

(c) Within 120 days of the date of this memorandum, the Chair of the Council on Environmental Quality, in coordination with the CIO and the CTO, shall work with appropriate counterparts at agencies to deploy in one or more agencies information technology tools with significant potential to reduce the time and cost required to complete permitting and environmental reviews, such as by enabling online submission and processing of public comments, or by allowing personnel from different agencies or jurisdictions to coordinate review timelines, share data, and review documents through a common, internet-based platform.

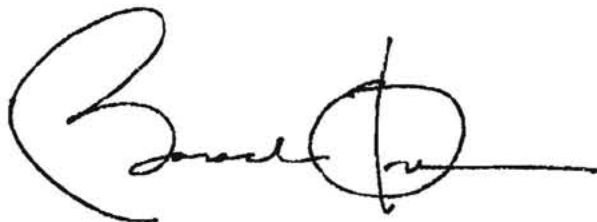
Agencies shall provide all support, documentation, and assistance necessary to implement these directives.

Sec. 3. General Provisions. (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, and legislative proposals.

(c) Independent agencies are strongly encouraged to comply with this memorandum.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Barack" followed by a stylized flourish.



Correspondence Management System

Control Number: AX-11-001-5012

Printing Date: September 09, 2011 03:19:16



Citizen Information

Citizen/Originator: Babin, Carleen B.

Organization: Lafourche Parish Council

Address: 402 Green Street PO Drawer 5548, Thibodaux, LA 70301

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5012

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Aug 29, 2011

Received Date: Sep 8, 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- Lafourche Parish Council adopted Resolution No. 11-232 requesting GCERTF include recognition of current land loss rates in Coastal Louisiana indicate this is a "crisis"

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: R6 - Region 6 -- 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	GCERTF	Sep 9, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to GCERTF	Sep 9, 2011

Comments



402 Green Street • P.O. Drawer 5548
Thibodaux, LA 70301 • Thibodaux, LA 70302
Telephone 985.446.8427 • 800.834.8832 • Fax 985.449.4012

Louis Richard, Council Chairman

August 29, 2011

Carleen B. Babin, Council Clerk

Gulf Ecosystem Restoration Task Force
Attention: Ms. Lisa P. Jackson, Administrator
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

RECEIVED
2011 SEP - 8 PM 1:15
OFFICE OF THE
EXECUTIVE SECRETARIAT

RE: RESOLUTION NO. 11-232 (COASTAL RESTORATION EFFORTS)

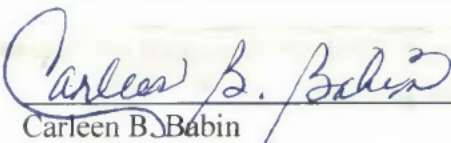
Dear Ms. Jackson:

The Lafourche Parish Council, convened in regular session on August 23, 2011, adopted Resolution No. 11-232 (see attached), requesting that the Gulf Ecosystem Restoration Task Force ("Task Force") currently led by EPA Administrator Lisa Jackson and Executive Director John Hankinson, include in their strategic restoration strategy to be submitted to the President of the United States, the recognition that current land loss rates in Coastal Louisiana indicates that this is a "crisis" and make specific recommendations on changes to current federal processes to streamline and improve the permitting process required for Coastal Restoration Efforts.

If I may assist you with any further Legislative matters, please contact me by phone at (985) 446-8427, by fax at (985) 449-4012 or by e-mail at councilclerk@lafourchegov.org.

Sincerely,

LAFOURCHE PARISH COUNCIL


Carleen B. Babin
Council Clerk

CBB/tlh
attachment

cc: Louisiana Delegation
Office of the Parish Administrator, Crystal Chiasson

Charlotte A. Randolph	Parish President	Matt Matherne	District 5
Jerry Jones	District 1	Lindel Toups	District 6
Michael Delatte	District 2	Phillip Gouaux	District 7
Louis Richard	District 3	Rodney Doucet	District 8
Joseph "Joe" Fertitta	District 4	Daniel Lorraine	District 9

On motion by Rodney Doucet, seconded by Lindel Toups, the following resolution was introduced and adopted:

RESOLUTION NO. 11-232

RESOLUTION REQUESTING THAT THE GULF ECOSYSTEM RESTORATION TASK FORCE ("TASK FORCE") CURRENTLY LED BY EPA ADMINISTRATOR LISA JACKSON AND EXECUTIVE DIRECTOR JOHN HANKINSON, INCLUDE IN THEIR STRATEGIC RESTORATION STRATEGY TO BE SUBMITTED TO THE PRESIDENT OF THE UNITED STATES, THE RECOGNITION THAT CURRENT LAND LOSS RATES IN COASTAL LOUISIANA INDICATES THAT THIS IS A "CRISIS" AND MAKE SPECIFIC RECOMMENDATIONS ON CHANGES TO CURRENT FEDERAL PROCESSES TO STREAMLINE AND IMPROVE THE PERMITTING PROCESS REQUIRED FOR COASTAL RESTORATION EFFORTS.

WHEREAS, on June 1st, 2011 the U.S. Geological Survey ("USGS") released its report "Land Area Change in Coastal Louisiana from 1932-2010" (USGS Report), which calculated and quantified net land loss and gain rates in coastal Louisiana for the past 80 years; and

WHEREAS, the USGS Report determined that since 1932 coastal Louisiana has sustained a net land loss of over 1,883 square miles, which accounts for a loss of 25% of all land in the affected region; and

WHEREAS, the USGS Report determined that trend analysis indicates that current wetland loss occurs at a rate of 16.57 square miles a year - equating to Louisiana's losing an area the size of a football field every hour; and

WHEREAS, although Louisiana contains approximately 40% of all coastal habitat in the lower 48 states, it accounts for 90% of coastal land loss; and

WHEREAS, the devastation and destruction caused by Hurricanes Katrina, Rita, Gustav, and Ike reinforced the tenet that a healthy, vibrant, and workable coast is necessary not just for our cultural and economic well-being but is vital to our overall hurricane protection needs; and

WHEREAS, the Deepwater Horizon oil spill, the largest environmental disaster in the United States, placed again the spotlight on Louisiana's coast and our impending land loss crisis; and

WHEREAS, as a result of the BP oil spill, President Barack Obama created the Gulf Coast Ecosystem Restoration Task Force to create a federal restoration strategy to address the Gulf Coast's environmental issues, with particular emphasis being placed on Louisiana's coastal land loss crisis, and

WHEREAS, it is hoped and anticipated that 80% or more of Clean Water Act fines levied against BP and other responsible parties will be directed back to the areas affected to be used for coastal restoration and other initiatives, potentially billions of dollars for environmental restoration efforts; and

WHEREAS, even if the Task Force's recommendation to direct oil spill fines back to the Gulf Coast for restoration purposes is implemented, a vital component necessary for the efficient and timely restoration of our coast is the streamlining of the permitting process; and

WHEREAS, the current processes that dictate the permitting and approval of projects that are intended to restore and protect Louisiana's coast must follow the same arduous processes for a project that has no net benefit for coastal restoration/hurricane protection purposes; and

WHEREAS, even though there is agreement that Louisiana's coastal land loss is at crisis levels, federal prioritization of coastal projects over other initiatives has not been fully realized; therefore

BE IT RESOLVED, by the Lafourche Parish Council convened in regular session on August 13, 2011, that it does hereby request that the Gulf Coast Ecosystem Restoration Task Force recognize and make recommendations in their strategic restoration strategy on the following: (1) recognize that current and historical land loss in coastal Louisiana confirms that Louisiana is in a crisis in which emergency actions must be taken; (2) recognize that because Louisiana land loss rates are at crisis levels, the current emergency should be met with an appropriate level of federal response and addressed with a sense of urgency; (3) recommend in their strategic restoration strategy that the permitting and processing of coastal restoration projects be given a higher priority and fast-tracked by all participating agencies; (4) recommend in their strategic restoration strategy that permitting processes for coastal restoration projects be granted "alternative arrangements" authorization, or similar processes, that was provided by the White House's Council on Environmental Quality to the Army Corps of Engineers for their work on the greater New Orleans' Hurricane and Storm Damage Risk Reduction System (HSDRRS) projects, which allows for the fast track implementation and "mitigation after the fact."

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Gulf Ecosystem Restoration Task Force; the Louisiana Delegation and the Office of the Parish Administrator.


This resolution having been submitted to a vote, the vote thereon was as follows:

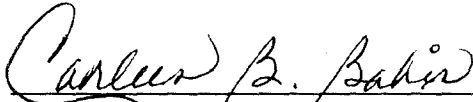
YEAS: Mr. Michael Delatte
Mr. Louis Richard
Mr. Joseph "Joe" Fertitta
Mr. Lindel Toups
Mr. Phillip Gouaux
Mr. Rodney Doucet
Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. Jerry Jones
Mr. Matt Matherne


And the resolution was declared adopted this 23rd day of August, 2011.


LOUIS RICHARD, CHAIRMAN
LAFOURCHE PARISH COUNCIL


CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Resolution No. 11-232, adopted by the Assembled Council in Regular Session on August 23, 2011, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 25TH DAY OF AUGUST, 2011.


CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL



Correspondence Management System

Control Number: AX-11-001-5154

Printing Date: September 12, 2011 04:50:02



Citizen Information

Citizen/Originator: Kelly, Charles E.

Organization: City of Perryton

Address: P.O. Box 849, Perryton, TX 79070

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5154

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 26, 2011

of Extensions: 0

Letter Date: Sep 7, 2011

Received Date: Sep 12, 2011

Addressee: AD-Administrator

Addressee Org: N/A

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- Cross State Air Pollution Rule- Petition for Reconsideration Docket No. EPA-HQ-OSR-2009-0491

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
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	Sep 12, 2011	Sep 26, 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



RECEIVED

2011 SEP 12 PM 12: 52

P.O. Box 849 • Perryton, TX 79070 • 806-435-4014 (Bus.) • 806-435-2490 (Fax)

OFFICE OF THE
EXECUTIVE SECRETARIAT

September 7, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of the City of Perryton, in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Perryton businesses and residents that ultimately pay this cost. We estimate that the increased energy costs for the operations of the City of Perryton to be a 15-20% increase, or \$60,000-\$80,000 annually! Each of the 8800 residents and 400 businesses of Perryton would experience the same percentage of increase; as of course would the entire SPS service area.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-

being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,


Charles E. Kelly
Mayor



Correspondence Management System

Control Number: AX-11-001-5250

Printing Date: September 14, 2011 01:54:48



Citizen Information

Citizen/Originator: Bias, Mitchell

Organization: Regional Church of God & Christian School
Address: US Route 52 South Post Office Box 236, Delbarton, WV 25670

Lafferty, Donald

Organization: Regional Church of God & Christian School
Address: US Route 52 South Post Office Box 236, Delbarton, WV 25670

Belcher, Richard T.

Organization: Cornstone Family Fellowship
Address: US Route 52 South Post Office Box 236, Delbarton, WV 25670

Pollard, Michael

Organization: Zion Missionary Baptist Church
Address: US Route 52 South Post Office Box 236, Delbarton, WV 25670

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-001-5250	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	Sep 28, 2011	# of Extensions:	0
Letter Date:	Sep 7, 2011	Received Date:	Sep 14, 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 - Coal jobs have sustained our communities for generations. These jobs have enabled our parishioners to provide for their families, secure health care coverage, earn and spend disposable income at local businesses. And as a result, these businesses also benefit, as do other vital non-profit organizations that make this region a more vibrant, prosperous and caring environment. In our state of West Virginia, coal mining jobs also provide important tax revenues, which benefit our schools, la

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
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A



Correspondence Management System

Control Number: AX-11-001-5250

Printing Date: September 14, 2011 01:54:48



Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	Sep 14, 2011	Sep 28, 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
(b) (6) Personal Privacy	OEX	Assign OW as lead office	Sep 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		

Open Letter to EPA Administrator Lisa Jackson

September 7, 2011

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 14 AM 7:50

REC'D

Dear Administrator Jackson:

Coal jobs have sustained our communities for generations. These jobs have enabled our parishioners to provide for their families, secure health care coverage, earn and spend disposable income at local businesses. And as a result, these businesses also benefit, as do other vital non-profit organizations that make this region a more vibrant, prosperous and caring environment. In our state of West Virginia, coal mining jobs also provide important tax revenues, which benefit our schools, law enforcement and community infrastructure. Without coal mining, we would see more poverty, hardship and life-altering consequences.

Moreover, coal mining also provides our nation with an abundant, affordable and domestic energy resource. In today's chaotic world with unstable governments and continued terrorist activities, our nation must maximize the energy resources that God has bestowed upon this great nation.

Preserving coal jobs should be the number one concern on the minds of both elected leaders and regulatory officials such as you. We have witnessed the detrimental effects of high unemployment on communities. Take away or limit coal mining here, and the effects would be devastating. With higher unemployment, our communities may be faced with higher divorce rates, alcohol and drug abuse increases, increased crime rates and a dramatic burden on our social services.

As faith leaders in our communities, we are troubled about what may result due to EPA's ongoing delays and "reviews" that have been underway for nearly two years now. We also are very concerned by your own statements that your agency generally doesn't care about the economic well-being of coal communities and their residents. This is a rather perplexing viewpoint, given how good jobs and incomes are needed if there is to be the proper environment for personal health, growth and advancement. Finally, the recent decision by EPA to revoke the existing Spruce Number 1 mine permit is exceedingly troubling and spreads fear, uncertainty and unhealthy anxiety among all coal mining families.

We join with tens of thousands of other West Virginians and Appalachian Basin residents in expressing our united support for the continued viability of coal mining and the preservation of coal mining jobs in Central Appalachia. Please complete your permit review process and provide coal mine companies and coal miners with a transparent regulatory process that will balance environmental protection with job preservation and community well-being in our region.

Sincerely,

Mitchell Bias
Pastor
Regional Church of God
Delbarton, WV

Donald Lafferty
Pastoral Assistant
Regional Church of God
Delbarton, WV

Richard T. Belcher
Pastor
Cornerstone Family Fellowship
Whitman, WV

Michael Pollard
Pastor
Zion Missionary Baptist
Madison, WV



Correspondence Management System

Control Number: AX-11-001-5253

Printing Date: September 14, 2011 12:25:11



Citizen Information

Citizen/Originator: Franco, Rick

Organization: Center for Environmental Health
Address: 2201 Broadway, Oakland, CA 94612

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5253 **Alternate Number:** N/A
Status: Closed **Closed Date:** Sep 14, 2011
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 7, 2011 **Received Date:** Sep 14, 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- Writing to address mischaracterizations in the August 9 letter from Rep. Brian Bilbray and others requesting intervention in a federal court action to enjoin contemplated Proposition 65 lawsuit regarding lead exposure near aviation airports in California.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OAR - Office of Air and Radiation -- Immediate Office
OCSPP - OCSPP - Immediate Office
OEAAE - Office of External Affairs and Environmental Education
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OGC	Sep 14, 2011

History

Action By	Office	Action	Date
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National Office:
2201 Broadway, Suite 302
Oakland, CA 94612

East Coast Office:
6 East 39th Street, 12th Floor
New York, NY 10016

T: 510.655.3900
F: 510.655.9100

T: 212.689.6999
F: 212.689.6549

ceh@ceh.org • www.keh.org



September 7, 2011

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

The Honorable Randy Babbitt
Administrator, Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

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

Dear Secretary LaHood and Administrators Babbitt and Jackson:

We recently became aware of an August 9, 2011 letter to you from Rep. Brian Bilbray and others (the "August 9 letter"); that letter requests that you intervene in a federal court action seeking to enjoin our contemplated Proposition 65 lawsuit regarding lead exposure near certain general aviation airports in California. I am writing to address certain mischaracterizations contained in the August 9 letter and to explain why your intervention is unnecessary.

The Center for Environmental Health is a nonprofit, public interest organization dedicated to protecting people from toxic chemicals and promoting business products and practices that are safe for public health and the environment. One of the ways we accomplish this goal is through litigation pursuant to California's Safe Drinking Water and Toxic Enforcement Act ("Proposition 65"). Proposition 65 contains two distinct provisions: (1) the warning provision set forth in California Health and Safety Code §25249.6; and (2) the discharge prohibition set forth in California Health and Safety Code §25249.5. The Proposition 65 warning provision prohibits any person doing business in California from exposing any individual to any chemical known to the State to cause cancer and/or reproductive harm without first providing a clear and reasonable warning. The discharge prohibition prohibits the release of to any chemical known to the State to cause cancer and/or reproductive harm into a source of drinking water.

Our contemplated lawsuit against suppliers of leaded aviation fuel in California is limited claims under to the warning provision of Proposition 65. Although our initial notices of intent to sue under Proposition 65, which were sent on May 9, 2011, included allegations under both the warning and discharge provisions of Proposition 65, on August 16, 2011, we sent amended notices of intent to sue, making clear that we only intended to proceed under Proposition 65's warnings provision.

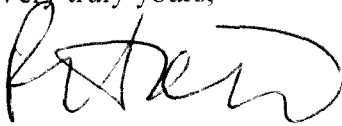
REC'D
2011 SEP 14 AM 7:50
OFFICE OF THE
EXECUTIVE SECRETARY

The August 9 letter incorrectly states that CEH plans to file a Proposition 65 lawsuit “to block the supply and use of leaded aviation gasoline in the state...” and incorrectly suggests that a California judge could “dictate *ad hoc* the content of lead in aviation gasoline.” Our contemplated Proposition 65 lawsuit will not seek to block the supply of leaded aviation gasoline in the state; indeed, such relief is beyond the scope of the remedies available under Proposition 65’s warnings provision. Moreover, a judge in any Proposition 65 lawsuit we file with respect to leaded aviation fuel would not have the power under that statute to “block the supply and use” or “dictate the content of lead” in aviation fuel.

The relief we are seeking in our prospective Proposition 65 warning lawsuit is the provision of warnings to nearby residents that they are being exposed to lead emissions from airplanes using leaded aviation fuel. It is crucial that people who live and work near these airports be aware of the potential for exposure to lead so that they may take whatever precautions they deem necessary to protect themselves and their families. The importance of public awareness of the health threats from such lead emissions is highlighted by the recent study of blood lead levels in children residing near general aviation airports in North Carolina. (*A Geospatial Analysis of the Effects of Aviation Gasoline on Childhood Blood Lead Levels*, Marie Lynn Miranda, Rebecca Anthopolos, Douglas Hastings; Environmental Health Perspectives, July 2011.)

We understand the need for general aviation in California, and that leaded aviation fuel will not disappear overnight. We are aware that your agencies are taking steps to address this issue and urge you to act promptly to address the health concerns associated with lead emissions from general aviation aircraft. However, our contemplated Proposition 65 lawsuit will not usurp any federal authority over content of aviation fuel or emissions from airplanes that use this fuel. Therefore, your intervention in the federal court action (*Loyd’s Aviation, Inc. et al. v. Center for Environmental Health*) is unnecessary.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Franco", with a stylized, flowing script.

Rick Franco
Staff Attorney



Correspondence Management System

Control Number: AX-11-001-5255

Printing Date: September 14, 2011 11:55:33



Citizen Information

Citizen/Originator: Bartels, Steve

Organization: City of Hereford

Address: Post Office Box 2277, Hereford, TX 79045-2277

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5255

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 28, 2011

of Extensions: 0

Letter Date: Sep 7, 2011

Received Date: Sep 14, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

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

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	Sep 14, 2011	Sep 28, 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
-----------	--------	--------	------



CITY OF HEREFORD

RECEIVED
2011 SEP 14 AM 7:50

September 7, 2011

OFFICE OF THE
EXECUTIVE SECRETARIAT

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

**Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491**

Dear Administrator Jackson:

I am writing on behalf of Hereford, Texas in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

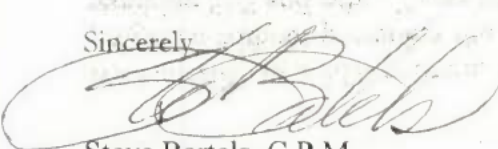
SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like the City of Hereford that ultimately pay this cost.

We estimate that the increase in energy costs could be as high 30 percent. Such an increase could force the City of Hereford to raise taxes on its residents or cut services provided to them. An increase of this magnitude would be a burden to all businesses located in and around Hereford.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,


Steve Bartels, C.P.M.
Assistant City Manager



Correspondence Management System

Control Number: AX-11-001-5256

Printing Date: September 14, 2011 02:22:00



Citizen Information

Citizen/Originator: Perdue, Bill

Organization: American Home Furnishings Alliance

Address: 317 W. High Avenue, 10th Floor, P.O. Box HP-7, High Point, NC 27261

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5256

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 8, 2011

Received Date: Sep 14, 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 - Supplement to Petition for Reconsideration and Amendment of the Major Source Boiler MACT Rule; EPA Docket ID No. EPA-HQ-OAR-2002-0058

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Sep 14, 2011
Sabrina Hamilton	OAR	OAR-OAQPS	Sep 14, 2011
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Sep 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 14, 2011
Sabrina Hamilton	OAR	Forwarded control to OAR-OAQPS	Sep 14, 2011

DAILY READING FILE



September 8, 2011

RECEIVED

2011 SEP 14 AM 7:50

OFFICE OF THE
EXECUTIVE SECRETARIAT

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

317 W. High Ave., 10th Floor
P.O. Box HP 7
High Point, NC 27261
Phone 336.884.5000
Fax 336-884-5303

Re: Supplement to Petition for Reconsideration and Amendment of the Major Source Boiler MACT Rule; EPA Docket ID No. EPA-HQ-OAR-2002-0058

Dear Administrator Jackson:

On behalf of the American Home Furnishings Alliance (AHFA), I am submitting this written supplement to AHFA's Petition for Reconsideration and Amendment of the Major Source Boiler MACT Rule (the Petition). Our original Petition was filed on May 20, 2011. In our Petition, we identified several concerns with the Major Source Boiler MACT Rule. In particular, we urged EPA to (a) establish a subcategory for boilers combusting wood fuel with low moisture content and (b) establish appropriate emission limits and work practice standards for such boilers. In this supplement, we provide further information to justify the creation of a new subcategory for boilers that combust fuel that we describe as Dry Wood Fuel (DWF).

Section 112(d)(1) of the Clean Air Act authorizes EPA to distinguish among "classes, types, and sizes" of sources that are subject to MACT standards. We believe that boilers that combust DWF are distinguishable from other boiler in the various subcategories in the Major Source Boiler Rule. For the reasons set forth below, we recommend that EPA establish a new subcategory entitled "Nondrying Suspension Boilers."

Dry Wood Fuel Characteristics

For purposes of this analysis, we define DWF as wood with a moisture content less than or equal to 20%. The average moisture content of DWF is approximately 0.5% - 1.5%, based on fuels test results collected for the original Boiler MACT. Examples of DWF include (but are not limited to):

- Dry lumber, wood veneers, and other similar wood products; and
- Dry wood products (containing resin adhesives) derived from primary and secondary wood products manufacturing and comprised of such items as board trim, sander dust, and panel trim.

DWF is a clean cellulosic material that is composed principally of carbon, hydrogen, and oxygen. It has distinctively low ash content at less than 1 percent mineral ash, and is very low in heavy metals. The chlorine and sulfur content of DWF is low compared to coal.

DWF as produced and combusted has low moisture content. Indeed, DWF is much drier than other biomass fuels, which have moisture contents that may range from 25% to 70%. Because DWF is produced as dry biomass, driving off moisture in the combustion chamber consumes very little energy when compared to other biomass fuels. As a result, the heating value for DWF as received is on average higher than other biomass fuels. The range of DWF heating values is approximately 7,800 – 9,000 BTU/lb with an average typically near 8,100 BTU/lb.¹ Published heating values for other biomass fuels range are in the range of 6,450-8,200 BTU/lb.

Unlike many other fuels combusted in boilers, DWF is a renewable fuel. DWF produces no net greenhouse gas (GHG) emissions when combusted. Recognizing that wood and other forms of biomass may be considered carbon-neutral fuels, EPA has instituted a three-year deferral of PSD permitting requirements for biogenic CO₂ emissions, and the IPCC has provided statements supporting the concept of carbon neutrality for biogenic fuels. If combustion of DWF became impracticable under the Boiler MACT rule, DWF would be disposed of in landfills where it would likely lead to methane formation through anaerobic decomposition. Any reduction in DWF combustion would likely be replaced by combustion of fossil fuels.

Characteristics of Dry Wood Fuel Boilers

DWF boilers are designed to accommodate the unique characteristics of DWF, which must be handled and combusted differently than other biomass fuels. Because DWF is a unique fuel with its own combustion profile and emissions characteristics, boilers must be configured and operated to ensure efficient DWF combustion. In addition, DWF boilers are designed to accommodate highly variable conditions and swings in operations.

In particular, DWF boilers are unique because more of the combustion occurs in suspension when compared with other boilers identified the Boiler MACT Rule, such as a standard suspension boiler or a hybrid suspension grate boiler. Therefore, we believe that an appropriate name for subcategorizing DWF boilers is “nondrying suspension boilers.” Based on our survey of our industry boilers and their unique characteristics, we define nondrying suspension boilers as: *Boilers less than or equal to 70 MMBTU/hr (heat input capacity) that combust low moisture fuel while suspended in air and complete combustion of the fuel on grates or floors.*

¹ Based on fuels testing by AHFA members in 2010.

As a result of increased combustion of DWF in suspension, nondrying suspension boilers have a significantly higher heat release rate than other biomass boilers combusting higher moisture fuels. Moreover, nondrying suspension boilers require much higher excess air rates than other boilers. The high excess air promotes better turbulence, but reduces residence time in the combustion zone. This combustion of dry fuel results in relatively high combustion temperatures in the boilers and high heat release rates. AHFA is working with a boiler consultant to document the time, temperature, and turbulence profile for nondrying suspension boilers. We will provide that information to EPA as soon as it is available.

The fuel storage and feed systems are integral to nondrying suspension boilers. Nondrying suspension boilers include dedicated pneumatic fuel feed systems, preceded by dry fuel storage such as silos or covered sheds. Nondrying suspension boilers include a continuous DWF supply to the feeders that are specifically designed to control the DWF feed rate. Pneumatic injection is used to distribute the DWF throughout the width and depth of the boiler.

Since both suspension and grate (or floor) combustion occur, the temperature profile within the boiler is highly variable. As a consequence, steam production and production of carbon monoxide (CO) vary significantly over even short periods of time due to changing species and geometry of the DWF and the changing conditions within the boiler. Combustion in suspension and a high peak heat combustion temperature result in a unique emissions profile, especially with respect to CO, volatile HAP, and PM. For other key pollutants related to fuel type, combustion of DWF results in very low emissions of heavy metals, mercury, hydrogen chloride (HCl), and sulfur dioxide (SO₂).

PM Limits for the Nondrying Suspension Boiler Subcategory

In the Major Source Boiler Rule, EPA classified non-mercury metallic HAP as a fuel-dependent pollutant. EPA then identified PM as a surrogate for non-mercury metallic HAP. Finally, EPA established a single PM limit that applies to all existing solid fuel boilers. AHFA believes that PM emissions are primarily a function of boiler design and operation. Thus, the unique configuration of nondrying suspension boilers indicates that PM emissions should be evaluated for this unique subcategory, rather than grouping those boilers with the non-discrete subcategory consisting of all solid fuel boilers. We urge EPA to establish PM emission standards for the proposed nondrying suspension boiler subcategory.

Conclusion

Nondrying suspension boilers are unique devices by virtue of their design and operation as well as the fuel they combust. Placing nondrying suspension boilers in a subcategory with other boilers with different design, operating, and emission characteristics would not be appropriate, and would result in unachievable MACT

Lisa P. Jackson
September 8, 2011
Page 4

emission limits. Therefore, AHFA respectfully urges EPA to establish a separate subcategory for nondrying suspension boilers in the Major Source Boiler MACT Rule.

We welcome the opportunity to continue working with EPA during the reconsideration process. Please contact me at 336-884-5000, extension 1017 or bperdue@ahfa.us if you have any questions about this supplemental filing. Thank you for your consideration of this important issue.

Sincerely,



Bill Perdue
Vice President of Regulatory Affairs

cc (via electronic mail):

Bob Wayland
Brian Schrager
Jim Eddinger



Correspondence Management System

Control Number: AX-11-001-5234

Printing Date: September 15, 2011 04:44:55



Citizen Information

Citizen/Originator: Cosby, Terry J.

Organization: NRCS-Ohio State Office

Address: 200 North High Street, Columbus, OH 43215

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5234

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 29, 2011

of Extensions: 0

Letter Date: Sep 1, 2011

Received Date: Sep 13, 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- Please see the enclosed description of our proposed Green Corps project for your review. Requested dollars will expand existing employment capacity and allow new areas to grow. We look to hear from your office.

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
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: Norma Ignasiak

Office: R5-WD

Due Date: Sep 29, 2011

Assigned Date: Sep 15, 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	R5	Sep 15, 2011	Sep 29, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Nancy Jih	R5	Norma Ignasiak	Sep 15, 2011	Sep 29, 2011	N/A
Instruction: N/A					

Supporting Information



Natural Resources Conservation Service
200 North High Street, Room 522
Columbus, Ohio 43215
614-255-2472 Fax: 614-255-2549

September 1, 2011

Ms. Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

RECEIVED
2011 SEP 13 AM 6:20
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Ms. Jackson:

In support of the Great Lakes Restoration Initiative, please see the enclosed description of our proposed Green Corps project for your review. Ohio's Natural Resources Conservation Service is dedicated to water quality improvements across the state but uniquely the western basin of Lake Erie. Projects like the one described herein are critical to solving the long term water quality issues, promoting near-shore health by protecting watersheds from polluted run-off, and engaging our communities in our efforts. Ohio NRCS fully supports the grass-roots, community-based focus this project has and hopes this work inspires other communities to promote these urban conservation practices.

The partnership described herein has a successful track record of employing disenfranchised youth and creating a community building program. The requested dollars will serve to expand the existing employment capacity of the program and allow new areas to grow. The resources will allow for the expansion of a tree nursery and further the production of greenhouse materials.

Thank you for your full consideration and we look to hear from your office.

Sincerely,

Randy Jordan Acting for

TERRY J. COSBY
State Conservationist

Enclosure

cc: w/o enclosure

Michelle Lohstroh, Assistant State Conservationist for Special Projects, NRCS, Columbus, OH
Cheryl Rice, Urban Conservationist, NRCS, Wauseon, OH
Steve Davis, ACES Watershed Specialist, NRCS, Lima, Ohio

Building and Growing the Green Corps in Support of the Lake

The proposed project is an established partnership between the USDA Natural Resources Conservation Service (NRCS), CITE (Community Integration and Training for Employment) program of the Lucas County Juvenile Justice Division, Toledo GROWs program (Toledo Botanical Garden), the City of Toledo, and the Toledo-Lucas County Rain Garden Initiative (Lucas Soil and Water Conservation District-LSWCD). Over the past two years the Green Corps have successfully planted more than a dozen rain gardens, built over one hundred of rain barrels and planted dozens of trees. Additional hires will serve as an extension of this successful and prominent existing program. The following project work plan describes the expansion of these efforts to include production greenhouse and tree nursery work for the project participants:

1) Workshops

Workshops will train and educate participants in the proper installation and application of each of the Urban Conservation and Urban Stormwater Practices. Each aspect of this program will provide youth participants with a workshop. Such workshops will include job training to ensure proper execution of the assigned work and provide meaningful on-the-job experience for potential future employment. Trainers will come from local NRCS staff, Toledo Lucas County Rain Garden Initiative, the City of Toledo and other local conservation partners.

2) Tree Planting

The partnership will plant trees on five highly visible sites, with the focus on larger site applications. These plantings improve water management practices, reduce runoff, moderate urban temperatures, and sequester carbon, while beautifying neighborhoods and improving the environment. Urban sites will be selected for not only the viability of the practice but also in regard to the need to restore the urban canopy for the benefit of better stormwater management. This effort will also serve to support the further expansion greenhouse production and tree nursery efforts.

3) Rain Garden

The partnership will install seven rain gardens as a soft engineering method to deal with stormwater runoff. The project areas will be close to existing community gardens to allow the partnership to maintain the rain gardens in perpetuity. These projects will create immediate benefit within the community and demonstrate the need for further improvements in stormwater management.

4) Rain Barrels

The partnership will build and install 75 rain barrels in neighborhoods with stormwater management issues. Participating citizens will have the opportunity to attend a free rain barrel workshop. Engaging citizens and neighborhood groups in the education program will demonstrate a means to involve local landowners in taking ownership of urban conservation issues and a way to involve citizens in the conservation planning process at the grass roots level.

5) Educate the Public of the Installed Conservation Practices and the Associated Benefits

The partnership will work with the local media (Newspapers, Television, Radio, WLEB Eco-Track TV Project, etc) to publicize the completed projects and educate the public as to the need for these Urban Stormwater Management Practices and the associated benefits. Education will employ a variety of appropriate means including articles, interviews, conservation partner newsletters, tours and/or field days.

Budget Description

Personnel

Youth, new hires	(12 wks x 20 youth x 20 hours/wk @\$9.00/hr)	\$43,200.00
Supervisory staff, new hires	(12 wks x 2 staff x 25 hours/wk @\$14.00/hr)	\$ 8,400.00
Project coordinators (extension of current hours)		
(LSWCD)	(14 wks x 2 staff x 12 hours/wk @\$29.00/hr)	\$ 9,744.00
Project coordinator (extension of current hours)		
(Toledo GROWs)	(14 wks x 2 staff x 12 hours/wk @\$22.00/hr)	\$ 7,392.00
Equipment, plant materials, training materials, etc.		\$31,264.00
Total		\$100,000.00



Correspondence Management System

Control Number: AX-11-001-5298

Printing Date: September 14, 2011 02:46:25



Citizen Information

Citizen/Originator: Mills, Karen G.

Organization: United States Small Business Administration

Address: 409 3rd S.W., Washington, D.C. 20416

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5298 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 12, 2011 **Received Date:** Sep 14, 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 - Small Business Act Section 15(k) - Reporting Structure of the Office of Small and Disadvantaged Business Utilization
Instructions: For Your Information -- No action required
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

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	OSBP	Sep 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OSBP	Sep 14, 2011

Fw: Memorandum regarding Small Business Act Section 15(k)

Eric Wachter to: (b) (6) Personal Privacy

09/12/2011 05:48 PM

----- Forwarded by Eric Wachter/DC/USEPA/US on 09/12/2011 05:48 PM -----

From: "Mills, Karen G." <Karen.Mills@sba.gov>
To: <Daniel_Gordon@omb.eop.gov>, "Johns, Marie" <Marie.Johns@sba.gov>, "Swain, Jonathan L." <Jonathan.Swain@sba.gov>, "Jordan, Joseph G." <joseph.jordan@sba.gov>, "Chang, Michele" <Michele.Chang@sba.gov>
Date: 09/12/2011 04:18 PM
Subject: Memorandum regarding Small Business Act Section 15(k)

To Agency Heads and Deputy Heads:

As you know, Small Business Contracting has been and continues to be a top priority for the White House. In order to achieve our government-wide 23% goal, agencies need direct support from their senior leadership. In fact, Section 15(k) of the Small Business Act requires that all federal agencies with procurement powers establish an Office of Small and Disadvantaged Business Utilization (OSDBU) to advocate for small businesses. This statute mandates that the OSDBU directors, "...be responsible only to and report directly to agency heads or deputy agency heads."

The attached Memorandum outlines details regarding this statute and asks that any agency that is not in compliance takes action to meet the requirements of Section 15(k). We at the SBA understand that being in compliance with this statute may create unique challenges at each agency. We are available to support your agency with this reorganization, as well as share best practices on structuring your department to maximize opportunities for small businesses.

Please feel free to contact me or my team if you have any questions. Thank you for your continued leadership on this essential priority for small businesses.

Warm regards,

Karen Mills
Administrator
U.S. Small Business Administration



OSDBU Reporting Structure Memo_2011.pdf

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 14 AM 9:38

RECEIVED



U.S SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

Date: September 9, 2011

To: Agency Heads
Deputy Agency Heads

From: Karen G. Mills *Karen G. Mills*
Administrator
Small Business Administration

Subject: Small Business Act Section 15(k) – Reporting Structure of the Office of Small and Disadvantaged Business Utilization

As you know, small business contracting is a top priority for the White House due to the tremendous opportunity for growth and job creation which federal contracts provide to small businesses. In addition, Congress passed the Small Business Jobs Act of 2010, which helps level the playing field for small businesses in the federal procurement arena. The Small Business Administration (SBA), as required by the Small Business Act, oversees small business contracting programs across the federal government. One of our primary goals for federal procurement is to ensure the government achieves its statutory goal of awarding 23% of federal contracting dollars to small businesses and to make sure only eligible small businesses benefit from our programs.

To achieve these goals, we need to ensure that the advocates for small business within each agency are actively engaged with and have access to senior leadership in accordance with the provisions of the Small Business Act. In fact, Section 15(k) of the Small Business Act requires that all federal agencies with procurement powers establish an Office of Small and Disadvantaged Business Utilization (OSDBU) to advocate for small businesses and mandates that the directors of these offices "...be responsible only to and report directly to agency heads or deputy agency heads."

This past June, the Government Accountability Office (GAO) published a report, GAO-11-418, which evaluated agency compliance with Section 15(k) of the Small Business Act. According to that report, nine of the 16 federal agencies reviewed were in compliance, while the remaining seven were not.

SBA strongly supports the underlying policy set forth in Section 15(k) of the Small Business Act and is asking all agencies who are not in compliance to revise their reporting structure to meet the statutory requirements. Open and direct communication between the OSDBU Director and

the Secretary, Deputy Secretary or their equivalent is paramount to ensure that small businesses receive the maximum practicable opportunity to compete for and win federal contracts that allow them to grow their business and create jobs. The OSDDBU Director and staff manage your agency's small business programs and work with procurement staff, program staff, and small businesses to identify opportunities for small business contracting. Having the direct support and oversight at your level will help your agency to achieve its small business contracting goals and help us reach our 23% federal goal.

We at the SBA understand that being in compliance with this statute may create unique challenges at each agency and we would be happy to support your agency with this reorganization, as well as share best practices on how to structure your department to maximize opportunities for small businesses.

Please feel free to contact me or my team if you have any questions.



Correspondence Management System

Control Number: AX-11-001-5306

Printing Date: September 14, 2011 04:32:14



Citizen Information

Citizen/Originator: Johnsen, Steven

Organization: U.S. Department of Energy
Address: 1000 Independence Avenue, SW, Washington, DC 20585

Chu, Steven

Organization: United States Department of Energy
Address: 1000 Independence Avenue, SW, Washington, DC 20585

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5306 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 13, 2011 **Received Date:** Sep 14, 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 - Letter for Administrator Jackson regarding Solar Decathlon;
SCH002-Scheduling Request - Invitation - Department of Energy's Fifth Solar Decathlon from
September 23 to October 2 on the National Mall's West Potomac Park
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: Event Date: 9/23/11 - 10/2/11 Location: National Mall, West Potomac Park Contact: Jane
Wise, jane.wise@hq.doe.gov
CC: OAR - Office of Air and Radiation -- Immediate Office
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	Noah Dubin	Sep 14, 2011



The Secretary of Energy
Washington, DC 20585

September 9, 2011

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

Dear Madam Administrator:

As the summer draws to a close, I want to highlight an exciting event coming up at the end of September: the Department of Energy's Fifth Solar Decathlon from September 23 to October 2 on the National Mall's West Potomac Park. This competition brings together college teams from across the United States and around the world for an innovative and exciting competition to construct energy-efficient, solar-powered houses that will be on display to the public. I invite you and your agency staff to visit and participate. There are ample opportunities for volunteers.

If you would like to attend, please contact Ms. Jane Wise at jane.wise@hq.doe.gov for more information. For those in your agency who might like to volunteer, I am enclosing additional details and contact information.

Sincerely,

A handwritten signature in black ink, which appears to read "Steven Chu". The signature is fluid and cursive.

Steven Chu

Enclosures .



Printed with soy ink on recycled paper



U.S. DEPARTMENT OF ENERGY
SOLAR DECATHLON

SEPT 23 - OCT 2

2011

MARK YOUR CALENDARS

U.S. Department of Energy Solar Decathlon 2011

WHAT:

A competition that challenges college and university teams from across the globe to design, build and operate solar-powered houses that are affordable, energy efficient, attractive and easy to live in.

WHEN:

VIP OPENING

Thursday, September 22, 2011

10 am - 11 am: Opening Ceremony
(open to the public)

11 am - 3 pm: VIP Tours

12 pm - 2 pm: Congressional Staff Reception

SOLAR VILLAGE OPEN TO THE PUBLIC

September 23 - October 2, 2011

WHERE:

National Mall | West Potomac Park
Washington, D.C.

WHO:

Collegiate teams showcasing the next generation of architects, engineers and entrepreneurs and the innovative spirit of students.

CONTACT:

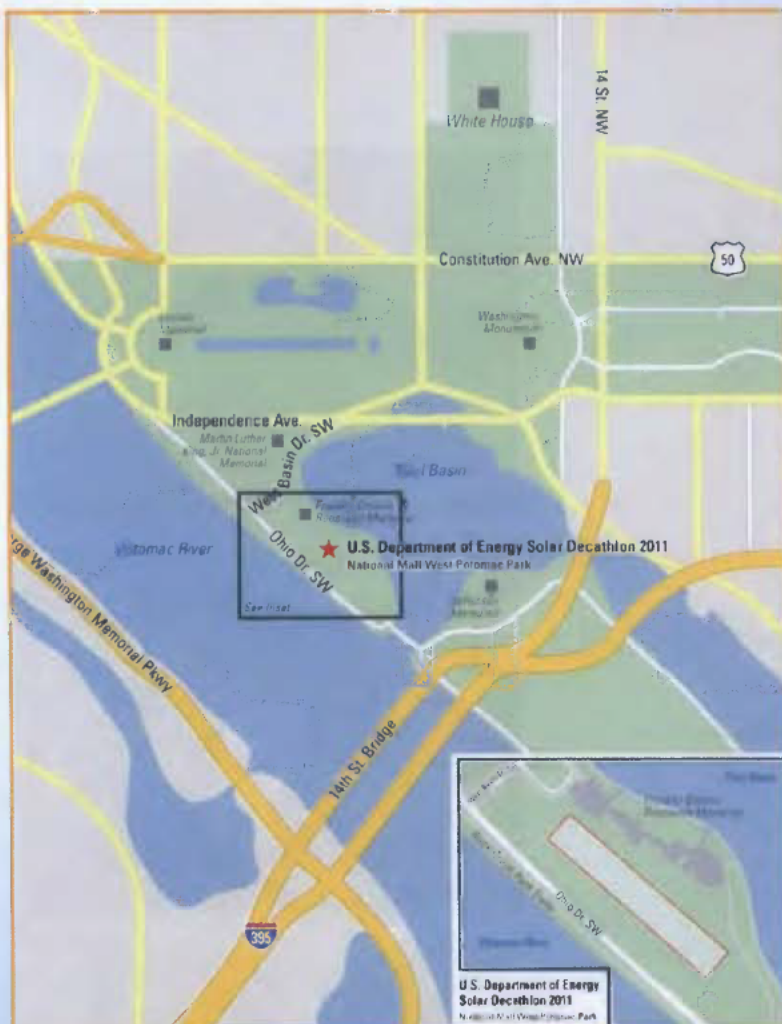
Contact Kerry Duggan with your RSVP and questions at (202) 287- 6740 or LegAffairs@ee.doe.gov.



[Facebook.com/DOESolarDecathlon](https://www.facebook.com/DOESolarDecathlon)



[@solar_decathlon](https://twitter.com/solar_decathlon)



2011 TEAMS

Appalachian State
 Florida Int'l
 Illinois
 Maryland
 Middlebury College
 New Zealand
 Ohio State
 Parsons NS Stevens
 Purdue
 SCI-Arc/Caltech
 Team Belgium
 Team Canada
 Team China
 Team Florida
 Team Massachusetts
 Team New Jersey
 Team New York
 Tennessee
 Tidewater Virginia

Follow the Competition

To learn more, visit www.solardecathlon.gov



[Facebook.com/DOESolarDecathlon](https://www.facebook.com/DOESolarDecathlon)



[@solar_decathlon](https://twitter.com/@solar_decathlon)



Online Volunteer Registration Is Now Available

Be Part of Something Special

This is our fifth Department of Energy Solar Decathlon, a unique competition in which 20 college- and university-led teams from across the U.S., Canada, New Zealand, China, and Belgium compete to design, finance, construct, and operate energy-efficient, solar-powered houses at West Potomac Park on the National Mall. A simple idea to test students' ingenuity in 10 contests has grown into an ambitious and inspiring international event.

Volunteers Needed

- Greeters
- Docents (expert tour guides)
- Special event assistants
- Walking route assistants
- Solar and building efficiency experts
- School Day mentors

Teams arrive on September 13 to begin assembly. The competition is open to the public from September 23 – October 2.

Please register at www.solardecathlon.gov/volunteers.html. A shuttle bus will be available for DOE employees to get to and from the Solar Decathlon at West Potomac Park.

If you registered in 2009, you **do not** need to register again, but **do** need to request that the Solar Decathlon Volunteer Department add you to the Solar Decathlon 2011 DOE team. Send your request to solarvolunteers@linderassociates.com.

DOE employees volunteering during their normal duty hours must submit a request for absence or leave from their Leave Approving Officials.

To find out more about roles, guidelines, and other helpful information, please go to www.solardecathlon.gov/volunteers.html or contact:

Mary-Lyn Chambers, Volunteer Coordinator
202-459-0861
solarvolunteers@linderassociates.com

We look forward to seeing you at the U.S. Department of Energy Solar Decathlon 2011 this September!



Correspondence Management System

Control Number: AX-11-001-5307

Printing Date: September 14, 2011 02:26:00



Citizen Information

Citizen/Originator: Mull, Stephen D

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

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5307
Status: For Your Information
Due Date: N/A
Letter Date: Sep 12, 2011
Addressee: AD-Administrator
Contact Type: EML (E-Mail)
Signature: SNR-Signature Not Required
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File The National Security Affairs Calendar for the upcoming months
September 12, 2011- November 30, 2012
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

Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Sep 14, 2011
Addressee Org: EPA
Priority Code: Normal
Signature Date: 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	OITA	Sep 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Sep 14, 2011
(b) (6) Personal Privacy	OEX	Forward control to OITA	Sep 14, 2011



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. 201116178

Brown, Jewel M to: ABlinken, anneem, balline, Brenda.Mackall,
carol.darr, carol.kennedy, carol.matthews, 09/12/2011 09:18 PM
Charles.H.Scales, Charley.L.Diaz,

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MEMORANDUM FOR NATHAN D. TIBBITS

EXECUTIVE SECRETARY

NATIONAL SECURITY STAFF

SUBJECT: NATIONAL SECURITY AFFAIRS CALENDAR

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

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

<<Final Dist 201116178>> <<Final Dist 201116178>>

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- 09122622.tif

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2011 SEP 14 PM 12:36
OFFICE OF THE
EXECUTIVE SECRETARIAT



United States Department of State

Washington, D.C. 20520

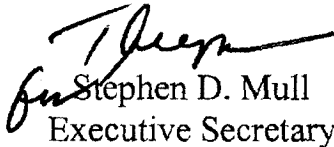
September 12, 2011

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MEMORANDUM FOR NATHAN D. TIBBITS
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

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


Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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September 12, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Sep 12-16	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sep 12-30	18th Regular Session of the Human Rights Council, Geneva
Sep 12-13*	Visit of President Basescu of Romania to Washington
Sep 12-14	Economic Community of West African States (ECOWAS) Ministerial Conference, Bamako
Sep 12-14*	Visit of President Kikwete of Tanzania to Washington
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 13*	Meeting of the Advisory Committee on International Economic Policy, Washington
Sep 14-16	Annual Meeting of the New Champions 2011, Dailian

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Sep 14	Asia-Pacific Economic Cooperation (APEC) Transportation and Energy Ministerial, San Francisco
Sep 14-15	U.S.-Pakistan Energy Dialogue, Islamabad
Sep 14-15*	President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board Meeting, Washington
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)
Sep 18-23	ASEAN Ministers of Energy Meeting, Brunei
Sep 19-20	66th United Nations General Assembly Non-Communicable Disease High-Level Session, New York
Sep 19-23	International Atomic Energy Agency (IAEA) General Conference, 55th Session, Vienna
Sep 19	Haiti Partners Ministerial Meeting, New York

LOOKING FORWARD

Sep 20	66th United Nations General Assembly Desertification High-Level Session, New York
Sep 20	Presidential and Legislative Elections in Zambia
Sep 20	Open Government Partnership (OGP) Summit, New York
Sep 21	66th United Nations General Assembly General Debate begins, New York

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Sep 22	Subnational Legislative Elections in Saudi Arabia (Snap)
Sep 22	Official Launch of the Global Counterterrorism Forum (GCTF), New York
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 25*	Visit of Prime Minister Barrow of Belize to Washington
Sep 25-28	World Food Program (WFP) Conference, Bamako
Sep 26	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sep 26-27*	International Engagement Conference in Support of Republic of South Sudan (IEC), Washington
Sep 27-30	6th UN Internet Governance Forum (IGF), Nairobi
Sep 27*	Visit of Foreign Minister Portas of Portugal to Washington
Sep 27-28*	Visit of Foreign Minister Zarifi of Tajikistan to Washington
Sep 28*	Visit of Foreign Minister Amr of Egypt to Washington

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4

Sep 28 - Oct 1	4th Review Conference of the Treaty on Conventional Forces in Europe, Vienna
Oct TBD	Election of UN Security Council Non-Permanent Members
Oct 1	Parliamentary Elections in Bahrain (Snap)-2nd Round
Oct 2-5	2nd Meeting of the Sub-Group on Media Exchanges under the U.S.-Russia Bilateral Presidential Commission's Working on Education, Culture, Sports and Media, Moscow
Oct 3-28	UNGA First (Disarmament and International Security) Committee, New York
Oct 3*	U.S.-Japan Economic Harmonization Initiative High-Level Meeting, Washington
Oct 4-5* (T)	2nd Round of U.S.-Philippines Bilateral Strategic Dialogue, Washington
Oct 5-6	North Atlantic Treaty Organization (NATO) Defense Ministers Meeting, Brussels
Oct 5-6	4th Pathways to Prosperity Ministerial Meeting, Santo Domingo
Oct 5-7	The Americas Competitiveness Forum, Santo Domingo
Oct 9	Parliamentary Elections in Poland
Oct 9	Presidential Elections in Cameroon
Oct 9-13	ASEAN Ministerial Meeting on Transnational Crimes (AMMTC), Bali
Oct 10-11	Summit on the Global Agenda 2011, Abu Dhabi
Oct 11	Presidential and Legislative Elections in Liberia

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5

Oct 13*	U.S.-India Higher Education Summit, Washington
Oct 13*	Visit of President Lee Myung-Bak for the Republic of Korea to Washington
Oct 13-14	Council of Europe Forum for the Future of Democracy, Limassol, Cyprus
Oct 14-15	G-20 Finance Ministerial, Paris
Oct 16-17	APEC Workshop on Terrorist Abuse of Non-Profit Organizations, Kuala Lumpur
Oct 16	Parliamentary Elections in Mauritania
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 18-22	ASEAN Defense Ministers' Meeting (ADMM) Retreat, Bali
Oct 18-19	International Energy Agency (IEA) Governing Board and Management Committee Ministerial-Level Meeting, Paris
Oct 21-23	World Economic Forum on the Middle East, Dead Sea, Jordan
Oct 23	Legislative Elections in Tunisia (Snap)
Oct 23	Presidential Elections in Bulgaria
Oct 23	Presidential and Legislative Elections in Argentina

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Oct 24-28	International Telecommunication Union (ITU) Telecom World 2011, Geneva
Oct 27	Presidential Elections in Ireland
Oct 30	Presidential Elections in Kyrgyzstan
Oct 31*	U.S.-Indonesia Higher Education Summit, Washington
Nov TBD (T)	Presidential and Parliamentary Elections in Egypt
Nov TBD*	U.S.-Israel Strategic Dialogue, Washington
Nov 1-2	London International Cyber Conference, London
Nov 2	Regional Summit on Afghanistan, Istanbul
Nov 3-4	G-20 Summit, Cannes
Nov 5-6	Presidential and Legislative Elections in Nicaragua
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 9*	U.S.-Vietnam Human Rights Dialogue, Washington
Nov 10	Asia-Pacific Economic Cooperation (APEC) Finance Ministerial, Honolulu
Nov 10-11	Asia-Pacific Economic Cooperation (APEC) CEO Summit, Honolulu

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7

Nov 11	Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu
Nov 12-13	19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu
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 14 (T)	Parliamentary Elections in Guyana
Nov 17-18	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Nov 17-19	ASEAN Summit and Related Meetings, Bali
Nov 17-18	2011 Black Sea Energy and Economic Forum, Istanbul
Nov 17	Plenary Meeting of the Contact Group on Piracy Off the Coast of Somalia, New York
Nov 19	East Asia Summit (EAS) Meeting, Bali
Nov 20	Parliamentary Elections in Spain
Nov 22	International Energy Forum (IEF) Executive Board Meeting, Riyadh
Nov 24	Presidential Elections in Gambia

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8

Nov 25	Parliamentary Elections in Morocco
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
Nov 29 - Dec 1	4th High-Level Forum on Aid Effectiveness, Busan
Dec 4	Parliamentary Elections in Croatia
Dec 4	Parliamentary Elections in Russia
Dec 5-22	Biological Weapons Convention 7th Review Conference, Geneva
Dec 5	International Afghanistan Conference, Bonn
Dec 6-7	Organization for Security and Cooperation in Europe (OSCE) Ministerial, Vilnius
Dec 7-8	North Atlantic Treaty Organization (NATO) Foreign Ministers Meeting, Brussels
Dec 10	Presidential Inauguration in Argentina
Dec 12-19	World Trade Organization (WTO) Ministerial Conference, Geneva
 Jan 16-19	5th World Future Energy Summit, Abu Dhabi
Jan 22	Presidential Elections in Finland-1st Round

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9

Jan 23 - Feb 17	World Radiocommunications Conference 2012 (WRC-12), Geneva
Jan 25-29	World Economic Forum Annual Meeting, Davos-Klosters
Feb 3	48th Munich Security Conference, Munich
Feb 5	Presidential Elections in Finland-2nd Round
Feb 12	Presidential Elections in Turkmenistan
Feb 26	Presidential Elections in Senegal
Feb 27-28	Mobile World Conference, Barcelona
Mar 4	Presidential Elections in Russia
Mar 5-9	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Mar 10-11	Legislative Elections in El Salvador
Mar 12-17	6th World Water Forum, Marseille
Mar 12-14	International Energy Forum (IEF) Ministerial Meeting, Kuwait City
Mar 26-27	2nd Nuclear Security Summit, Seoul
Mar 29	Parliamentary Elections in Iraq
Apr 14-15	6th Summit of the Americas, Cartagena
Apr 22	Presidential Elections in France-1st Round
May TBD	NATO Summit, Chicago

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10

May TBD	38th G-8 Summit, Chicago
May 6	Presidential Elections in France-2nd Round
May 16	Presidential Elections in the Dominican Republic
May 18-19	2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London
May 20	Presidential Elections in the Dominican Republic
May 31 - Jun 1	African Development Bank Annual Meeting, Arusha
Jun 4-6	UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
Jun 4-8	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Jun 4-8	25th World Gas Conference: "Gas: Sustaining Future Global Growth", Kuala Lumpur
Jun 10	Legislative Elections in France-1st Round
Jun 17	Legislative Elections in France-2nd Round
Jul 1	Presidential and Legislative Elections in Mexico
Jul 8-10	Organization of American States (OAS) General Assembly, Cochabamba
Jul 21-25 (T)	19th Annual ASEAN Regional Forum, Phnom Penh
Jul 27 - Aug 12	XXX Summer Olympic Games, London
Aug 14	Presidential Elections in Kenya-1st Round

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Aug 29 - Sep 9	Paralympic Games, London
Sep 10-14	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sep 17-21	International Atomic Energy Agency (IAEA) General Conference, Vienna
Oct 8	Legislative Elections in Slovenia
Oct 28	Parliamentary Elections in Ukraine
Nov 18-20 (T)	21st Annual ASEAN Summit, Phnom Penh
Nov 29-30	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

* = 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.



Correspondence Management System

Control Number: AX-11-001-5319

Printing Date: September 14, 2011 02:41:19



Citizen Information

Citizen/Originator: White, Arnette C

Organization: Executive Office of the President, Office of Management Budget

Address: 725 17th Street, N.W., Washington, DC 20503

Lew, Jacob J

Organization: Executive Office of the President, Office of Management and Budget

Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5319

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Sep 29, 2011

of Extensions: 0

Letter Date: Sep 14, 2011

Received Date: Sep 14, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: AD-Administrator

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 - Accelerating Payments to Small Businesses for Goods and Services

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

OEAEE - Office of External Affairs and Environmental Education

OSBP - Office of Small Business Programs

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCFO	Sep 14, 2011	Sep 29, 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.			



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

September 14, 2011

M-11-32

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jacob J. Lew
Director

SUBJECT: Accelerating Payments to Small Businesses for Goods and Services

As critical drivers of job creation and economic growth across the country, small businesses must receive, in a timely and efficient manner, the money that the Federal Government owes them for the goods and services that the Government has accepted. All told, the Federal Government pays small businesses nearly \$100 billion each year for goods and services. By taking actions that will enable these payments to be made as promptly as possible, we will improve cash flow for small businesses and provide them with a more predictable stream of resources, thereby preserving and increasing small business participation in Federal contracting.

Accordingly, the following memorandum establishes the Executive Branch's policy regarding the acceleration by Federal agencies of their payments to small business contractors. The Prompt Payment Act (PPA) generally requires an agency to pay its contractors within 30 days of receipt of relevant documents, including a proper invoice for the amount due and confirmation that the goods and services have been received and accepted by the Federal Government. This memorandum outlines the Executive Branch policy that, to the full extent permitted by law, agencies shall make their payments to small business contractors as soon as practicable, with the goal of making payments within 15 days of such receipt.

BACKGROUND:

Under the PPA and OMB's implementing regulations,¹ a Federal agency is generally required to make payments within 30 days from when the agency receives proper documentation. If an agency does not pay a vendor the amount due by the "required payment date" prescribed by the PPA, the agency must pay the vendor a late-payment interest penalty.

In accordance with prudent cash management practices, agencies generally pay contractors no earlier than seven days in advance of this 30-day deadline. However, the PPA and OMB's implementing regulations authorize agencies to make accelerated payments when the agency determines that doing so is "necessary." In addition, OMB's regulations specifically support agencies in making accelerated payments to small businesses, stating that "[a]gencies

¹ The PPA is at 31 U.S.C. Chapter 39. OMB's implementing regulations are at 5 C.F.R. Part 1315

may pay a small business as quickly as possible, when all proper documentation, including acceptance, is received in the payment office and before the payment due date.”²

ACCELERATING AGENCY PAYMENTS TO SMALL BUSINESS CONTRACTORS:

It is the policy of the Executive Branch that agencies shall exercise their PPA authority, to the full extent permitted by law, to establish an earlier, accelerated date for their making of payments to small business contractors.³ To the extent practicable, Federal agencies shall establish a goal of paying small business contractors within 15 days of receiving proper documentation, including an invoice for the amount due and confirmation that the goods or services have been received and accepted by the Federal Government. At the same time, agencies need to ensure expeditious processing throughout (including in inspection and acceptance) to facilitate prompt payment to small businesses, while also maintaining necessary internal controls.

As noted above, the PPA authorizes agencies to accelerate the timeline for their making of payments, based upon a determination by the agency that an accelerated timeline is “necessary.” Moreover, as also noted above, OMB’s PPA regulations support agencies in making earlier payments to their small business vendors. These regulations, and the policy in this memorandum, are based on OMB’s conclusion that an agency may lawfully determine, under the PPA, that it is “necessary” for the agency to make accelerated payments to small business vendors. The acceleration of payments to small businesses is necessary because, as is previously indicated, this acceleration improves cash flow for small businesses and provides them with a more predictable stream of resources. These outcomes have the effect of preserving and increasing small business participation in Federal contracting, which benefits Federal agencies and the taxpayers.

OMB recognizes that agencies, in their implementation of this accelerated-payment policy, will not be able to guarantee that they will make payments to small business contractors within the accelerated (15 day) period. Moreover, the establishment of this accelerated-payment policy, and its implementation by Federal agencies, does not change the application of the PPA’s late-payment interest penalty provisions. Under the PPA and OMB’s implementing regulations, the late-payment interest penalty is triggered when an agency does not pay the contractor the amount due by “the required payment date.” This policy and its implementation do not modify the “required payment date” and do not otherwise modify the operation of the PPA’s late-payment interest penalty.

Agencies shall begin making accelerated payments to small businesses as soon as practicable, in accordance with this memorandum. By November 1, 2011, each agency shall notify OMB of (1) the date by which the agency will begin making accelerated payments, along with the agency’s explanation for why an earlier date is not practicable, and (2) the name and

² 5 C.F.R. § 1315.5(b). The provision also explains that earlier payments to small businesses “are not subject to payment restrictions stated elsewhere” in OMB’s PPA regulations. These restrictions include the instruction to agencies that their PPA authority to make an earlier payment “must be used cautiously.” 5 C.F.R. § 1315.4(j).

³ This policy applies to all small businesses, including small disadvantaged businesses, service-disabled veteran-owned small businesses, women-owned small businesses, and small businesses operating in Historically Underutilized Business (HUB) Zones, as these terms are defined in Part 2 of the Federal Acquisition Regulation (48 C.F.R. § 2.101).

contact information for the agency senior official assigned the responsibility for overseeing implementation of this policy. Notifications should be sent to Daniel Werfel, OMB Controller.

If you have any questions regarding this memorandum, please contact Debra Bond, OMB Deputy Controller, at (202) 395-3993.



Correspondence Management System

Control Number: AX-11-001-5326

Printing Date: September 15, 2011 02:05:59



Citizen Information

Citizen/Originator: Brunson, David

Organization: City of Muleshoe
Address: 215 S Street, Muleshoe, TX 79347

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5326 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 8, 2011 **Received Date:** Sep 14, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
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
R6 - Region 6 -- 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	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Sep 15, 2011
Martha Faulkner	OAR	Accepted the group assignment	Sep 15, 2011

City of Muleshoe

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OFFICE OF THE
EXECUTIVE SECRETARIAT

September 8, 2011

Cliff Black
MayorRichard Orozco
District 1Irene Mason
District 2
Mayor Pro-TemEric McElroy
District 3Gary Parker
District 4David Brunson
City ManagerLeAnn Gallman
City Secretary

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAE-2009-0491

Dear Administrator Jackson:

I am writing on behalf to the Mayor and City Council for the City of Muleshoe and the citizens of Muleshoe, Texas in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the well being of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by January 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like the City of Muleshoe that ultimately pay this cost.

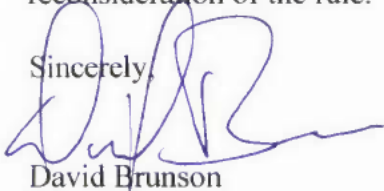
We estimate that the increased energy costs to the City of Muleshoe's will be 30%. That increase will significantly affect the city's ability to provide services to our citizens.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it

is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Brunson', with a long horizontal flourish extending to the right.

David Brunson
City Manager



Correspondence Management System

Control Number: AX-11-001-5331

Printing Date: September 15, 2011 02:58:17



Citizen Information

Citizen/Originator: Ware, William J.

Organization: Amarillo National Bank

Address: P.O. Box 1, Amarillo, TX 79105-0001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5331 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 6, 2011 **Received Date:** Sep 15, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
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
R6 - Region 6 -- 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	Sep 15, 2011
Martha Faulkner	OAR	OAR-OAP	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 15, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OAP	Sep 15, 2011



Amarillo National Bank

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2011 SEP 14 PM 3:35

WILLIAM J. WARE
VICE PRESIDENT

September 6, 2011

OFFICE OF THE
EXECUTIVE SECRETARIAT

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Amarillo National Bank in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

First, we noticed that there was no public comment period and are concerned about the increase to our energy costs. We are also frustrated with short phase in period of 5 months after the rule was finalized.


SPS serves our local area and about half its power comes from coal. SPS costs of increasing its reliance on natural gas plants could be up to \$250 million in 2012 alone. It is companies like us that ultimately pay this cost. This could be detrimental to our local economy.

In fact, we estimate that our electric bills will increase by \$250,000 to \$1,250,000 per year beginning next year.

Last, we are concerned that CSAPR could harm the reliability of the electric system. With record temperatures this year, we relied upon our coal fired plants for stable and efficient power. A change to a hybrid system could be too costly and unreliable in the short term.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,



William J. Ware



Correspondence Management System

Control Number: AX-11-001-5332

Printing Date: September 15, 2011 02:09:29



Citizen Information

Citizen/Originator: Schroder, Rod

Organization: Amarillo Independent School District

Address: 7200 I-40 West, Amarillo, TX 79106

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5332 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 9, 2011 **Received Date:** Sep 14, 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- Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
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
R6 - Region 6 -- 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	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 15, 2011



Rod Schroder, Superintendent

September 9, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

RECEIVED
2011 SEP 14 PM 3:35
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of the Amarillo Independent School District in support of the August 23, 2011, Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Amarillo ISD that ultimately pay this cost.

We estimate that the increased energy costs will be \$300,000 - \$450,000 annually. Amarillo ISD is a public education entity that is experiencing historic budget reductions. Such an increase will result in reduced funds available for our core classroom mission at the most financially demanding time in our district.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

Rod Schroder



Correspondence Management System

Control Number: AX-11-001-5339

Printing Date: September 15, 2011 09:26:58



Citizen Information

Citizen/Originator: Quinn, Hal

Organization: National Mining Association
Address: 101 Constitution Avenue NW, Washington, DC 20001

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5339 Alternate Number: 7951 7928 2078
Status: Pending Closed Date: N/A
Due Date: Sep 29, 2011 # of Extensions: 0
Letter Date: Sep 13, 2011 Received Date: Sep 15, 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- NMA respectfully urges EPA to: Fully disclose all documents of consultations between EPA and FERC, Initiate with FERC and others with responsibility for grid reliability
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

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Sep 15, 2011	Sep 29, 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

Action By	Office	Action	Date
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HAL QUINN
President & CEO

September 13, 2011

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue
Washington, DC 20460
(jackson.lisa@epa.gov)

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 15 AM 5:48

RECEIVED

Re: National Emission Standards for Hazardous Air Pollutants from Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Proposed Rule, Docket Nos. EPA-HQ-OAR-2009-0234 and EPA-HQ-OAR-2011-0044

Request of the National Mining Association for: (1) Disclosure of all Information Resulting from Consultations Between EPA and the Federal Energy Regulatory Commission on the above referenced proposed regulation; (2) Re-opening of the Public Comment Period for the Submission of Comments on the Proposed Rule; and (3) Convening an Open and Transparent Inter-Agency Process to Assess Reliability and Economic Impact of the agency's Power Sector Regulations

Dear Administrator Jackson:

The National Mining Association ("NMA") writes to express concern that the rulemaking process used to develop the above-referenced regulations lacks the transparency required by the Clean Air Act ("CAA") and President Obama's Executive Order 13563. In the preamble to these regulations, EPA states that the Agency has collaborated with key stakeholders, including the Federal Energy Regulatory Commission ("FERC") and other governmental and non-governmental

entities with responsibility for grid reliability and electric resource adequacy in order to ensure that these and the agency's other power sector regulations will not compromise the reliability of the electric utility grid by forcing numerous coal-fired electric generating units ("EGUs") into premature retirement. Contrary to the requirements of section 307(d) of the CAA, however, there was no evidence of this collaboration in the rulemaking docket.

The day before the close of the Aug. 4 comment period, Senator Lisa Murkowski publicly released responses from the five FERC Commissioners to the Senator's information request detailing the activities FERC has undertaken to assess the impact of EPA's power sector regulations on grid reliability. These responses undermine confidence both that EPA and FERC have engaged in the necessary consultations and that EPA's regulations will not affect grid reliability.

While some commenters were able to include some preliminary comments on this vital information in their Aug. 4 submittals on the above regulations, there was not sufficient time to analyze the full implications of FERC's responses. Moreover, Chairman Wellinghoff's response included an attachment describing several meetings, data and information, evidence of which was not and is not currently available for public inspection and comment. We therefore request EPA supplement the record with all information, including FERC's responses, related to the agency's consultations with government and non-government entities concerning the impact EPA's power sector regulations will have on the reliability of electric power supply in this country. Following this supplementation, EPA must provide a reasonable opportunity for the public to inspect these documents and provide comments.

Failure to permit inspection of these important documents and provide a reasonable opportunity for public comment violates section 307(d) of the CAA.¹ In addition, the response letters of Commissioners Moeller and Spitzer recommend FERC and EPA conduct an open and transparent process to assess the impact of EPA's regulations on grid reliability. NMA urges EPA to join FERC in such a process before finalizing any further power sector regulations. Ensuring a transparent process in which to assess whether or not EPA's regulations will impair the affordability and reliability of electric power, and therefore the overall economic well-being of this country, far outweighs the agency's adherence to its highly expedited rulemaking schedule.

¹ 307(d) requires that "[a]ll data, information, and documents referred to in this paragraph on which the proposed rule relies shall be included in the docket on the date of publication of the proposed rule." EPA has not followed this statutory command, as "all data" on which the proposal is based were not included in the docket at the time the proposed rule was published in the *Federal Register*.

Background

One of EPA's primary objectives in this rulemaking is to "level the playing field"² for electric power generation in the United States. The preamble states, "...the proposed rule will require companies to make a decision—control HAP emissions from virtually uncontrolled sources or retire these sometimes 60 year old units and *shift their emphasis to more efficient, cleaner modern methods of generation*, including modern coal-fired generation."³ Although EPA concludes that such "level[ing]" will not lead to a significant number of retirements and materially impact electric rates, many others disagree.

For instance, the National Economic Research Associates ("NERA") recently projected that electric sector compliance costs for the proposed MACT rule and the recently finalized CSAPR⁴ will be a staggering \$18 billion per year. The study also estimates nationwide average retail electricity prices will rise by 11.5 percent, and heavy manufacturing states such as Ohio can expect electricity prices to rise by approximately 23 percent. Many other credible studies also find that EPA's regulations will cause a large number of coal-fueled power plants to retire.

In the proposed rule, EPA addresses concerns about the impact of its rules on grid reliability and electric rates by stating it has begun consulting with government and non-government entities with direct responsibility in this area. The agency states that, "[i]n addition, EPA itself has already begun reaching out to key stakeholders including not only sources with direct compliance obligations, but also groups with responsibility to assure an affordable and reliable supply of electricity including state Public Utility Commissions (PUC), Regional Transmission Organizations (RTOs), the National Electric Reliability Council (NERC), the Federal Energy Regulatory Commission (FERC), and DOE."⁵

With no evidence in the rulemaking docket demonstrating the reality of these consultations, Senator Murkowski on May 17, 2011 sent the FERC Commissioners a set of information requests designed to elicit information concerning FERC assessment of EPA regulations and consultation between FERC and EPA on this

² 76 Fed. Reg. 24976, 24979.

³ *Id.* at 24,979 (emphasis added).

⁴ See http://www.americaspower.org/NERA_CATR_MACT_29.pdf for study results.

⁵ 76 Fed. Reg. at 25,054.

important matter. The Commissioners responded to the Senator on Aug. 1, 2011, and those responses were publically released on the afternoon of Aug. 3, 2011.

The Current Rulemaking Docket is Incomplete and Does Not Provide for Meaningful Public Comment

It is wholly inappropriate for EPA to claim its rule will not create reliability problems based on discussions the agency states it is having with government and non-government entities with direct authority over electric reliability and yet not include a record of those discussions in the rulemaking docket at the time of publication, thus affording the public an opportunity to review and comment on these discussions.

At this point, it appears that all of these consultations are being conducted behind closed doors without public input. Indeed, the responses of the FERC Commissioners raise considerable concerns not only with the lack of rulemaking transparency, but also the lack of full FERC analysis of the effect EPA's regulations will have on grid reliability. Of great concern, Chairman Wellinghoff pointedly conceded in his letter that FERC's assessment to date, "offered only a *preliminary look* at how coal-fired generating units could be impacted by EPA rules, and is *inadequate* to use as a basis for decision-making, given that it used information and assumptions that have changed." (emphasis added) In other words, FERC has not undertaken the kind of necessary analysis to assure EPA and the public that the agency's regulations will not damage grid integrity.

Equally concerning is that the preliminary assessment work FERC has completed reveals 81 GW of capacity are "likely" or "very likely" to retire—far exceeding any of EPA's projections and significantly outpacing forecasts made by financial institutions and industry. This assessment, preliminary though it may be, highlights the need for a more open and transparent process to deal with these important issues. At the very least, this assessment invites legitimate criticism of EPA's cost and retirement projections.

It also appears that EPA is not justified in concluding that there is sufficient excess capacity on the grid to absorb early retirements caused by the agency's regulations. Commissioner Moeller's letter observed that:

The recent and enduring heat wave that simultaneously impacted a large portion of the population of the United States underscores the essential and life-saving importance of electric reliability. With economic weakness and closed factories throughout the nation, you might have expected the available power plants to easily handle the heat wave. Yet the operators

of the power grid relied on all of their available resources, *including coal plants that are expected to be shut down because of EPA decisions*, in order to ensure the reliability of the grid and health and safety of the public. (emphasis added)

In light of the lack of public process to date and to assess the reliability impacts of EPA's regulations, Commissioner Spitzer's letter recommended that "FERC and EPA continue their dialogue but in a more formalized and expansive fashion."

Commissioner Moeller similarly concluded that "the federal government needs to convene an open and transparent process to assess the reliability implications of the EPA rules individually and in the aggregate."⁶

Given these FERC responses, the agency must slow down its overly aggressive regulatory schedule so the proper analyses, with stakeholder input, can be undertaken before—not after—the regulations are adopted. The current consent-decree schedule to promulgate this rule does not prevent EPA from assuring its process comports with the public participation provisions contained in the CAA. In granting EPA's Motion to Enter Consent Decree, Judge Collyer stated, "[i]f EPA needs more time to get it right, it can seek more time."⁷ EPA must act on the Judge's invitation and establish a more realistic rulemaking schedule to resolve these important issues.

Requested Action

In sum, NMA respectfully urges EPA to do the following:

1. Fully disclose the all documents resulting from consultations between EPA and FERC and other government and non-government entities and re-open the comment period to allow for comment on this information. This information is highly material to the proposed rule.
2. Initiate with FERC and other government and non-government agencies with responsibility for grid reliability and resource adequacy an open and

⁶ Commissioner Moeller recommended that FERC should: (1) use its expertise to perform an analysis of EPA's rules that could impact reliability of electricity—and *disclose that analysis for public comment*—and then hold a technical conference for public input; and (2) have EPA extend the timing of these regulations as the agency's schedule "does not conform to the relevant planning horizons in the electric sector of our economy, one of the most capital-intensive sectors of the industry."

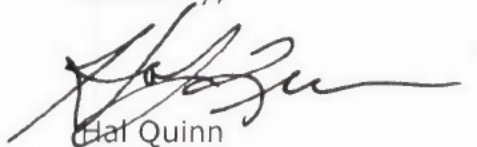
⁷ See Memorandum Opinion, *American Nurses Assoc. v. Lisa Jackson*, Civil Action No. 08-2198 (RMC) p. 4 (Apr. 15, 2010).

Administrator Jackson
September 13, 2011
Page Six

transparent process, with public participation, for assessing the effect of EPA power sector regulations on the reliability of the electric grid and on electricity prices.

Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hal Quinn', with a stylized flourish extending to the right.

Hal Quinn
President & CEO



Correspondence Management System

Control Number: AX-11-001-5343

Printing Date: September 15, 2011 12:19:18



Citizen Information

Citizen/Originator: Field, James M.

Organization: Louisiana Public Service Commission
Address: Post Office Box 91154, Baton Rouge, LA 70821-9154

Constituent: Holloway, Clyde C.

Organization: Louisiana Public Service Commission
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Campbell, Foster L.

Organization: Louisiana Public Service Commission
Address: Post Office Box 91154, Baton Rouge, LA 70821-9154

Boissiere, Lambert C.

Organization: Louisiana Public Service Commission
Address: Post Office Box 91154, Baton Rouge, LA 70821-9154

Skrmetta, Eric F.

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Address: Post Office Box 91154, Baton Rouge, LA 70821-9154

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-001-5343	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	Sep 29, 2011	# of Extensions:	0
Letter Date:	Sep 7, 2011	Received Date:	Sep 15, 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(1) Controlled and Major Corr. Record copy of of the offices of the EPA Administrator & other senior officials - Nonelectronic		
Subject:	Daily Reading File- Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, Proposed rule, 76 Federal Register 48,208, August 8, 2011, Docket ID No. EPA-HQ-OAR-2009-0491		
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 R6 - Region 6 -- Immediate Office		

Lead Information

Lead Author: N/A



Louisiana Public Service Commission

POST OFFICE BOX 91154
BATON ROUGE, LOUISIANA 70821-9154

COMMISSIONERS

Jimmy Field, Chairman
District II
Clyde C. Holloway, Vice Chairman
District IV
Foster L. Campbell
District V
Lambert C. Boissiere, III
District III
Eric F. Skrmetta
District I

Telephone: (225)342-4999

EVE KAHAO GONZALEZ
Executive Secretary

DENNIS WEBER
Executive Counsel

JOHNNY E. SNELLGROVE, JR.
Deputy Undersecretary

September 7, 2011

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave NW
Washington, DC 20004

RE: Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, Proposed rule, 76 Federal Register 48,208, August 8, 2011, Docket ID No. EPA-HQ-OAR-2009-0491
LPSC Docket No. R-29380 Subdocket B

Dear Administrator Jackson:

The Louisiana Public Service Commission ("LPSC" or "Commission") is deeply concerned that the recently issued Cross State Air Pollution Rule ("CSAPR") will have an unnecessary detrimental impact on our state's utility customers with its short time frame for implementation and the strict penalties for noncompliance.

While we have recently authorized our Staff to file a formal request for reconsideration and request for a stay of the implementation of CSAPR, we wanted to alert you at this time to our specific concerns regarding reliability and ratepayer impacts, which can be summarized as follows:

- CSAPR requires LPSC-jurisdictional utilities to reduce their air emissions by 42% as early as May 2012.
- The model used by EPA in formulating its rule does not sufficiently account for the challenges of Louisiana's bulk power system and this leads to a variety of erroneous allocations for individual generating units.

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2011 SEP 15 AM 5:46

RECEIVED

- Due to transmission constraints in several “load pockets” in South Louisiana, generators are often required to run higher cost “regulatory must run” generation to avoid curtailments and rolling blackouts.
- EPA’s models did not account for the generation of these units, and is therefore fatally flawed.
- Every utility in Louisiana is negatively impacted and “short” on emission allowances during the highest usage months of the year (summer).
- Consumers are likely to see extreme volatility in their bills in the short run if utilities attempt to meet their compliance obligations through the purchase of tradable credits.
- Due to the conditions imposed by CSAPR, there is a lack of a liquid and adequate credit market for emissions allowances. Therefore, credits could either be artificially expensive, imposing the costs on Louisiana ratepayers, or they could be entirely non-existent.
- As CSAPR imposes a limitation on NOx emissions in Louisiana from May 1 until October 1, the rule negatively effects the generation of electricity during the hottest months of the year. Accordingly, if credits are non-existent, and utilities are unable to obtain sufficient alternative generation, generation may be curtailed at the worst possible time.
- If curtailments are required, ripple effects throughout the grid could create a summer availability challenge comparable to those experienced throughout the summer of 1999.
- LPSC-jurisdictional utilities are still evaluating the implications of the final rule, and have not had sufficient opportunity to devise a plan for compliance, let alone advise the Commission regarding appropriate measures that it should take to ensure that that the public interest is protected throughout this process.
- In addition to direct impacts on electricity reliability and prices, we are concerned that there is a potential for indirect economic impacts, including job loss throughout the state of Louisiana, if the implementation period for this rule is not delayed.

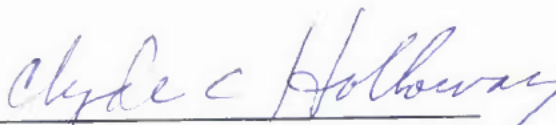
We have limited our comments to the detrimental impacts of this and other EPA rules on electric reliability and electricity prices, while deferring to the comments of the Louisiana Department of Environmental Quality and others with respect to issues more appropriately discussed by those parties.

We trust that you will consider these comments and any future filings we make in this matter, in conjunction with those of other Louisiana stakeholders, and hope that you will consider the unintended consequences that could occur if the implementation of this rule is not delayed.

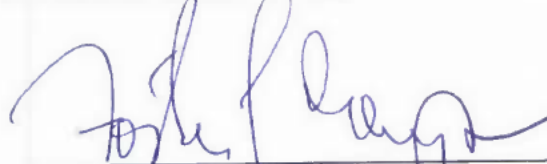
Sincerely,



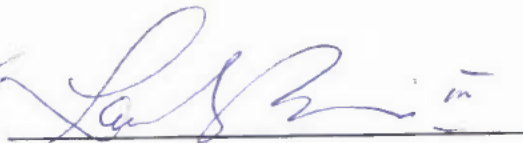
District II
Chairman James M. Field



District IV
Vice Chairman Clyde C. Holloway



District V
Commissioner Foster L. Campbell



District III
Commissioner Lambert C. Boissiere III



District I
Commissioner Eric F. Skrmetta

cc: LPSC Docket No. R-29380 Subdocket B service list
Terri Lemoine, Records Division



Correspondence Management System

Control Number: AX-11-001-5354

Printing Date: September 15, 2011 10:24:28



Citizen Information

Citizen/Originator: Elkins, Arthur A

Organization: U.S. Environmental Protection Agency

Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5354

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Dec 29, 2011

of Extensions: 0

Letter Date: Sep 13, 2011

Received Date: Sep 15, 2011

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: MEM (Memo)

Priority Code: Normal

Signature: DA-Deputy Administrator

Signature Date: N/A

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

Subject: DRF - EPA Has Not Fully Implemented a National Emergency Response Equipment Tracking System Report No. 11-P-0616

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

Instruction Note: N/A

General Notes: cc provided to Jose Lozano via Lotus Notes (jl)

CC: OCFO - OCFO -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OHS - Office of Homeland Security

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	OSWER	Sep 15, 2011	Dec 29, 2011	N/A
Instruction: DA-Prepare draft response for the Deputy Administrator's signature					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

DAILY READING FILE



U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

EPA Has Not Fully Implemented a National Emergency Response Equipment Tracking System

Report No. 11-P-0616

September 13, 2011

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 15 AM 6:33

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Report Contributors:

Richard Eyermann
Mike Davis
Jennifer Hutkoff
Heather Layne
Gul Sharma

Abbreviations

CPIC	Capital Planning and Investment Control
EMP	Emergency Management Portal
EPA	U.S. Environmental Protection Agency
ERT	Environmental Response Team
NDT	National Decontamination Team
NEMS	National Equipment Management System
OEM	Office of Emergency Management
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSWER	Office of Solid Waste and Emergency Response
SLCM	System Life Cycle Management

Hotline

To report fraud, waste, or abuse, contact us through one of the following methods:

e-mail: OIG_Hotline@epa.gov
phone: 1-888-546-8740
fax: 703-347-8330
online: <http://www.epa.gov/oig/hotline.htm>

write: EPA Inspector General Hotline
1200 Pennsylvania Avenue NW
Mailcode 8431P (Room N-4330)
Washington, DC 20460



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We initiated this audit based on a Hotline complaint related to the Emergency Management Portal (EMP) equipment tracking module. Our objectives were to determine the extent to which the U.S. Environmental Protection Agency (EPA) implemented the EMP equipment tracking software, what efforts EPA has made to assess functionality and cost effectiveness, and how the EMP equipment module compared to the previous interim system.

Background

Since September 11, 2001, EPA's emergency response focus has expanded to better coincide with its new role in homeland security. In May 2002, EPA determined that it needed to create a national equipment tracking system to be better prepared for terrorist acts and nationally significant incidents.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2011/20110913-11-P-0616.pdf

EPA Has Not Fully Implemented a National Emergency Response Equipment Tracking System

What We Found

Although EPA spent \$2.8 million as of October 2010 to develop and implement an EMP emergency equipment tracking module, EPA has not fully implemented the module, and the module suffers from operational issues. Our review of allegations in a Hotline complaint found that:

- EPA does not fully use the EMP equipment tracking module because no EPA office with overall authority has mandated its use.
- EPA has made no formal effort to assess functionality and cost effectiveness due to its decision to perform such assessments only after fully implementing the EMP equipment module.
- The EMP equipment module is cumbersome and slow, and may not be the most efficient and effective emergency equipment tracking alternative.

EPA has guidance and policies that require the Agency to develop and implement a plan for a national equipment tracking system. Both the Office of Management and Budget and EPA require performance measurement of such systems. However, EPA has not fulfilled this requirement. In addition to the \$2.8 million it has already spent, EPA plans to spend another \$5.5 million over the next 15 years on the EMP equipment module's maintenance. Further, the regions that are using the module continue to maintain their own tracking systems, resulting in wasted resources. Because EPA has not fully implemented the EMP equipment module and the module is cumbersome and slow, EPA's ability to protect public health and the environment in the event of a nationally significant incident may be impaired.

What We Recommend

We recommend that the Assistant Administrator for Solid Waste and Emergency Response ensure that only essential equipment tracking data are required to be recorded and determine whether the EMP equipment module is the most cost-efficient alternative. We also recommend that the EPA Deputy Administrator mandate that regions and emergency response teams employ the national tracking system that EPA decides to use for emergency response equipment. The Agency concurred with the findings and recommendations, but did not provide a corrective action date for the first recommendation. The Assistant Administrator for Solid Waste and Emergency Response will hire an outside contractor to conduct an alternative analysis to determine the most efficient and effective national emergency response equipment tracking alternative. The Deputy Administrator also plans to issue a memo requiring the use of the EMP equipment module for tracking equipment.



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

THE INSPECTOR GENERAL

September 13, 2011

MEMORANDUM

SUBJECT: EPA Has Not Fully Implemented a National Emergency Response
Equipment Tracking System
Report No. 11-P-0616

FROM: Arthur A. Elkins, Jr.
Inspector General

A handwritten signature in blue ink, which appears to read "Arthur A. Elkins, Jr.", is placed next to the printed name and title.

TO: Bob Perciasepe
Deputy Administrator

Mathy Stanislaus
Assistant Administrator for Solid Waste and Emergency Response

This is our report on the subject audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The estimated direct labor and travel costs for this report are \$197,352.

Action Required

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 90 calendar days. You should include a corrective action plan for agreed-upon actions, including milestone dates. Your response will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal. We have no objections to the further release of this report to the public. We will post this report to our website at <http://www.epa.gov/oig>.

If you or your staff have any questions regarding this report, please contact Melissa Heist, Assistant Inspector General for Audit, at (202) 566-0899 or heist.melissa@epa.gov; or Richard Eyermann at (202) 566-0565 or eyermann.richard@epa.gov.



Correspondence Management System

Control Number: AX-11-001-5372

Printing Date: September 15, 2011 02:46:39



Citizen Information

Citizen/Originator: Hansen, Edward M

Organization: City of Spearman Texas

Address: Post Office Box 37, Spearman, TX 79081

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5372 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 7, 2011 **Received Date:** Sep 15, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
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
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

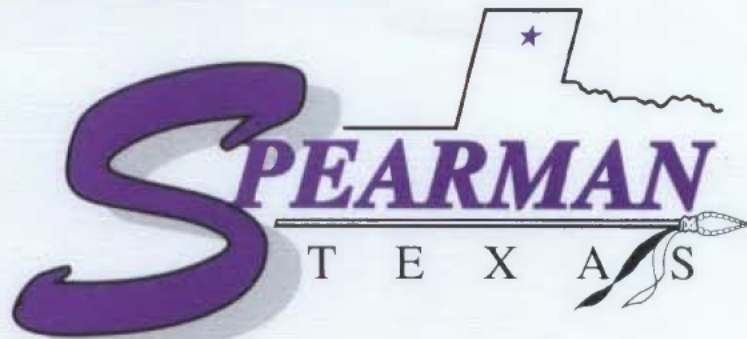
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Sep 15, 2011
Martha Faulkner	OAR	Accepted the group assignment	Sep 15, 2011



September 7, 2011

Lisa P. Jackson

Environmental Protection Agency

Rm. 3000, Ariel Rios Building

1200 Pennsylvania Ave. NW

Washington, DC 20004

Cross State Air pollution Rule – Petition for Reconsideration

Docket No. EPA-HQ-OAR-2009-0491

RECEIVED
2011 SEP 15 AM 7:52
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

I am writing on behalf of the citizens of Spearman, Texas, in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule.

It has come to our attention that the EPA has chosen to include Texas in the CSAPR year-round emission reduction program, without providing the public with an opportunity to comment on the issue. The requirement that SPS and the other utilities of Texas must be in compliance with the rule within five short months of finalization creates a hardship upon our citizens and our local economies.

SPS serves the needs of its customers here in West Texas very well, providing clean economical energy. Most of this energy is created from clean burning coal fired plants. CSAPR will drive up the cost of electricity significantly. SPS has shown in its petition that the cost of increasing its reliance on natural gas fired plants could be \$200 to \$250 million just in 2012 alone. This increase would be passed to the energy consumers of West Texas; this cost will be measured in lost jobs and a decrease in productivity of our citizens.

We here in the Texas Panhandle rely on SPS electric system for our livelihood and well-being. What will we have to cut out to meet the new higher cost of energy if this rule is permitted to stay? The cost will be more than just dollars and cents. For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.



Sincerely

A handwritten signature in blue ink that reads 'Edward M. Hansen'.

Edward M. Hansen

City Manager

Spearman, TX 79081



Correspondence Management System

Control Number: AX-11-001-5375

Printing Date: September 15, 2011 11:25:38



Citizen Information

Citizen/Originator: Johnson, Harvey

Organization: City of Jackson Mississippi

Address: 219 South President Street Post office Box 17, Jackson, MS 32505-0017

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5375 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 8, 2011 **Received Date:** Sep 15, 2011
Addressee: DA-Deputy 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 - Expression of gratitude for Jackson, Mississippi being selected to participate in the Greening America's Capitals Program
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

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	R4	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Sep 15, 2011

Office of the Mayor
Harvey Johnson, Jr., Mayor



219 South President Street
Post Office Box 17
Jackson, Mississippi 39205-0017
Telephone: 601-960-1084
Facsimile: 601-960-2193

September 8, 2011

Mr. Bob Perciasepe, Deputy Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mr. Perciasepe:

On behalf of the citizens of Jackson and as Mayor, I would like to personally express my gratitude for Jackson being selected to participate in the Greening America's Capitals Program. This is truly an honor and we look forward to working with the U.S. Environmental Protection Agency, the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation in making improvements to one of Downtown Jackson's historic corridors, Congress Street.

The City of Jackson is very fortunate to have been chosen for this exciting program and we look forward to the remarkable transformation that is sure to take place. In addition, to Congress Street, we anticipate using the plans and ideas for this project to enhance our entire City.

Again, thank you for choosing the City of Jackson for the Greening America's Capitals program and I commend you and your agency for the outstanding work you do all across the country.

Sincerely,

Harvey Johnson, Jr.

c: Gwendolyn Keyes Fleming, Region 4 Administrator

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EXECUTIVE SECRETARIAT

2011 SEP 15 AM 7:51

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Correspondence Management System

Control Number: AX-11-001-5376

Printing Date: September 15, 2011 02:17:11



Citizen Information

Citizen/Originator: Satterwhite, Kent

Organization: Canadian River Municipal Water Authority
Address: P.O. Box 9, 9875 Water Authority Road, Sanford, TX 79078

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5376
Status: For Your Information
Due Date: N/A
Letter Date: Sep 6, 2011
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: SNR-Signature Not Required
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Sep 15, 2011
Addressee Org: EPA
Priority Code: Normal
Signature Date: N/A
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
R6 - Region 6 -- 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	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 15, 2011

DAILY READING FILE



Canadian River Municipal Water Authority
P.O. Box 9, 9875 Water Authority Rd
Sanford, Texas 79078
Phone (806) 865-3325
Fax (806) 865-3314
www.crmwa.com

EXECUTIVE COMMITTEE

Norman Wright, President
Steve Tucker, Vice-President
Kent Satterwhite, General Mgr.
and Secretary-Treasurer

MEMBER CITIES DIRECTORS

AMARILLO

William Hallerberg
Robert Keys

BORGER

Tom Edmonds
Glendon Jett

PAMPA

Jerry Carlson
Rex McKay III

PLAINVIEW

Norman Wright
Glenn Bickel

LUBBOCK

James Collins
Robert Rodgers

SLATON

Steve Tucker

TAHOKA

Jay Dee House

O'DONNELL

Bruce Vaughn

LAMESA

Dale Newberry

BROWNFIELD

L.J. Richardson

LEVELLAND

Richard Ellis
Shannon Himango

September 6, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of the Canadian River Municipal Water Authority (CRMWA) in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like CRMWA that ultimately pay this cost.

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2011 SEP 15 AM 7:52
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EXECUTIVE SECRETARIAT

We estimate that the increased energy costs to CRMWA could be as much as \$1.2 million each year.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in blue ink that reads "Kent Satterwhite". The signature is written in a cursive, flowing style.

Kent Satterwhite, P.E.
General Manager



Correspondence Management System

Control Number: AX-11-001-5378

Printing Date: September 15, 2011 02:59:57



Citizen Information

Citizen/Originator: Pettit, Donny

Organization: Dallam-Hartley Counties Hospital District
Address: 1411 Denver Avenue, P.O. Box 2014, Dalhart, TX 79022

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5378 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 7, 2011 **Received Date:** Sep 15, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
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
R6 - Region 6 -- 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	Sep 15, 2011
Martha Faulkner	OAR	OAR-OAP	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 15, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OAP	Sep 15, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

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2011 SEP 15 AM 7:52

OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Dallam-Hartley Counties Hospital District in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like *Dallam-Hartley Counties Hospital District and the residents of the counties that we serve* that ultimately pay this cost.

We estimate that the increased energy costs will be as high as 25%, as a small acute-care hospital, we can hardly afford such an increase in our energy costs..

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,



Donny Pettit, CFO DHCHD, Dalhart, TX 79022



Correspondence Management System

Control Number: AX-11-001-5398

Printing Date: September 15, 2011 03:01:18



Citizen Information

Citizen/Originator: Mitchell, Greg

Organization: Toot'nTotum

Address: 1201 S. Taylor, Amarillo, TX 79101-4313

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5398

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 8, 2011

Received Date: Sep 15, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

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

R6 - Region 6 -- 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	Sep 15, 2011
Martha Faulkner	OAR	OAR-OAP	Sep 15, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 15, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OAP	Sep 15, 2011



September 8, 2011

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2011 SEP 15 AM 10:33
OFFICE OF THE
EXECUTIVE SECRETARIAT

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Toot'n Totum in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Toot'n Totum that ultimately pay this cost.

We estimate that the increased energy costs will increase our annual expense by approximately 15%, or over \$200,000.00 per year.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Mitchell". The signature is written in a cursive, flowing style.

Greg Mitchell
President and CEO



Correspondence Management System

Control Number: AX-11-001-5434

Printing Date: September 15, 2011 02:04:02



Citizen Information

Citizen/Originator: Minick, Stephen

Organization: Texas Association of Business
Address: 1209 Nueces, Austin, TX 78701

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5434 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Sep 29, 2011 **# of Extensions:** 0
Letter Date: Sep 6, 2011 **Received Date:** Sep 15, 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- Request for Reconsideration and Stay; Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals
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
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (5) Personal Privacy	OEX	OAR	Sep 15, 2011	Sep 29, 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



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FOR OVER 75 YEARS

September 6, 2011

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Room 3000
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Gina McCarthy, Assistant Administrator
U.S. Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building, Mail Code 6101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RECEIVED
2011 SEP 15 PM 1:27
OFFICE OF THE
EXECUTIVE SECRETARIAT

RE: Request for Reconsideration and Stay; Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Docket No. EPA-HQ-OAR-2009-0491)

Administrator Jackson and Assistant Administrator McCarthy:

The Texas Association of Business (TAB) requests that the Environmental Protection Agency (EPA) reconsider the final rule entitled "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals" as published in the Federal Register on August 8, 2011 (76 *FedReg* 48208) and delay the effective date of the rule beyond October 7, 2011. Founded in 1922, the Texas Association of Business is a broad-based, bipartisan organization representing more than 3,000 Texas employers and over 200 local chambers of commerce. While TAB represents some of the largest multi-national corporations, many members are small businesses in almost every community of the state.

The final transport rule, as adopted, will have severe negative effects, not only on our members who are in the business of providing electric power, but also on every business that depends on affordable and dependable electric service. The adoption of this final rule is based on a significantly flawed analysis of procedural requirements, legal authority and technical justification. The scope of impact to Texas businesses and citizens and the failure to provide adequate opportunities for due process and public participation in the rulemaking make the reconsideration of the rule and a stay of its enforcement essential.

The final transport rule is the result of EPA's reconsideration of the previous Clean Air Interstate Rule (CAIR) adopted in 2005 and later remanded to the agency by the D.C. Circuit Court of Appeals in its 2008 decision in *North Carolina v. EPA*. In that decision overturning the previous

attempt to adopt a rule to address interstate transport of pollutants and the contribution of states to nonattainment in other states, the court clearly identified the burden on EPA of addressing each individual state's contributions to other states and established an unambiguous standard for any new rule to replace CAIR. As will be more fully explained below, this final transport rule, now six years after the promulgation of the original CAIR, is not consistent with the court's clear directive and fails to adhere to the specific criteria the court established for a transport rule under Section 110(a)(2)(D)(i)(I) of the Clean Air Act, related to the provisions required in a State Implementation Plan (SIP) to address the contribution of one state to nonattainment in another state.

The rule as originally proposed on August 2, 2010 (75 *FedReg* 45210) would have required only modest emission reductions from sources in Texas and only during the ozone season. That proposal was based squarely on the analysis and resulting lack of evidence that emissions from Texas were resulting in any significant contribution to air quality nonattainment in areas in downwind states. In the final rule that was adopted, however, Texas is not only included in the annual emission reduction program, but also required to make far more significant reductions in emissions. The effect of this final rule on Texas will be dramatically different than what was proposed. An essentially new rule with a completely different effect was adopted without providing constructive notice to potentially affected parties and the opportunity for comment on the technical merits of the rule and the analysis supporting it. In fact, the technical justification of the rule is based on such a significant number of mistaken assumptions and factual errors that reconsideration on that basis alone would be justified, notwithstanding the procedural shortcomings of effective notice and opportunity for comment. Furthermore, EPA's assumptions concerning the legal basis for a Federal Implementation Plan (FIP) to implement the rule and the schedules for compliance are inconsistent with well-founded provisions of the federal Clean Air Act and must also be reviewed.

The Final Rule was adopted without constructive notice to affected parties and the opportunity to comment as required by law.

The Administrative Procedures Act requires a notice of proposed rulemaking and the opportunity to comment. Title III of the Clean Air Act, in Section 307(d) mirrors these requirements of due process, but also provides more specific requirements, including that the statement of basis and purpose for the rule must contain (1) the factual data on which the proposed rule is based, (2) the methodology used in obtaining and analyzing the data and (3) the legal interpretations and policy decisions on which the rule is based. Also, and particularly pertinent to this final action, is the requirement in Section 307(d)(4)(B)(i) that the docket be promptly updated to include any information which becomes available after the proposed rule has been published and which EPA determines is relevant to the rulemaking.

A final rule may differ from a proposal, but only within certain bounds and then only after certain provisions are made for notice to affected parties that provide the parties not only an understanding of how the final rule may differ, but also on what basis the final action is justified. This final transport rule fails this test. No affected party in Texas could have reasonably predicted the direction and scope of the final rule and the basis for the final rule's effect on

Texas. Any basis for including Texas was abandoned between proposal and adoption and the presumed justification for the final rule cannot be logically derived from any evidence presented in the proposal. The justification for including Texas as contemplated in the final rule is based on an analysis that defies both logic and simple fact.

In the proposed rule, EPA reached the conclusion that sources at electric generators in Texas were not contributing to nonattainment or interfering with maintenance of the PM_{2.5} NAAQS in any downwind state. In fact, EPA determined that Texas' maximum contribution to nonattainment downwind was 0.13 µg/m³ for the annual standard and 0.21 µg/m³ for the 24-hour standard when the threshold for inclusion of any state as a significant contributor was 0.15 and 0.35 µg/m³, respectively. Then, despite the straightforward demonstration that sources in Texas were not having a downwind effect that justified further consideration, EPA went to some length to build a case under which comments on whether Texas should be covered by the more significant provisions of the rule would be solicited. With no supporting analysis or clear technical justification, comments regarding the inclusion of Texas were then solicited by way of one sentence in a proposal of some 276 pages.

Although EPA did request comment as to whether Texas should be included in the annual program under the final rule, the basis for the request was completely speculative and had little, if any, application to actual circumstances in Texas. EPA suggested, indeed quite strongly, that increases in emissions were somehow possible due to the interconnected nature of the nation's energy grid and fuel supplies. This assumption, however, ignores the fact that Texas' electric grid is far more self-contained than other states. In addition, the use of lignite coal in Texas is not driven by a simple market decision based on the relative costs of different types or grades of coal. Lignite-fueled generation facilities are co-located at the mines. The major cost driver, therefore, is the cost effectiveness of using fuel mined at the actual point of use balanced against whatever limitations may be imposed on the use of lignite by the requirement to meet emission limitations enforced by the state. It is simply not credible to assume that the use of lignite in Texas will increase as a result of changing simple cost differentials between lignite and a lower sulfur coal. It is even less rational to assume that electric generators in Texas are free to make those market choices solely on the basis of cost alone without consideration of air quality effects and ongoing attainment of air quality standards in Texas.

In the proposed transport rule, EPA solicited comment on including Texas in the annual program, but only after stating in the proposed rule that its own analysis indicated that "...Texas SO₂ emissions *would* increase Texas's contribution to an amount that would exceed the 0.15 µg/m³ threshold for annual PM_{2.5}," (emphasis added) In other words, EPA did not ask commenters to offer opinions or provide evidence as to whether the suggested rationale of changes in coal prices would lead to increases in emissions. Instead, EPA told commenters that their analysis had already reached that conclusion. Then EPA asked whether a state should be included in the rule if that state had been determined to be likely to impact attainment in another state. The fact that EPA received comment supporting the inclusion of Texas can hardly come as a surprise when commenters were led to the conclusion by EPA's own statement.

It is now obvious that EPA's premise on which comments regarding Texas were solicited was false. That this premise was without any foundation is clearly shown by the fact that it was abandoned entirely in the final rule and a completely different rationale substituted for including Texas – a rationale that was never subject to the opportunity for review and comment by affected parties in Texas, because it was never revealed until the final rule was executed. Because the basis for soliciting comments had no merit, the comments received in response to the solicitation are equally without merit, both technically and legally. These comments in no way establish a basis for including Texas in the rule in a manner that was not clearly contemplated in the proposal.

A more realistic assessment of the potential for emission increases in Texas as a function of coal prices would have quickly eliminated the one opportunity EPA manufactured for soliciting comments regarding Texas. Without a reasonable basis for comments regarding Texas, any consideration of including Texas in the final rule would have required a new or supplemental notice and additional opportunity for review and comment. Just such an opportunity was afforded to other states EPA has proposed to add to those originally covered in the proposed rule, but not Texas. Texas alone is included in the final rule based on comments received in response to a scenario now known to be groundless. Until the final rule was actually released, Texas was never presented a proposed emission budget or any valid analysis of how such a budget was arrived at or how it presumably could be complied with.

Under EPA's completely new analysis, revealed only in the final rule, Texas's modeled contribution to downwind states increased by some 38 percent. In addition, receptors which were not even identified at proposal are now presumed to be in nonattainment due to Texas' contribution. Such a dramatic change in outcome of EPA's analysis raises serious questions about the validity of the underlying methodology and analytical tools and demands that the provisions of the Clean Air Act regarding notice of a proposed rule and the updating of the docket to include all new information that is being used in developing a final rule be strictly complied with.

EPA's final rule solves a problem that does not exist and its analysis of downwind emission impacts is not credible.

EPA's justification for including Texas in the final transport rule is now based on an assumption that emissions from Texas will cause one monitor in Granite City, Illinois to fail to comply with the PM_{2.5} NAAQS. The monitor in question, however, is currently monitoring attainment. The problem this rule will address was manufactured by a computer program, not by power plants in Texas. Quite simply, there is no nonattainment to correct and Texas cannot be significantly contributing to a condition of nonattainment that does not exist.

EPA has offered that its modeling demonstrates that the monitor will be in nonattainment due to emission increases that could occur in Texas. However, EPA's assumptions about emissions from Texas significantly overstate the actual budget for emissions and would be plausible only if one assumes that over 15 years of progressive and significant (if not unprecedented) emission reductions in Texas will suddenly and inexplicably be reversed in essentially four months or less.

EPA's analysis also assumes that emissions from Texas will somehow travel well over 500 miles to one monitor in Illinois and cause that monitor that is currently in attainment to record levels in excess of the NAAQS. Such an assessment simply lacks credibility. It certainly is sufficiently counter-intuitive to demand a rigorous and clear technical demonstration that is made public well before any final adoption and subject to the opportunity to review and critique it.

The analysis is further suspect given that the source of any potential nonattainment at the subject monitor in Granite City is already well recognized by EPA. In fact, modeling conducted in conjunction with an assessment of the local emissions inventory and reported by EPA in 2010 clearly identifies a steel mill in the Granite City area as the source of contributions that are primarily responsible for the excess emissions resulting in exceedances of design values at the monitor in question. The obvious role of this local source is further substantiated by the fact that operating records of the mill between 2005 and 2009 show conclusively that mean PM_{2.5} values measured at the monitor before 2009 ranged from 15.2 to 18.2 µg/m³. When the plant reduced production in 2009, however, monitored PM_{2.5} values fell to 11.3 µg/m³, well below the attainment design value. In addition, the plant in question is reported to be operating under a compliance agreement with the Illinois EPA that specifically requires reductions in emissions, yet these reductions are not factored into EPA's basis for projecting design values at the Granite City monitor. In its final rule then, EPA felt compelled to look over 500 miles away to Texas to find the solution to a hypothetical problem while ignoring the obvious answer to be found virtually next door.

EPA failed to provide an emission budget for Texas at proposal and its assumption of Texas' emission budget in the final rule is in error.

In the proposed transport rule EPA did not include or even suggest an emission budget for Texas. That omission should have surprised no one who read the rule to assess its impact, since Texas was not included in the rule under the annual emission reduction program. Having a proposed budget, however, is critical to any assessment of (1) the impact the rule will have on any one state, (2) that state's significant downwind contribution and (3) the technical justification of the proposed budget. There can be no doubt that EPA recognizes the significance of the emission budget in the deliberative rulemaking process. That recognition is certainly reflected in EPA's issuance of supplemental notices of proposed rulemaking for those states which EPA now proposes to include in the annual program under a final transport rule – every state, that is, except Texas.

The failure to provide an emission budget for Texas at proposal is again understandable – Texas was not proposed to be subject to the rule in a way that required it. To now segregate Texas, however, as the only state to be added to the annual program without benefit of any opportunity to review that budget and provide comment as to its merit is inexplicable, inconsistent with long-standing practice and again, not proper under any reasonable reading of the due process requirements imposed on EPA under both general law and the Clean Air Act procedural requirements.

The budget for Texas now included in the final rule is also unjustified under any defensible analysis of emissions in Texas or any anticipated changes in Texas' emissions inventory and reflects an unreasonable policy decision. First, EPA has decided that emission reductions from CAIR implemented after 2005 will be discounted in the calculation of an emission base for each state. The D.C. Court in overturning CAIR decided to remand the rule to EPA, but ultimately did so without vacating the rule. It is simply not rational or reasonable policy to establish an emission limit that ignores real and enforceable reductions that have been made by electric generators, regardless of whether those reductions derive from CAIR or any other directive. In addition, EPA failed to include quantifiable and enforceable reductions from facilities in Texas that, if properly accounted for, would reduce Texas' emission inventory and the calculation of any emission budget. In one example, the failure to include in EPA's base case the Lower Colorado River Authority's Fayette project scrubbers, which were installed under an agreement with the State of Texas rather than to satisfy CAIR requirements, results in an overstatement of Texas' emission budget by some 20,000 tons per year. Given the very narrow margin ($0.03 \mu\text{g}/\text{m}^3$) by which Texas is presumed to be contributing to nonattainment at the one monitor in Illinois, an accurate and logical assessment of the real emissions in Texas is critical. Again, if EPA had provided a proposed budget and the analysis on which it was based, including modeling inputs and assumptions, at the appropriate time, affected parties in Texas could have provided useful information that would have (and now should be) utilized to review that proposal.

The reductions required of Texas under the final transport rule exceed EPA's authority to reduce a state's significant contribution under the Clean Air Act.

Even if one could ignore the technical and procedural failures in the promulgation of the transport rule, the emission reductions proposed to be enforced on Texas exceed what EPA can lawfully require. Even more troubling is the fact that under the final rule other states will not be required to make reductions equal to the contributions that EPA has shown they are making to states downwind, contributions far in excess of what Texas is assumed to contribute. Section 110 of the Clean Air Act requires that an implementation plan for each state contain provisions that will prohibit emissions in that state which will contribute significantly to nonattainment of a NAAQS or interfere with attainment in another state. EPA has the authority to reduce one state's contribution to another state to the extent that contribution exceeds a threshold of significance, but no more. If EPA's assessment that Texas' downwind contribution of $0.03 \mu\text{g}/\text{m}^3$ above a threshold of $0.15 \mu\text{g}/\text{m}^3$ could be technically justified (by some process yet not identified), the reductions legally enforceable against Texas sources would be far less than the amount contained in the final rule, which amount is equal to 25 percent of the total reductions expected nationally.

EPA's proposed budget for Texas is also inconsistent with the very decision by the D.C. Circuit Court which remanded CAIR to EPA and initiated this most recent iteration of the transport rule. The court stated quite clearly that a proper rule to address interstate transport of an air pollutant must measure each state's downwind contribution and eliminate that contribution on the basis of each individual state. The court rejected the specific methodology that EPA has resurrected yet again in this final transport rule – the use of arbitrary, uniform cost standards to determine whether reductions are reasonable. We must assume that the current rule would be found equally

lacking in that it would allow some states to continue to make downwind contribution to nonattainment in other states significantly greater than the contribution Texas will be held responsible for. In fact, the greatest disparity in relative contributions is for the state within which the Granite City monitor actually resides (Illinois) or the immediate neighboring states of Indiana and Missouri. These three states, even after making the reductions required under the final rule, will still contribute to downwind nonattainment by a factor of 2.3 times (Indiana), 4.8 times (Illinois) and 5.1 times (Missouri) as much as what Texas will contribute.

In this rule EPA has determined that Texas should make far greater reductions than other states solely on the basis of an analysis that those reductions in Texas can be achieved more cheaply. And while we find many valid objections to the underlying cost analysis, it is not necessary to go there – EPA lacks the authority to discriminate between states in allocating the burden of compliance. Both the Clean Air Act and the D.C. Circuit Court make that clear.

EPA's imposition of a Federal Implementation Plan (FIP) is premature and usurps the authority of Texas granted to the states under the Clean Air Act.

Each state shares not only an equal responsibility for its own contributions downwind but also an equal authority to make decisions as to where to place the burden of compliance within their respective jurisdictions. EPA's imposition of a FIP as the vehicle for enforcement of reductions of downwind transport ignores the state's authority to address attainment of a NAAQS within the state before a finding can be made that a state is responsible for a significant contribution to a downwind state. The FIP also is inconsistent with the fundamental principle embodied in the Clean Air Act of the federal-state complementary relationship under which the state retains substantial responsibility for the decisions concerning how to apportion reductions within the state's economy. This final transport rule provides Texas (as well as the other affected states) little, if any, of the discretion which the state should be afforded to address any significant out-of-state contribution through a State Implementation Plan (SIP). A FIP is only in order when a state defaults to EPA by failing to make a required SIP submittal to EPA or after EPA disapproves a SIP submittal. Neither of these conditions that would then make a FIP eligible for promulgation has been satisfied. Further, EPA has provided no suggestion as to why a SIP would be inappropriate to address interstate transport, beyond the arbitrary and essentially impossible implementation schedule, and that schedule clearly ignores the time frames and process that the Clean Air Act provides for states to develop implementation plans and control measures.

The final rule and FIP further usurp the authority of Texas by appearing to offer some flexibility in how operating sources in Texas can comply when, in fact, none of the options described in the rule, or offered by EPA in public communications following execution of the rule, are practicable or reasonable. As a result, the rule denies the state the opportunity to develop a plan that places responsibility and accountability with state decision makers as to how the state's businesses and economy will be affected if emission reductions are necessary to meet federal air quality standards. In essence, EPA has established a target for emission reductions to satisfy a prescribed condition of air quality and then dictated exactly which facilities will make what reductions to achieve that condition. That arbitrary approach suggests strongly the assumption by EPA that the state could not possibly be in a position to suggest better alternatives that would be

less damaging to the state's economy. If the goal of the rule is to eliminate significant downwind contributions of air pollution, it is quite illogical to assume that emissions from coal-fueled electric generators will impact the one lone monitor in Granite City, Illinois or public health in that city any differently than would the same emissions from some other source. The only conclusion that can be reached from the approach EPA has taken to by-pass the process established in the Clean Air Act that vests authority with the states is that EPA is compelled to enforce a policy decision regarding the operation of coal-fueled generation units. While Texas or another state is free to reach the same decision after evaluating the options for required emission reductions, the first opportunity to address that question lies with the states under the SIP process and within the SIP time frame - not with EPA, not through a FIP and not in only a very few months.

The emission budget imposed on Texas is based on factual errors and cannot be complied with except in ways that are unacceptable to the state's economy and public safety.

EPA mistakenly assumes that certain plants in Texas that burn lignite can simply replace that lignite with lower sulfur coal from Wyoming's Powder River Basin (PRB) to comply with the rule. These plants are designed to burn lignite with a lower heat value. To burn or significantly increase the use of PRB coal they would have to be retro-fitted with new or modified boilers and other facility changes would be required. These changes and the prerequisite engineering, design, permitting and construction would require many months, if not years, to complete. In addition, it is generally believed within the industry that there is insufficient production of compliant PRB coal to meet the demand that this rule would produce through fuel switching requirements. The rule ignores the real world conditions that would have to be satisfied to expand new mining operations and ensure adequate rail infrastructure and transportation to every facility that would be increasing the use of PRB coal. The offer of a compliance option that takes years to implement to satisfy a rule that is effective in a few short months is no genuine offer at all.

EPA also suggests that dispatching of electric service to sources elsewhere on the grid, including certain gas-fired units can alleviate the loss of generation from coal-fueled plants that will either shut down or reduce operating times under this rule. It is well-known that in Texas, unlike most other states, the electric grid is almost self-contained within the state. It is simply not feasible to call on capacity from other states to be provided in Texas for the large majority of our service area. The inactive gas-fueled plants EPA assumes can simply be turned back on to fill in the gap in capacity do not represent a reasonable solution. While some are functional and can be reactivated, the effect on the marginal electric costs passed on to customers will be exorbitant.

Curiously, EPA has not recognized or asked the pertinent question as to why these plants are inactive. The answer is generally that they were too inefficient to operate economically and their air quality impacts due to older technology and locations in urban areas forced their retirement to comply with state ozone control plans. There is no small irony in the consideration of re-starting plants that were retired due to demands for ozone NAAQS attainment in Texas in order to reduce downwind effects of a tiny fraction of a μg of $\text{PM}_{2.5}$ at a monitor over 500 miles away that is in attainment. EPA's inventory of gas-fueled plants that are available to take up the slack also include at least one that has been decommissioned and is no longer permitted and another that

has been completely demolished. There is clearly no scenario under which these plants will be available to meet any demands created by a reduction in electric production at coal-fueled units. There has also been no response from EPA in defense of the final rule as to how to fill this significant gap in the analysis of compliance options under the rule.

In its assumption concerning the ability of Texas generators to meet electric demand while complying with the final rule, EPA also projects that emission reductions can be readily achieved by simply increasing the efficiency of existing flue gas desulfurization units at certain plants. EPA bases this assumption on design values for efficiency for these scrubber units that are theoretical. They are not representative of real world operating conditions and the recorded operating efficiencies that have been observed in practice and reported routinely to EPA for years. These differences are not insignificant. While EPA assumes operating efficiencies of up to 95% removal, these units actually demonstrate removal efficiencies from 65% to 75%. That difference between theory and fact means that reductions EPA believes to be readily available are not.

In another example, EPA's inaccurate assessment of scrubber efficiency is compounded by including non-existent scrubbers in their inventory of pollution control units that are believed to be capable of further emission reductions. Just as with the physical and regulatory changes that would be required for fuel switching, the improvement in removal efficiency at existing scrubbers (and certainly the construction of non-existent scrubbers) will take far longer than the very brief period available before this rule will become effective. Again, the errors contained in EPA's analysis are both significant and troubling and lead to a compliance alternative that is an alternative on paper but not in reality.

EPA is also mistaken in its assumptions about the prospect for certain NO_x emission reductions in Texas. While acknowledging that the installation of selective catalytic reduction (SCR) units could provide significant emission reductions in some cases, but would require several years to engineer, permit and construct, EPA assumes that Texas can still achieve an additional 8% reduction in NO_x emissions after January 1, 2012 on an expedited schedule. The plants that EPA assumes can make these reductions, however, have already installed the control equipment. These reductions EPA believes can be made in the future are already being made, are reflected in Texas' current emission inventory and do not represent opportunities for further emission reductions. Again, reductions in emissions EPA suggests are readily available are not available within a time frame where compliance with the rule is feasible. The real option that remains is closing or reducing operations at plants whose output cannot be spared given the current demands on Texas' electric supply system.

Another alternative offered by EPA is the trading of allowances by those facilities that cannot or choose not to make the reductions required. But again, this offer does not have the value or utility suggested. It appears obvious that there will be insufficient allowances available to cover the generation in Texas that must continue to ensure electric service reliability. That continuation of critical service is also likely to come at a significant cost due to market penalties. Also, even where allowances may be available, the acceleration of the effective date for assurance

provisions in the final rule from 2014 to 2012, the many uncertainties with the new program, the incentives for banking of credits for compliance in future years and the requirement that all allowances be accounted for before a unit can emit all suggest that the trading options offered by EPA are substantially less valid and far more uncertain than assumed.

Inaccuracies concerning the use of Wyoming coal, gas plants that are not operational or don't exist, the air quality impacts of using old gas plants that do exist, operating efficiencies of scrubbers, limited availability of the Texas electric grid, options for installation of non-SCR pollution controls, and uncertain credit trading markets – the list of errors, mistaken assumptions and serious questions in EPA's analysis of compliance options for Texas is simply too long and the implications of these errors on the final outcome of the transport rule too significant to ignore. Each of these errors in assumption or analysis effectively removes from consideration an option offered by EPA for compliance with an emission budget that has itself already been shown to have serious technical flaws. Any one of these errors alone would be a basis for reconsideration of the rule. Taken together, the basis for reconsideration becomes overwhelming.

These shortcomings in EPA's analysis of compliance options demonstrate that Texas has no actual discretion in complying with the final rule on January 1, 2012. To ensure that emissions do not exceed the established budget, generators in Texas must cease operations at a particular plant or plants or reduce production. Either way, the margins in our electric market in Texas that are critical to address seasonal high demands for power, respond to unforeseen emergencies and support new business opportunities will be reduced below levels that are safe, prudent or reasonable.

EPA's analysis of costs and benefits is inadequate and incomplete and ignores critical factors that will increase public health risks.

The common rebuttal to criticisms of the procedural and technical flaws in the final rule has been that public health benefits to accrue from the rule will exceed the costs of compliance. On the one hand, even if that were true, it does not justify the failure to adhere to legal authority, procedural standards for due process or the requirements for a valid technical justification that apply to such a rulemaking. In addition, it is entirely unreasonable to assume that the determination of alleged public health benefits to accrue from this rule is any more accurate or valid than the technical analysis upon which the costs are based. Given the many inadequacies in both the Texas emission budget and the technical justification for compliance options in Texas, no confidence in the cost figures attached to the final rule can be justified, nor can the cost/benefit ratio be regarded as having any validity. No argument that the rule is cost effective can be legitimately made until it is reconsidered and these errors addressed.

EPA also completely ignores obvious negative public health impacts in its assessment. The failure to consider the air quality effects of re-activating older, inefficient gas plants in urban areas has already been mentioned. Also not considered, however, are the potential effects of other "options" such as the increased production of PRB coal in Wyoming and the transportation of that coal to Texas (or other states). Nowhere in the rule is found even the question of how much coal would reasonably be expected to be needed, what new mining areas would be opened

to meet that demand or what additional rail and other transportation infrastructure would be needed to move coal to the market. Absent also is any discussion of what the air quality or other environmental effects would be of the additional mining activity in Wyoming or the transportation of the coal through the intervening states, including Texas. And again, just as was the case with Texas, EPA did not provide those potentially affected states any constructive notice of the potential effects of the rule or the likelihood that EPA would even adopt a rule that would include compliance options that would affect them.

More significant, however, is the failure to consider the very real public health effects of what is ultimately the only compliance option available to Texas on January 1, 2012 – the reduction of electric production from lignite-fueled power plants. This rule will, without question, increase the cost of electrical power in Texas. It will dangerously reduce the reliability margins that protect the citizens of this state from losses of power at critical times. There are sufficient examples, and some all too recent, of weather extremes in Texas and the potential impact of reduced service reserves. Those examples are compelling evidence that the potential harm to citizens, particularly those of limited means, who will be affected by a loss of service during weather extremes is beyond question.

This issue is far more critical than suggested in the rule for the simple reason that EPA, in yet another mistaken assumption, has based its assessment of the electric capacity in Texas on incorrect figures. EPA's assessment of the reliability of the Texas grid assumes that over 90,000 MW of power will be available in 2014 with coal plants providing approximately 18,500 MW of that total. The Electric Reliability Council of Texas, who is responsible for operation and regulation of most of the grid in Texas, reported in May of 2011 that Texas in 2014 would have less than 76,000 MW available, of which coal would provide almost 20,000 MW. The list of errors contributing to this incorrect assessment is long, but the result can be stated briefly – EPA has overstated the amount of power that they assume Texas will have access to by some 14,000 MW and underestimated the contribution made by coal-fueled plants by 1,500 MW. And it bears repeating that this error could have been addressed if parties in Texas had been afforded an opportunity to comment on an estimate of capacity before reading it in a support document to the final rule for the first time.

It is also essential, however, that the indirect effects of increased costs of utility service not be ignored. Low income utility customers, regardless of programs in place to provide assistance with paying bills, will be increasingly forced to make almost impossible decisions between paying for electricity and paying for other expenses that have a direct effect on the health and welfare of themselves and their families. It is disingenuous to assume that the highly speculative, and frankly poorly demonstrated, health benefits that are presumed to result from reducing a downwind contribution that exceeds the significance threshold by a minute $0.03 \mu\text{g}/\text{m}^3$ some 500 miles away in Illinois are more significant, more justifiable or more necessary than preserving the ability of people in Texas to pay their utility bills and still provide basic nutrition and health care for their families.

The final transport rule should be stayed and the effective date delayed to avoid unacceptable results to Texas citizens and businesses that can and should be avoided.

The above discussion outlines many compelling reasons why the final transport rule should be reconsidered in order that it be properly promulgated and justified. Many of the unintended consequences of the rule, however, can be avoided only by staying the effective date and enforcement of the rule pending its reconsideration. It is only equitable that the enforcement be suspended given the clear demonstration of significant cost impacts to Texas that will result unnecessarily and the risks to public health, safety and security that cannot be justified under a rulemaking whose presumed benefits and rationale must be questioned and reexamined. Because the compliance date is so near and the "easy" options for compliance truly nonexistent, only a stay of the rule will provide Texas and its businesses and citizens the due process that should be afforded under any regulatory action of this magnitude.

Sincerely,



Stephen Minick
Vice President for Government Affairs

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Subject: DRF - Novetas Request for Meeting with EPA Administrator Lisa Jackson;
SCH001-Scheduling Request - Meeting - President of Novetas Solutions, Paul Mellon, to discuss the misuse of the EPA's CCR Beneficial Use Program

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: Event Date: TBD Location: US EPA, 1200 Pennsylvania Avenue, NW, Washington, DC
Contact: Paul Mellon, (215) 551-3070, pmell@comcast.net

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	Noah Dubin	Sep 16, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to Noah Dubin	Sep 16, 2011

9/16 mwB
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Message Information

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From "Paul Mellon" <pmell@comcast.net>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Novetas Request for Meeting with EPA Administrator Lisa Jackson

2011 SEP 16 AM 6:52

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Body

September 15, 2011

Ms. Lisa Jackson

Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Jackson,

My name is Paul Mellon, President of Novetas Solutions. My company has been seeking to work with the EPA concerning significant issues we have found regarding the misuse of the EPA's CCR Beneficial Use Program. Specifically, Novetas has been trying to work with the EPA on removing coal slag abrasives which are toxic to human health from the EPA Beneficial Use program and have the EPA issue a press release on this decision as soon as possible. To date we have been unsuccessful in our attempts to work with the EPA on this issue.

On March 21st 2011, Representative Robert Brady, sent you a letter requesting that a member of your staff meet with me to discuss issues that Novetas brought to the Congressman's attention about the EPA which included the "conduct of the Office of Solid Waste (OSW)."

Unfortunately, the EPA decided to have Novetas meet on May 23rd 2011 with the employees of the OSW whose "conduct" helped generate Rep Brady's letter to you. In addition to seeing the letter from Rep Brady, the OSWER employees attending the meeting also learned days before the meeting that Senator Casey had requested the Office of Inspector General also investigate the conduct of the OSW on the coal slag abrasives issue and advised OSWER that employees of the OIG would attend the May 23rd meeting with Novetas.

The meeting did not go well in large part because the OSWER clearly was defensive and openly admitted they did not read any of the documents that I had sent to them over the last 2 years. As a result, I determined there was no basis to submit the key information about the misconduct of the OSWER to the actual employees of the OSWER, one of whom was in attendance at the meeting

Despite a second letter from Rep Brady to the OSW requesting another meeting with the EPA to address the issues raised by Novetas, we have had no additional contact with the EPA on our concerns about coal slag abrasives and the Beneficial Use Program.

The reason I wanted to meet with you or your staff was to review all the information I had shared with Rep Brady's Office and Senator Casey's Office.

Last week, I copied you on a series of emails that I sent to the EPA's OSWER concerning additional data from OSHA and the DOE that I have discovered about how toxic coal slag abrasives are to human health due to beryllium exposure.

I would also like to now share with you and your office one key EPA document that I have shared with the Offices of Rep Brady, Sen Casey and the OIG. This document plus the actions by the EPA's OSWER since 2010, I believe, conclusively prove how the EPA has purposely used the CCR Beneficial Use Program to hide and protect coal slag abrasives from regulations by the EPA which has hurt human health.

The EPA document which I have attached (it is also on the EPA website) to my Email is entitled:

**BACKGROUND DOCUMENT FOR THE
FINAL COMPREHENSIVE PROCUREMENT GUIDELINE (CPG) IV
AND
FINAL RECOVERED MATERIALS ADVISORY NOTICE (RMAN) IV**

U.S. Environmental Protection Agency

Office of Solid Waste

Mailcode 5306W

1200 Pennsylvania Avenue, NW

Washington, DC 20460-0002

April 2004

This document, hereafter referred to as the Final CPG IV/RMAN IV Background Document, provides a comprehensive summary of all the supporting analyses used by the Agency to issue the final CPG IV and the final RMAN IV. This document explains EPA's overall objectives, the process for designating procurement items, and the methodology used in recommending recovered materials content levels for items designated in the final CPG IV.

There are 12 pages of information on the EPA's assessment of coal slag abrasives and even crushed glass abrasives that I wanted to discuss with your office. However the below statement from this document really is the heart of the matter.

“b. Technically Proven Uses

EPA identified potential issues associated with the use of some recovered materials in blasting grit and is requesting comments on whether it should proceed with the designation. In particular, there is some evidence that documents dangerously high levels of heavy metals in abrasives containing coal and mineral slag materials that may present risks to workers.

For example, a study by **NIOSH** entitled **“Evaluation of Substitute Materials for Silica Sand in Abrasive Blasting”** reveals **high concentrations of heavy metals** present in airborne dust from blasting with **copper, nickel, and coal slags**, as well as several other mineral abrasives.

EPA regulations do not, however, restrict the use of materials of these types or require their management under the RCRA hazardous waste management system.

Thus, recently, in EPA’s final rule on the **Regulatory Determination on Wastes from the Combustion of Fossil Fuels** (40 CFR Part 261), issued May 22, 2000, **the Agency chose to retain the exemption** for fossil fuel combustion wastes from the hazardous waste management system under RCRA section 3001(b)(3)(C).

In addition, EPA stated in the final rule that it did not wish to place **any unnecessary barriers** on the beneficial use of fossil fuel combustion wastes for applications that conserve natural resources and reduce disposal costs.

Therefore, EPA is proposing to include blasting grit containing slag materials in this designation but recommends that workers using these types of abrasives exercise OSHA or other required standard practices designed to protect worker health and safety.”

This document actually states in writing that the EPA considers “worker health” an “unnecessary barrier” to the sales of coal slag abrasives. There can be no dispute on this fact because the only “barrier” mentioned in this statement are the “heavy metals” in coal/copper/nickel slags that are cited as a threat to “worker health”.

This document is a direct contradiction of the EPA Mission Statement: **To Protect Human Health and the Environment.**

This document was created in 2004 by the then OSW which is now the OSWER. I have documented proof that the same EPA employees who created the first CCR Beneficial Use Program on May 22, 2000 were also at the OSW when the above document was produced in 2004. And many of the same employees are also still present at the OSWER since you have been Administrator of the EPA. These same employees also have attempted to hide coal slag abrasives in the CCR Proposed Rule issued in June 2010.

I believe their actions regarding coal slag abrasives have directly contradicted your May 10, 2010 press release that stated: **“The time has come for common-sense national protections to ensure the safe disposal of coal ash,”** said EPA Administrator Lisa P. Jackson.

President Obama last week in his jobs speech was just as emphatic on human health issues when he said to the nation:

Sept 8, 2011. “We should have no more regulation than the health, safety, and security of the American people require. Every rule should meet that common sense test.

But what we can't do – **what I won't do** – is let this economic crisis be used as **an excuse to wipe out the basic protections that Americans have counted on** for decades. **I reject the idea that we need to ask people to choose between their jobs and their safety.** I reject the argument that says for the economy to grow, we have to roll back protections that ban hidden fees by credit card companies, **or rules that keep our kids from being exposed to mercury.**”

This is why I wanted to discuss my information with your office directly not the OSWER.

The facts that I have uncovered like the above EPA document, while publically available, have been hidden from public view in the maze of large, complicated websites and spread across numerous government agencies. I have been working on this issue for 5 years and only this summer figured out all the data that was available about beryllium exposure in coal slag. I have now assembled a wealth of facts on the toxicity of coal slag abrasives and shared it with the EPA.

I remain open and committed to work directly with the EPA given the public statements on the importance of common sense regulations for human health by both yourself and the President. My company, in part as a direct result of my attempts to work with the EPA, is now under massive legal and financial attack by the coal slag industry which has greatly benefited financially by the wrongful actions of the OSWER from 2000 and continuing through this year.

We are a small company, \$2 million in revenue while the coal slag industry is quite large, they have publically admitted to selling \$200 million of coal slag every year. One company alone does \$3 billion in revenue each year. But we have the facts on the toxicity of coal slag that ironically comes from NIOSH, OSHA...and the EPA..

I have a fiduciary duty to my company and employees to insure Novetas Solutions has the ability to compete on a level playing field. The EPA's continued refusal to address the past mistakes regarding coal slag abrasives and the Beneficial Use Program has denied us that opportunity and we therefore will now explore all legal and public options to insure we can compete in a fair and equal, expendable abrasive market. Please advise if your office is willing to meet with me to discuss the above document and the other information I have on the toxicity of coal slag abrasives.

Sincerely,



Paul J. Mellon Jr.



Correspondence Management System

Control Number: AX-11-001-5485

Printing Date: September 16, 2011 03:47:01



Citizen Information

Citizen/Originator: Hogan, Tim

Organization: National Petrochemical & Refiners Association

Address: 1667 K Street N.W., Washington, DC 20006

Drevna, Charles T.

Organization: National Petrochemical and Refiners Association (NPRA)

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Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

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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 - National Petrochemical & Refiners Association second petition for reconsideration of the E15 misfueling mitigation rule

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

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	Sep 16, 2011	Oct 3, 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.			

DAILY READING FILE

Message Information

Date 09/16/2011 07:57 AM
From Tim Hogan <THogan@npra.org>
To LisaP Jackson/DC/USEPA/US@EPA; Gina McCarthy/DC/USEPA/US@EPA
Margo Oge/DC/USEPA/US@EPA; Paul Argyropoulos/DC/USEPA/US@EPA;
cc Karl Simon/DC/USEPA/US@EPA; Chet France/AA/USEPA/US@EPA; Paul
Machiele/AA/USEPA/US@EPA; Jeff Kodish/R8/USEPA/US@EPA
Subject NPRA's second petition for reconsideration of the E15 misfueling mitigation
rule

Message Body

Attached is a petition for reconsideration of the E15 misfueling mitigation rule (76 FR 44406; 7/25/11).
This petition addresses product transfer document provisions.

This petition covers regulations that were not included in the petition that I sent you dated Aug. 17. NPRA
sent you the first petition because those provisions were effective on Aug. 24. The effective date for the
product transfer document regulations is Nov. 1, 2011.

Tim Hogan Director, Motor Fuels
National Petrochemical and Refiners Association
1667 K Street NW, Suite 700
Washington, DC 20006
T 202-457-0480 F 202-457-0486
www.npra.org



NPRA Petition re Misfueling final 09 15 11.pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

Charles T. Drevna
President



National Petrochemical & Refiners Association

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VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

September 15, 2011

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Room 300, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(jackson.lisa@epa.gov)

Assistant Administrator Gina McCarthy
U.S. Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building, Mail Code 6101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(mccarthy.gina@epa.gov)

RE: Request for Partial Reconsideration of EPA's "Misfueling Rule" 76 Fed. Reg. 44,406 (July 25, 2011)

Dear Administrator Jackson and Assistant Administrator McCarthy:

The National Petrochemical & Refiners Association ("NPRA") requests that the Environmental Protection Agency ("EPA") reconsider certain provisions of the July 25, 2011 final rule regarding the misfueling of vehicles and engines with gasoline-ethanol blends ("Final Misfueling Rule")¹. NPRA requests that EPA reconsider regulatory requirements and implementation policies affecting 10 percent gasoline-ethanol blends ("E10"), including product transfer document requirements applicable to E10, and labeling, survey and product transfer requirements that apply to gasoline-ethanol blends that will be considered to contain greater than 10 and less than 15 volume percent ethanol ("E15").

This petition is in addition to the petition for reconsideration sent to you on August 17, 2011. That petition involved parts of the Final Misfueling Rule that were subject to implementation

¹ Regulation To Mitigate the Misfueling of Vehicles and Engines With Gasoline Containing Greater Than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Program, 76 Fed. Reg. 44,406 (July 25, 2011).



concurrent with the effective date of August 24, 2011. Therefore, in our first petition NPRA requested that you stay and toll the effective date and compliance obligations for new labeling, survey and product transfer requirements contained in the Final Misfueling Rule. While that date has now passed, we would reiterate the urgency of your review of the matters addressed in our first petition.

With regard to this petition, NPRA is concerned that the product transfer regulations at 40 C.F.R. 80.1503 (the "PTD regulations") are not comprehensive and do not address all situations. Since these requirements will be effective after October 31, 2011, NPRA requests that you take action well before that date to stay or otherwise delay the effectiveness of the provisions in order to allow time for an additional rulemaking process under which corrections could be finalized by the agency.

I. EPA Did Not Address the Situation for Winter Conventional Gasoline Containing 10 vol% Ethanol.

Under the structure of the regulatory text found at 40 C.F.R. § 80.1503, it is not clear what the PTDs should include for winter gasoline containing 10 vol% ethanol. While certain information is specified with respect to the name and address of the transferor, transferee, volume amounts, location of the conventional blendstock and date of the transfer (*see* 40 C.F.R. 1503(a)(1)(i)-(v)), information regarding ethanol content and other matters is not specified. This is opposed to EPA's treatment of information provisions contained in 40 C.F.R. §1503(a)(1)(vi)(A) and (B), which is applicable to summer gasoline.

NPRA's concern is that those who need to comply with the rule are uncertain as to how to create an appropriate product transfer document for winter gasoline. In this regard, NPRA suggests that EPA work with stakeholders in order to create a new 40 C.F.R. §1503(a)(1)(vii) by moving §1503(a)(1)(vi)(C) to cover information requirements for winter gasoline. This new or moved paragraph should have two subsections, one for gasoline containing up to 10 vol% ethanol and one for gasoline containing up to 15 vol% ethanol. When §1503(a)(1)(vi)(C) is moved, this provision should also replace "gasoline" with "gasoline or blendstock/gasoline for oxygenate blending."

NPRA believes that this is a matter which requires the agency's prompt attention. Although the requirements will not be effective until October 31, 2011, parties affected by these regulatory requirements will be moving to prepare for supplying winter E10 conventional gasoline and conventional blendstock for oxygenate blending well ahead of that date. Thus, providing for a period where the regulations are not effective, in order to promulgate more understandable and clear requirements, is justified.

II. Final Regulations Do Not Address the Situation Where the One PSI RVP Waiver Is Not Permitted by State Regulations for Summer Conventional Gasoline.

There are areas in the United States where the one pound square inch ("psi") Reid Vapor Pressure waiver is not permitted for summer conventional gasoline. These areas include New York, Maine, the city of Pittsburgh, and eastern Texas. This summer conventional gasoline is not clearly addressed in the PTD regulations. First, this gasoline is not designed for gasoline-



ethanol blends in 40 C.F.R. §80.27(d)(2) because the one psi RVP waiver is not applicable. Do all of these areas have approved SIPs? 40 C.F.R. §1503(a)(1)(vi)(B) applies when 40 C.F.R. §80.27(d)(2) applies. Does §80.27(d)(2) cover areas where the one psi RVP waiver is not applicable? Second, this gasoline is intended for blending with 10 vol% ethanol and 40 C.F.R. §1503(a)(1)(vi)(C) requires insertion of the following format: "Suitable for blending with ethanol at a concentration of no more than 15 vol % ethanol." Is this an example or is this a required statement? This text does not clearly state that this conventional blendstock for oxygenate blending should *only be blended with 10 vol% ethanol* at the terminal.

This could result in an anomalous situation. It would be confusing for a refiner to place two statements on the product transfer document. That is, in order to comply with 40 C.F.R. §1503(a)(1)(vi)(C), the refiner would include the information: "Suitable for blending with ethanol at a concentration of no more than 15 volume percent ethanol." But, in addition, to attempt to notify the terminal, the following statement would be appropriate: "Suitable for blending with ethanol at a concentration of no more than 10 volume percent ethanol." Therefore, the Agency should clarify the PTD regulations to address this situation, or otherwise supplement the current provisions contained at 40 C.F.R. §1503(a)(1).

The Agency should clarify the appropriate PTD regulation in this case by creating another regulation, §1503(a)(1)(vi)(D). This new §1503(a)(1)(vi)(D) should have two subsections, one for gasoline containing up to 10 vol% ethanol and one for gasoline containing up to 15 vol% ethanol.

In addition, EPA should revise §1503(a)(1)(vi)(C) as follows: "For gasoline not described in paragraphs (a)(1)(vi)(B) **and (D)** of this section, ..." Note that "(a)(vi)(B)" should be corrected as "(a)(1)(vi)(B)" in §1503(a)(1)(vi)(C).

The Agency should provide clear guidance on PTD requirements for every scenario. Clarity is necessary to avoid regulated parties using different interpretations. NPRA will work with the Agency to define all of the situations.

III. The regulatory provision for PTD codes should be moved.

The Final Misfueling Rule includes 40 C.F.R. §1503(b)(2): "Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (b)(1) of this section if such codes are clearly understood by each transferee." This should be moved to §1503(a) because §1503(b) only applies to parties downstream of an oxygenate blending facility, i.e., truck carriers, retailers, or wholesale purchaser-consumers. Since these codes are permitted only for parties upstream of an oxygenate blending facility, this regulatory provision should be moved out of §1503(b) and into §1503(a).

For example, the Agency could create 40 C.F.R. §1503(a)(3): "Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (a)(1) of this section if such codes are clearly understood by each transferee."



IV. The PTD regulatory language does not provide sufficient flexibility to also comply with state standards.

The PTD regulations require explicit language at 40 C.F.R. §1503(b)(1)(vi):

(B) For gasoline containing less than 9.0 volume percent ethanol, the following statement: "EX — Contains up to X% ethanol. The RVP does not exceed [fill in appropriate value] psi." The term X refers to the maximum volume percent ethanol present in the gasoline.

(C) For gasoline containing between 9.0 and 10.0 volume percent ethanol (E10), the following statement: "E10: Contains between 9 and 10 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi. The 1.0 psi RVP waiver applies to this gasoline. Do not mix with gasoline containing anything other than between 9 and 10 vol % ethanol."

(D) For gasoline containing greater than 10.0 volume percent and not more than 15.0 volume percent ethanol (E15), the following statement: "E15: Contains up to 15 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi;"

The Agency should be open to suggestions for alternative language for compliance with state standards. For example, a state could require a little more precision on the ethanol content and "up to X vol%" (where X is a number between 0 and 9) or "up to 15 vol%" may be too vague. The petroleum industry should have the flexibility to meet a state's precision requirements while complying with the federal Final Misfueling Rule without disrupting the clarity of the PTD.

V. A few other regulatory provisions should be clarified.

The regulation at 40 C.F.R. §1503(a)(1)(vi)(B)(2) requires the insertion of a psi value for this "blendstock/gasoline for oxygenate blending." What is required – the RVP of the BOB or the RVP that will not be exceeded by the BOB or the maximum RVP of the finished E10 gasoline?

The provision at 40 C.F.R. §1503(a)(2) regarding reformulated blendstock for oxygenate blending (RBOB) should also be included in 40 C.F.R. §1503(b). The requirements in 40 C.F.R. §1503(b)(1) should not apply to RBOB.

The regulation at 40 C.F.R. §1503(b)(1)(vi) states that the information regarding the RVP is only required for summer gasoline. The provision at 40 C.F.R. §1503(b)(1)(vi)(C) states that 9-10 vol% ethanol summer gasoline should only be mixed with 9-10 vol% ethanol summer gasoline. Does EPA intend that this warning only apply to summer gasoline or should it apply year-round?

The provision at 40 C.F.R. §1503(b)(1)(vi)(C) requires the insertion of a psi value. Is this value supposed to include the one psi RVP waiver? Was it your intention that this value be the applicable regulatory limit (including the one psi RVP waiver) or the actual RVP of the shipment?



VI. Conclusion

NPRA believes that changes are necessary to the current regulatory text for the Misfueling Rule to provide for uniform enforcement, standardized communications between refiners and terminals, and the successful implementation of the final rule. In addition, clarifying the requirements identified above and altering the regulations will also help to identify whether or not a refiner will be subject to regulations contained in 40 C.F.R. §1502 regarding survey requirements. Promulgating new regulatory text would serve to make it very clear whether the conventional gasoline blendstock for oxygenate blending was intended to manufacture E10 or E15.

Altogether, NPRA believes that the omissions and uncertainty identified in this petition are inadvertent. Therefore, we would reiterate that the proper response of the Agency in this matter should involve an administrative stay in the effective date of the requirements, followed by actions to promulgate corrections to the regulatory text. In this regard, NPRA stands ready to work with EPA to resolve this matter in an expeditious fashion.

If you have any questions regarding any matter contained in this petition, please contact Tim Hogan at 202-552-8462.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles T. Drevna", is positioned above the printed name.

Charles T. Drevna
President

cc: Margo Oge
Chet France
Paul Argyropoulos
Jeff Kodish
Paul Machiele
Karl Simon



Correspondence Management System

Control Number: AX-11-001-5486

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Citizen Information

Citizen/Originator: White, Arnette C

Organization: Executive Office of the President, Office of Management Budget

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Lew, Jacob J

Organization: Executive Office of the President, Office of Management and Budget

Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

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Addressee Org: EPA

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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 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCFO - OCFO -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OEI - Office of Environmental Information - Immediate Office

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	OHS	Sep 16, 2011

History



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 14, 2011

THE DIRECTOR

M-11-33

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jacob J. Lew
Director

SUBJECT: FY 2011 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management

The attached memorandum provides instructions for meeting your agency's FY 2011 reporting requirements under the Federal Information Security Management Act of 2002 (FISMA) (Title III, Pub. L. No. 107-347). It also includes reporting instructions on your agency's privacy management program.

The goal for Federal information security in FY 2011 is to build a defensible Federal enterprise that enables agencies to harness technological innovation, while protecting agency information and information systems. To maximize the timeliness and fidelity of security related information, the collection of data should be a by-product of existing continuous monitoring processes.

As discussed in OMB Memorandum 10-28, "*Clarifying Cybersecurity Responsibilities and Activities of the Executive Office of the President and the Department of Homeland Security (DHS)*," DHS is exercising primary responsibility within the Executive Branch for the operational aspects of Federal agency cybersecurity with respect to the Federal information systems that fall within FISMA under 44 U.S.C. §3543. As stated in previous FISMA guidance, agencies are required to adhere to Department of Homeland Security (DHS) direction to report data through CyberScope. This shift from the once-a-year FISMA reporting process to a monthly reporting of key metrics through CyberScope allows security practitioners to make decisions using more information – delivered more quickly than ever before.

I ask for your help in overseeing your agency's implementation of the reporting guidance outlined in the DHS memorandum.

Questions for OMB may be directed to Carol Bales at 202-395-9915 or fisma@omb.eop.gov.

Attachment



August 24, 2011

FISM 11-02

**FEDERAL INFORMATION SECURITY MEMORANDUM FOR THE HEADS OF
EXECUTIVE DEPARTMENTS AND AGENCIES**

FROM: Roberta Stempfley, Acting Assistant Secretary, Office of Cybersecurity and
Communications, Department of Homeland Security

SUBJECT: FY 2011 Reporting Instructions for the Federal Information Security Management Act
and Agency Privacy Management

This Federal Information Security Memorandum (FISM)¹ provides instructions for meeting your agency's FY 2011 reporting requirements under the Federal Information Security Management Act of 2002 (FISMA) (Title III, Pub. L. No. 107-347). It also includes reporting instructions for your agency's privacy management program.

The goal for Federal information security in FY 2011 is to build a defensible Federal enterprise that enables agencies to harness technological innovation, while protecting agency information and information systems. To maximize the timeliness and fidelity of security-related information, the collection of data should be a by product of existing continuous monitoring processes, not a bolt-on activity that redirects valuable resources from important mission activities. As stated in previous FISMA guidance, agencies are required to adhere to Department of Homeland Security (DHS) direction to report data through CyberScope. This shift from the once-a-year FISMA reporting process to a monthly reporting of key metrics through CyberScope allows security practitioners to make decisions using more information – delivered more quickly than ever before.

Agency Reporting Activities

To comply with this guidance, agencies will carry out the following activities:

1. Establish monthly data feeds to CyberScope;
2. Respond to security posture questions; and
3. Participate in CyberStat accountability sessions and agency interviews

1. Monthly Data Feeds

Effective next month, agencies must load data from their automated security management tools into CyberScope on a monthly basis for a limited number of data elements. While full implementation of automated security management tools across agencies will take time, agencies should report what they can using output from their automated security management tools. These reporting requirements will mature over time as the efforts of the Chief Information Officer (CIO) Council's Continuous Monitoring Working Group (CMWG), in collaboration with the agencies, evolve and additional metrics and capabilities are developed.

¹ The Department of Homeland Security issues Federal Information Security Memoranda to inform federal departments and agencies of their responsibilities, required actions, and effective dates to achieve federal information security policies.

DHS will provide advance notice to agencies as these metrics evolve. The initial monthly reporting metrics and schema for FY 2011 will remain identical to the metrics and schema used for the auto-feed portion of the FY 2010 reporting cycle. Revisions of metrics will be published in CyberScope and on the CyberScope page within the Office of Management and Budget (OMB) MAX Portal prior to the reporting period in order to allow sufficient time for adoption. As associated data feed schemas are revised, they will be posted on the NIST Security Content Automation Protocol (SCAP) web page as well as the CyberScope page within the OMB MAX Portal.

Frequently asked questions related to data feeds can be found on the CyberScope information page within the OMB MAX Portal. The URL for the page is: <https://max.omb.gov/community/x/EqQrf-Q>

2. Information Security Questions

In addition to providing the data feeds described above, agencies are also required to answer a set of information security questions in CyberScope. These questions address areas of risk and are designed to assess the implementation of security capabilities and measure their effectiveness.

3. CyberStat Review Sessions and Agency Interviews

Building on the TechStat model, DHS launched CyberStat accountability sessions in January 2011. Through CyberStat, DHS cybersecurity experts engage with selected agencies to help them develop focused actions plans for improving their information security posture. CyberStat is grounded in analysis that is based on data provided through CyberScope and other key data sources. The development of clear and consistent metrics for CyberScope has improved the ability of agencies to have more accountability for outcomes. As DHS works with agencies to improve data quality, the insights provided through CyberStat and CyberScope will enable DHS to assist agencies in quickly addressing problems that pose risks.

DHS-led CyberStat sessions promote accountability and assist Federal civilian agencies in driving progress with key strategic enterprise cybersecurity capabilities. Specifically, CyberStat is designed to:

- Highlight capability areas where agencies must place additional focus;
- Help agencies remove roadblocks to meeting requirement standards; and
- Recognize agencies in those areas where they are meeting requirement standards.

CyberStat sessions feature representatives from DHS, OMB, the National Security Staff (NSS), and agency teams working together to carefully examine program data with a focus on problem solving. The outcome is a prioritized action plan for the agency to improve overall agency performance. Information compiled from the review process will also give DHS, OMB, NSS and other relevant stakeholders a holistic viewpoint of the cybersecurity posture of the Executive Branch of the Federal Government, informing future policy and oversight decisions.

A team of government security specialists will interview agencies not selected for a formal CyberStat review. These interviews will be focused on specific threats that each agency faces as a consequence of its unique mission.

Effective Dates of Compliance

- **Monthly Data Feeds:** Agencies are required to submit information security data to CyberScope by close of business on the fifth calendar day of each month. Small and micro agencies are not required to submit monthly reports, although they are highly encouraged to do so.
- **Quarterly Reporting:** Moving forward, agencies will be expected to submit metrics data for 2nd and 3rd quarters. For 2nd quarter, agencies must submit their updates to Cyberscope between April 1st and April 15th. For 3rd quarter, agencies must submit their updates to CyberScope between July 1st and July 15th. Agencies are not expected to submit metrics data for 1st or 4th quarters, other than what is required for the annual report.
- **Annual Reporting:** The due date for annual FISMA reporting through CyberScope is November 15, 2011.

Additional Requirements

- CyberScope is the platform for the FISMA reporting process. Agencies should note that a Personal Identity Verification card, compliant with Homeland Security Presidential Directive 12, is required for access to CyberScope. No FISMA submissions will be accepted outside of CyberScope. For information related to CyberScope, please visit:
<https://max.omb.gov/community/x/EgQrFQ>
- CIOs, Inspectors General, and Senior Agency Officials for Privacy will all report through CyberScope. Micro agencies will also report using this automated collection tool.
- Consistent with prior years' guidance, the agency head should submit an electronic copy of an official letter to CyberScope providing a comprehensive overview reflecting his or her assessment of the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of FISMA for the agency.
- Senior Agency Officials for Privacy are to submit the following documents through CyberScope:
 - Breach notification policy if it has changed significantly since last year's report;
 - Progress update on eliminating unnecessary use of Social Security Numbers; and
 - Progress update on the review and reduction of holdings of personally identifiable information.

Please direct questions on FISMA to the Cybersecurity Performance Management Office, Federal Network Security Branch, DHS, at FISMA.FNS@dhs.gov or 703-235-5045.

For OMB policy related questions, please contact Carol Bales, 202-395-9915 or fisma@omb.eop.gov.

Attachment: FY 2011 Frequently Asked Questions on Reporting for FISMA

cc: Director, Office of Management and Budget



Correspondence Management System

Control Number: AX-11-001-5496

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Citizen Information

Citizen/Originator: Pittman, Earnestine D.

Organization: City of East Point

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Committee: N/A

Sub-Committee: N/A

Control Information

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Received Date: Sep 19, 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- I am writing regarding the EPA's proposed electric generating 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: 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) (5) Personal Privacy	OEX	OAR	Sep 19, 2011	Oct 3, 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



City of East Point
Mayor's Office

2777 East Point Street • East Point, Georgia 30344

RECEIVED

2011 SEP 19 AM 7:10

OFFICE OF THE
EXECUTIVE SECRETARIAT

September 13, 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 City of East Point, Georgia, 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 fourteen thousand (14,000) 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.

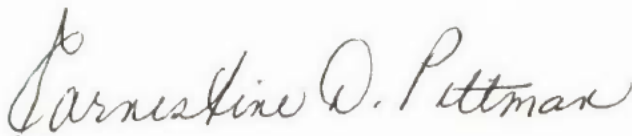
We have major concerns regarding several provisions of the proposed rules. We respectfully request that EPA consider these concerns and evaluate the impact to our utility under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and the Unfunded Mandates Reform Act (UMRA) (Chapters 17 A and 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 – E.O. 13563, Improving Regulation and Regulatory Review; E.O. 13132, Federalism; E.O. 12866, Regulatory Planning and Review; and E.O. 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 on 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.

A handwritten signature in cursive script, reading "Earnestine D. Pittman". The signature is written in dark ink and is positioned above the printed name and title.

Earnestine D. Pittman
Mayor, East Point, Georgia

cc: Senator Saxby Chambliss
Senator Johnny Isakson



Correspondence Management System

Control Number: AX-11-001-5518

Printing Date: September 19, 2011 01:13:16



Citizen Information

Citizen/Originator: White, Arnette C

Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Lew, Jacob J

Organization: Executive Office of the President, Office of Management and Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5518 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Sep 30, 2011 **# of Extensions:** 0
Letter Date: Sep 16, 2011 **Received Date:** Sep 19, 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 - Accelerating Spending of Remaining Funds from the American Recovery and Reinvestment Act for Discretionary Grant Program
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
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	OCFO	Sep 19, 2011	Sep 30, 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.			



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

THE DIRECTOR

September 15, 2011

M-11-34

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: JACOB J. LEW 
DIRECTOR

SUBJECT: Accelerating Spending of Remaining Funds from the American Recovery and Reinvestment Act for Discretionary Grant Programs

In light of the current economic climate and the urgent need to put Americans back to work, it is imperative that we exhaust all available options to drive the economy forward and create jobs. That is why the President submitted the American Jobs Act to Congress on September 12th, 2011, which will put more people back to work and more money in the pockets of working Americans. And that is why we must also ensure that existing Government programs are doing everything to ensure that funds are spent as quickly and efficiently as possible to drive job creation right now.

On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 ("Recovery Act"). As the Congress made clear in enacting the Recovery Act, two of its primary purposes have been to "preserve and create jobs and promote economic recovery" and to "assist those most impacted by the recession." To that end, the Congress directed the President and the heads of Federal departments and agencies ("agencies") to "manage and expend the funds made available in this Act so as to achieve the purposes [of the Act], including commencing expenditures and activities as quickly as possible consistent with prudent management."

In underscoring the importance of spending Recovery Act funds quickly and efficiently, the President established a goal that by September 30, 2010, 70 percent of Recovery Act funding should be spent (i.e., both obligated and outlayed). That goal was met, and this focused implementation has been instrumental in driving the positive effects of the Recovery Act on the economy and job creation. According to the most recent report from the Congressional Budget Office, the Recovery Act has raised real GDP by as much as 2.5 percent compared to what it otherwise would have been, lowered the unemployment rate by as much as 1.6 percent, and increased the number of people employed by nearly three million.

Nearly 85 percent of Recovery funds have now been paid out and the vast majority of remaining funds have already been obligated for projects that communities are counting on for job creation. Despite the rapid pace of spending of Recovery Act funds over the past 30 months, there remain billions in discretionary Recovery Act funds that, although they have been obligated, have not yet been outlayed. In light of the current economic situation and the need for further economic stimulus, it is critical that agencies spend these remaining funds as quickly and efficiently as possible.

Accordingly, subject to the exceptions described below, Federal agencies are hereby directed to accelerate the spending of remaining Recovery Act funds in discretionary grant programs (including formula grant programs that received discretionary funding in the Recovery Act), consistent with existing laws and regulations and programmatic objectives. If those funds have not been spent by September 30, 2013, agencies shall reclaim them to the extent permitted by law.

Acceleration of Unspent Discretionary Grant Funds

In order to ensure that remaining Recovery Act balances are spent in an expeditious fashion, Federal agencies should establish aggressive targets, consistent with programmatic objectives, for outlaying remaining funds. To that end, subject to certain exceptions, Federal agencies are directed to take steps to complete Recovery Act projects by September 30, 2013. This new policy would compress the period of availability for the bulk of remaining funds in discretionary grant programs into the next two years.

In executing this policy, Federal agencies should work collaboratively and transparently with recipients of discretionary Recovery Act grants to accelerate the spending rate for all awarded funds while still achieving core programmatic objectives. Agencies are encouraged to reduce administrative hurdles that can delay expenditure of funds, as well as decrease delays between receipt of invoices and outlaying corresponding funds. In addition, agencies should implement programmatic safeguards to protect against unnecessary delays that would otherwise extend current spending timelines beyond the new deadline established in this memorandum. Although this policy is limited to discretionary Recovery Act grant programs, agencies should also establish appropriate safeguards for ensuring the integrity of current spending timelines for other types of Federal assistance and contracts, and encourage the acceleration of spending for these funds as well where possible.

Federal agencies may request waivers from the September 30, 2013 deadline for discretionary grant funds where contractual commitments by the grantee with vendors or sub-recipients prevent adjusting the timeline for spending, where a project must undergo a complex environmental review that cannot be completed within this timeframe, where programs are long-term by design (such as the majority of the High Speed Rail program) and therefore acceleration would compromise core programmatic goals, or where other special circumstances exist. Agencies should request such waivers sparingly, and they will be granted only due to compelling legal, policy, or operational challenges. Agencies must submit all proposed waivers to OMB for review and approval by September 30, 2012. Any waiver requests must be made directly by the head of the agency.

Agencies should clearly communicate the requirements of this memorandum to grant recipients through adding these requirements to new grant agreements, modifying terms and conditions of existing grant agreements, or other appropriate written means consistent with law.

Reclamation of Unspent Discretionary Grant Funds after Deadline

Agencies should revise the terms of Recovery Act discretionary grant agreements, to the extent permitted by law, to provide for reclamation of funds that remain unspent after September 30, 2013, absent a waiver issued by OMB pursuant to this memorandum.

Section 1306 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, amended Title XVI of the Recovery Act to require the rescission and return to the General Fund of the Treasury certain funds that a Federal agency “withdraws or recaptures for any reason” and that “have not been obligated by a State to a local government or for a specific project.” Agencies should consider whether this rescission-and-return requirement would apply to unspent Recovery Act funds for discretionary grant programs that are reclaimed under the policy set forth in this memorandum.

By September 30, 2012, agencies must submit to OMB any waiver requests from this policy and have established a process for the reclamation of funds and suspension of activities for balances that remain unspent after September 30, 2013 and are not subject to a waiver.



Correspondence Management System

Control Number: AX-11-001-5519

Printing Date: September 19, 2011 01:18:37



Citizen Information

Citizen/Originator: Plaza, John

Organization: Imperium Renewables, Inc.

Address: 1741 First Avenue South, Third Floor, Seattle, WA 98134

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5519

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 15, 2011

Received Date: Sep 19, 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 to reiterate my strong support for the petition entitled Changes to the Renewable Fuel Standard Program of the US EPA Aggregate Compliance Approach for Canadian Crops and Crop Residue, Data Comparability, Analysis and Justification.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OITA - Office of International and Tribal Affairs

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	OAR	Sep 19, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 19, 2011

Message Information

Date 09/16/2011 01:26 PM
From Bob Van Heuvelen <bob@vhstrategies.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc Margo Oge/DC/USEPA/US@EPA; Gladys Stroman/DC/USEPA/US@EPA
Subject Letter of Support for EPA Aggregate Compliance Approach for Canadian Crops

Message Body

Dear Administrator Jackson,

Attached please find a letter from our client, Imperium Renewables, in support of the pending Canadian petition for an aggregate compliance approach under the RFS2 program. We appreciate your efforts on this issue of importance to Imperium.

Thank you.

Best regards,

Bob Van Heuvelen

Robert Van Heuvelen
VH Strategies, LLC
300 New Jersey Avenue, NW, Suite 601
Washington, DC 20001
(202) 534-4920 (main number)
(202) 534-4954 (desk)



(202) 384-2400 (cell) Letter of Support for EPA Aggregate Compliance Approach for Canadian Crops.pdf

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 19 AM 8:27

RECEIVED



1241 First Avenue South, Third Floor, Seattle, WA 98134 voice +1.206.254.0202 fax +1.206.254.0994
Innovating renewables for the future www.imperiumrenewables.com

September 15th, 2011

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

Dear Administrator Jackson:

As the President and CEO of Imperium Renewables, I am writing to reiterate my strong support for the petition entitled, Changes to the Renewable Fuel Standard Program of the US EPA Aggregate Compliance Approach for Canadian Crops and Crop Residue, Data Comparability, Analysis and Justification, which was submitted on January 31, 2011, by Canada's Minister of Agriculture.

It is my understanding that the Canadian government has recently provided the final supplemental information regarding this petition that was being sought by the Environmental Protection Agency (EPA). I would urge EPA to take final action on the petition immediately. Timely consideration of this petition is of vital importance to several domestic biodiesel producers such as Imperium Renewables who are creating and maintaining jobs in challenging economic times, and will help ensure that there is sufficient competition among biodiesel producers to provide a robust biodiesel market to serve obligated parties for RIN compliance in 2011 and beyond.

As a domestic producer of biomass-based diesel, we are committed to processing and marketing advanced biofuels such as biodiesel which are produced in a sustainable manner. These fuels significantly reduce greenhouse gas emissions and our dependence on foreign oil from volatile regions of the world. To that end, Imperium Renewables has invested over \$130 million over the last seven years in advanced biofuel production facilities, payroll and state taxes, along with many other economic benefits to Washington State. Our biodiesel facility is one of the largest in the country, with an annual processing capacity of 100 million gallons.

Our advanced biofuel facility allows for a multitude of feedstocks for biodiesel production. However, in order to produce high quality biodiesel cost effectively for the consumer, we need to be able to use Canadian canola oil as our main supply of biomass feedstock. Given our

plant's location in the Pacific Northwest, there is a significant price differential between Canadian canola oil and Midwest soybean oil delivered to the facility, with soybean oil being approximately \$.25 to \$.40 more per gallon. If Canadian biomass becomes an eligible feedstock under the RFS2 Program, it will enable Imperium Renewables to ramp up production and provide additional family-wage jobs in a rural county experiencing 13 percent unemployment.

We very much want to thank you for all of your efforts on behalf of the Obama Administration to create jobs, reduce greenhouse gas emissions and encourage the development and expansion of the domestic renewable fuels sector. Expeditious approval of Canada's aggregate compliance approach will further those goals, and I appreciate the EPA's expeditious consideration of this important issue.

A handwritten signature in black ink, appearing to be 'John Plaza', written in a cursive style.

John Plaza
President and CEO
Imperium Renewables, Inc.

cc: Ms. Margo Oge
Director, Office of Transportation and Air Quality
Environmental Protection Agency



Correspondence Management System

Control Number: AX-11-001-5520

Printing Date: September 19, 2011 01:24:13



Citizen Information

Citizen/Originator: Etheridge, Tammy

Organization: Brevard County Board of County Commissioners
Address: 400 South Street P.O. Box 999, Titusville, FL 32781-0999

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5520 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 7, 2011 **Received Date:** Sep 19, 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 Board of Commissioners adopted Resolution No. 11-194, requesting the US EPA consider and grant the Florida DEP petition requesting EPA withdraw its determination that Numeric Nutrient Criteria are needed in only Florida
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R4	Sep 19, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Sep 19, 2011

Comments

Message Information

Date 09/16/2011 09:06 AM
From "Johnson, Sandy" <sandy.johnson@brevardcounty.us>
To LisaP Jackson/DC/USEPA/US@EPA
cc "Barker, Virginia H" <Virginia.Barker@brevardcounty.us>
Subject NNC - Clerk's Memo & Resolution 2011-194 for Sept 6 Board Meeting

Message Body

Good Morning, Ms. Jackson:

Please find the attached Resolution 2011-194 for Numeric Nutrient Criteria from Brevard County, Florida.

Thanks
Sandy Johnson
Administrative Assistant to the Director

NATURAL RESOURCES MANAGEMENT OFFICE
2725 Judge Fran Jamieson Way
Building A - Room 219
Viera, FL 32940
(321) 633-2016 X 52414
(321) 633-2029 - Fax

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 19 AM 8:27

RECEIVED

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

From: Barker, Virginia H
Sent: Thursday, September 15, 2011 9:33 AM
To: Johnson, Sandy
Subject: Re: NNC - Clerk's Memo & Resolution 2011-194 for Sept 6 Board Meeting

Can you please send this to epa (lisa jackson) per instructions in the resolution. Thanks.
Sent from my Samsung Intercept™

"Johnson, Sandy" <sandy.johnson@brevardcounty.us> wrote:

FYI:

Please find attached the Clerk's Memo and Resolution 2011-194.

Also, save on the Y:

Under Florida Law, email addresses are Public Records. If you do



September 7, 2011

MEMORANDUM

TO: Ernest Brown, Natural Resources Management Director Attn: Virginia Barker

RE: Item III.A.1., Resolution Requesting the Federal Government to Withdraw its Determination that Numeric Nutrient Criteria (NNC) are Needed Only in Florida, Repeal Promulgated NNC's in Florida, and Discontinue Promulgating Additional NNC's in Florida

The Board of County Commissioners, in regular session on September 6, 2011, adopted Resolution No. 11-194, requesting that the United States Environmental Protection Agency (EPA) affirmatively consider and grant the Florida Department of Environmental Protection's (FDEP) petition requesting that EPA withdraw its determination that Numeric Nutrient Criteria (NNC) are needed in only Florida, repealing federally-promulgated NNC for Florida, and discontinue proposing or promulgating additional NNC in Florida. Enclosed is the fully-executed copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
MITCH NEEDELMAN, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encl. (1)

cc: Finance
Budget

RECEIVED

SEP 13 2011

BREVARD COUNTY
NATURAL RESOURCES MGMT

RESOLUTION 2011- 194

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AFFIRMATIVELY CONSIDER AND GRANT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PETITION REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WITHDRAW ITS DETERMINATION THAT NUMERIC NUTRIENT CRITERIA ARE NEEDED IN ONLY FLORIDA; REPEAL FEDERALLY-PROMUGATED NUMERIC NUTIRENT CRITERIA FOR FLORIDA; DISCONTINUE PROPOSING OR PROMULGATING ADDITIONAL NUMERIC NUTRIENT CRITERIA IN FLORIDA; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Brevard County Board of County Commissioners has long recognized the detrimental effects of the introduction of excessive amounts of nitrogen and phosphorus into the local surface waters including the Indian River Lagoon System and the St. Johns River; and

WHEREAS, annual analysis and review of the ambient surface water quality within these systems has been ongoing for decades; and

WHEREAS, over the last two decades, Brevard County has developed Stormwater Master Plans for numerous regions of the County and implemented hundreds of recommended retrofit measures and best management practices to improve surface water quality; and

WHEREAS, in 1990 the County Commission adopted an ordinance creating a Stormwater Utility and established a dedicated funding source for stormwater projects to improve surface water quality; and

WHEREAS, the County Commission has supported Section 403.067, Florida Statutes, concerning the implementation of the Total Maximum Daily Loads program in Florida; and

WHEREAS, Brevard County is actively participated in the development of Basin Management Action Plans for the Indian River Lagoon; and

WHEREAS, Brevard County considers their actions to maintain and improve surface water quality within the Indian River Lagoon and St. Johns River basins to be in close compliance with the intent of both the United States Environmental Protection Agency and the Florida Department of Environmental Protection Agency; and

WHEREAS, the Florida Department of Environmental Protection has reinitiated its own rulemaking process to adopt numeric nutrient criteria for Florida waterbodies; and

WHEREAS, Brevard County considers the actions of Florida municipalities and county governments, the Florida Department of Environmental Protection and the Florida Legislature to

be consistent with the key principles of a model state program for the reduction of nutrients as described in the Environmental Protection Agency's Memorandum to Regional Administrators of March 16, 2011; and

WHEREAS, Brevard County supports the Florida Department of Environmental Protection's Petition requesting that the United States Environmental Protection Agency rescind its determination that federal numeric nutrient criteria are needed in Florida and strongly requests that the United States Environmental Protection Agency consider this Petition

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OR BREVARD COUNTY, FLORIDA:

SECTION 1. The Brevard County Commissioners of Brevard County hereby requests that the United States Environmental Protection Agency (EPA) affirmatively consider and grant the Florida Department of Environmental Protection's Petition requesting that EPA:

1. Withdraw its January 2009 determination that numeric nutrient criteria are necessary only in Florida;
2. Immediately initiate the repeal of 40 C.F.R. 131.49, providing for EPA-developed numeric nutrient criteria in Florida; and,
3. Discontinue proposing or promulgating further numeric nutrient criteria in Florida.

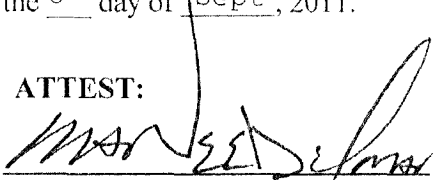
SECTION 2. The County Manager is hereby directed to forward a copy of this Resolution to EPA Administrator Lisa Jackson, Governor Rick Scott, State Senate President Michael Haridopolos and Speaker of the House of Representative Dean Cannon, the Florida Congressional Delegation, and the local state Legislative Delegation

SECTION 3. The County Manager is hereby directed to forward a copy of this Resolution to the Florida League of Cities, the Florida Association of Counties and the Florida Stormwater Association.

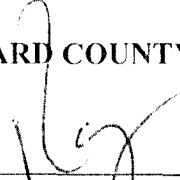
SECTION 4. This Resolution shall take effect immediately upon adoption.

DONE AND RESOLVED by the Board of County Commissioners of Brevard County, Florida, on the 6 day of Sept, 2011.

ATTEST:


Mitch Needelman,
Clerk of the Circuit Court

BREVARD COUNTY

By: 
Robin Fisher, Chairman
(as approved by the Board on 9-6, 2011)



Correspondence Management System

Control Number: AX-11-001-5521

Printing Date: September 19, 2011 12:17:38



Citizen Information

Citizen/Originator: Afzal, Brenda

Organization: Health Care Without Harm
Address: 9122 Dunloggin Road, Ellicott City, MD 21042

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5521 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Sep 16, 2011 Received Date: Sep 19, 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 the President on Ozone from National Nursing Associations
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Sep 19, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 19, 2011

Comments

Message Information

Date 09/16/2011 08:36 AM
From Brenda Afzal <brendaafzal@gmail.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Letter to the President on Ozone from National Nursing Associations

Message Body

Dear Administrator Jackson,

We are writing to express our deep concern about efforts by Congress to undermine the Clean Air Act and Environmental Protection Agency's (EPA) mission to protect human health and the environment. We are also deeply disappointed that, at the Presidents direction, the EPA has postponed updating the Ozone standard, as required by law and supported by sound science. As the nation waits for the next opportunity to implement a health-based standard for Ozone, lives will be lost, related health care expenditures will continue to increase, and thousands will suffer from worsening chronic illnesses, such as asthma and other respiratory difficulties.

Please find attached a copy of a letter that was sent to President Obama from Health Care Without Harm, American Nurses Association, National Association of School Nurses, National Hispanic Nurses Association, and the Alliance of Nurses for Healthy Environments.

--
Brenda Afzal, MS, RN
HCWH, U.S. Climate Policy Coordinator
9122 Dunloggin Road
Ellicott City, MD 21042
Mobile: 410-446-2099
Home office: 410-465-6907

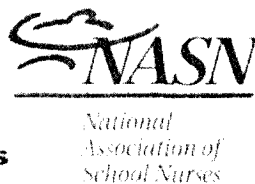


Letter to President Obama - Ozone.pdf

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 19 AM 8:27

RECEIVED



September 15, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

Dear Mr. President,

We are writing to express our deep concern about efforts by Congress to undermine the Clean Air Act and Environmental Protection Agency's (EPA) mission to protect human health and the environment. We are also deeply disappointed that, at your direction, the EPA has postponed updating the Ozone standard, as required by law and supported by sound science. As the nation waits for the next opportunity to implement a health-based standard for Ozone, lives will be lost, related health care expenditures will continue to increase, and thousands will suffer from worsening chronic illnesses, such as asthma and other respiratory difficulties.

Nurses work every day with Americans that suffer from asthma, respiratory, cardiovascular and neuro-developmental diseases, all impacted by poor air quality. Children are particularly affected by air quality with an ever increasing incidence of asthma in children in this country. These diseases are often debilitating and, very often, fatal. It is our unique ability to actually see the link between poor air quality and human illness, especially in children, that leads to our profound distress about continued congressional attempts to limit the EPA's ability to protect the air we breathe from harmful pollution.

Despite the scientifically sound negative impacts of air pollution on public health, members of Congress have announced planned measures to further prevent improvements in air quality. As they continue to espouse rollbacks of health-protections on the pretense of helping the economy, these members ignore the work absenteeism, the health care premium costs, and the loss of productivity associated with the nation's epidemic of chronic illnesses, many of which are exacerbated by air pollution. Thus, blocking new ozone standards actually harms, rather than helps, the US economy, as it also harms our standard of living by fostering increased illnesses among our population.

Nurses, who have stood by you, are asking you to fully support the EPA in its efforts to enforce and expand on existing regulations intended to protect the nation's health. Establishing reduced ozone levels is first and foremost, a public health issue. Actions on

this issue should not be caught up in political partisanship nor confused with issues that seek to divert attention from the fact that air pollution results in lost days at school, lost days at work, lost productivity, increased health care costs and ultimately, loss of lives.

As nurses, we would be very interested in speaking to you directly about this issue. We would like to arrange a meeting with your office and representatives of our respective organizations to discuss how nurses can help support you in future efforts to reduce air pollution to improve our nation's health.

Very Respectfully Yours,

Brenda M. Afzal, MS, RN
U.S. Climate Policy Coordinator
Health Care Without Harm

Rose Gonzalez, MPS, RN
Director, Government Affairs
American Nurses Association

**Linda Davis-Alldritt, MA,
BSN, RN, FNASN, FASHA**
President, The National
Association of School Nurses

**Barbara Sattler, RN, DrPH,
FAAN**
Board Chair,
Alliance of Nurses for Healthy
Environments

Angie Millan, MSN, RNP, CNS
President, National Association
of Hispanic Nurses

Laura Anderko, RN, PhD
Associate Professor and Chair,
Values Based Health Care
Georgetown University School of
Nursing & Health Studies

Cc: Lisa Jackson, Environmental Protection Agency
White House Office of Public Engagement



Correspondence Management System

Control Number: AX-11-001-5553

Printing Date: September 20, 2011 11:01:28



Citizen Information

Citizen/Originator: Lyngstad, John O.

Organization: Matrix Properties

Address: 4334 18th Avenue, SW, Fargo, ND 58103

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5553

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 13, 2011

Received Date: Sep 19, 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 - Recent EPA rules that set National Emission Standards for Hazardous Air Pollutants for compression ignition and spark ignition stationary Reciprocating Internal Combustion Engines

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

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	Sep 19, 2011
Martha Faulkner	OAR	OAR-OAQPS	Sep 19, 2011
Jean Walker	OAR-OAQPS	OAR-OAQPS-SPPD	Sep 19, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Sep 19, 2011
Martha Faulkner	OAR	Forwarded control to OAR-OAQPS	Sep 19, 2011



RECEIVED
2011 SEP 19 PM 2:06
OFFICE OF THE
EXECUTIVE SECRETARIAT

September 13, 2011

The Honorable Lisa Jackson
EPA Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

I am writing in regard to recent EPA rules that set National Emission Standards for Hazardous Air Pollutants ("NESHAP") for compression ignition and spark ignition stationary Reciprocating Internal Combustion Engines ("RICE"). I request that EPA favorably respond to the reconsideration of the 2010 RICE NESHAP rules by eliminating certain restrictions on non-emergency annual hour of operation.

Among the engines covered by the RICE NESHAP rules are small diesel engines used primarily for emergency standby power and occasionally for peak-shaving to manage electric load. These rules will prohibit the use of these small emergency units for peak-shaving programs beginning May 2013 without the addition of expensive emission reduction technology. The additional cost associated with these requirements will likely make it economically prohibitive for the continued use of these engines for peak-shaving programs.

Peak-shaving programs enhance electric reliability and lower cost to the consumer by reducing demand on central station power supplies. The engines are used on a limited basis and are run fewer hours than the 100 hours allowed in the rule for general non-emergency operation. We are asking the EPA to remove the prohibition on these engines for peak-shaving and demand reduction purposes, the result would be no more run-time than is already provided for in the rule and not measurable public health risk or environmental harm.

In light of these factors, I request that you modify the final RICE NESHAP rules by including unrestricted peak-shaving and demand reduction operation within the 100 hours per year provided in the rule for maintenance and readiness testing. Thank you for your consideration of this very important matter.

Sincerely,
MATRIX PROPERTIES CORPORATION

John O. Lyngstad
President



Correspondence Management System

Control Number: AX-11-001-5557

Printing Date: September 19, 2011 04:38:44



Citizen Information

Citizen/Originator: Bombardiere, Ralph

Organization: New York State Association of Service Stations and Repair Shops, Inc.
Address: 6 Walker Way, Albany, NY 12205

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5557 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 4, 2011 **# of Extensions:** 0
Letter Date: Sep 14, 2011 **Received Date:** Sep 19, 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 extension of time on testing of Stage I Vapor Recovery
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
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	Sep 19, 2011	Oct 4, 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
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Sep 19, 2011

NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

6 Walker Way, Albany, NY 12205
state@nysassrs.com

(518) 452-1979
Fax: (518) 452-1955

RECEIVED
2011 SEP 19 PM 2:05
OFFICE OF THE
EXECUTIVE SECRETARIAT

Bill Adams
President

Fred Bordoff
First Vice President

Jordan Weine
Second Vice President

Roy Fulkerson
Third Vice President

Jane Oper
Secretary

Mac Brownson
Treasurer

Frederick M. Altman
General Counsel

Ralph Bombardiere
Executive Director

September 14, 2011

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

Dear Ms. Jackson:

EPA placed into practice regulations to require testing of Stage I Vapor Recovery in January of 2011. We understand there was an extension or a grace period until September of 2011 to perform testing. The New York State Department of Environmental Conservation is in the process of drafting regulations to require more stringent testing of Stage I systems.

Problems occurred since DEC is developing draft regulations they have neglected to let the industry know of the EPA regulations. Because of this the industry is almost totally unaware of the requirements of the testing. We have seen the test in operation and find it to be a reasonable approach to determining whether Stage I Vapor Recovery is operational. We just are looking to find out exactly what enforcement procedures EPA will be putting in place.

Our efforts to determine this from the local EPA office have been unsuccessful. At the minimum we are respectfully requesting an extension of time in order to get the word out to the industry that this testing must be performed.

Any assistance you can provide would be greatly appreciated. You can contact us at 518 452-4367. Thanks again.

Yours truly,



Ralph Bombardiere
Executive Director



Correspondence Management System

Control Number: AX-11-001-5559

Printing Date: September 20, 2011 11:59:47



Citizen Information

Citizen/Originator: Black, Cliff

Organization: City of Muleshoe, Texas
Address: 215 S 1st Street, Muleshoe, TX 79347

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5559 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 4, 2011 **# of Extensions:** 0
Letter Date: Sep 8, 2011 **Received Date:** Sep 19, 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- Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAE-2009-0491
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
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	Sep 20, 2011	Oct 4, 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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City of Muleshoe

September 8, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAE-2009-0491

Dear Administrator Jackson:

I am writing on behalf to the City Council for the City of Muleshoe and the citizens of Muleshoe, Texas in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the well being of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by January 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like the City of Muleshoe that ultimately pay this cost.

We estimate that the increased energy costs to the City of Muleshoe's will be 30%. That increase will significantly affect the city's ability to provide services to our citizens.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it

EXECUTIVE SECRETARIAT

OFFICE OF THE

2011 SEP 19 PM 2:05

REC'D

Cliff Black
Mayor

Richard Orozco
District 1

Irene Mason
District 2
Mayor Pro-Tem

Eric McElroy
District 3

Gary Parker
District 4

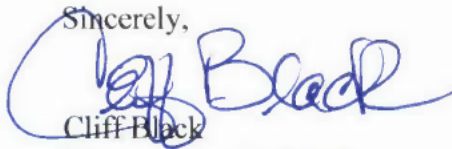
David Brunson
City Manager

LeAnn Gallman
City Secretary

is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cliff Black". The signature is stylized with a large initial "C" and a long, sweeping underline.

Cliff Black

Mayor, City of Muleshoe



Correspondence Management System

Control Number: AX-11-001-5566

Printing Date: September 20, 2011 11:50:31



Citizen Information

Citizen/Originator: Mauldin, Mike

Organization: Hereford Economic Development Corp.
Address: 701 N.Main PO Box 1266, Hereford, TX 79045

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5566 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 4, 2011 **# of Extensions:** 0
Letter Date: Sep 12, 2011 **Received Date:** Sep 19, 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- Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491
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
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	Sep 20, 2011	Oct 4, 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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RECEIVED

2011 SEP 19 PM 2:32

OFFICE OF THE
EXECUTIVE SECRETARIAT

September 12, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave, NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Hereford/Deaf Smith County, Texas in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

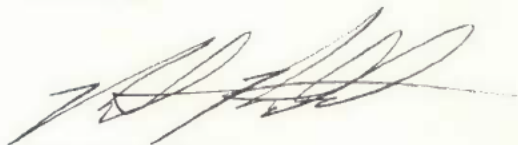
SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by January 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up \$200 to \$250 million in 2012 alone. It is energy consumers like the City of Hereford/Deaf Smith County that ultimately pay this cost.

We estimate that the increased energy costs could be as high as 30 percent. Such an increase could force the City of Hereford and Deaf Smith County to raise taxes on its residents or cut services provided to them. An increase of this magnitude would be a burden to all businesses and industry in Herford and Deaf Smith County.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Mauldin", with a stylized, cursive script.

Mike Mauldin
President



Correspondence Management System

Control Number: AX-11-001-5573

Printing Date: September 20, 2011 11:42:15



Citizen Information

Citizen/Originator: Ahlem, David

Organization: Hilmar Cheese Company

Address: 9001 North Lander Avenue, P.O. Box 910, Hilmar, CA 95324

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5573

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 5, 2011

of Extensions: 0

Letter Date: Sep 7, 2011

Received Date: Sep 20, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

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

R6 - Region 6 -- Immediate Office

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	Sep 20, 2011	Oct 5, 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

REC'D
2011 SEP 19 PM 2:42OFFICE OF THE
EXECUTIVE SECRETARIAT

September 7, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Hilmar Cheese Company in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Hilmar Cheese Company that ultimately pay this cost.

With this change we estimate increased energy costs of \$30,000 per month. More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

David Ahlem
VP Dairy Procurement & Policy



Correspondence Management System

Control Number: AX-11-001-5574

Printing Date: September 20, 2011 11:36:14



Citizen Information

Citizen/Originator: Perkins, Jack L.

Organization: Tri-County Electric

Address: P.O. Box 880, 302 East Glaydas, Hooker, OK 73945-0880

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5574

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 5, 2011

of Extensions: 0

Letter Date: Sep 12, 2011

Received Date: Sep 20, 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 - Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

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

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	Sep 20, 2011	Oct 5, 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



TRI-COUNTY ELECTRIC

A Touchstone Energy™ Cooperative



P.O. Box 880

302 East Glaydas

Hooker, Oklahoma 73945-0880

580-652-2418 or 800-522-3315

Fax: 580-652-3151

September 12, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 SEP 19 PM 2:42

RECEIVED

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Tri-County Electric Cooperative, Inc. (Tri-County) in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR). Tri-County Electric is a rural electric cooperative serving retail member/consumers in Oklahoma, Kansas, Texas, Colorado, and New Mexico.

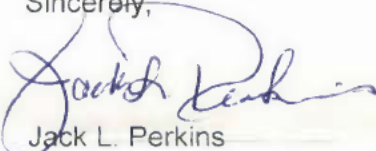
As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our communities.

SPS sells wholesale power to Tri-County, we in turn serve our member/owners at the retail level. About half of the power we purchase from SPS is generated from coal. As the SPS petition indicates, to comply with this rule by January 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. Our members who purchase the retail energy ultimately pay this cost.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. Our member/consumers in Oklahoma, Kansas, Texas, Colorado, and New Mexico rely on the SPS electric system for their livelihoods and well-being. Especially after the record temperatures and extreme drought we have experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack L. Perkins", is written over the word "Sincerely,".

Jack L. Perkins
Chief Executive Officer



Correspondence Management System

Control Number: AX-11-001-5600

Printing Date: September 20, 2011 11:02:55



Citizen Information

Citizen/Originator: Pinson, Charles

Organization: Central Valley Electric Cooperation

Address: Post Office Box 1505 North 13th Street, Artesia, NM 88211

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5600

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 4, 2011

of Extensions: 0

Letter Date: Sep 12, 2011

Received Date: Sep 20, 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-Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-0491

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

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	Sep 20, 2011	Oct 4, 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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Central Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative



PO Box 230 • 1505 N. 13th Street
Artesia, NM 88211
(575) 746-3571 Artesia/Dexter/Roswell
(575) 752-3366 Hagerman
(575) 746-4219 Fax
www.cvecoop.org

Charles T. Pinson, Jr., General Manager

September 12, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Central Valley Electric Cooperative, Inc. (CVE) in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for the member/owners of CVE due to increased electric rates, our local economy and the wellbeing of the people of our community.

SPS provides wholesale power to CVE, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is the member/owners of CVE that ultimately pay this cost.

CVE estimates an increase of approximately \$5.5 million in wholesale power costs that will be paid by CVE member/owners. This represents approximately a 11% increase in rates to member/owners.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for delivery of retail power to member/owners. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

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2011 SEP 20 AM 9:46

REC'D

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles T. Pinson, Jr.", with a stylized flourish at the end.

Charles T. Pinson, Jr.
Executive Vice President & General Manager

CP/jk



Correspondence Management System

Control Number: AX-11-001-5601

Printing Date: September 20, 2011 11:14:17



Citizen Information

Citizen/Originator: Russell, Terry

Organization: Hereford Independent School System
Address: 601 North 25 Mile Avenue, Hereford, TX 79045

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5601 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 4, 2011 **# of Extensions:** 0
Letter Date: Sep 13, 2011 **Received Date:** Sep 20, 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-Cross State Air Pollution Rule - Petition for Reconsideration Docket No. EPA-HQ-OAR-2009-049I
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
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	Sep 20, 2011	Oct 4, 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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HISD

Hereford Independent School District

601 N. 25 Mile Avenue

Hereford, Texas 79045

(806) 364-0606

Fax: 806-363-7699

Website: www.herefordisd.net

2011 SEP 20 AM 9:46

OFFICE OF THE
EXECUTIVE SECRETARIAT

September 13, 2011

Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: Cross State Air Pollution Rule – Petition for Reconsideration
Docket No. EPA-HQ-OAR-2009-0491

Dear Administrator Jackson:

I am writing on behalf of Hereford Independent School District in support of the August 23, 2011 Southwestern Public Service Company (SPS) petition for reconsideration and request for stay of the Cross State Air Pollution Rule (CSAPR).

As indicated in SPS's petition, EPA chose to include Texas in the CSAPR year-round emission reduction programs without providing the public with an opportunity to comment on that decision. Moreover, EPA is requiring SPS and other Texas utilities to comply with CSAPR beginning in 2012, a short five months after the rule was finalized. This requirement has significant consequences for our local economy and the wellbeing of the people of our community.

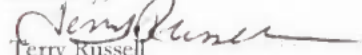
SPS serves our local area, and about half its power comes from coal. As the SPS petition indicates, to comply with this rule by Jan. 1, 2012, SPS will be forced to reduce operation of its coal-fired power plants and rely significantly more on natural gas-fired electric generation. As a result, CSAPR will drive up electricity costs significantly. SPS demonstrates in its petition that the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like Hereford ISD that ultimately pay this cost.

The Hereford Independent School District has already cut our 2011-2012 budget by \$2,994,134 out of an operating budget of \$30,614,869. To have this additional cost for electricity added to our budget after our fiscal year began on September 1, 2011 would be devastating. Currently, 78.5% of our budget is dedicated to salaries. We would be unable to cut enough from the remaining 21.5% to make up for additional electricity cost.

More importantly, as described in the SPS petition, we are concerned that CSAPR could harm the reliability of the electric system. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record temperatures we've experienced this year, we believe it is vital that EPA design CSAPR and all of its other rules to ensure that our region has access to reliable electricity.

For these reasons, we urge you to grant SPS's petition and stay CSAPR pending reconsideration of the rule.

Sincerely,



Terry Russell
Assistant Superintendent, Support Services
Hereford Independent School District



Correspondence Management System

Control Number: AX-11-001-5602

Printing Date: September 20, 2011 11:26:54



Citizen Information

Citizen/Originator: Sanders, Sherry

Organization: Office of Public Utility Counsel
Address: Post Office Box 12397, Austin, TX 78711-2397

Constituent: N/A

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

Control Information

Control Number: AX-11-001-5602 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 4, 2011 **# of Extensions:** 0
Letter Date: Sep 9, 2011 **Received Date:** Sep 20, 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-Request for Reconsideration and Stay; Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Docket No. EPA-HQ-OAR-2009-0491)
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
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	Sep 20, 2011	Oct 4, 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