: 515 Clark Avenue, P.O. Box 811, Ames, IA 50010

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-3249 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Aug 22, 2011 **# of Extensions:** 0
Letter Date: Jul 28, 2011 **Received Date:** Aug 5, 2011
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: DRF - Docket ID Nos. EPA-HQ-OAR-2009-0234; EPA-HQ-OAR-2011-0044
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R7 - Region 7 -- 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	Aug 5, 2011	Aug 22, 2011	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.			



Mayor's Office

515 Clark Avenue, P. O. Box 811
Ames, IA 50010
Phone: 515-239-5146
Fax: 515-239-5142

July 28, 2011

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

RECEIVED
2011 AUG -5 AM 10:38
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Docket ID Nos. EPA-HQ-OAR-2009-0234; EPA-HQ-OAR-2011-0044

Dear Administrator Jackson:

On behalf of the City of Ames and the Ames Municipal Electric System ("AMES"), we are writing regarding the Environmental Protection Agency's ("EPA") proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Our community-owned, not-for-profit electric utility serves roughly 60,000 residents, including Iowa State University and a number of other State and Federal facilities. We operate two coal power plants, unit #7 - 38 MW and unit #8 - 70 MW, that will be significantly impacted by the proposed EGU MACT rules and related New Source Performance Standards ("NSPS") requirements.

Our utility has major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act ("SBREFA") and the Unfunded Mandates Reform Act ("UMRA") (Chapters 17 A and 25 of Title 2 of the U.S. Code). We would also request that EPA evaluate the impact of the proposed rules under four presidential executive orders - EO 13563, Improving Regulation and Regulatory Review; EO 13132, Federalism; EO 12866, Regulatory Planning and Review; and EO 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, and Use.

As a not-for-profit electric utility owned and operated by local government, we have standing under all of these Executive Orders to call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame. Our city's specific concerns are as follows: