



OFFICE OF PUBLIC UTILITIES
CITY OF SPRINGFIELD, ILLINOIS

J. MICHAEL HOUSTON, MAYOR

via Certified Mail
Return Receipt

October 5, 2011

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

Re: EPA-HQ-OAR-2009-0491
City of Springfield, Illinois, Office of Public Utilities
(d/b/a/ City Water, Light & Power)
Petition for Reconsideration and Stay of Cross-State Air Pollution Rule.

Dear Administrator Jackson:

The City of Springfield, Illinois, Office of Public Utilities, doing business as City Water, Light & Power (CWLP) writes to request reconsideration and an immediate administrative stay of the Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 Fed. Reg. 48,208 (Aug. 8, 2011) (the Cross-State Rule). CWLP outlines below why reconsideration and a stay of implementation is appropriate.

Of greatest significance to CWLP is EPA's method for allocating allowances to existing electric generating units (EGUs). CWLP operates six EGUs that are subject to the Cross-State Rule, and under the allocation method announced in the final Cross-State Rule, the newest and cleanest of CWLP's units (Dallman 4) is not allocated allowances that reflect its normal expected operations. Because this method appeared for the first time in the final rule and because Dallman 4 had not been allocated allowances as an existing unit under any of the proposed methods, it was impracticable for CWLP to challenge Dallman 4's allocation during the comment period. *See* 42 U.S.C. § 7602(d)(7)(B). CWLP therefore requests that EPA reconsider this aspect of the Cross-State Rule and further requests that EPA stay the rule's implementation during reconsideration and pending the issuance of a revised rule.

I. Background

CWLP is a not-for-profit, municipally-owned electric generation and transmission utility that provides power to approximately 70,000 customers, including the citizens and businesses of the Springfield community. In fiscal year 2010, CWLP sold a total of 2.7 million megawatt hours of power to wholesale and retail customers. CWLP owns and operates four (4) coal-fired units at its Dallman Power Plant — Dallman Units 31, 32, 33 and

4. Each of those units is served by selective catalytic reduction (SCR) systems, and each has flue gas desulfurization (FGD) systems. CWLP began employing these emissions control technologies as early as 1980.¹ See Affidavit of Patrick J. Becker ¶ 4 (Ex. 1).

Dallman 4 is relatively new. It is a 200-MW (net) pulverized coal plant that employs the latest coal-fired technology and air quality control systems. On April 17, 2009, Dallman 4's boiler underwent first fire (for natural gas) and steam blow testing. On May 11, 2009, the unit was synchronized to the electrical grid (on natural gas) for the first time, operating at 13 MW. *Id.* at ¶ 6.

But Dallman 4 still has not operated in a manner that is representative of expected normal operations. Throughout 2009 and into 2010, Dallman 4 experienced a number of shakedown issues and thus did not achieve maximum operating load for many months in 2010. *Id.* at ¶¶ 6, 14. From June 2009 through December 2010, ordinary shakedown issues were compounded by problems with two circulating water pumps. *Id.* at ¶ 12. Dallman 4 is designed to operate with both of those pumps on line, but due to vibration issues in both pumps, it has only been able to operate with one pump. That has reduced Dallman 4's capacity factor to 63% in 2010. This problem led CWLP to request from Illinois EPA a 180-day extension of time to conduct stack testing for Dallman 4 as required by its PSD permit. *Id.* at ¶ 15. Illinois EPA granted that request. *Id.* at ¶ 16.

II. The Treatment of Dallman 4 Under the Proposed and Final Rules.

A. The Proposed Rule and EPA's September 2, 2010, Correction

As originally proposed on Aug. 2, 2010, the Cross-State Rule (then called the Clean Air Transport Rule (CATR))² would have allocated allowances based on a modeled prediction of industry decision-making in response to the rule. See 76 Fed. Reg. at 48,285-86. But the proposed unit-level allowance allocations that accompanied CATR contained several inaccuracies relating to CWLP. Among other things, EPA's inventory of affected units identified Dallman 4 twice — once as Dallman 4 and again as Dallman 34. And CATR did not identify the unit as either "existing" or "new". On September 1, 2010, EPA published a Notice of Data Availability (First NODA) that corrected the dual listing of Dallman 4, but still did not identify it as either a new or existing unit.

CWLP provided comments on both CATR and the First NODA on September 30, 2010. See Letter from Christine Zeman to Hon. Lisa P. Jackson (Sept. 30, 2010) (Ex. 2). CWLP identified the errors relating to CWLP units in CATR and expressed concern that EPA

¹ CWLP also owns an oil-fired unit that is not subject to this rule.

² See Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, 75 Fed. Reg. 45,210 (Aug. 2, 2010).

was proposing the rule as a FIP: "By proposing a FIP, rather than a schedule that allows for State Implementation Plans, USEPA is short-changing state environmental agencies, sources like CWLP regulated by those state agencies, and the process developed under the Clean Air Act which accommodates public comment on issues of traditionally local concern." *Id.* at 3. CWLP also noted that the proposed implementation schedule was unreasonably compressed. *Id.*

B. EPA's January 7, 2011 Notice of Data Availability

On January 7, 2011, EPA issued another NODA (January 2011 NODA) that addressed unit-level allowance allocations and explained that EPA was considering two options for the allocation of allowances to existing units. Option 1 allocated allowances based on historic heat input. Option 2 also would allocate based on heat input, but would constrain each unit's allocations based on a reasonable projection of emissions. To project emissions, EPA would take the maximum emissions level during the baseline period and then would adjust that figure upward to reflect "a reasonable upper-bound capacity utilization factor." *See* 76 Fed. Reg. at 48,287. For reasons unexplained, Dallman 4 was treated as a new unit and therefore was not allocated allowances under either option.

CWLP commented on the January 2011 NODA on February 3, 2011. *See* Letter from Christine Zeman to Hon. Lisa P. Jackson (February 3, 2011) (Ex. 3). CWLP expressed support for Option 1, noting that Option 2 would penalize units that chose to invest early in control technologies and thus can be expected to have lower projected emissions.

C. New Allocation Method in Final Rule

In the final Cross-State Rule, EPA introduced for the first time a fourth option for allocating allowances to existing units. *See* 76 Fed. Reg. 48,288-90. Like Option 2, allocation would be based initially on heat input. But instead of constraining the allocation based on a reasonable projection of the unit's emissions at normal operations, the allocation would be limited by the highest level of emissions for that unit during the baseline period. In other words, under this new method, allocation would be constrained based solely on emissions that were not representative of normal operations, rather than a "reasonable upper-bound capacity utilization factor" for the facility.

This imposes a significant constraint on Dallman 4. Because 2010 is the only full year for which EPA could draw emissions data, and because Dallman 4's operations were limited during that year for the reasons described above, Dallman 4's "historic" emissions (i.e., emissions for 2010) are not representative of the emissions that CWLP expects from Dallman 4 in the future. Once the shakedown and other operation constraints are corrected on Dallman 4, CWLP expects it to be the first dispatched unit in CWLP's fleet, because it is the cleanest and most efficient to operate. CWLP expects Dallman 4 to achieve 90% capacity factor in 2012 as opposed to the 63% capacity factor it experienced in 2010.

The following table shows the disparity between the final allocation for Dallman 4, the allocations under the various proposed methods, and the allowances that Dallman 4 needs to operate at levels expected for 2012:

Dallman 4
Allocation of Allowances Under Various Methods and
Allowances Needed to Operate As Expected in 2012

	Annual SO ₂ (2012)	Annual NO _x (2012)	Seasonal NO _x (2012)
CATR Method ³	1,487	333	145
Option 1 from January 2011 NODA ⁴	2,271	448	206
Option 2 from Second NODA ⁵	[unknown]	[unknown]	[unknown]
Final Allocation ⁶	692	315	139
Allowances to cover expected emissions ⁷	993	447	186

Had CWLP been afforded the opportunity to comment,⁸ CWLP would have offered two alternatives that would avoid short-changing new units. First, for newer existing units —

³ See Technical Support Document (TSD) for the Transport Rule -- State Budgets, Unit Allocations, and Unit Emissions Rates, EPA-HQ-OAR-2009-0491-0057 (Aug. 2, 2010). The allocation figures are those listed for "Dallman 34."

⁴ As explained above, Dallman 4 was not allocated allowances in the second NODA. The allocation reflected under Option 1 is drawn from the data supporting the allocation under the final rule.

⁵ See Updated Alternative Allocation Tables and Underlying Data, EPA-HQ-OAR-2009-0491-3875 (Jan. 10, 2011).

⁶ See Final Transport Rule Unit Level Allocations Under the FIP, EPA-HQ-OAR-2009-0491-4400 (July 11, 2011).

⁷ See Becker Aff ¶ 17.

⁸ As explained above, the final allocation method was not articulated in either CATR or the Second NODA. And none of EPA's allocation methods actually allocated allowances

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Nonattainment New Source Review NSR: Aggregation, 75 Fed. Reg. 27,643 (May 18, 2010); Final Rule, Amendments of Final Rule To Postpone Requirements, 61 Fed. Reg. 28,508 (June 5, 1996) (staying rules to prevent facilities from incurring "compliance expenditures . . . which may prove unnecessary in light of the projected amendments"); Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Burning of Hazardous Waste In Boilers and Industrial Furnaces, 56 Fed. Reg. 42,874 (Sept. 5, 1991).

CWLP therefore respectfully requests that EPA stay implementation of the Cross-State Rule indefinitely while it reconsiders its approach to allocating allowances.

V. Conclusion

Given the impending effective date of the Cross-State Rule, we are anxious to speak with you about this request as soon as possible. We will contact you immediately to arrange for a call or a meeting to discuss these important issues. In the meantime, please feel free to call me at (217) 789-2116 ext. 2628.

Sincerely,



Christine Zeman
Regulatory Affairs Manager

Encs.



Correspondence Management System

Control Number: AX-11-001-6894

Printing Date: October 12, 2011 09:32:34



Citizen Information

Citizen/Originator: Yost, Paul A

Organization: National Association of Manufacturers
Address: 1331 Pennsylvania Avenue, NW, Washington, DC 20004

Constituent: N/A

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

Control Information

Control Number: AX-11-001-6894 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 26, 2011 **# of Extensions:** 0
Letter Date: Oct 5, 2011 **Received Date:** Oct 11, 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- The National Association of Manufacturers respectfully requests that the US EPA reconsider and Immediately stay the compliance deadline and effective date of EPA's final rule Interstate Transport of Fine Particulate Matter
Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (5) Personal Privacy	OEX	OAR	Oct 12, 2011	Oct 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



NATIONAL ASSOCIATION OF
Manufacturers

Paul A. Yost

Vice President

Energy and Resources Policy

October 5, 2011

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Re: Petition for Reconsideration and Stay of EPA's Final Rule: Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Aug. 8, 2011) (Docket No. EPA-HQ-OAR-2009-0491)

Dear Administrator Jackson and Assistant Administrator McCarthy:

The National Association of Manufacturers (Manufacturers) respectfully requests that the U.S. Environmental Protection Agency (EPA) reconsider and immediately stay the compliance deadline and effective date of EPA's Final Rule titled: Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Aug. 8, 2011) (Docket No. EPA-HQ-OAR-2009-0491) (Final Transport Rule). Manufacturers make this request pursuant to Clean Air Act (CAA) Section 307, 42 U.S.C. § 7607, and Section 705 of the Administrative Procedure Act (APA), 5 U.S.C. § 705.

Manufacturers are the largest industrial trade association in the United States, representing over 11,000 small, medium and large manufacturers in all 50 states. Manufacturers are the leading voice in Washington, DC for the manufacturing economy, which provides millions of high wage jobs in the United States and generates more than \$1.6 trillion in GDP. In addition, eighty percent of our members are small businesses, which serve as the engine for job growth. Manufacturers' mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth. While we support environmental regulations designed to provide real net benefits to the environment and public health, we consistently oppose regulations that create adverse economic impacts and that are not in compliance with the underlying law.

Leading Innovation. Creating Opportunity. Pursuing Progress.

As context for these comments, it is important to consider that manufacturers are attempting to fully recover from the steepest economic downturn since the 1930s and bring back the 2.2 million high-wage jobs lost in recent years. At the same time, our member companies are confronting an avalanche of additional rules and regulations from EPA. Manufacturers strongly urge federal policy makers to create conditions that will lead to economic expansion and not stifle the industrial and manufacturing vitality necessary to create jobs and technologies that will continue to improve the nation's air quality. Imposing additional costs on the manufacturing sector will not accomplish any of these objectives. As discussed below, the Final Transport Rule will harm manufacturers by raising electricity rates and reducing the reliability of the electric grid.

I. RECONSIDERATION IS WARRANTED

Reconsideration is warranted for several reasons, all of which have been expressed by others in their petitions and are summarized below:¹

- **EPA made significant changes to the rule and the underlying modeling and data used to establish the rule.** EPA did not provide sufficient notice or opportunity to comment on these changes. As the Office of Management and Budget's (OMB) report on interagency review noted, the Final Transport Rule is a "significantly different rule than originally proposed." Given the scope and number of these changes, OMB reported a concern that it is "unclear if states and affected facilities will be prepared for a January 1, 2012 start date."
- **The state budgets in the Final Transport Rule are significantly different from those in the proposed rule.** As is the case with the changed modeling and data that underlie the budgets, EPA did not provide adequate notice or an opportunity to comment on these changed budgets. These significantly reduced budgets will likely increase electricity prices, to the detriment of manufacturers.
- **EPA is requiring emissions reductions for some states that are more than what is necessary to address those states' alleged "significant contribution" to EPA's hypothetical downwind nonattainment.** EPA does not have the statutory authority to require such reductions, as EPA can only require a state to eliminate the "amount" of emissions that "contribute significantly" to downwind nonattainment but cannot require anything more. See *North Carolina v. EPA*, 331 F.3d 896, 921 (D.C. Cir.

¹ See, e.g., petitions for reconsideration filed by Luminant Generation Company LLC and its affiliates (filed August 5, 2011), the State of Texas (filed September 9, 2011), GenOn Energy, Inc. (filed September 13, 2011), Wisconsin Public Service Corporation (filed September 13, 2011) and the operating companies of the American Electric Power System (filed October 3, 2011). Manufacturers agree with and incorporate those petitions and urge EPA to grant the relief they request.

2008) (“[S]ection 110(a)(2)(D)(i)(I) gives EPA no authority to force an upwind state to share the burden of reducing other upwind states’ emissions.”).

- **EPA’s Final Transport Rule is based on flawed data and assumptions that were not adequately subject to vetting through notice and comment.** For example, EPA included in its modeling the availability of some natural gas-fueled electric generating units that have been mothballed, retired or even demolished. Further the rule appears to assume that some facilities will be using environmental controls as of January 1, 2012 that are not currently installed and that would take years to permit and install.
- **EPA relied on Federal Implementation Plans (FIPs) that violate the CAA.** The Clean Air Act requires that states get the first chance to address nonattainment problems and only thereafter can EPA step in and issue a FIP. EPA ignored that process, preemptively issuing FIPs and thereby violating the CAA and the federal-state partnership that Congress required.
- **EPA’s last-minute decision to include Texas in the list of states required to address downwind effects related to fine particulate matter was issued without providing fair notice and opportunity to comment.** This decision was an abrupt about-face from EPA’s conclusion less than a year ago that Texas emissions have no significant downwind effect on other states. It also is inconsistent with the air monitoring data that shows that the location where Texas is allegedly impacting is already actually in air-quality attainment. Requiring Texas to cut its sulfur dioxide emissions by half and greatly reduce nitrogen oxides emissions in less than five months is unreasonable and will place the state and its electricity generators in an untenable position. It will force them to close facilities and scale back electricity generation, likely resulting in higher electricity prices and reduced electricity reliability for manufacturers.

EPA made a number of fundamental and unforeseeable changes to the scope and basis for the Final Transport Rule without giving stakeholders fair notice and the opportunity to comment. Thus, EPA *must* grant reconsideration, as Section 307(d)(7)(B) of the CAA requires EPA to do so when “it was impracticable to raise [an] objection [during the period for public comment] or if the grounds for such objection arose after the period for public comment ... and if such objection is of central relevance to the outcome of the rule.” 42 U.S.C. § 7607(d)(7)(B).

Further, EPA should grant reconsideration and fix the rule, since the changes to the rule are not a “logical outgrowth” of the proposed rules. *Env’tl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005) (stating that “[t]he test is whether a new round

of notice and comment would provide the first opportunity for interested parties to offer comments that could persuade the agency to modify its rule"). Interested parties should not have to "divine the agency's unspoken thoughts," nor should the final rule be "surprisingly distant" from the Agency's proposal. *Id.* (citations omitted). Because the Final Transport Rule fails all of these tests, EPA must grant reconsideration and should stay implementation of the rule.

According to Reginfo.gov, on October 3, 2011 EPA submitted a proposal to revise the Final Transport Rule to the Office of Management and Budget (OMB) for interagency review. This raises further uncertainty regarding a rule that has a compliance date pending in less than three months. Finalizing such a rule even at this stage only reinforces the need to grant a stay given the limited compliance window.

II. EPA HAS AUTHORITY TO GRANT A STAY

As discussed below and in the already-filed administrative petitions for reconsideration and D.C. Circuit motions to stay² the Final Transport Rule, manufacturers and others face irreparable harm if the rule is not stayed. A showing of irreparable harm is not necessary, however, as EPA has broad authority and discretion to stay the effectiveness of rules promulgated under the CAA under both Section 307 of the CAA and Section 705 of the APA. The criteria that EPA must apply are significantly less stringent than the criteria generally used by the courts, because a demonstration of irreparable harm is not mandatory:³

- First, CAA Section 307(d)(7)(B) provides that EPA may grant a stay if the Agency has decided to reconsider a rule. See 42 U.S.C. § 7607(d)(7)(B).⁴ No other criteria or conditions are imposed on the Agency's authority to issue a stay.

² A number of petitions for review have already been filed in the United States Court of Appeals for the District of Columbia Circuit and multiple parties have moved to stay the Final Transport Rule.

³ Nothing in the CAA requires a showing of irreparable harm in order to justify an administrative stay; instead, all that is required are proper grounds for reconsideration. The APA deliberately contrasts what is required for an administrative stay ("justice so requires") and a judicial stay ("conditions as may be required" and "irreparable harm"). 5 U.S.C. § 705. Such differences must be given effect, and therefore there is no irreparable harm requirement for an administrative stay under the APA either.

⁴ CAA § 7607(d)(7)(B) provides, in relevant part:

If the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed. ... The effectiveness of the rule may be stayed during such reconsideration, however, by the Administrator or the court for a period not to exceed three months.

- Second, “when justice so requires,” EPA may stay the effective date of a CAA rule pending judicial review, under Section 705 the APA, 5 U.S.C. § 705.⁵ See, e.g., Final Rule, Amendments of Final Rule To Postpone Requirements, 61 Fed. Reg. 28,508 (June 5, 1996).

Thus, the only express condition imposed on EPA’s authority to grant a stay under CAA § 307 is that the Agency must have decided to reconsider the rule. APA § 705 is similarly broad, authorizing EPA to issue a stay: (1) if judicial review is pending; and (2) when “justice so requires.” Of course, EPA also has the fundamental obligation to engage in reasoned decision making and must not make arbitrary and capricious determinations. All of these criteria leave EPA with considerable authority to stay the rules – especially under the current circumstances.

III. ABSENT A STAY, MANUFACTURERS WILL BE HARMED

A stay of the Final Transport Rule is clearly warranted, as Manufacturers and others will be irreparably harmed if electricity generators are forced to comply with the rules’ provisions come January 1, 2012. The harms include:

- **Increased electricity prices.** Because the Final Transport Rule is likely to result in decreased electricity generation, it is likely to drive up electricity prices. As every manufacturer requires electricity and the Final Transport Rule applies to more than half of the states, the rule will impact many of Manufacturers’ members, although some energy intensive manufacturing sectors may be disproportionately impacted. Several utility companies have already announced they will shut down facilities as a result of this rule and its associated costs. Further, increased energy costs directly impact manufacturers and their ability to retain and create jobs. Any increase in a fundamental business cost is likely to endanger the economy’s fragile ability to climb out of the recent recession and for manufacturers to be able to drive that recovery.
- **Decreased electric reliability.** Some areas of the country are likely to see decreased electric grid reliability as a result of the Final Transport Rule. This will harm the manufacturing sector in those areas, as blackouts do more harm than just causing temporary shutdowns while the power is out. They can also require longer periods of downtime while delicate instruments are recalibrated. In addition, unexpected blackouts can harm manufacturing equipment. This creates

⁵ APA § Section 705 reads:

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

disincentives for industries to locate or stay in the areas being impacted by the Final Transport Rule, potentially encouraging those industries to relocate to other countries.

- **Impacts to utilities.** Manufacturers' members include a number of utilities that will be harmed by the Final Transport Rule. They will be forced by the rule to shut down facilities, lay off workers and pay more for crucial supplies.

In order to prevent significant harm to the manufacturing sector and to ensure that the Final Transport Rule is based on the best information and complies with the CAA, EPA should reconsider the Final Transport Rule and stay the rule pending reconsideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul A. Yost', with a large, sweeping loop at the end.

Paul A. Yost
Vice President
Energy and Resources Policy

cc: Ms. Meg Victor
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Correspondence Management System

Control Number: AX-11-001-6919

Printing Date: October 12, 2011 12:54:40



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Citizen/Originator: Shortell, Verne

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Address: 211 Carnegie Center, Princeton, NJ 08540

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6919
Status: For Your Information
Due Date: N/A
Letter Date: Oct 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- NRG Energy, Inc requests that EPA reconsider certain narrow aspects of the Cross State Air Pollution Rule
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
R2 - Region 2 -- Immediate Office

Alternate Number: 1Z Y1V 172 24 9029 3951
Closed Date: N/A
of Extensions: 0
Received Date: Oct 11, 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

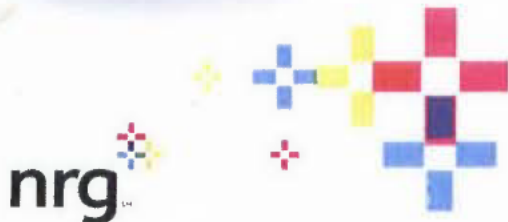
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Oct 12, 2011
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 12, 2011



NRG Energy, Inc.
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Princeton, NJ 08540

October 6, 2011

BY ELECTRONIC MAIL & CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Lisa P. Jackson
Office of the Administrator (MC-1101A)
U. S. Environmental Protection Agency
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Room 3000, Ariel Rios Building
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2009-0491
NRG Energy Inc.'s Petition for Reconsideration of the Cross-State Air Pollution Rule

Dear Administrator Jackson:

Attached please find NRG Energy, Inc.'s *Petition for Reconsideration of "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals,"* 76 Fed. Reg. 45,210 (Aug. 8, 2011), Docket No. EPA-HQ-OAR-2009-0491)

Thank you for your assistance. If you have any questions or desire additional information, please contact me at verne.shortell@nrgenergy.com or (609) 524-4983.

Respectfully yours,

Verne Shortell
Executive Director – Environmental Business
NRG Energy, Inc.

RECEIVED
EXECUTIVE SECRETARIAT

2011 OCT 11 PM 12:45

October 6, 2011

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**NRG Energy, Inc.'s Petition for Reconsideration of
Federal Implementation Plans: Interstate Transport of
Fine Particulate Matter and Ozone and Correction of SIP Approvals
76 Fed. Reg. 45,210 (Aug. 8, 2011)
Docket ID: EPA-HQ-OAR-2009-0491**

NRG Energy, Inc. ("NRG") requests that EPA reconsider certain narrow aspects of the Cross State Air Pollution Rule ("CSAPR") and make necessary corrections to the IPM modeling through the appropriate regulatory action.¹ NRG Energy, Inc. owns and operates one of the country's largest and most diverse power generation portfolios including over 16,000 MWs subject to the CSAPR. These facilities are located primarily in deregulated markets in the Northeast and Texas, and the regulated market of Louisiana.

Section 307(d)(7)(B) of the federal Clean Air Act ("CAA") provides for EPA reconsideration of a CAA rule upon objection by a petitioner. See 42 U.S.C.

¹ NRG is aware of the technical adjustments released on October 6, 2011 but requests a reconsideration out of caution because the proposed corrections are not final.

§ 7607(d)(7)(B). Reconsideration is appropriate when the objection raised by the petitioner was impracticable to raise during the public comment period or the grounds for the objection arise after the public comment period, if the objections are of central relevance to the outcome of the rule. *See id.*

This petition for reconsideration addresses corrections to the IPM modeling results and technical support documents as they relate to NRG's plants and associated state budgets.

New York and Texas

During last year's public comment period, NRG provided comments on CSAPR as it was first proposed, and NRG followed with comments on two subsequent Notices of Data Availability related to CSAPR.² With these earlier comments, particularly those in Document No. EPA-HQ-OAR-2009-0491-3792 (October 15, 2011), NRG provided corrections to information in EPA's NEEDS database as it relates to the pollution controls installed on the NRG generating units and the capabilities of that equipment. Since CSAPR was issued in final form on July 6, 2011, NRG has reviewed EPA's IPM modeling and technical support documents and found several new necessary corrections pertaining to our New York and Texas coal plants that have first surfaced with the issuance of the final rule. As a result, it was impracticable for NRG to have offered these corrections with its earlier comments, and they are appropriate for reconsideration now.

Page 8 of the technical support document, "Significant Contribution and State Emissions Budget" provides:

Modeling of the Transport Rule also showed scrubbers operating in 2012 and in 2014 on units at Dunkirk and at Huntley in New York. However, public comments showed that these units operate dry sorbent injection, not scrubbers, which would yield a lower SO₂ removal than what was modeled at those units. As a result, EPA made technical corrections to the 2012 and 2014 SO₂ budgets in New York to reflect a revised SO₂ removal rate at those units consistent with the technology reported by commenters for those units. Therefore, the corrected 2012 and 2014 budgets in New York now reflect operation of the controls reported by commenters at the affected units.

However, the IPM results suggest that the New York state budget was not adjusted to reflect NRG's October 15, 2010 comment concerning the appropriate control technology. Because this discrepancy reflects an apparent error in EPA's response to comments, it is appropriate for reconsideration at this time.

Additionally, NRG petitions for correction of the following items:

² NRG's earlier comments can be found in the rulemaking docket at entries no. EPA-HQ-OAR-2009-0491-2749, EPA-HQ-OAR-2009-0491-3793, and EPA-HQ-OAR-2009-0491-3933.

1. New York: Huntley Units 67 and 68 and Dunkirk Units 3 and 4 burn a 0.8 lb/mmbtu SO₂ content coal. The existing DSI is capable of an average removal rate of 50%. The IPM base case has Dunkirk and Huntley SO₂ emissions equal to 16,807 tons. The IPM remedy case has Dunkirk and Huntley SO₂ emissions equal to 2,631 tons, suggesting a SO₂ removal rate of 84% removal efficiency, which is too efficient for dry sorbent injection. Therefore, the SO₂ rate should be modeled as a 0.4 lb/mmbtu in 2012 and 0.24 lb/mmbtu in 2014.
2. New York: For NO_x, Dunkirk Units 3 and 4 are equipped with SNCRs, which can achieve an average removal rate of 25%. In 2012 and 2014, EPA should model 0.15 lb/mmbtu NO_x rate, not 0.10 lb/mmbtu in 2012 or 0.07 in 2014, which suggest an SCR and 50% removal efficiency. These corrections should be applied in both the IPM 2012 and 2014 Remedy files as well as the base case files.
3. New York: EPA should align the assumed VOM to the existing SNCRs and DSI on all units at Huntley and Dunkirk. The current EPA modeling assumes wet scrubbers on Huntley 67 and 68 and Dunkirk 3 and 4 and SCRs on Dunkirk 3 and 4.
4. Texas: NRG's Limestone Units 1 and 2 are equipped with low-NO_x burners, though the retrofit technology for Unit 1 is listed as an SCR in the IPM 2012 and 2014 remedy files. Furthermore, both Units 1 and 2 are modeled with a NO_x emission rate of 0.16 lb/mmbtu in 2012 and 2014, which underestimates the current emission rate of approximately 0.20 lb/mmbtu.
5. Texas: W.A. Parish Unit 6 burns 0.8 lb/mmbtu SO₂ content coal. The SO₂ emission rate is modeled in 2012 and 2014 as 0.06 lb/mmbtu, suggesting over 90% removal efficiency achievable with a wet scrubber. The unit does not have a scrubber, and there are no current plans to add a scrubber. The SO₂ rate should be modeled as 0.8 lb/mmbtu in both 2012 and 2014. The control assumption should be corrected in EPA's IPM 2012 and 2014 remedy files and the 2012 and 2014 base case files.

NRG has also provided tables in Attachment 1 that illustrate the requested corrections to the IPM 2012 and 2014 remedy files. The above-listed corrections are appropriate for reconsideration because they relate to EPA's final IPM modeling and technical support data that are used to determine state budgets. Because this information was only associated with the final rule, the grounds for NRG's objections in this Petition for Reconsideration arose after the public comment period.

Louisiana

In addition, NRG believes that the IPM model did not adequately address transmission constraints in the Entergy Region of SERC. NRG did not comment on this issue during the comment period because the proposed state budget was 21,220 tons and in line with the 2009 overall state ozone season NO_x emissions of 20,891 tons. Because the state budget included in the proposed rule was reduced by 37% in the final rule, the

grounds for NRG's objections arose after the public comment period. As a result, it was impracticable for NRG to have raised this issue as part of its earlier comments, and they are appropriate for reconsideration now.

Notably, the U.S. Department of Energy (DOE), in its 2009 National Electric Transmission Congestion Study, recognized that the Entergy Region had the highest firm MWhs curtailed when Transmission Loading Relief (TLRs) were instituted to reduce line loading to address a potential or actual security limit violation on the transmission system.³ As stated by the DOE, the Entergy region contains a number of significant transmission constraints that limit electricity flows, including in Louisiana.⁴ Because the EPA's IPM model assumed economic dispatch without considering transmission constraints that would impact such dispatch, the modeling fails to take into account two unavoidable and important realities of the Entergy region: (1) that units with higher NO_x emission rates may have to run to address reliability concerns; and (2) transmission constraints limit the state's ability to import out-of-state power to levels that are far below those assumed in the modeling.

Without consideration of transmission constraints, EPA models the state budget for ozone season NO_x in Louisiana as unrealistically low (44% off 2010 emissions with no new scheduled control equipment), forcing the state to trigger the assurance provisions in CSAPR. This, in turn, contributes to the fact that individual facilities are at serious risk to trigger the assurance provisions due to the state's likely exceedance. For example, NRG's generation in Louisiana, owned and operated by its subsidiary Louisiana Generating LLC (LaGen), triggers the variability provisions. Further, based on the EPA 2012 remedy file, LaGen's Big Cajun I and II plants, and NRG Bayou Cove, are predicted to emit 5,346 tons of ozone season NO_x in 2012. These emissions are significantly greater than NRG's Louisiana allowance allocation of 2,885 tons and variability limit of 3,491 tons. Thus, modeling with consideration of transmission constraints would more realistically estimate the state's emissions and prevent individual facilities from automatically triggering the assurance provisions.

The State regulatory bodies in the Entergy footprint are each represented on the Entergy Regional State Committee ("ERSC").⁵ At each quarterly meeting of the ERSC, the Southwest Power Pool, as the Entergy Independent Coordinator of Transmission, reports on the amount of transmission congestion in the Entergy region. The existence of transmission constraints in Louisiana is well documented and should be considered in development of the Louisiana state budget. In Attachment 2, NRG is providing two

³ U.S. Department of Energy, National Electric Transmission Congestion Study, 2009, at pp. 34-36.

⁴ Id. at p. 61-62. The DOE stated: "The Entergy region contains a number of significant transmission constraints that limit electricity flows, as evidenced by the high number of TLRs mentioned in Section 4.3.2 above. By design, these TLRs interrupt non-firm transactions (primarily from independent power producers and merchant generators) and firm transmission (often from merchant generators). The number of TLRs in Louisiana has increased since 2006. Although the Department's 2006 study speculated that historic congestion levels in the state would go down because of lower load following Hurricane Katrina in 2005, in fact the opposite has occurred."

⁵ The ERSC is composed of one representative from the Texas PUC, the Louisiana PSC, the Mississippi PSC, the Arkansas PSC and the City Council of New Orleans.

documents presented at the August 25, 2011 ERSC meeting to indicate the nature and severity of transmission constraints in the Entergy region including Louisiana: 4a-portion of ERSC Metrics 2011-06 and 5-Entergy Stakeholder Policy Committee Update. The EPA should consider these transmission constraints to more accurately reflect the supply of electricity that must be generated in Louisiana, the emissions that will result from that generation and the additional allowances that should be granted in the final state budget.

NRG requests that EPA make the corrections discussed in this petition through appropriate regulatory action. In closing, we recognize the effort of EPA to resolve the problem of interstate transport of emissions and petition for reconsideration of these limited issues to ensure EPA's modeling is accurate.



Correspondence Management System

Control Number: AX-11-001-6921

Printing Date: October 12, 2011 04:09:54



Citizen Information

Citizen/Originator: Pasheilich, Gary L.

Organization: Ohio Attorney General, Environmental Enforcement Section

Address: 30 E. Broad Street, 15th Floor, Columbus, OH 43215

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6921 **Alternate Number:** 1Z4748332210016204
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 5, 2011 **Received Date:** Oct 12, 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 - Petition for Reconsideration and Stay of Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (76 Fed. Reg. 48208)
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
R5 - Region 5 -- 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	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 12, 2011



MIKE DeWINE

★ OHIO ATTORNEY GENERAL ★

Environmental Enforcement Section

Office 614-466-2766

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October 5, 2011

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

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

Re: Petition for Reconsideration and Stay of Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (76 Fed. Reg. 48208)

Dear Administrator Jackson and Assistant Administrator McCarthy:

Enclosed please the State of Ohio's Petition for Reconsideration and Stay of the final issuance of the Cross-State Air Pollution Rule, as published in the Federal Register on August 8, 2011. The State of Ohio, by and through its Attorney General, and on behalf of the Director of Environmental Protection and the Public Utilities Commission of Ohio, hereby petitions for reconsideration and stay of the rule, pursuant to 5 U.S.C. § 705 and 42 U.S.C. § 7607(d)(7)(B), that U.S. EPA may consider Ohio's objections and concerns, as fully described in the enclosed petition.

Very truly yours,

Gary L. Pasheilich
Assistant Attorney General

Enclosures

RECEIVED
2011 OCT 11 AM 8:56
OFFICE OF THE
EXECUTIVE SECRETARY

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re: :
: **EPA Docket No.**
Federal Implementation Plans: :
Interstate Transport of Fine Particulate : **EPA-HQ-OAR-2009-0491**
Matter and Ozone and Correction :
of SIP Approvals (76 Fed. Reg. 48208) :

PETITION FOR RECONSIDERATION AND STAY

Pursuant to 5 U.S.C. § 705 and 42 U.S.C. § 7607(d)(7)(B), the State of Ohio, by and through its Attorney General, and on behalf of the Director of Environmental Protection and the Public Utilities Commission of Ohio, hereby petitions the Administrator to reconsider and stay the final rule of the United States Environmental Protection Agency entitled, *Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals*. 76 Fed. Reg. 48208 (August 8, 2011) (“Final Rule”).

Introduction

On July 6, 2010, U.S. EPA issued its proposed rule, entitled *Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone*, 75 Fed. Reg. 45210 (August 2, 2010) (“Proposed Rule”), to address the interstate transport of emissions of nitrogen oxides (“NO_x”) and sulfur dioxide (“SO₂”) that contribute to harmful levels of fine particulate matter (“PM_{2.5}”) and ozone in downwind states. The Proposed Rule established significant NO_x and SO₂ reductions for Ohio, as well as an extremely aggressive timeline for implementation. The Proposed Rule required that public comments be received by October 1, 2010. Accordingly, Ohio EPA

and the Public Utilities Commission of Ohio separately submitted comments and concerns to the Administrator on October 1, 2010.

The primary concern of both agencies focused on the extremely tight implementation schedule and significant reductions called for under the rule. U.S. EPA's inflexible schedule arbitrarily adhered to the 2014 attainment schedule under the *Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO[X] SIP Call*, 70 FR 25162 (May 12, 2005) ("CAIR"), despite no judicial mandate for as stringent a timeline as specified in the Final Rule. U.S. EPA also failed to adequately consider the overwhelming burdens placed upon a state like Ohio. In general, the "one size fits all" approach being proposed by U.S. EPA lacked adequate technical support, failed to effectively communicate to the states its basis for many of the core assumptions, and ignored the practical reality of what Ohio and the industries residing in Ohio would face in attempting to meet U.S. EPA's unreasonable implementation schedule. Given the brief timeline and U.S. EPA's lack of clarity as to its methodology, it was unclear to Ohio EPA what portion of the called-for reductions were realistic and achievable for the Ohio plants regulated by the Proposed Rule, and Ohio EPA was not provided adequate time to properly analyze these questions.

As difficult as circumstances were under the Proposed Rule, the situation is now exacerbated by the issuance of the Final Rule on August 8, 2011. U.S. EPA magnified Ohio's burden by requiring additional and unanticipated SO₂ reductions beyond the Proposed Rule by approximately 33% for 2012, despite Ohio's serious and well-

supported concerns in meeting the requirements of the Proposed Rule.¹ U.S. EPA exponentially compounded these issues under the Final Rule by failing to articulate the basis for how it concluded that these additional reductions would be achievable and by adhering to the original CAIR deadlines set in 2005. Inexplicably, determinations that U.S. EPA claimed to be sound under the Proposed Rule were directly contradicted and superseded in the Final Rule. Ohio EPA does not believe these drastic reductions are achievable under the Final Rule based upon its current analysis.

Of equally great concern to Ohio, U.S. EPA has issued the Final Rule with its 33% additional reductions outside of the public comment period, stripping Ohio of its ability to formally engage in a dialogue with U.S. EPA about its concerns or U.S. EPA's reasons for the dramatic increased reductions beyond those of the Proposed Rule.²

Accordingly, Ohio requests that the Administrator convene a reconsideration proceeding and grant an immediate stay of the Final Rule so that Ohio is provided an adequate opportunity to comment on the Final Rule. Because the Final Rule fails to acknowledge the concerns that Ohio raised in its October 1, 2010 public comments, Ohio incorporates by reference those comments to the extent they remain unaddressed by the Final Rule. The requests for reconsideration and an immediate stay will focus on the implications raised by U.S. EPA's changes to the Proposed Rule.

¹ The Office of Management and Budget's ("OMB") report on interagency review observed that U.S. EPA has produced a "significantly different rule than originally proposed" given the additional changes, threatening the ability of regulated sources to meet the strict deadlines in the rule: "It is unclear if states and affected facilities will be prepared for a January 1, 2012 start date, especially given other changes that EPA is making in the draft final rule. For instance, modeling results used in the final rule are substantially different than those in the original August 2, 2010 Proposed Rule and subsequent notices. Six (6) States are being dropped from the proposed rule; Texas is being added; 3 States have their SO₂ Group status change; and the sheer magnitude of change to the budgets of all of the states results in a significantly different rule than originally proposed." *Summary of Interagency Working Comments on Draft Language under EO 12866 Interagency Review* ("OMB Summary of Interagency Working Comments"), Document EPAHQ-OAR-2009-0491-4133 at 11 (posted July 11, 2011).

² Ohio EPA reserves the right to provide additional analysis pending its further review of the Final Rule.



Correspondence Management System

Control Number: AX-11-001-6954

Printing Date: October 12, 2011 04:59:52



Citizen Information

Citizen/Originator: Garcia, Indira G

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

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-11-001-6954 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 12, 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 - Requirement for all USG Personnel Under Chief Mission Authority to Complete Diplomatic Security's IFIT and Procedures to Request a Waiver to the Requirement
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OARM - OARM -- Immediate Office
OEAE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Oct 12, 2011

History



Memo from Department of State Exec Sec Stephen D. Mull: Requirement for all USG Personnel Under Chief of Mission Authority to Complete Diplomatic Security's IFIT and Procedures to Request a Waiver to the Requirement - S/ES No. 201118040

Garcia, Indira G to: NSCExecSec, CIA_exec, DOCExecSec,
USDAExecSec, william.davidson,
thomas.r.hale, DEAEExecSec, DOEEExecSec,

10/07/2011 03:01 PM

From: "Garcia, Indira G" <GarciaIG@state.gov>
To: <NSCExecSec@nsc.eop.gov>, <CIA_exec@ucia.gov>, <DOCExecSec@doc.gov>,
<USDAExecSec@usda.gov>, <william.davidson@pentagon.af.mil>,
<thomas.r.hale@uscg.mil>, <DEAEExecSec@usdoj.gov>, <DOEEExecSec@hq.doe.gov>,

UNCLASSIFIED

MEMORANDUM

SUBJECT: Requirement for all U.S. Government Personnel Under Chief of Mission Authority to Complete Diplomatic Security's Iraq Field Immersion Training (IFIT) and Procedures to Request a Waiver to the Requirement

<<201118040-.pdf>>

Stephen D. Mull

Executive Secretary

UNCLASSIFIED



- 201118040-.pdf



United States Department of State

*Washington, D.C. 20520**www.state.gov*UNCLASSIFIED

October 6, 2011

**MEMORANDUM FOR ALL DEPARTMENT AND AGENCY
EXECUTIVE SECRETARIES****SUBJECT: Requirement for all U.S. Government Personnel Under Chief of Mission Authority to Complete Diplomatic Security's Iraq Field Immersion Training (IFIT) and Procedures to Request a Waiver to the Requirement**

This memorandum updates mandatory training requirements for all U.S. government personnel under Chief of Mission (COM) authority in Iraq. Under current guidance, issued in 2004, all COM personnel assigned to Iraq are required to take Iraq Familiarization (FT610) and Iraq Foreign Affairs Counter Threat Course (OT610), and those assigned in Iraq but outside Baghdad are required to take Iraq Field Orientation (AR420). FSI no longer offers the Iraq Field Orientation course (AR420). Instead, in collaboration with NEA/I and FSI, the Bureau of Diplomatic Security (DS) has created a new two-day security course, Iraq Field Immersion Training (IFIT) (OT620), which will be required of all COM personnel assigned to Iraq, not just for those serving outside Baghdad. The change reflects the new security arrangements in Iraq, in which DS will have responsibility for the security of COM personnel. In addition, personnel under COM authority traveling to Iraq are required to take all three courses if they are in temporary duty status for more than 29 days cumulatively in any rolling 365-day period. U.S. direct hire, U.S. government TDY Locally Engaged Staff (LES) and U.S. government Third Country National (TCN/LES) employees being assigned to Post for 30 days or longer between now and January 29th, 2012 will be required to take the course during this time period on a space available basis, with priority given to those assigned for a period of one year or longer. Civilians currently deployed in Iraq will not be required to return to the United States to take this new training.

For uniformed military personnel in Iraq who will serve under COM authority, DoD standard pre-deployment training will satisfy and certify this requirement.

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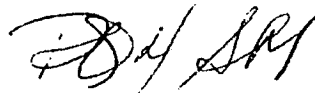
UNCLASSIFIED

- 2 -

The Iraq Familiarization course (FT610) is a pre-requisite for the new IFIT course (OT620). Because segments of the Iraq Familiarization course feed directly into IFIT, it is strongly recommended that students register for OT620 to begin in the week following FT610.

Personnel who have taken the Iraq Familiarization course (FT610) or Counter Threat Course (OT610) within the past five years will not be required to repeat these courses, but they will be required to take the new Iraq Field Immersion Training (OT620), since the IFIT course directly supports changes now taking place in the U.S. presence in Iraq. Those required to take the IFIT course include TCN/LES staff, even if they have served in Iraq within the last five years. Because IFIT is a mandatory training requirement, the Department will review IFIT periodically in light of the prevailing threat environment in Iraq as well as the availability of appropriate training personnel, resources, and facilities.

Some agencies have inquired about waivers to this requirement or a self-certification policy. The Department strongly discourages such requests, since the training is critical to the security of our employees in Iraq. All waiver requests should come from the agency's Chief Human Capital Officer and should be addressed in writing to the Director General of the Foreign Service, who will render a decision after reviewing the requests with the Bureau of Diplomatic Security, the Foreign Service Institute, and the Bureau of Near Eastern Affairs.



Stephen D. Mull
Executive Secretary

Attachment:

List of addressees.

UNCLASSIFIED



Correspondence Management System

Control Number: AX-11-001-7007

Printing Date: October 12, 2011 04:03:19



Citizen Information

Citizen/Originator: Clark, Cynthia

Organization: United States Department of Agriculture, National Agricultural Statistics Service

Address: 1400 Independence Avenue, SW, Room 5041-A South Building, Washington, DC 20250-2001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7007
Status: For Your Information
Due Date: N/A
Letter Date: Oct 3, 2011
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: SNR-Signature Not Required
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - National Agricultural Statistics Service suspension of the fall 2011 Post Harvest Chemical Use Survey for the corn crop
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Lawrence Elworth - AO-IO
OCFO - OCFO -- Immediate Office
OEAE - Office of External Affairs and Environmental Education

Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Oct 12, 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	OCSP	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCSP	Oct 12, 2011



United States Department of Agriculture
National Agricultural Statistics Service
Office of the Administrator



October 3, 2011

Ms. Lisa P. Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EXECUTIVE SECRETARIAT

OFFICE OF THE

2011 OCT 12 AM 9:59

RECEIVED

Dear Lisa:

The U.S. Department of Agriculture's National Agricultural Statistics Service (NASS), like all Federal agencies, is facing a challenging time. Moving forward, we face important choices as a country regarding the funding and operation of our government. I am writing to inform you that as a result of a deliberate review, NASS has suspended the fall 2011 Post Harvest Chemical Use Survey for the corn crop and, therefore, will not conduct the 2011 fall survey.

NASS leadership conducted a deliberate review of all programs against mission- and user-based criteria, aimed at finding cost savings and forward-thinking business efficiencies so that timely, accurate and useful data remains available in service to agriculture. To announce the program suspension, NASS has submitted a Federal Register notice, available at <http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-24968.pdf>

Monitoring agricultural chemical use is important. NASS will continue to collect chemical use data for a variety of field and specialty crops through the Agricultural Resource Management Survey, the Fruit and Vegetable Chemical Use Survey and the every-five-year Census of Agriculture. In addition, USDA's Agricultural Marketing Service conducts its Pesticide Data Program.

In our efforts to move forward amid budget challenges and efforts to stabilize the long-term financial health of the country, USDA is committed to building a better and stronger Department, and recognizes the timely, accurate and useful data NASS will continue to provide in service to agriculture. Should you have any questions, please feel free to contact me at 202-720-2707 or cynthia_clark@nass.usda.gov or my Chief of Staff, Brad Summa, at 202-720-5141 or brad_summa@nass.usda.gov.

Sincerely,

Cynthia Clark
Administrator

and appeal under 36 CFR 215. The timeframe for comment on a proposed action shall be based on the date of publication of the legal notice of the proposed action in the newspapers of record identified in this notice. The timeframe for appeal under 36 CFR 215 shall be based on the date of publication of the legal notice of the decision in the newspaper of record identified in this notice.

The newspapers to be used for giving notice of Forest Service decisions in the Alaska Region are as follows:

Alaska Regional Office

Decisions of the Alaska Regional Forester: Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska; and the Anchorage Daily News, published daily in Anchorage, Alaska.

Chugach National Forest

Decisions of the Forest Supervisor and the Glacier and Seward District Rangers: Anchorage Daily News, published daily in Anchorage, Alaska.

Decisions of the Cordova District Ranger: Cordova Times, published weekly in Cordova, Alaska.

Tongass National Forest

Decisions of the Forest Supervisor and the Craig, Ketchikan/Misty, and Thorne Bay District Rangers: Ketchikan Daily News, published daily except Sundays and official holidays in Ketchikan, Alaska.

Decisions of the Admiralty Island National Monument Ranger, the Juneau District Ranger, the Hoonah District Ranger, and the Yakutat District Ranger: Juneau Empire, published daily except

Saturday and official holidays in Juneau, Alaska.

Decisions of the Petersburg District Ranger: Petersburg Pilot, published weekly in Petersburg, Alaska.

Decisions of the Sitka District Ranger: Daily Sitka Sentinel, published daily except Saturday, Sunday, and official holidays in Sitka, Alaska.

Decisions of the Wrangell District Ranger: Wrangell Sentinel, published weekly in Wrangell, Alaska.

Supplemental notices may be published in any newspaper, but the timeframe for making comments or filing appeals will be calculated based upon the date that notices are published in the newspapers of record listed in this notice.

Dated: September 1, 2011.

Beth G. Pendleton,

Regional Forester.

[FR Doc. 2011-24489 Filed 9-27-11; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Suspend the Postharvest Chemical Use Survey and All Associated Reports

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of suspension of data collection and publication.

SUMMARY: This notice announces the intention of the National Agricultural Statistics Service (NASS) to suspend a currently approved information collection, the 2011 Postharvest

Chemical Use Survey, and its associated publication.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-4333, or through the NASS OMB Clearance Officer at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Postharvest Chemical Use Survey.

OMB Control Number: 0535-0218.

Expiration Date of Approval: December 31, 2011.

Type of Request: To suspend a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to conduct surveys in order to prepare national, State, and county estimates of crop and livestock production, disposition, prices, and collect information on related environmental and economic factors. The Postharvest Chemical Use Survey is a part of the NASS chemical use program. This survey is used to collect and publish data on pesticide usage on selected crops after harvesting has been completed. The summarized data is available to other government agencies as well as the public. The surveys contain questions relating to the types of pesticides that are applied to selected crops after harvesting, how the chemicals are applied, when they are applied and how much was applied. Additional pest management practices are also studied. This information can be used when making decisions on food and worker safety issues.

COMMODITIES THAT WERE TARGETED DURING THE PAST 10 YEARS

Year	Crop(s)	Year	Crop(s)
2011	Corn ¹	2006	Oats and Potatoes.
2010	Wheat	2005	Peanuts.
2009	None ²	2004	Oranges.
2008	None ²	2003	Corn and Soybeans.
2007	None ²	2002	Apples and Pears.

¹ Corn, is scheduled for 2011, but the survey will be suspended due to budget cuts.

² In 2007, 2008 and 2009 the Postharvest Chemical Use survey was suspended due to budget cuts.

NASS will suspend this information collection as of September 28, 2011 due to budget constraints. Also, NASS will not publish a Postharvest Chemical Use report in the Spring of 2012 unless there is a change in the anticipated budget shortfall.

Authority: These data were collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by

Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: There will be no further public reporting burden for this collection of information.

Signed at Washington, DC, August 31, 2011.

Joseph T. Reilly,

Associate Administrator.

[FR Doc. 2011-24968 Filed 9-27-11; 8:45 am]

BILLING CODE 3410-20-P



Correspondence Management System

Control Number: AX-11-001-7012

Printing Date: October 12, 2011 03:56:34



Citizen Information

Citizen/Originator: Ballard, Bill

Organization: CBS42

Address: 2075 Golden Crest Drive, P.O. Box 59496, Birmingham, AL 35259

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7012

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 4, 2011

Received Date: Oct 12, 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 citizens we serve want answers to two questions. How far and wide is the contamination? Are the illnesses related to the emissions coming from nearby plants?

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA

Kecia Thornton - OSWER

Linda Huffman - OECA

Michelle Crews - OSWER

OAR - Office of Air and Radiation -- Immediate Office

OEAE - Office of External Affairs and Environmental Education

OECA - OECA -- Immediate Office

OSWER - OSWER -- Immediate Office

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) (5) Personal Privacy	OEX	R4	Oct 12, 2011



REC'D
2011 OCT 12 AM 9:59

OFFICE OF THE
EXECUTIVE SECRETARIAT

October 4, 2011

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

Bill Ballard
President and
General Manager

Dear Ms. Jackson:

I am in receipt of your letter dated September 21, 2011.

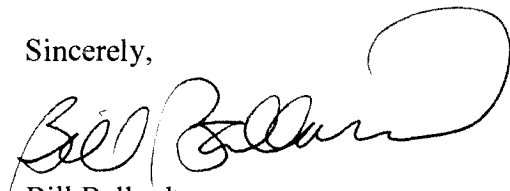
Thank you for your prompt response and for your comments regarding CBS 42's documentary *Deadly Deception*. Since the documentary aired on August 7, 2011, we have received hundreds of requests for DVD's of the program. In addition, our website www.cbs42.com, tracked thousands of page views on the *Deadly Deception* link. When an environmental special can generate such an outpouring of interest, it has obviously struck a chord with the citizens of our community.

We appreciate that both you and Ms. Keyes-Fleming inherited this situation. Recently there does seem to be more action from the EPA, but the men, women and children who have long awaited answers are understandably impatient. To this day many families still have not been given a definitive answer regarding the cause of illnesses that have stricken their families. That situation, coupled with the fact that the EPA has been investigating these issues since 1989, has led to a high level of frustration in the community.

The citizens we serve want answers to two questions. First, how far and wide is the contamination in the air and soil? Second, ~~are the~~ rampant illnesses prevalent in the elderly and children of these communities related to the emissions coming from the nearby plants? No agency, to our knowledge, has performed a study to confirm or deny that assertion despite the obvious need.

In December of this year, CBS 42 plans to air a follow up to the *Deadly Deception* documentary. We look forward to highlighting the progress the EPA has made on this matter.

Sincerely,



Bill Ballard

cc: Gwendolyn Keyes Fleming
Region 4 Administrator



Correspondence Management System

Control Number: AX-11-001-7017

Printing Date: October 12, 2011 05:01:26



Citizen Information

Citizen/Originator: Orgbon, Charles

Organization: Greening Forward

Address: 3430 Enclave Mill Court, Dacula, GA 30019

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7017 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 4, 2011 **Received Date:** Oct 12, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Thank you to the Administrator for letter of appreciation and congratulations on acceptance of PARADE's All-America High School Service Team; Would like to discuss how EPA can become more involved in Greening Forward
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OEAE	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAE	Oct 12, 2011



REC'D

Administrator Lisa P. Jackson
United States Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460-0003

2011 OCT 12 AM 9:58

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson,

Few have the opportunity to be singled-out by one of the most heroic people of the world. Administrator Jackson, thank you for your heart-felt letter of appreciation and congratulations on my acceptance of *PARADE*'s All-America High School Service Team. I have admired your leadership on a number of environmental issues since you took office as the Administrator of the EPA. In fact, I have come to think of your job as my future dream job, thus, making your letter even more special.

I find your leadership on our nation's environmental issues inspirational. I appreciate your efforts on expanding the national conversation on the reality of environmental injustice. I find one of your priorities regarding building tribal and state partnerships very interesting and underpublicized. Greening Forward has worked with the Colville Confederate Tribe in Washington by helping low-income senior citizens weatherize their homes in time for the fall season.

Therefore, I would love to discuss more with you about ways that either you or your staff could become more involved in Greening Forward. If given the opportunity, I would like to share Greening Forward's opportunity for potential board members. I am confident someone in your network of 18,000 environmentally-concerned professionals will find interest in the opportunity to advise our youth-led organization. More information on the opportunity can be found at www.greeningforward.org → Governance → Board of Directors.

Again, thanks for your time and consideration. Your letter alone continues to brighten my days. Please take much care and accept my best wishes. Feel free to contact me at (404) 916-8228 or corgbon@greeningforward.org at any time.

Sincerely,

Charles Orgbon III
CEO, Greening Forward
Student, Mill Creek High School
3430 Enclave Mill Court
Dacula, Georgia 30019



Correspondence Management System

Control Number: AX-11-001-7051

Printing Date: October 12, 2011 04:59:36



Citizen Information

Citizen/Originator: Jones, Elizabeth A.

Organization: Railroad Commission of Texas
Address: 1701 North Congree Avenue Post Office Box 12967, Austin, TX
78711-2967

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7051
Status: Pending
Due Date: Oct 26, 2011
Letter Date: Oct 11, 2011
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Oct 12, 2011
Addressee Org: EPA
Priority Code: Normal
Signature Date: N/A
Subject: Daily Reading File- Railroad Commission of Texas has several concerns related to the implementation of the U.S. Environmental Protection Agency's hydraulic fracturing study.
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
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	ORD	Oct 12, 2011	Oct 26, 2011	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

ELIZABETH AMES JONES, CHAIRMAN
DAVID PORTER, COMMISSIONER
BARRY T. SMITHMAN, COMMISSIONER



RAILROAD COMMISSION OF TEXAS

October 11, 2011

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

Dear Administrator Jackson,

The Railroad Commission of Texas has several concerns related to the implementation of the U.S. Environmental Protection Agency's hydraulic fracturing study.

Specifically, the Commission insists top priority be given to conducting this study using factual research and best scientific practices. The Commission also urges the EPA to understand there may be potential causes of contamination under RRC jurisdiction at exploration and production sites that are completely unrelated to hydraulic fracturing. Finally, the EPA should remember that in the 1980s it awarded primary enforcement responsibility over Texas' oil and gas injection and disposal wells to the Commission. The Commission's Underground Injection Control Program follows national guidelines under the Safe Drinking Water Act and received funding and equipment for implementation from the EPA. It is inappropriate for the EPA to attempt to overreach its authority by undermining the Commission's UIC program.

The Commission is concerned portions of EPA's hydraulic fracturing study will not be an accurate review of the shale drilling and exploration activities in Texas because the sites sampled were not selected based on science or fact, but rather on complaints of contamination from unsatisfied landowners. RRC concern regarding the EPA's lack of factual scientific research is justified given their misguided emergency order issued against Range Resources in Dec. 2010. In that case, the Commission conducted a thorough investigation, one in which the EPA chose not to participate, and found scientific evidence that clearly demonstrated hydraulic fracturing activities did not contribute to contamination of any domestic water wells.

In conducting the hydraulic fracturing study, the EPA must bear in mind that a variety of factors, including surface spills, improperly drilled water wells or insufficient cement casings, have been known to result in communication between gas fields and water wells. However, those incidents are not a result of hydraulic fracturing. The EPA should conduct a study that adequately reflects the scope of hydraulic fracturing in Texas and that does not connect unrelated incidents in a way that would compromise scientific methodology.


The Barnett Shale extends over 24 counties and contains over 15,000 gas wells, more than 3,000 actively permitted gas wells, 180 commercial disposal wells, and over 20,000 water wells. Despite all this activity and a 60-year history in Texas, there has never been a documented case connecting hydraulic fracturing to groundwater pollution.

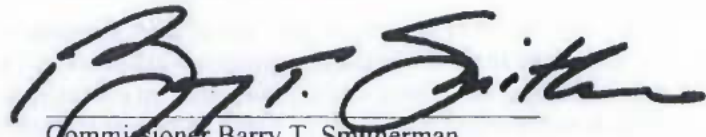
The Commission is the state's primary regulatory agency over Texas' oil and gas industry, exclusively responsible for the prevention and abatement of pollution of surface and subsurface water from oil and gas exploration and production activities, including hydraulic fracturing. If the EPA knows landowners are aware of contaminants on their sites but have not filed a complaint with the Commission, that information must be shared in order to ensure safety and address groundwater concerns. Unfortunately, the EPA continues to demonstrate irresponsible and heavy-handed federal overreach by unnecessarily expanding a national hydraulic fracturing evaluation into an isolated complaint investigation that includes properties never before brought to the state's attention.

As the EPA moves ahead with sampling for its hydraulic fracturing study, the Commission urges the agency to conduct a survey based in science and fact. It is imperative the EPA distinguishes between the practice of hydraulic fracturing and unrelated groundwater concerns. Finally, the Commission must be made aware of contaminants on landowner sites in order to ensure public safety and environmental protection. We place a high value on carrying out our enforcement responsibilities and proper administration of the Underground Injection Control Program. It is not the role of the EPA to withhold pertinent information and jeopardize the citizens of Texas.


RAILROAD COMMISSION OF TEXAS


Chairman Elizabeth Ames Jones


Commissioner David Porter


Commissioner Barry T. Smitherman

ATTEST:


Secretary



Correspondence Management System

Control Number: AX-11-001-7008

Printing Date: October 14, 2011 10:20:48



Citizen Information

Citizen/Originator: Tilghman, Shirley M.

Organization: Princeton University

Address: President's Room, Nassau Hall, Princeton, NJ 08544-0015

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7008

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 4, 2011

Received Date: Oct 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 - Recommendation of the Administrator for the Madison Medal award in 2012;
SCH002-Scheduling Request - Invitation - Acceptance of the Madison Medal award in 2012
on Saturday, February 25, 2012/Public talk in Alexander Hall

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: Event Date: 2/25/12 Location: Princeton University, Nassau Hall, Princeton, NJ Contact:
Shirley Tilghman

CC: OARM - OARM -- Immediate Office

OEAEE - 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	Noah Dubin	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to Noah Dubin	Oct 14, 2011

October 4, 2011

REC'D
2011 OCT 12 AM 9:59
OFFICE OF THE
EXECUTIVE SECRETARIAL

The Honorable Lisa P. Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building, Room 3000
1200 Pennsylvania Avenue, NW
Washington, D. C. 20460-0001

Dear Lisa:

The Selection Committee for the Madison Medal has informed me that you are their unanimous choice to receive the Madison Medal award in 2012. The Madison Medal, as you may know, is presented to an alumnus or alumna of the Graduate School "who has had a distinguished career, who has advanced the cause of graduate education, or who has achieved a record of outstanding public service." I was pleased to receive this recommendation and would be pleased to bestow the Madison Medal on you at the Alumni Day luncheon on Saturday, February 25. The terms of the award stipulate that the recipient must be present to accept it in person, so I do hope that you and Kenneth can be with us to celebrate here in Princeton.

The Madison Medalist, along with the recipient of the Woodrow Wilson Award and student prize winners, is asked to make a brief "response" at the luncheon. In addition, the Office of the Alumni Association would like to invite you to give a public talk in Alexander Hall earlier that morning on a topic of your choice. Traditionally, the Association of Princeton Graduate Alumni also arranges a reception on Saturday evening. While we would not make this information public immediately, we have in recent years followed the practice of announcing the name of the winner a few months in advance of Alumni Day so that members of the University community will know who is to be honored. A member of the staff in the Graduate School will contact you shortly regarding the details of the announcement and arrangements for the weekend. The University will cover your travel and lodging expenses if appropriate.

I hope very much that we will be able to add your name to the list of distinguished alumni of the Graduate School (attached) who have been Madison Medal recipients. I look forward to seeing you in February.

With all good wishes,

Sincerely,


Shirley M. Tilghman

Attachment



Correspondence Management System

Control Number: AX-11-001-7039

Printing Date: October 14, 2011 11:39:47



Citizen Information

Citizen/Originator: Huff, Donald` R.

Organization: Dairyland Power Cooperative

Address: 3200 East Avenue South Post Office Box 817, La Crosse, WI 54602-0217

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7039

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 6, 2011

Received Date: Oct 14, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-Petition for Reconsideration and Request to Stay Final Rule Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals 76 Fed. Reg. 48,208 (Aug. 8, 2011); 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

R5 - Region 5 -- 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	Oct 14, 2011

History

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



October 6, 2011

Honorable Lisa P. Jackson
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave, NW
Washington, DC 20460

**PETITION FOR RECONSIDERATION AND
REQUEST TO STAY THE FINAL RULE ENTITLED
“FEDERAL IMPLEMENTATION PLANS:
INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER
AND OZONE AND CORRECTION OF SIP APPROVALS”**

**Docket No. EPA-HQ-OAR-2009-0491
76 Fed. Reg. 48208, *et seq.*, August 8, 2011**

Pursuant to 5 U.S.C. § 705 and 42 U.S.C. § 7607(d)(7)(B), Dairyland Power Cooperative (“Dairyland”) respectfully requests that the U.S. Environmental Protection Agency (“EPA”) grant reconsideration and an immediate stay of the compliance deadline and effective date of EPA’s Final Rule signed July 6, 2011, titled “Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States, “ 76 Fed. Reg. 48208 *et seq.* (August 8, 2011) (“Cross-State Rule”) as it applies to Wisconsin.

INTRODUCTION

Dairyland hereby endorses and incorporates the legal arguments applicable to Wisconsin utilities made by Wisconsin Public Service Corporation (“WPSC”) in its Amended Petition for Reconsideration (“PFR”) filed on September 30, 2011 (“WPSC

A Touchstone Energy® Cooperative 

PFR”).¹ In addition, Dairyland seeks in this Petition to demonstrate the impracticality of raising an objection to the Final Rule in comments to the Proposed Rule, and how the issues raised are of central relevance to the outcome of the rule.

Given substantial legal and factual problems with the rule, Dairyland asks the EPA to immediately stay the final rule as to Wisconsin and reconsider it.

I. BACKGROUND

The United States Environmental Protection Agency (“EPA”) issued the above-referenced Cross-State Rule under the Clean Air Act (“CAA”) as a replacement for its Clean Air Interstate Rule (“CAIR”). 70 *Fed. Reg.* 25162, *et. seq.*, April 26, 2006. EPA had issued CAIR pursuant to the “good neighbor” provision of the Clean Air Act, § 110(a)(2)(D)(i)(I),² 42 U.S.C. § 7410(a)(2)(D)(i)(I).

A. The North Carolina Decision

On July 11, 2008, The U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) issued an opinion on judicial review of CAIR, in which it found “more than several fatal flaws in the rule.” *North Carolina v. EPA*, 531 F.3d 896, 901 (D.C. Cir. 2008) (*per curiam*). A subsequent December 23, 2008 ruling left CAIR in place until EPA issued a new rule to replace CAIR in accordance with the July 11, 2008 decision.

The fatal flaws cited by the D.C. Circuit included the ability of utilities in upwind states to freely trade emission allowances and to conceivably purchase allowances rather than install any controls, thereby allowing a state to avoid reducing its significant contributions to nearby states. *Id.* at 906-908. The D.C. Circuit held that the “good neighbor” provision requires EPA to “actually require elimination of emissions from sources that contribute significantly and interfere with maintenance in downwind nonattainment areas.” *Id.* at 908.

The D.C. Circuit also found that although EPA’s consideration of cost is allowed in determining whether a state is contributing a “significant” level to downwind

¹ Wisconsin Public Service Corporation Petition for Reconsideration and Request to Stay the Final Rule Entitled “Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone Correction of SIP Approvals,” Docket No. EPA-HQ-OAR-2009-0491, September 23, 2011.

² Citations of the CAA herein are to the Act, not the U.S. Code.



Correspondence Management System

Control Number: AX-11-001-7045

Printing Date: October 14, 2011 06:57:05



Citizen Information

Citizen/Originator: McCombs, Richard

Organization: MBA Polymers

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7045 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 22, 2011 **Received Date:** Oct 12, 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- Appreciate your sincere interest in helping MBA Polymers. We do need EPA to reconsider its position regarding the limit of PCB's.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OAR - Office of Air and Radiation -- Immediate Office
OCSP - OCSP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
ORD - Office of Research and Development -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

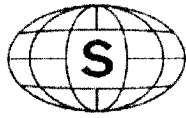
Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OSWER	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Oct 13, 2011
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 13, 2011

Schnitzer



September 22, 2011

Ms. Lisa Jackson

Administrator

Environmental Protection Agency

Dear Ms. Jackson:

I enjoyed meeting you last Thursday for the lunch arranged by Jared Blumenfeld. I hope that you enjoy Friedman's book and the reference to MBA Polymers and Mike Biddle.

As I mentioned during the lunch, we are asking the EPA to reexamine its position that plastics recovered from the recycling of automobile shredder residue (ASR) that contain more than 2 ppm PCB cannot be used or distributed in commerce under the current regulations. I mentioned that we just finished building a \$40 million ASR plastics recycling plant in the UK which will employ almost 100 persons. EPA should be able, without a lengthy and costly rulemaking that will discourage investment, to agree with the UK and Europe and allow the distribution and use of plastics that contain up to 50 ppm PCB that are recovered from ASR (50 ppm is the level EPA has for decades used as its regulatory threshold, and is accepted worldwide through the Stockholm Convention on POPs).

In documents given to Jared at the lunch, I refer to the work that ISRI did on this subject to show that:

- 1) There are between 1 and 2 million metric tons of ASR which can be recycled instead of land filled
- 2) By Recycling ASR, more than 20,000 green jobs will be created within the United States
- 3) By Recycling ASR, fewer natural resources such as non-renewable fossil fuels are consumed
 - a. Recycled plastics require less than 20% of the energy to produce virgin plastic
 - b. Between 1 and 3 tons of CO₂ is saved from entering the atmosphere for every ton of virgin plastic replaced by recycled plastic
- 4) The recycling industry and legislators in other parts of the world believe that processing ASR is safe and the automotive industry is eager to re-use this material.
- 5) Our domestic automotive industry would benefit from having sources of plastics not tied to oil and this would help them better compete with European and Asian automotive companies who

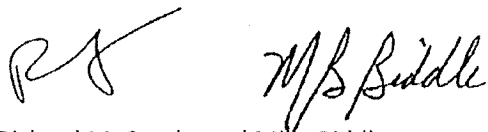
enjoy access to such sources of material and the associated cost, resource security and green marketing benefits.

- 6) Processing even 1 million mt of ASR could generate over 9,000 new jobs and require over \$700 million of capital expenditures

I also mentioned that Schnitzer Steel Industries, one of the leading metal recyclers in the US, and MBA Polymers are ready to immediately prepare a feasibility study to build an ASR recycling facility in the US if EPA can increase the PCB limit to a more reasonable level.

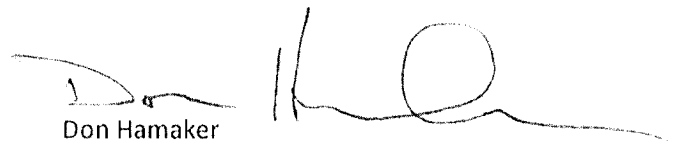
Schnitzer and MBA believe that the EPA is the unique position to make a real contribution to the US job growth and the best part is that it won't require congressional action (or as Thomas Friedman says: "the paralysis of the American political system")

Gary Schnitzer and I believe that this is a real opportunity to re-examine the EPA's position on this. We would be pleased to provide more information about this issue and meet with you and your staff to explain what our proposal might mean for new job growth in the US.



Richard McCombs and Mike Biddle

MBA Polymers, Inc.



Don Hamaker

Schnitzer Steel Industries



Correspondence Management System

Control Number: AX-11-001-7117

Printing Date: October 13, 2011 04:33:23



Citizen Information

Citizen/Originator: Darcy, Jo-Ellen

Organization: Department of the Army
Address: 108 Army Pentagon, Washington, DC 20310

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7117 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 28, 2011 **# of Extensions:** 0
Letter Date: Oct 3, 2011 **Received Date:** Oct 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: DRF - U.S. Army Corps of Engineers deep draft navigation study for the Savannah Harbor Expansion, Georgia
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
OEAAE - Office of External Affairs and Environmental Education
OSWER - OSWER -- Immediate Office
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R4	Oct 13, 2011	Oct 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.			



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

OCT 03 2011

RECORDED

2011 OCT 13 AM 9:39

OFFICE OF THE
EXECUTIVE SECRETARIAT

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

Dear Administrator Jackson:

I am writing regarding the U.S. Army Corps of Engineers deep draft navigation study for the Savannah Harbor Expansion, Georgia. A deepening project for the Savannah River channel was conditionally authorized by Congress in Section 101(b)(9) of the Water Resources Development Act of 1999. This authorization required that the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency (EPA) and the Secretary of the Army all approve the selected plan and determine that the associated mitigation plan would adequately address the potential environmental impacts of the project. To facilitate this approval process, I am requesting that the Corps brief you on the draft plan and associated mitigation and obtain your approval. Please advise me if you have designated, or will designate, an Environmental Protection Agency representative to approve the plan.

Last week, the Corps briefed me on the final aspects of the mitigation plan which I believe will result in approval of the project by Interior, Commerce, and EPA. The project is consistent with the Administration's goals for sustainable National economic development and environmental protection. I believe that the plan released in the draft Environmental Impact Statement (EIS) last November has been sufficiently modified to fully comply with all of the requests of the Interior, Commerce, and EPA. I am now able to fully support the draft plan which would include the deepening of the existing channel to 47 feet; mitigation for potential wetland, water quality, and fisheries impacts; and up to 10 years of post-construction monitoring and adaptive management.

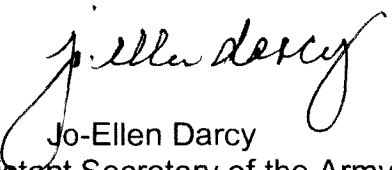
As the Corps moves to complete the final report and the final EIS, they will be seeking our approval of the draft plan. In order to move forward expeditiously, Major General Todd Semonite, Commander of the South Atlantic Division, will schedule visits with the Interior, Commerce, and EPA agency representatives within the next 30 days, to brief the draft plan and the details of the associated mitigation plan to you or your designated representative. As a result of this briefing, it is my hope that you or your designated representative will approve the draft plan. Based on your approval, the Corps will proceed to finalize and process the report.

Following approval of the draft plan and the associated mitigation by Interior, Commerce and EPA, the Corps will convene a Civil Works Review Board (CWRB). The CWRB briefing is the Corps corporate checkpoint for determining that the final decision documents and the proposed report of the Chief of Engineers are ready to release for

State and Agency review as required by the Flood Control Act of 1944, as amended, and final review required by the National Environmental Policy Act. You or your designated representative will be invited to attend the CWRB.

I look forward to our continued partnership as this project moves through the Office of Management and Budget and to Congress for re-authorization. Thank you for your interest and support of the Army's Civil Works program. I am sending an identical letter to Acting Secretary Blank and Secretary Salazar, and a copy to Ms. Gwendolyn Keyes Fleming of your Regional Office in Atlanta, Georgia.

Very truly yours,



Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)

CF: Ms. Gwendolyn Keyes Fleming



Correspondence Management System

Control Number: AX-11-001-7123

Printing Date: October 13, 2011 04:28:29



Citizen Information

Citizen/Originator: Delgado, Deborah

Organization: City of Hattiesburg, MS

Address: P.O. Box 1898, Hattiesburg, MS 39403

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7123

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 6, 2011

Received Date: Oct 13, 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 express my sincere appreciation for the continuing support your agency provides to the Hattiesburg community in our effort to create a safe environment for our citizens.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA

OCIR - Office of Congressional and Intergovernmental Relations

OEAE - Office of External Affairs and Environmental Education

OECA - OECA -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R4	Oct 13, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Oct 13, 2011



Mayor

Johnny L. DuPree, Ph.D.

Council - Ward 1

Kim Bradley

Council - Ward 2

Deborah Denard Delgado

Council - Ward 3

Carter Carroll

Council - Ward 4

Dave J. Ware, II

Council - Ward 5

Henry Naylor

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

Gwen Keyes-Fleming
USEPA REGION 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

REC'D
2011 OCT 13 AM 9:38
OFFICE OF THE
EXECUTIVE SECRETARIAT

October 6, 2011

Dear Ms. Jackson and Ms Keyes-Fleming,

I am writing to express my sincere appreciation for the continuing support your agency provides to the Hattiesburg community in our effort to create a safe environment for our citizens.

Your contribution to the recent listening session sponsored by the Mobile Bouie Neighborhood Association and the North Main Historic Neighborhood Association concerning the Hercules site was tremendous. While the airing of such issues may uncover concerns about the transparency of the effort, we have faith in the genuine nature of your work to protect the health and safety of the community.

These two neighborhood associations have worked for years to protect the residents of the area, and now are assisting in making sure that the Hercules site becomes a healthy addition to the neighborhood. Further, they are committed to making sure that Hattiesburg is made whole in the event of a negative finding at and around that site. They are representative of the people impacted by the site and are capable of continuing to serve in that capacity.

I would like to see the Environmental Justice representative who presented at the meeting continue to be a part of the dialogue in reaching the best solution for the community. Her input and experience seem to be a good fit for our circumstances here in Hattiesburg.

As City Councilwoman for the area, I appreciate the vigilance of MDEQ throughout this process and trust that, with the help of EPA, we will be able to transform this industrial site to a healthy addition to Hattiesburg's landscape.

Sincerely,

Deborah Denard Delgado
Councilwoman Ward 2



Correspondence Management System

Control Number: AX-11-001-7125

Printing Date: October 14, 2011 11:16:42



Citizen Information

Citizen/Originator: Mills, Karen G.

Organization: United States Small Business Administration
Address: 409 3rd S.W., Washington, D.C. 20416

Jarrett, H. M.

Organization: United States Department of Justice
Address: 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7125 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 28, 2011 **Received Date:** Oct 14, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: N/A **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-On September 27, 2010, the President signed into law the Small Business Jobs Act of 2010 (SBJA). It amended the Small Business Act (Act) to enhance DOJ's ability to prosecute individuals and small business concerns (SBC) that commit fraud when seeking contracts, subcontracts, grants, cooperative agreements, or cooperative research and development agreements that are set-aside, reserved, or intended for award to SBC
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	OSBP	Oct 14, 2011



U.S. SMALL BUSINESS ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE



September 28, 2011

Administrator Lisa P. Jackson
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington DC 20460

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT 13 AM 9:38

RECORDED

Dear Administrator Jackson:

On behalf of the U.S. Department of Justice (DOJ) and the U.S. Small Business Administration we wish to make you aware of powerful new tools available across the Government to ensure integrity in Federal procurements involving small business.

On September 27, 2010, the President signed into law the Small Business Jobs Act of 2010 (SBJA). It amended the Small Business Act (Act) to enhance DOJ's ability to prosecute individuals and small business concerns (SBC) that commit fraud when seeking contracts, subcontracts, grants, cooperative agreements, or cooperative research and development agreements that are set-aside, reserved, or intended for award to SBCs.

The SBJA established a presumption of loss to the United States equal to the total amount expended on a contract (or other vehicle) whenever a concern willfully seeks and receives an award intended for SBCs by misrepresentation. Second, any submission of a bid or proposal for an award intended for SBCs is now deemed to be an affirmative, knowing, and intentional certification of small business size or status. Third, the statute requires the signature of an authorized official on the same page where the concern represents its size and status (15 U.S.C. § 632(w)). In addition to these new provisions, the Act already provided that misrepresentation of size or status may result in a fine of up to \$500,000 or imprisonment for not more than 10 years, or both, along with program fraud civil remedies (31 U.S.C. § 3801-3812), and/or suspension or debarment (15 U.S.C. § 645(d)).

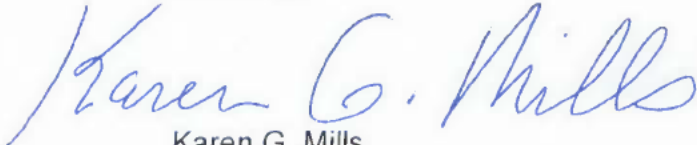
The DOJ will, as appropriate, include the above guidance in its legal resources on prosecuting small business size and status fraud. We encourage your agency's contracting personnel and Office of Inspector General to investigate and pursue vigorously small business fraud. DOJ is also sending this letter to all of the United States Attorneys around the country urging them to consider carefully for prosecution referrals of small business fraud.

Administrator Lisa P. Jackson

Page 2

We hope the SBJA will be of great assistance to your agency in preserving the integrity and continued viability of small business programs. We thank you for your assistance and support in this most important matter.

Sincerely,



Karen G. Mills

Administrator

U.S. Small Business Administration



H. Marshall Jarrett

Director, Executive Office

for the United States attorney

U.S. Department of Justice

CC:

Chief Acquisition Officer

Senior Procurement Executive

Director, Office of Small and Disadvantaged Business Utilization

Inspector General



Correspondence Management System

Control Number: AX-11-001-7134

Printing Date: October 13, 2011 04:49:05



Citizen Information

Citizen/Originator: Sammons, Johnny

Organization: City of Lakeport, Texas

Address: 207 Milam Road, Longview, TX 75603

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7134

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: Oct 27, 2011

of Extensions: 0

Letter Date: Sep 26, 2011

Received Date: Oct 13, 2011

Addressee: POTUS-President of the United States

Addressee Org: White House

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- EPA 's proposed three-year implementation schedule is too short and does not adequately take into account the unprecedented number of controls that will need to be installed in our region and across the country, at nearly the same time

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
(b) (6) Personal Privacy	OEX	OAR	Oct 13, 2011	Oct 27, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					
Sabrina Hamilton	OAR	OAR-OAQPS	Oct 13, 2011	Oct 25, 2011	N/A
Instruction: OAQPS - Prepare response for the signature of Steven Page, Director of the Office of Air Quality Planning and Standards (OAQPS).					

Supporting Information

Supporting Author: N/A

CITY OF LAKEPORT

207 Milam Road ■ Longview, TX 75603 ■ Telephone: 903.643.2562 ■ Fax: 903.643.9187 ■ E-mail: lakeport.secretary@att.net

September 26, 2011

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

Dear Mr. President:

I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants. As the Mayor of the City of Lakeport, I strongly urge the Administration to utilize all of the flexibility tools it has available under the Clean Air Act and to provide utilities with greater compliance flexibility.

As you know, EPA is required to finalize the Utility MACT by November 16. I am concerned that the final rule, unless it is modified, could negatively impact the City of Lakeport and my constituents at a time when we are making every effort possible to create new jobs and restore economic growth. These facilities will be required to be in compliance with the new standards within three years of the rule's effective date, which is impractical, resulting in premature plant closures and unnecessary rate hikes to our citizens.

I believe EPA's proposed three-year implementation schedule is too short and does not adequately take into account the unprecedented number of controls that will need to be installed in our region and across the country, at nearly the same time. EPA can and should extend the compliance deadline for one additional year for all units that are installing new pollution control equipment; that are being replaced or repowered; or whose closure requires expanded transmission capacity for reliability purposes. Such an extension would give utilities more flexibility and would be in line with Executive Order 13563 that states regulations "must promote predictability and reduce uncertainty."

Your Administration has many available tools under the CAA when implementing the utility MACT and we encourage you to use them all, including, in appropriate circumstances, the Presidential exemption provisions. I hope that you will agree that additional implementation flexibility will improve the rule and will minimize the compliance costs for customers, reduce regulatory uncertainty, and help to protect electric reliability, while still achieving the desired emissions reductions.

Thank you for your personal attention to this matter.

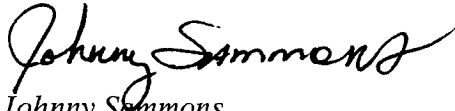
EXECUTIVE SECRETARIAT

OFFICE OF THE

2011 OCT 13 AM 9:37

RECEIVED

Sincerely,

A handwritten signature in black ink, reading "Johnny Simmons". The signature is fluid and cursive, with the first name "Johnny" and last name "Simmons" clearly distinguishable.

*Johnny Simmons
Mayor, City of Lakeport*



Correspondence Management System

Control Number: AX-11-001-7146

Printing Date: October 13, 2011 04:03:35



Citizen Information

Citizen/Originator: Wilson, Sacoby

Organization: University of Maryland, Maryland Institute for Applied Environmental Health
Address: 2234D School of Public Health Building, 255 Valley Drive, College Park, MD 20742

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7146 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 12, 2011 **Received Date:** Oct 13, 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_167_a Transitory Files Record copy
Subject: DRF - Invitation to APHA Environment Section 100th Anniversary Gala, Monday, October 31st; SCH002-Scheduling Request - Invitation- Speak at APHA Environment Section 100th Anniversary Gala Celebration, Monday, October 31st from 6:30 pm to 10 pm
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: Event Date: 10/31/11 Location: Washington, DC Contact: Sacoby Wilson, (202) 777-2742, swilson2@umd.edu
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	Noah Dubin	Oct 13, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to Noah Dubin	Oct 13, 2011

RECEIVED

2011 OCT 13 AM 9:43

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 10/12/2011 09:53 PM
From Sacoby Wilson <swilson2@umd.edu>
To LisaP Jackson/DC/USEPA/US@EPA
cc "white.sherry@epamail.epa.gov" <white.sherry@epamail.epa.gov>
Subject Invitation to APHA Environment Section 100th Anniversary Gala, Monday, October 31st

Message Body

Hi Administrator Jackson,

Please see attached invitation. I apologize for the short notice. I originally sent the invitation to Dru Ealons back in June. We spoke briefly about this at the MOU signing between EPA and Alpha Phi Alpha Fraternity, Inc a few weeks ago.

Thanks and take care,

Sacoby Wilson, PhD, MS
Assistant Professor
Maryland Institute for Applied Environmental Health
University of Maryland
2234D School of Public Health Building
255 Valley Drive
College Park, MD 20742

Phone Number: 301-405-3136
Email address: swilson2@umd.edu

Chair, Alpha Goes Green Initiative
Alpha Phi Alpha Fraternity, Inc.

Chair, Environment Section
American Public Health Association

Senior Fellow, Environmental Leadership Program



Board, Community-Campus Partnerships for Health ENV Letter- L. Jackson_v2.doc

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:



American Public Health Association

Protect, Prevent, Live Well

800 I Street, N.W. • Washington, DC 20001-3710

(202) 777-APHA • Fax: (202) 777-2534 • comments@apha.org • www.apha.org

Dear Administrator Jackson,

This fall, the American Public Health Association's Environment Section will celebrate its 100th anniversary at the Association's Annual Meeting, October 29 – November 3, 2011 in Washington DC! The Section is planning a series of special events to commemorate the 100 year milestone, including a special social event -- the 100th Anniversary Gala Celebration. The celebration will be used as an opportunity to leverage hard won achievements in environmental health over the past 100 years and connect these successes to the environmental health policy challenges of today and tomorrow. As a Federal Government leader in Environmental Health, we would like to invite you to attend our special 100th Anniversary Gala Celebration on the evening of Monday, October 31 from 6:30 pm to 10 pm, and offer you the opportunity to provide some brief remarks to the Section at this special event. We would like for you to talk for five minutes about 100 years of achievement of environmental health, what you see as current, emerging, and future challenges, highlight important programs and initiatives, discuss your vision for environmental health for the next 100 years, and what we can do as public health leaders to improve environmental quality, eliminate disparities, empower communities, and protect the public's health.

The Environment Section's social events serve to cement the relationships made among our far flung membership in its organizing and topic committees over the course of the year. The events serve as a networking function and focal point for students and new members to meet the Section's long-term members and leaders. This year, we anticipate that over 200 APHA leaders and section members will attend our special Gala Celebration to help commemorate the 100th Anniversary of the Section. We hope to bring the top environmental health leaders in the United States to participate in the Section's 100th anniversary events at the 2011 Annual Meeting.

In addition to The Gala Celebration, we are also planning several other projects to help mark the Section's 100th anniversary, including development of a video project that will showcase what environmental health is and how it benefits us all; and development of a 100-year chronology and history of environmental health, which will highlight "heroes and milestones" as a way to recognize the leaders and key events that helped shape environmental health over the past century.

We hope you will be able to join us on October 31st to help us celebrate 100 years of environmental health successes through APHA! If you would like to make a short 5 minute presentation to the Section at the Gala Celebration, we would appreciate your affirmative response by October 19th.

Thanks for your time and leadership!

Sincerely,

Sacoby Wilson, PhD
Chair, Environment Section



Correspondence Management System

Control Number: AX-11-001-7148

Printing Date: October 14, 2011 10:27:43



Citizen Information

Citizen/Originator: Evans, Linda

Organization: UMWA District 17
Address: 2306 South Fayette Street, Beckley, WV 25801

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7148 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 12, 2011 **Received Date:** Oct 14, 2011
Addressee: POTUS-President of the United States **Addressee Org:** White House
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- EPA Electric Utility Regulations
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	Oct 14, 2011

History

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

October 11, 2011

President Barack H. Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Re: EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of the 370 members of UMWA District 17, Local 5997 because we are concerned about the loss of coal mining jobs due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants. We believe that the recently issued Transport Rule for reducing utility emissions of NOx and SO2 will compound the risk of job losses at a time of high coalfield unemployment and weak growth prospects.

The Transport Rule's deadlines are simply not feasible. Utilities cannot reasonably be expected to retrofit controls by 2012. Many plants will not have time to retrofit scrubbers by the second phase deadline of January 1, 2014. We hope that you will request EPA to grant the petitions for an administrative stay and reconsideration of this rule.

Providing additional time for compliance with EPA's MACT and Transport rules would increase the number of coal-based generating units that are upgraded with retrofit controls, increasing construction jobs and reducing unemployment due to coal market disruptions and plant closures.

The UMWA knows from experience that cap-and-trade regulations like the Transport Rule can inflict unacceptably large job losses due to fuel-switching. More than 30,000 mining jobs were lost under the 1990 acid rain program, as production shifted from eastern to western mines. We see little opportunity to meet the stringent reductions of the Transport Rule without large-scale fuel-switching. We particularly object to the rule's emission allocation scheme that severely penalizes many well-controlled plants equipped with SO2 scrubbers and advanced NOx emission controls.

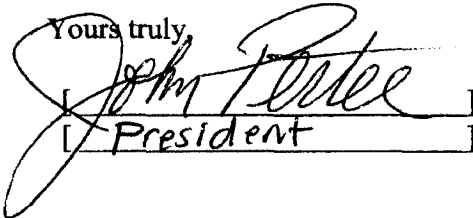
Hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits proposed last March. Job losses would occur in economically-depressed areas already suffering from high unemployment. Worse, the MACT rule would preclude the construction of state-of-the-art new coal plants because of the stringency of its proposed emission limits for mercury and other air toxics.

A UMWA analysis indicates that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and rail transport may be at risk of near-term closure. Our estimates are confirmed by preliminary studies by the Federal Energy Regulatory Commission. FERC staff estimate that up to 81,000 Megawatts of coal-based capacity could be lost due to pending EPA regulations.

EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. This is the most expensive utility rule ever proposed by EPA, and the agency should ask the court for additional time to develop a final rule.

Finally, we are asking that you use your authority under the Clean Air Act to provide at least a two-year extension of the three-year compliance deadline for MACT. Providing more time to install controls at more than 1,000 units impacted by this rule is critical given the 4-5 year lead time for retrofitting scrubbers at powerplants.

Thank you for your consideration of our concerns.

Yours truly,

[Signature] Name
[President] Title

cc: Hon. William M. Daley
Hon. Stephen Chu
Hon. Lisa P. Jackson
Hon. Cass R. Sunstein
Richard L. Trumka
Cecil E. Roberts

October [11], 2011

President Barack H. Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Re: EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of the [106] members of UMWA District 17, Local [492] because we are concerned about the loss of coal mining jobs due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants. We believe that the recently issued Transport Rule for reducing utility emissions of NOx and SO2 will compound the risk of job losses at a time of high coalfield unemployment and weak growth prospects.

The Transport Rule's deadlines are simply not feasible. Utilities cannot reasonably be expected to retrofit controls by 2012. Many plants will not have time to retrofit scrubbers by the second phase deadline of January 1, 2014. We hope that you will request EPA to grant the petitions for an administrative stay and reconsideration of this rule.

Providing additional time for compliance with EPA's MACT and Transport rules would increase the number of coal-based generating units that are upgraded with retrofit controls, increasing construction jobs and reducing unemployment due to coal market disruptions and plant closures.

The UMWA knows from experience that cap-and-trade regulations like the Transport Rule can inflict unacceptably large job losses due to fuel-switching. More than 30,000 mining jobs were lost under the 1990 acid rain program, as production shifted from eastern to western mines. We see little opportunity to meet the stringent reductions of the Transport Rule without large-scale fuel-switching. We particularly object to the rule's emission allocation scheme that severely penalizes many well-controlled plants equipped with SO2 scrubbers and advanced NOx emission controls.

Hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits proposed last March. Job losses would occur in economically-depressed areas already suffering from high unemployment. Worse, the MACT rule would preclude the construction of state-of-the-art new coal plants because of the stringency of its proposed emission limits for mercury and other air toxics.

A UMWA analysis indicates that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and rail transport may be at risk of near-term closure. Our estimates are confirmed by preliminary studies by the Federal Energy Regulatory Commission. FERC staff estimate that up to 81,000 Megawatts of coal-based capacity could be lost due to pending EPA regulations.

EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. This is the most expensive utility rule ever proposed by EPA, and the agency should ask the court for additional time to develop a final rule.

Finally, we are asking that you use your authority under the Clean Air Act to provide at least a two-year extension of the three-year compliance deadline for MACT. Providing more time to install controls at more than 1,000 units impacted by this rule is critical given the 4-5 year lead time for retrofitting scrubbers at powerplants.

Thank you for your consideration of our concerns.

Yours truly,

<u>Brenda Mason</u>	Name
<u>President</u>	Title

cc: Hon. William M. Daley
Hon. Stephen Chu
Hon. Lisa P. Jackson
Hon. Cass R. Sunstein
Richard L. Trumka
Cecil E. Roberts



Correspondence Management System

Control Number: AX-11-001-7161

Printing Date: October 14, 2011 09:02:27



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-11-001-7161
Status: For Your Information
Due Date: N/A
Letter Date: Oct 11, 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 October 3, 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: Oct 13, 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	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Oct 14, 2011
(b) (6) Personal Privacy	OEX	Control Taken Over	Oct 14, 2011
(b) (6) Personal Privacy	OEX	Forward control to OITA	Oct 14, 2011



United States Department of State

Washington, D.C. 20520

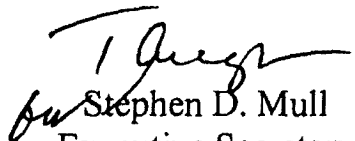
October 11, 2011

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR NATHAN D. TIBBITS
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

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


Stephen D. Mull
Executive Secretary

Attachment:
As stated.

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

October 11, 2011

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Oct 3-28	UNGA First (Disarmament and International Security) Committee, New York
Oct 9-13	Association of Southeast Asian Nations (ASEAN) Ministerial Meeting on Transnational Crimes (AMMTC), Bali
Oct 9-12*	Visit of Prime Minister Luksic of Montenegro to Washington
Oct 10-11	Summit on the Global Agenda 2011, Abu Dhabi
Oct 10-11	International Forum for a Nuclear-Free World, Astana
Oct 11	Presidential and Legislative Elections in Liberia
Oct 11-12*	Visit of Foreign Minister Dipu Moni of Bangladesh to Washington
Oct 12-13	Ad Hoc East Asia Summit Senior Officials Meetings, Bali
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

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

Oct 14-15	G-20 Finance Ministerial, Paris
Oct 15-21	U.S.-Russia Technical Experts Talks, Moscow
Oct 15	Legislative Elections in Oman
Oct 16-17	Asia-Pacific Economic Cooperation (APEC) Workshop on Terrorist Abuse of Non-Profit Organizations, Kuala Lumpur
Oct 17-18	International Congress on Energy Security, Geneva
Oct 17-21	International Atomic Energy Agency (IAEA) International Conference on the Safe and Secure Transport of Radioactive Materials, Vienna
Oct 17-20	7th UN Educational, Scientific and Cultural Organization (UNESCO) Youth Forum, Paris
Oct 17-19	Organization for Security and Cooperation in Europe (OSCE) Economic and Environmental Dimension Implementation Meeting, Vienna
Oct 18-22	Association of Southeast Asian Nations (ASEAN) Defense Ministers' Meeting (ADMM) Retreat, Bali
Oct 18-19	International Energy Agency (IEA) Governing Board and Management Committee Ministerial-Level Meeting, Paris

LOOKING FORWARD

Oct 20*	Visit of Prime Minister Stoltenberg of Norway to Washington
Oct 21-23	World Economic Forum on the Middle East, Dead Sea, Jordan
Oct 23	Presidential Elections in Bulgaria
Oct 23	Presidential and Legislative Elections in Argentina

Oct 23	Legislative Elections in Tunisia (Snap)
Oct 24-28	International Telecommunication Union (ITU) Telecom World 2011, Geneva
Oct 24-26*	Visit of Prime Minister Lerner of Peru to Washington
Oct 27	Presidential Elections in Ireland
Oct 27*	Visit of Prime Minister Necas of Czech Republic to Washington
Oct 27-28	123rd Session of the Steering Committee for Nuclear Energy, Nuclear Energy Agency, Paris
Oct 28*	Visit of Foreign Minister Lambrinidis of Greece to Washington
Oct 30	Presidential Elections in Kyrgyzstan
Oct 31*	U.S.-Indonesia Higher Education Summit, Washington
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 5-6	Presidential Elections in Guatemala-2nd Round
Nov 5-6	Presidential Elections in Guatemala-2nd Round

Nov 7-9	Asia-Pacific Economic Cooperation (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
Nov 10-11	17th Meeting of the Heads of State and Government of the South Asian Association for Regional Cooperation (SAARC), Addu City
Nov 10	3rd International Space Exploration Conference/High-Level International Space Exploration Meeting, Lucca
Nov 11	Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu
Nov 12-13	19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu
Nov 13-15	India Economic Summit, Mumbai
Nov 13	North American Leaders Summit (NALS), Honolulu
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 14-20	Global Entrepreneurship Week
Nov 14-15* (T)	Visit of Foreign Minister Westerwelle of Germany to Washington
Nov 15-19	Visit of President Obama to Australia to Commemorate the 60th Anniversary of the U.S.-Australia Alliance and Indonesia for the East Asia Summit
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	10th 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
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 28 (T)	Parliamentary Elections in Egypt--State One
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 9	Ministerial Conference on Internet Freedom, The Hague
Dec 10	Presidential Inauguration in Argentina
Dec 11 (T)	Parliamentary Elections in Cote d'Ivoire
Dec 12-19	World Trade Organization (WTO) Ministerial Conference, Geneva
Dec 14	Parliamentary Elections in Egypt-Stage 2
2012 Jan 3	Parliamentary Elections in Egypt-Stage 3

Jan 16-19	5th World Future Energy Summit, Abu Dhabi
Jan 16	Presidential Inauguration in Liberia
Jan 22	Presidential Elections in Finland-1st Round
Jan 22	Legislative Elections in Egypt-1st Round
Jan 23 - Feb 17	World Radiocommunications Conference 2012 (WRC-12), Geneva
Jan 25-29	World Economic Forum Annual Meeting, Davos-Klosters
Feb 3-5	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 26	Presidential Elections in Senegal
Feb 27-28	Mobile World Conference, Barcelona
Mar TBD	Presidential Elections in Egypt
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 Iran
Apr 14-15	6th Summit of the Americas, Cartagena
Apr 22	Presidential Elections in France-1st Round
May 6	Presidential Elections in France-2nd Round
May 15-22	NATO/G-8 Summits, Chicago
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 Association of Southeast Asian Nations (ASEAN) Regional Forum, Phnom Penh
Jul 27 - Aug 12	XXX Summer Olympic Games, London
Aug 14	Presidential Elections in Kenya-1st Round
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 7	Presidential Elections in Venezuela
Oct 8	Legislative Elections in Slovenia
Oct 28	Parliamentary Elections in Ukraine
Nov 18-20 (T)	21st Annual Association of Southeast Asian Nations (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-11-001-7210

Printing Date: October 14, 2011 01:53:00



Citizen Information

Citizen/Originator: Hill-Davis, Ariel

Organization: Energy and Resources, Human Resources Policy

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7210

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 31, 2011

of Extensions: 0

Letter Date: Oct 7, 2011

Received Date: Oct 14, 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 - Comments on the application of Tribal Ordinance to Nonmember and Non-Indian Fee Lands at a Superfund Site

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

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA

Kecia Thornton - OSWER

Michelle Crews - OSWER

OEAEE - Office of External Affairs and Environmental Education

OITA - Office of International and Tribal Affairs

OSWER - OSWER -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R5	Oct 14, 2011	Oct 31, 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.			

October 7, 2011

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

RE: EPA Attempts to Apply Tribal Ordinance to Nonmember and Non-Indian Fee Lands at a Superfund Site

Dear Administrator Jackson:

We are writing to express our concern about the U.S. Environmental Protection Agency's (EPA's) recent proposal to apply tribal environmental requirements to non-tribal member businesses and individuals performing Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) cleanups on non-Indian fee lands within the boundaries of tribal reservations.

Our organizations represent select industries and the overall manufacturing sector, which are directly affected by the regulations that EPA enforces at CERCLA sites. The scope, cost and complexity of addressing Superfund issues are staggering, and it is critically important that remedies be based on sound science, practical solutions, and a unified approach to avoid conflicting or inconsistent standards under federal or state law.

Our members have substantial interest in regulatory actions that affect non-Indian fee lands within the boundaries of tribal reservations. It is our understanding that a proposed decision relating to the St. Regis Paper Company Superfund Site (St. Regis Site) in Minnesota would seek to enforce a tribal ordinance on non-members on non-Indian fee lands contrary to the statutory authority set forth in CERCLA and the right to protection from enforcement of tribal ordinances on these lands recognized by the U.S. Supreme Court in *Montana v. United States*, 450 U.S. 544 (1981). Given the potential broad precedential effect of such an action, we ask you to review this proposed decision and ensure that any final decision is consistent with CERCLA and *Montana v. United States*.

At the St. Regis Site, it appears that EPA has concluded that the Leech Lake Band of Ojibwe Hazardous Substance Control Act ordinance (Tribal Ordinance) is a legally applicable or relevant and appropriate requirement (ARAR) for purposes of CERCLA Section 121. As a result, EPA has recommended a cleanup based on the Ordinance's 10 ppt dioxin level -- which appears to approximate background levels -- resulting in a proposed remedy with projected costs of more than \$45 million. This stands in contrast to various alternatives considered by EPA that were based on a site-specific risk assessment performed under EPA direction where the cleanup levels for dioxin were in the range of 63-380 ppt, resulting in projected costs in the range of \$10-22 million. It also is inconsistent with recent EPA approval of other cleanup and redevelopment at sites in Minnesota.

EPA Region V's decision raises two significant and troubling issues. First, tribal standards are not authorized ARARs under CERCLA. Second, tribal standards cannot be selected as ARARs governing nonmembers' cleanup of non-Indian fee land. Accordingly, we believe that EPA Region V has erred in deciding to subject the St. Regis Site to the Tribal Ordinance cleanup levels.

The Tribal Ordinance Is Not an ARAR

CERCLA directs EPA to select ARARs for site cleanup. CERCLA Section 121(d) specifically identifies the two types of standards that EPA may select as an ARAR: (1) "any standard, requirement, criteria, or limitation *under any Federal environmental law...*" or (2) "any promulgated standard, requirement, criteria, or limitation *under a State environmental or facility siting law* that is more stringent than any Federal standard, requirement, criteria or limitation . . ." (emphasis added).

A tribal standard is neither a "Federal" nor a "State" standard, and thus, cannot be selected as an ARAR. CERCLA Section 101 clearly defines "State" as not including Indian tribes; indeed, Congress separately defined "Indian tribe" in the same section. While CERCLA Section 126 treats tribes as states for specific purposes, it does not make tribes "States" for purposes of selecting ARARs.

The Tribal Ordinance Is Not Legally Applicable to Non-Tribal Members or Non-Indian Fee Lands

Even if tribal ordinances could be counted as "State" standards, EPA could select them as ARARs only if they are "legally applicable." Under the well-settled *Montana* framework for determining tribal authority over nonmembers, the Tribal Ordinance is not "legally applicable" to the St. Regis Site or to the non-tribal members cleaning it up.

Since *Montana v. United States*, federal law has protected non-tribal members from being subjected to tribal law. Given *Montana's* general proposition that the inherent sovereign powers of an Indian tribe do not extend to the activities of non-tribal members, efforts by a tribe to regulate nonmembers, especially on non-Indian fee land, are presumptively invalid." *Plains Commerce Bank v. Long*, 128 S. Ct. 2709 (2008) (internal citations and quotation marks omitted). "The burden rests on the tribe to establish one of the exceptions to *Montana's* general rule that would allow an extension of tribal authority to regulate nonmembers on non-Indian fee land." *Id.*

Our understanding of the St. Regis Site is that almost all of the land to be cleaned up is non-Indian fee land, and all of the entities responsible for the cleanup are non-tribal members. Therefore, *Montana* presumptively forbids application of the Tribal Ordinance, and we are aware of no effort by EPA or the Tribe to document that one of the limited exceptions applies.

EPA Must Reconsider Its Proposal to Apply the Tribal Ordinance to Nonmember Land

Our members have property and operations located within the boundaries of Indian reservations. EPA's proposed decision to select the Tribal Ordinance as an ARAR for the St. Regis Site would set a precedent that our members view as inconsistent with CERCLA and other federal law. Accordingly, we object to the proposed determination by EPA and urge EPA to reconsider and propose an alternative based on the site-specific risk assessment in accordance with CERCLA. EPA cannot and should not extend tribal jurisdiction to cleanup activity done by non-tribal members on non-Indian fee land within a reservation.

We would appreciate your prompt review of this matter.

Sincerely,

National Association of Manufacturers
American Forest and Paper Association
Association of American Railroads
Minnesota Chamber of Commerce

Cc:
Assistant Attorney Ignacia S. Morena, U.S. Department of Justice



Correspondence Management System

Control Number: AX-11-001-7217

Printing Date: October 14, 2011 02:51:45



Citizen Information

Citizen/Originator: Marek, Doug

Organization: City of Ames, Iowa

Address: 515 Clark Avenue, P.O. Box 811, Ames, IA 50010

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7217 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 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 - City of Ames, Iowa - Petition for Reconsideration of the Cross State Air Pollution Rule
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
OP - Office of Policy
R7 - Region 7 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

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

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

**PETITION FOR RECONSIDERATION
OF THE CROSS STATE AIR POLLUTION RULE: "FEDERAL IMPLEMENTATION
PLANS: INTERSTATE TRANSPORT OF FINE PARTICULATE MATTER AND
OZONE AND CORRECTION OF SIP APPROVALS"
76 FED. REG. 48208 (AUGUST 8, 2011)**

Docket EPA-HQ-OAR-2009-0491

Submitted On Behalf of the City of Ames, Iowa By:

Douglas Marek, City Attorney
City of Ames, Iowa
515 Clark Avenue
P.O. Box 811
Ames, Iowa 50010
(515) 239-5146
dmarek@city.ames.ia.us

October 7, 2011

October 7, 2011

Via Electronic Mail and Docket

EPA-HQ-OAR-2009--0491

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

RE: Petition For Reconsideration and Stay of The Cross State Air Pollution Rule: "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals;" 76 Fed. Reg. 48208 (August 8, 2011)

Dear Administrator Jackson:

On behalf of the City of Ames, Iowa and its residents, and pursuant to Clean Air Act Section 307(d)(7)(B), 42 U.S.C. §7607(d)(7)(B), and section 705(b) of the Administrative Procedures Act (APA), 5 U.S.C. § 705b), the City of Ames, Iowa petitions you to reconsider the allocation of allowances for Nitrogen Oxides (NO_x) for the City of Ames, Iowa's public power plant set forth "Federal Implementation Plans: Interstate Transport Of Fine Particulate Matter And Ozone And Correction Of SIP Approvals;" 76 Fed. Reg. 48208 (August 8, 2011). The City of Ames also requests that you stay the final Cross State Air Pollution Rule pending revisions of the allocations and other aspects of the rule.

The final rule presents new information on which the City and the public have had no opportunity to comment.¹ The NO_x allocations in the final rule for the City of Ames are insufficient to operate the City's electric power plant, and are drastically reduced from the proposed allocation of NO_x allowances. There is no explanation in the rule for why the City's allowances were so drastically reduced. Further, the time line for compliance with the Cross State Air Pollution Rule provides no opportunity to design, much less implement the public bidding process to install new NO_x controls. Moreover, there do not appear to be available allocations for other utilities to operate as they have historically, thus providing no avenues for acquiring additional allowances. Finally, the City of Ames does not have infrastructure or access to adequate supplies of alternative fuels like natural gas or other sources of electric power with existing transmission lines to provide alternative compliance strategies to meet the rule's January 1, 2012 applicability date.

By this letter, the City of Ames also is notifying you that it has filed a judicial Petition for Review of the Cross State Air Pollution Rule in the U.S. Court of Appeals for the District of

¹ The City of Ames submitted comments on the proposed revisions to the Clean Air Interstate Rule. EPA-HQ-OAR-2009-0491-2769



Correspondence Management System

Control Number: AX-11-001-7223

Printing Date: October 14, 2011 03:38:07



Citizen Information

Citizen/Originator: Konev, Anton

Organization: Albany Common Council
Address: 268 Washington Avenue, Apt. 1E, Albany, NY 12203

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7223 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 13, 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 Resolution Passed Albany Common Council
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
R1 - Region 1 -- Immediate Office
R2 - Region 2 -- 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	Oct 14, 2011

History

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

Message Information

Date 10/07/2011 03:16 PM
From Anton Konev <konevforcouncil@gmail.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Resolution Passed Albany Common Council

RECEIVED
2011 OCT 13 PM 12:56
OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Body

Dear Administrator Jackson:

Please allow me to submit the text of a resolution that recently passed Albany Common Council. Original is in mail to your Washington DC office. Thank you very much for all EPA is doing on this and other issues.

On October 3rd, Albany Common Council (City of Albany, New York) passed with 13 yes votes a resolution I sponsored. It was co-sponsored by several of my colleagues: Ordinance 74.101.11R Co-Sponsors are Bailey, Golby, Calsolaro, Freeman and Sano.

- Anton Konev
Councilman, 11th ward, City of Albany
cell: 518-330-5269

Council Member Konev introduced the following:

Resolution Number 74.101.11R (As amended prior to introduction)

**RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL OPPOSING
H.R.2250/S.1392 THAT EXEMPTS NEARLY 185,000 FACILITIES FROM ALL
INCINERATION STANDARDS UNDER THE CLEAN AIR ACT**

**AND URGING ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR LISA
P. JACKSON TO SUPPORT REDUCING GREENHOUSE GAS POLLUTION UNDER
THE CLEAN AIR ACT**

WHEREAS, H.R. 2250/S.1392 is federal legislation that seeks to exempt nearly 185,000 facilities from any incineration standards under the Clean Air Act. It is expected that the full

House will vote in October, and

WHEREAS, this legislation would give polluters a permanent exemption to burn scrap tires, plastics, spent chemicals and solvents and other wastes without any requirements to control, monitor or report their toxic pollution. It would also delay important Clean Air Act safeguards for boilers and incinerators. H.R. 2250 would undermine public health protections as well as efforts to address Environmental Justice and community right-to-know concerns, and

WHEREAS, air pollution has been linked to a number of public health threats and can lead to respiratory illness, heart disease and premature death. Low-income communities and communities of color will especially suffer because of their proximity to the industrial facilities that generate and burn these wastes. There is much at stake in weakening or delaying the protective measures the Clean Air Act provides, and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs by many times and, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, the decade from 2000 to 2010 was the warmest on record, and 2005 and 2010 tied for the hottest years on record and the current level of CO₂ in the atmosphere is approximately 392 parts per million; and

WHEREAS, the current international pledges to address the climate crisis are so weak that they could result in 770 ppm CO₂ by 2106, a concentration of CO₂ incompatible with human life as we know it. There is a growing consensus among researchers that reducing atmospheric concentrations of CO₂ to 350 ppm or below as soon as possible is needed to avoid risking catastrophic and irreversible climate change; and

WHEREAS, according to the Global Humanitarian Forum climate change is already responsible every year for some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion; and

WHEREAS, extreme weather events are striking with increased frequency, with deadly consequences for people and wildlife;

WHEREAS, climate change is threatening food security as crop growth and yields diminish and droughts, floods and changes in snow pack depth are disrupting water supplies; and

WHEREAS, the world's ice is rapidly melting threatening water supplies, raising sea levels, and jeopardizing ice-dependent animals like the polar bear and walrus so severely that Arctic summer sea ice is half the area and thickness it was several decades ago, alpine glaciers are in near-global retreat, and the giant Greenland and west Antarctic ice sheets are melting at an accelerating pace; and

WHEREAS, according to *Scientific American* , sea level is rising faster along the U.S. East Coast than it has for at least 2,000 years, and is accelerating in pace, threatening coastal wildlife and the 40 percent of the world's population that lives within 60 miles of the coast; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the acid gases that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts vs. EPA* (2007) that greenhouse gases are “air pollutants” as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the Clean Air Act can work immediately to curb greenhouse gas pollution without new climate legislation or in conjunction with new climate

Legislation; and

WHEREAS, the City of Albany prides itself on being a leader in the fight against climate change and for clean air.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany expresses its opposition to H.R 2250/S.1392 and urges all federal legislators to work towards its defeat; and

BE IT FURTHER RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places but rather climate change is happening now, we are causing it, and the longer we wait to act, the more we lose and the more difficult the problem will be to solve; and we, the Common Council of the City of Albany do hereby urge the administrator of the Environmental Protection Agency, Lisa P. Jackson, and President Barack Obama to move swiftly to fully employ and enforce the Clean Air Act to help prevent climate change; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Albany requests that the Clerk of this Council forward copies of this resolution to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



Correspondence Management System

Control Number: AX-11-001-7241

Printing Date: October 14, 2011 12:04:52



Citizen Information

Citizen/Originator: Vinyard, Herschel T.

Organization: Florida Department of Environmental Protection
Address: 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7241 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 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-Petition for Reconsideration and Request to Stay Final Rule Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals 76 Fed. Reg. 48,208 (Aug. 8, 2011); 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
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

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



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

October 7, 2011

Via U.S. Mail and filed electronically at regulations.gov

Ms. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest
Washington, DC 24060

Re: Petition for Reconsideration and Request to Stay Final Rule
Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and
Ozone and Correction of SIP Approvals
76 Fed. Reg. 48,208 (Aug. 8, 2011); EPA-HQ-OAR-2009-0491

Dear Ms. Jackson:

The Florida Department of Environmental Protection (Department) respectfully requests that the United States Environmental Protection Agency (EPA) convene a proceeding under Section 307(d) of the Clean Air Act to reconsider its Cross-State Air Pollution Rule (Rule) and stay the effectiveness of the Rule pending reconsideration. Alternatively, the Department requests that EPA postpone the effective date of the Rule pursuant to Section 705 of the Administrative Procedure Act, pending review of the Rule by the U.S. Court of Appeals for the District of Columbia Circuit.

The Department understands the underlying purpose of the Rule, i.e., to protect downwind states' air quality by curbing emissions of precursor pollutants in upwind states. The Department supports the achievement of this purpose through the orderly implementation of well-considered regulations that are thoroughly developed and do not impede the nation's economy. The Rule's unanswered questions regarding Florida's projected downwind contribution to Texas and statewide heat input estimation suggest that the Rule may have some fundamental flaws. In addition, the Rule's rapid compliance deadline poses a threat to Florida's economy and the reliability of Florida's electrical power grid.

As you know, the version of the Rule that was issued as final was drastically different than earlier versions of the rule (proposed Rule). For example, the proposed Rule concluded that Florida had a significant downwind contribution to particulate matter (PM) nonattainment areas in Alabama and Georgia. The Rule on the other hand finds that Florida does not significantly contribute PM in Alabama and Georgia, but instead contributes to ozone season pollution in Texas. Moreover, Florida's ozone season nitrogen dioxide (NOx)

RECEIVED
2011 OCT 14 AM 7:46
OFFICE OF THE
EXECUTIVE SECRETARIAT

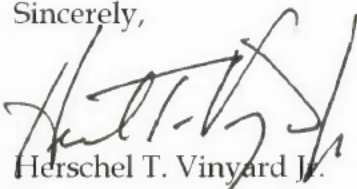
budget in the final Rule is less than half of the budget in proposed Rule. This profound change requires more than a 25 percent reduction in emissions as compared to actual 2010 emissions. To make matters worse, this 25 percent reduction must be achieved in a mere seven months. These drastic differences between the proposed and final Rule effectively circumvented (1) the right for the public to provide meaningful and insightful comments to the final Rule and (2) the ability for Florida businesses to plan for compliance with the final Rule. These losses can only be addressed by your reconsideration and stay of the final Rule. The Department raised this very issue to EPA in its official comment letter dated January 31, of this year, when we urged EPA to re-propose the rule so as "to allow states and other affected entities the opportunity to comment on the reanalysis prior to any final agency action."

The temporary reconsideration of the Rule would not result in uncontrolled downwind pollution if EPA's existing transport rule - the Clean Air Interstate Rule (CAIR) - remains in place. There is no question that CAIR has been very effective in reducing Florida's NOx emissions. Since 2005, when CAIR became law, Florida sources have reduced NOx emissions by approximately 64 percent or over 65,000 tons during the ozone season. Moreover, as several additional CAIR-related pollution control projects are completed, the State is likely to see further reductions in ozone season NOx emissions. For example, new Selective Catalytic Reduction (SCR) systems at Gulf Power's Crist Unit 6 and the Orlando Utilities Commission's Stanton Unit 1 are on pace for an orderly construction and startup, and extremely low emitting, natural gas-fueled combined cycle generating units are under construction in place of residual oil-fueled units at the Florida Power and Light's Cape Canaveral and Riviera plants.

In summary, because the Department has been afforded very little time to evaluate the final Rule which impacts Florida in a significantly different manner than did the proposed Rule, and because the compliance deadline is a mere seven months away, the Department is concerned that Florida's businesses may not be able to meet this new environmental responsibility without comprising the electrical system reliability. Additional time will provide the Department with an opportunity to adequately evaluate compliance options, review and approve any necessary physical and operational plant improvements, develop necessary markets for NOx allocations, and resolve any ensuing transmission constraints on the electrical grid.

For these reasons, the Department requests that EPA reconsider the Rule and stay the Rule's effectiveness.

Sincerely,

A handwritten signature in black ink, appearing to read "Herschel T. Vinyard Jr.", written over a horizontal line.

Herschel T. Vinyard Jr.
Secretary



Correspondence Management System

Control Number: AX-11-001-7247

Printing Date: October 14, 2011 02:53:12



Citizen Information

Citizen/Originator: Moroney, Matt

Organization: Wisconsin Department of Natural Resources
Address: 101 S. Webster Street, Box 7921, Madison, WI 53707-7921

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7247 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 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 - Request for Reconsideration of the Cross State Air Pollution Rule
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
R5 - Region 5 -- 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:

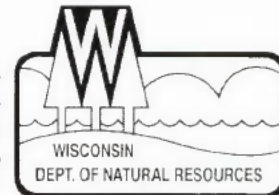
Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

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

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



October 7, 2011

Ms. Lisa P. Jackson, Administrator
Office of the Administrator
Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Ave, NW
Washington, DC 20460

RECEIVED
2011 OCT 14 AM 7:39
OFFICE OF THE
EXECUTIVE SECRETARIAT

Subject: Request for Reconsideration of the Cross State Air Pollution Rule

Dear Administrator Jackson:

The Wisconsin Department of Natural Resources, on behalf of the State of Wisconsin, is respectfully submitting a request for EPA to reconsider the recently finalized Cross State Air Pollution Rule (CSAPR). Wisconsin strongly supports addressing the transport of air pollutants between states. However, in essence, we are highly concerned that Wisconsin electric utilities will not be able to comply with CSAPR in the manner and at cost levels EPA anticipates. As we understand it some of this result is due to both factual errors and new information with respect to the technical basis used in finalizing the rule. Further, we feel the approach taken in defining each state's emission reduction responsibility does not directly or equitably address those emissions actually contributing to attainment and maintenance issues. The result is a higher cost for Wisconsin and perhaps a higher cost in total under CSAPR for achieving the goal of attaining and maintaining air quality standards.

It is critical that EPA and states take the time necessary for additional review of the CSAPR requirements. This consideration is warranted as CSAPR will have significant cost impacts to the citizens of Wisconsin. Therefore, I ask EPA to carefully consider our request for reconsideration. If you have any questions regarding this matter, please feel free to contact Mr. Bill Baumann, Director, Bureau of Air Management at (608) 267-7542 or william.baumann@wisconsin.gov for any needed discussion or clarifications.

Sincerely,

Matt Moroney, Deputy Secretary
Wisconsin Department of Natural Resources

cc. Pat Stevens, Administrator, Division of Air and Waste, WDNR
Bill Baumann, Director, Bureau of Air Management, WDNR
Thomas Dawson, Wisconsin Department of Justice
Ms. Meg Victor, Clean Air Markets Division, USEPA
Ms. Sonja Rodman, Office of General Counsel, USEPA



Correspondence Management System

Control Number: AX-11-001-7312

Printing Date: October 14, 2011 02:50:24



Citizen Information

Citizen/Originator: Beneby, Doyle N.

Organization: CPS Energy

Address: 145 Navarro, P.O. Box 1771, San Antonio, TX 78296

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7312 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 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 - Letter from CPS Energy re: Additional Cross State Air Pollution Rule Allocations
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
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	Oct 14, 2011

History

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



October 7, 2011

Ms. Lisa P. Jackson, Administrator
Environmental Protection Agency
401 M St SW
Washington, DC 20460

Re: Additional Cross State Air Pollution Rule Allocations

Dear Administrator Jackson:

Over the past several years, CPS Energy and the City of San Antonio have embarked on a path to aggressively reduce our carbon footprint through a robust renewable portfolio, a significant energy efficiency program, and a planned reduction to our coal fleet. I had the pleasure of presenting our plan during your visit to St. Phillips College earlier this year. Also, as you may recall, you provided CPS Energy a complementary quote regarding our New Energy Economy announcement in June, and our plan to escalate the retirement date for two large un-scrubbed coal units to 2018. Through these steps we are on a path to comply with future EPA regulations. However, until CPS Energy can obtain additional sources of renewable generation and further improve its energy efficiency programs and smart grid technology, we must continue to rely on our fossil fuel units to bridge us to the future.

We want to let you know that CPS Energy is filing a Petition for Reconsideration to the EPA to request an increase of allowances for our new Spruce 2 plant so the allowances would be representative of a full operating year. Spruce 2 is state-of-the-art and one of the cleanest coal plants in the nation. Even if the EPA grants the additional allowances for Spruce 2, and despite using ultra-low sulfur coal at our Deely units, which reduces our emissions by up to 30%, CPS Energy is still short approximately 3,000 tons of SO₂ for 2012 under the final rule. After an initial review of today's proposed revisions to the final rule, we support the increase of allocation to Texas, which significantly reduces the financial impact to our customers from Deely's SO₂ shortfall.

Lastly, please note that CPS Energy has not and does not plan to join the litigation surrounding the CSAPR program by filing a Petition for Review.

Thank you for your consideration of this issue. Please call me at 210-353-4158 if you have any questions.

Sincerely,



Doyle N. Beneby

President and Chief Executive Officer

cc: Joe Goffman, Air Policy Senior Counsel, US EPA
Cass Sunstein, Administrator, Office of Information and Regulatory Affairs



Correspondence Management System

Control Number: AX-11-001-7147

Printing Date: October 14, 2011 03:04:29



Citizen Information

Citizen/Originator: Borut, Donald J

Organization: National League of Cities
Address: 1301 Pennsylvania Avenue, N.W., Washington, DC 20004-1763

Weaver, Robert C

Organization: Kelly & Weaver
Address: 1601 Connecticut Avenue, NW, Washington, DC 20009

Constituent: N/A

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

Control Information

Control Number:	AX-11-001-7147	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Oct 11, 2011	Received Date:	Oct 14, 2011
Addressee:	DA-Deputy Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	N/A	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File-On behalf of the 19,000 cities and towns represented by the National League of Cities (NLC), I am writing to express our support for the purposes of the Water Quality Protection and Job Creation Act of 201 1, which include authorizing appropriations for state water pollution control revolving funds and establishing a new sewer overflow control grant for municipalities.		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OEAE - Office of External Affairs and Environmental Education OP - Office of Policy R4 - Region 4 -- Immediate Office R5 - Region 5 -- Immediate Office 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



Correspondence Management System

Control Number: AX-11-001-7147

Printing Date: October 14, 2011 03:04:29



Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Oct 14, 2011

History

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

Comments

Commentator	Comment	Date
No Record Found.		

NATIONAL LEAGUE of CITIES

2011 Officers

President

James E. Mitchell, Jr.
Council Member
Charlotte, North Carolina

First Vice President

Ted Ellis
Mayor
Bluffton, Indiana

Second Vice President

Marie Lopez Rogers
Mayor
Avondale, Arizona

Immediate Past President

Ronald O. Loveridge
Mayor
Riverside, California

Executive Director

Donald J. Borut

October 11, 2011

The Honorable Timothy H. Bishop
Ranking Member
Water Resources and Environment Subcommittee
U.S. House of Representatives
306 Cannon House Office Building
Washington, DC 20515

The Honorable Nick J. Rahall II
Ranking Member
Transportation and Infrastructure
Committee
U.S. House of Representatives
2307 Rayburn House Office Building
Washington, DC 20515

The Honorable Steven C. LaTourette
U.S. House of Representatives
2371 Rayburn House Office Building
Washington, DC 20515

The Honorable Tom Petri
Chair, Aviation Subcommittee
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Bishop, Ranking Member Rahall, Representative LaTourette and Chairman Petri:

On behalf of the 19,000 cities and towns represented by the National League of Cities (NLC), I am writing to express our support for the purposes of the Water Quality Protection and Job Creation Act of 2011, which include authorizing appropriations for state water pollution control revolving funds and establishing a new sewer overflow control grant for municipalities.

NLC is a strong supporter of the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Loan Fund (SRF). The Clean Water SRF, along with the Drinking Water SRF, are integral tools used by our communities for providing clean, drinkable, and swimmable water to the American people. Additionally, a new grant program for municipalities to carry out projects to control municipal combined sewer overflows and sanitary sewer overflows will aid in pollution control and help protect our nation's water resources.

As you know, despite the fact that local governments fund 95 to 98 percent of all water and wastewater infrastructure investment, the needs in our communities continue to grow according to EPA surveys. The EPA's most recent Clean Watersheds Needs Survey indicates that the 20 year investment needed to upgrade our nation's total wastewater and stormwater management infrastructure to meet the water quality goals set in the Clean Water Act to be \$298.1 billion. And, according to our studies, these investment levels are actually an underestimate given the advancing age of our infrastructure, the burden of unfunded federal regulatory mandates, and factors not yet known as a result of our changing climate.

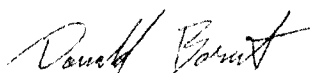


The Honorable Timothy H. Bishop
The Honorable Nick J. Rahall II
The Honorable Steven C. LaTourette
The Honorable Tom Petri
October 11, 2011
Page Two

Accordingly, local governments need a reliable, long-term source of substantial capital for municipal water infrastructure systems to help close the gap between current expenditures and anticipated needs to enhance and maintain critical water infrastructure in our communities.

In closing, you should know that local governments remain committed to meeting the growing water infrastructure needs in our communities. We hope the federal government remains committed to being a full partner in this important endeavor. Because the nation's cities are working to improve aging infrastructure, meet federal regulatory requirements, create and retain jobs, and foster a climate of economic growth in our communities, a federal investment in our nation's infrastructure is essential. We look forward to working with you on a long-term solution to our nation's water infrastructure needs.

Very truly yours,



Donald J. Borut
Executive Director





Correspondence Management System

Control Number: AX-11-001-7211

Printing Date: October 17, 2011 12:46:15



Citizen Information

Citizen/Originator: Hood, Darryl B.

Organization: Department of Neuroscience and Pharmacology MeHarry Medical College
Address: 1161 21st Ave S # D3300, Nashville, TN 37208

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7211
Status: For Your Information
Due Date: N/A
Letter Date: Oct 7, 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- I just felt compelled to convey to you that my research group here at Meharry Medical College is extremely proud of the job that you are doing at the EPA.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
ORD - Office of Research and Development -- 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	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 17, 2011

Message Information

Date 10/07/2011 11:19 AM
From "Hood, Darryl B." <dhood@mmc.edu>
To LisaP Jackson/DC/USEPA/US@EPA
cc "SAB_Staff@EPA.epa.gov" <SAB_Staff@EPA.epa.gov>
Subject Just a note of thanks from the disproportionately impacted...

2011 OCT 13 PM 12:58

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Body



Department of Neuroscience and Pharmacology
Environmental-Health Disparities and Medicine
Center for Molecular and Behavioral Neuroscience

October 7, 2011

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

Administrator Jackson,

I was recently in New York the week of September 27, 2011 speaking to second year law students at Fordham University in a series entitled "*The Law and Neuroscience*." The seminar series examines a variety of cutting-edge, at times controversial, linkages between law and neuroscience ranging from the legal implications of neuro-imaging to preventing environmental injustice in disproportionately impacted minority communities from coal-fired electrical power plants (see attached file). Leading experts from around the country- come and discuss their work with law students showing them how discoveries in neuroscience intersect with legal policy decision-making. I spoke on the latter topic above.

The fight, struggle, difficulties, trials and tribulations that you are currently enduring were highlighted in my presentation. The law students were so moved by the presentation and efforts of the EPA in this regard. I just felt compelled to convey to you that my research group here at Meharry Medical College is extremely proud of the job that you are doing at the EPA. Please, please hang in there and continue to fight-the-fight so that we can continue to contribute to the database to address: why low income and medically underserved populations that work, reside, attend school, and play in environmentally contaminated neighborhoods have disproportionate adverse health outcomes.

Best regards,
Darryl B. Hood, Ph.D.
Professor

Department of Neuroscience and Pharmacology
Initiative for Environmental-Health Disparities and Medicine <http://envirottox.mmc.edu>
Center for Molecular and Behavioral Neuroscience
Meharry Medical College
615.327.6358(Office)
dhood@mmc.edu

and

Adjunct Associate Professor
Department of Pharmacology
The Brain Institute
Vanderbilt University School of Medicine
Nashville, TN 37208
615.327.6632 (FAX)
darryl.b.hood@vanderbilt.edu

From: Nugent.Angela@epamail.epa.gov [mailto:Nugent.Angela@epamail.epa.gov] **On Behalf Of**
SAB_Staff@epamail.epa.gov
Sent: Tuesday, October 04, 2011 1:15 PM
To: Angela_Nugent/DC/USEPA/US@EPA.epa.gov
Subject: EPA SAB/CASAC/Council Monthly Update: October, 2011

If you cannot read this Update, you can [Click Here](#) to view it on the Web

Monthly Update from the SAB Staff Office October 4, 2011

For the most up-to-date-information, consult the Web sites below:
www.epa.gov/sab | www.epa.gov/casac | www.epa.gov/advisorycouncilcaa

Advice provided last month

- Review of EPA's Draft National-Scale Mercury Risk Assessment, EAP-SAB-11-017 [More information...](#)
- Review of EPA's Draft Oil Spill Research Strategy, EPA-SAB-11-016 [More information...](#)
- Review of EPA's Photochemical Assessment Monitoring Stations (PAMS) Network Re-engineering Project , EPA-CASAC-11-010 [More information...](#)
- SAB Evaluation of the Effectiveness of Partial Lead Service Line Replacements, EPA-SAB-11-015 [More inform...](#)

Administrator's response(s) received to the following reports

- SAB Review of EPA's Draft Hydraulic Fracturing Study Plan, EPA-SAB-11-012 [More information...](#)
- Review of EPA Draft Documents on Monitoring and Methods for Oxides of Nitrogen (NOx) and Sulfur (SOx), EPA-CASAC-11-006 [More information...](#)

Meetings this month

Blueprint for Communicating Risk and Preventing Environmental Injustice

Shereitte C. Stokes IV, MPH, MIAD, PhD

Darryl B. Hood, PhD

Jeanne Zokovitch, JD, MES

Fran T. Close, PhD

Abstract: Toxic environmental emissions have the potential to harm already susceptible populations living in close proximity to industries with pollutant emissions such as coal-fired electrical power plants. The organized dissemination of information in communities that find themselves susceptible to occupation by industries with pollutant emissions is a crucial step in the long and arduous process of preventing such harm. Here, we present a blueprint that can be used by community organizations to prevent industries that pollute the environment from locating in communities that are already disproportionately exposed to pollution (referred to here as *environmental justice communities*). We base this blueprint on a specific case in Taylor County, Florida, where the steps outlined successfully prevented the Taylor Energy Center (TEC) consortium from obtaining the necessary permits for the operation of a proposed coal-fired electrical power plant, thereby minimizing the risks of additional toxicant exposure to the affected community.

Key words: Toxic emissions, polycyclic aromatic hydrocarbons, benzo(a)pyrene, environmental justice, risk communication, coal-fired electrical power plant, community-based participatory research, susceptibility-exposure paradigm, community-based organization, health disparities.

There are legitimate concerns regarding the deleterious effects upon human health and welfare caused by exposure to emissions from coal-fired electrical power plants. Environmental contaminants and pollutants emitted as a result of the combustion of fossil fuels include, but are not limited to, polycyclic aromatic hydrocarbons (PAHs), sulfur dioxide (SO₂), oxides of nitrogen (NO_x), carbon monoxide (CO), ozone (O₃), volatile organic compounds (VOCs), heavy metals and particulates. Exposure to such pollutants can lead to adverse effects on the respiratory, cardiovascular, nervous, urinary and digestive systems, as well as on the developing fetus.¹⁻⁵ As mentioned above,

DR. STOKES is affiliated with Florida A&M University (Environmental Sciences Institute) in Tallahassee, where **DR. CLOSE** is also affiliated (College of Pharmacy and Pharmaceutical Sciences). **MS. ZOKOVITCH** is affiliated with WildLaw, A Nonprofit Environmental Law Firm in St. Petersburg, Florida. **DR. HOOD** is affiliated with Meharry Medical College. Please address correspondence to Dr. Hood at Meharry Medical College, Neurobiology and Neurotoxicology, 1005 D.B. Todd Blvd., Ctr. for Molecular and Behavioral Neuroscience, Nashville, TN 37208; (615) 327-6358; dhoo@mmc.edu.



Correspondence Management System

Control Number: AX-11-001-7309

Printing Date: October 17, 2011 02:57:33



Citizen Information

Citizen/Originator: Johnston, Matthew

Organization: Chesapeake Research Consortium
Address: 645 Contees Wharf Road PO Box 28, Edgewater, MD 21037

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7309
Status: For Your Information
Due Date: N/A
Letter Date: Oct 7, 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: DRF - STAC Evaluation of the Effectiveness of SAV Restoration Approaches in the Chesapeake Bay

Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Oct 17, 2011
Addressee Org: EPA
Priority Code: Normal
Signature Date: N/A

Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: cc sent to Jeff Corbin via lotus notes (jl)
CC: Lawrence Elworth - AO-IO
OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R3	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R3	Oct 17, 2011

<steve.giordano@noaa.gov>; Ted Graham <tgraham@mwkog.org>; Tim Wilke
<twilke@chesapeakebay.net>; Todd Haymore
<todd.haymore@governor.virginia.gov>; "Tom Grizzard (grizzard@vt.edu)"
<grizzard@vt.edu>; "Tom Simpson (tsimpson@umd.edu)"
<tsimpson@umd.edu>; "Troy Hartley (thartley@vims.edu)"
<thartley@vims.edu>; "Verna Harrison (vharrison@campbellfoundation.org)"
<vharrison@campbellfoundation.org>; "Victoria Kilbert
(vkilbert@chesapeakebay.net)" <vkilbert@chesapeakebay.net>; Vincent Gray
<eom@dc.gov>; Ann Regn <amregn@deq.virginia.gov>; Bruce Vogt
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Bennett<heather_bennett@nps.gov>; Jack Bricker
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Larry Merrill/R3/USEPA/US@EPA; Lee Karrh <lkarrh@dnr.state.md.us>; Leo
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<melanie_steinkamp@fws.gov>; Michael Helfrich
<lowsusriver@hotmail.com>; Mike Slattery
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<shannon.sprague@noaa.gov>; Stephen Earsom <steve.earsom@dot.gov>;
Tanya Spano <tspano@mwkog.org>; Thomas O'Connell
<toconnell@dnr.state.md.us>

cc

Subject STAC Evaluation of the Effectiveness of SAV Restoration Approaches in the
Chesapeake Bay

Message Body

Dear STAC members and interested parties,

Please see the attached report titled, "Evaluation of the Effectiveness of SAV Restoration Approaches in the Chesapeake Bay." This report details the findings of a STAC independent, scientific review of the Chesapeake Bay Program's SAV restoration efforts. This review was requested by the Chesapeake Bay Program's SAV Workgroup. You can learn more about this review by visiting the review's website at: <http://www.chesapeake.org/OldStac/savrestreview.html>.

Thank you for your continued interest in sound science for the Chesapeake Bay.

Matthew Johnston
STAC Coordinator
Chesapeake Research Consortium
645 Contees Wharf Rd.
P.O. Box 28
Edgewater, MD 21037
Work: 410-798-1283
Fax: 410-798-0816

About the Scientific and Technical Advisory Committee

The Scientific and Technical Advisory Committee (STAC) provides scientific and technical guidance to the Chesapeake Bay Program on measures to restore and protect the Chesapeake Bay. As an advisory committee, STAC reports periodically to the Implementation Committee and annually to the Executive Council. Since its creation in December 1984, STAC has worked to enhance scientific communication and outreach throughout the Chesapeake Bay watershed and beyond. STAC provides scientific and technical advice in various ways, including (1) technical reports and papers, (2) discussion groups, (3) assistance in organizing merit reviews of CBP programs and projects, (4) technical conferences and workshops, and (5) service by STAC members on CBP subcommittees and workgroups. In addition, STAC has the mechanisms in place that will allow STAC to hold meetings, workshops, and reviews in rapid response to CBP subcommittee and workgroup requests for scientific and technical input. This will allow STAC to provide the CBP subcommittees and workgroups with information and support needed as specific issues arise while working towards meeting the goals outlined in the Chesapeake 2000 agreement. STAC also acts proactively to bring the most recent scientific information to the Bay Program and its partners. For additional information about STAC, please visit the STAC website at www.chesapeake.org/stac.

Publication Date:

October 7, 2011

Publication Number:

11-03

Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

STAC Administrative Support Provided by:

Chesapeake Research Consortium, Inc.

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EXECUTIVE SUMMARY

Submerged aquatic vegetation (SAV) has declined dramatically in the Chesapeake Bay and worldwide, largely as a result of stress from poor water quality. In response, the Chesapeake Bay Program established a goal of achieving 185,000 acres of SAV bay wide, recognizing that this level of restoration would be dependent upon improved water quality. As part of this restoration strategy, the Bay Program set a goal of “direct restoration” of 1000 acres of SAV via planting of whole plants or seeds in areas of historic beds, with the expectation that these restored beds would help to “kick-start” broader expansion of SAV beds. Years after establishing these goals, results have fallen far short of the original targets. Consequently, STAC was requested to conduct a review of the effectiveness of direct SAV restoration efforts, evaluate the efficacy of the direct restoration strategy for accelerating broader SAV recovery and, if appropriate, provide guidance on how to improve the restoration efforts.

To accomplish these tasks a committee comprised of STAC members and SAV experts from outside the region reviewed published and unpublished data provided by the Bay’s SAV Workgroup. The committee considered the success of these restoration efforts on several levels: (i) operational success (progress towards 1000-acre goal), (ii) functional success (persistence and spread of planted beds and performance of SAV ecosystem functions), and (iii) programmatic success (knowledge gained towards achieving restoration goals). The review committee evaluated program techniques, such as site selection, planting, monitoring and the implementation of adaptive management. It also considered the overall effectiveness of the direct restoration approach towards meeting the larger goal of restoring 185,000 acres of SAV. Finally, the committee made recommendations related to techniques, program evaluation and the need for more integration of research and adaptive management approaches towards restoring SAV to Chesapeake Bay.

The initial estimate of the cost to plant and monitor 1000 acres of SAV was \$31,386,000 (CBP 2003) of which only \$5,063,000 was provided. Within this context, the program was operationally successful in planting 150 acres, a proportion of the 1000-acre target that approximates the level of funding received. Nevertheless, the large funding shortfall limited the program’s ability to achieve its goal. Functional success was not generally achieved since the majority of beds planted did not persist beyond one year and did not spread beyond the original planting area. However, some important exceptions to this pattern were beds in the York and James rivers that persisted and expanded far beyond their initial planting areas. The restoration effort has shown modest programmatic success, employing adaptive management as new knowledge has been gained. Site selection tools and planting techniques were improved over time and some lessons learned from successes and failures were applied to improve restoration choices.

Our review generally supports the techniques used for planting and monitoring SAV. Evidence from the York and James rivers and from Virginia’s Coastal Bays supports the premise that SAV beds can be successfully restored using these techniques where water quality is sufficient. The majority of direct SAV restoration efforts were undertaken with eelgrass *Zostera marina*. The rationale for focusing most of the effort on this species—its wide distribution, established restoration techniques and historic low levels—was sound. However, if more resources had been available to develop techniques, direct restoration with other species would have been desirable.

The primary means of selecting restoration sites was a GIS-based decision tool, which incorporated information on water quality, water depth, current and historical SAV distribution, important fisheries habitat, and potential disturbance from clam fisheries. Though this site selection model was arguably state-of-the-art at the time it was developed, it fell short in meeting its intended use. A review of the

model's effectiveness revealed that it was adequate for predicting sites where germination of SAV seeds would occur, but not for predicting persistence of beds beyond one year. Shortcomings of the model include (i) limitations on the data available to parameterize it, (ii) failure to include temperature as a stressor, and (iii) perhaps most importantly, reliance on multi-year average water quality, rather than variances and even extremes. This latter limitation was evident in numerous instances when data used to select restoration sites were collected in dry or average rainfall years and restoration was then followed by high rainfall (and thus poor water quality) years. The need to incorporate longer-term data sets, multiple stressors and environmental extremes into the site selection model is now apparent.

This report is organized into four sections: 1. Charge to the Committee 2. Review of SAV Workgroup Efforts and 3. Summary and Conclusions. 4. Specific recommendations for any future program are provided at the end of the report.



Correspondence Management System

Control Number: AX-11-001-7325

Printing Date: October 14, 2011 02:45:20



Citizen Information

Citizen/Originator: Earle, Steve

Organization: United Mine Workers of America

Address: 1285 Island Ford Road, Madisonville, KY 42431

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7325

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 7, 2011

Received Date: Oct 14, 2011

Addressee: POTUS-President of the United States

Addressee Org: White House

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-I am writing on behalf of the 14,566 members of UMWA District 12 because we are concerned about the loss of coal mining jobs due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R4 - Region 4 -- Immediate Office

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:

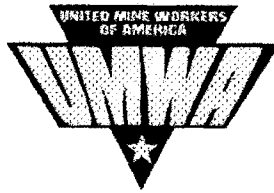
Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

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

REGION III

ARKANSAS
ILLINOIS
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MINNESOTA
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OKLAHOMA
TEXAS
WISCONSIN



REGION III Office

1285 Island Ford Road
Madisonville, KY 42431
270-821-2774
Fax: 270-821-9438

Steve Earle, District 12 Vice President/Region III Director

October 7, 2011

President Barack H. Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Re: EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of the 14,566 members of UMWA District 12 because we are concerned about the loss of coal mining jobs due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants. We believe that the recently issued Transport Rule for reducing utility emissions of NOx and SO2 will compound the risk of job losses at a time of high coalfield unemployment and weak growth prospects.

The Transport Rule's deadlines are simply not feasible. Utilities cannot reasonably be expected to retrofit controls by 2012. Many plants will not have time to retrofit scrubbers by the second phase deadline of January 1, 2014. We hope that you will request EPA to grant the petitions for an administrative stay and reconsideration of this rule.

Providing additional time for compliance with EPA's MACT and Transport rules would increase the number of coal-based generating units that are upgraded with retrofit controls, increasing construction jobs and reducing unemployment due to coal market disruptions and plant closures.

The UMWA knows from experience that cap-and-trade regulations like the Transport Rule can inflict unacceptably large job losses due to fuel-switching. More than 30,000 mining jobs were lost under the 1990 acid rain

program, as production shifted from eastern to western mines. We see little opportunity to meet the stringent reductions of the Transport Rule without large-scale fuel-switching. We particularly object to the rule's emission allocation scheme that severely penalizes many well-controlled plants equipped with SO₂ scrubbers and advanced NO_x emission controls.

Hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits proposed last March. Job losses would occur in economically-depressed areas already suffering from high unemployment. Worse, the MACT rule would preclude the construction of state-of-the-art new coal plants because of the stringency of its proposed emission limits for mercury and other air toxics.

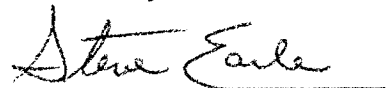
A UMWA analysis indicates that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and rail transport may be at risk of near-term closure. Our estimates are confirmed by preliminary studies by the Federal Energy Regulatory Commission. FERC staff estimate that up to 81,000 Megawatts of coal-based capacity could be lost due to pending EPA regulations.

EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. This is the most expensive utility rule ever proposed by EPA, and the agency should ask the court for additional time to develop a final rule.

Finally, we are asking that you use your authority under the Clean Air Act to provide at least a two-year extension of the three-year compliance deadline for MACT. Providing more time to install controls at more than 1,000 units impacted by this rule is critical given the 4-5 year lead time for retrofitting scrubbers at powerplants.

Thank you for your consideration of our concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Steve Earle". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Vice President
United Mine Workers of America
District 12



Correspondence Management System

Control Number: AX-11-001-7330

Printing Date: October 14, 2011 04:05:10



Citizen Information

Citizen/Originator: Mourad, Fadi

Organization: DTE Energy Resources

Address: 414 South Main Street, Ann Arbor, MI 48104

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7330

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 7, 2011

Received Date: Oct 7, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-Petition to increase allowances for DTE Stoneman L.L.C. under the CSAPR N.) FIP for the NOx Annual, NOx Ozone Season, and SO 2 Annual programs (76 Fed. Reg. 48208 (Aug. 8, 2011); EPA 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

R5 - Region 5 -- 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	Oct 14, 2011

History

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

414 South Main Street, Suite 600
Ann Arbor, Michigan 48104
Tel: 734.302.4800 Fax: 734.302.4802

RECEIVED

2011 OCT -7 PM 12:20

DTE Energy



DTE Energy Resources
EXECUTIVE SECRETARIAT

October 7, 2011

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT 14 AM 11:42

RECEIVED

RE: Petition to increase allowances for DTE Stoneman L.L.C. under the CSAPR FIP for the NOx Annual, NOx Ozone Season, and SO₂ Annual programs (76 Fed. Reg. 48208 (Aug. 8, 2011); EPA Docket No. EPA-HQ-OAR-2009-0491)

For the purposes of the Cross State Air Pollution Rule, DTE Stoneman, LLC is hereby submitting this petition to the USEPA Administrator requesting reconsideration of the allowance allocation provided to its facility located in Cassville, Wisconsin. We believe the facility was unfairly treated by providing very little allowances to cover its projected emissions after the repowering using 100% wood biomass renewable fuel. The Boilers at the DTE Stoneman facility, boilers B1 and B2, are treated by USEPA as existing units while they should be classified as "New Units" and allocated SO₂ and NOx allowances to cover 100% of their projected emissions according to the "New Unit" allocation methodology. The allowances provided by EPA, under the current approach, is well short of what the plant needs to cover its projected emissions as shown in the summary table below.

2012

SO ₂ Annual	NOx Annual	NOx Ozone
Projected Emissions: 411 tpy	Projected Emissions: 560 tpy	Projected Emissions: 233 tpy
Allowances: 132 tpy	Allowances: 49 tpy	Allowances: 18 tpy
Short: 279 tpy (68% short)	Short: 511 tpy (91% short)	Short: 215 tpy (92% short)

2014

SO ₂ Annual	NOx Annual	NOx Ozone
Projected Emissions: 411 tpy	Projected Emissions: 560 tpy	Projected Emissions: 233 tpy
Allowances: 65 tpy	Allowances: 47 tpy	Allowances: 18 tpy
Short: 346 tpy (84% short)	Short: 513 tpy (92% short)	Short: 215 tpy (92% short)

It is DTE Stoneman's position that the repowered renewable energy plant that underwent New Source Review permitting and resulted in fuel switching to wood biomass with low sulfur content and installation of SNCR and OFA as BACT for NOx control, be afforded sufficient allowances to cover 100% of its projected emissions (see table above) or

significantly increase its allowance allocation under the current approach by relying on projected heat input. The basis for this petition, besides the severe economic hardship that the current EPA approach will impose on the facility, are the errors we identified in EPA's application of the allowance allocation methodology and include:

- Classification of the units as "existing" versus "new"
- Erroneous inputs (e.g. projected actual emissions for 2012 and 2014) to the IPM model under the current approach
- Emissions Reductions already achieved through New Source Review consistent with intent of the CSAPR rule
- If classified as "existing", EPA should not rely on historical heat input from the facility as this data does not reflect future plans for plant operation. It should rely on projected heat input.

Severe Economic Hardship

USEPA's current allocation as finalized will unfairly impose an economic hardship on a plant that invested significant capital into the facility, the community, and in establishing a wood biomass renewable fuels market which created jobs during our current weak economic environment. DTE Stoneman invested significant capital to reconstruct and repurpose an aging coal plant and create renewable power for the plant's customer in Wisconsin. This is a merchant power plant. Purchasing the allowances necessary to operate the plant and to retrofit utility scale emission controls such as SCR and/or wet scrubber is not economical, both in initial capital costs and continuing maintenance costs for a facility of this size. This plant cannot file a rate case to recover the cost as a utility would be able to. Therefore, this rule imposes an unfairly severe economic hardship on the plant.

DTE Stoneman Repowering and Classification of Boilers as "New Units"

The facility consists of two 340 mmbtu/hr rated boilers serving through cross connected steam headers, 33 MW and 18 MW generators. Emissions are through a common stack. The two units were originally built in 1949 and 1951 and designed to burn coal. DTEES purchased the facility in May 2008. Prior to the purchase, the previous owner operated the plant intermittently, selling the electricity through the Midwest Independent System Operator (MISO) at market rates. After the facility was purchased by DTEES, the units were operated intermittently to burn down the remaining coal pile in preparation for the conversion from coal to wood biomass firing. The remaining coal pile was depleted in March 2009. The facility was shut down during the March 2009 to August 2010 period while the units were permanently disabled by removal of the lower half of each unit and replacing boiler tubes. The units were replaced by new stoker grate units to enable combustion of wood biomass. The units underwent New Source Review permitting which required as BACT the installation of add-on emission controls for NOx including SNCR and OFA. The conversion of the plant from coal to wood biomass provided

significant reduction in SO₂ emissions due to the low sulfur content of wood biomass. These new stoker grate units started the commissioning process on July 28, 2010 and began commercial operation on October 8, 2010. Since commercial operation began after January 1, 2010 the units should receive allowances from the new unit set aside and not be allocated allowances as existing units.

Erroneous Input to IPM Model

The IPM modeling assumes an incorrect amount of NO_x and SO₂ emissions in 2012 and 2014. The “ptipm_2012” tab has 110 NO_x tons per year for both Point IDs B21 and B22. This value should be 280 NO_x tons per year. The “ptipm_2012” tab also has 44 SO₂ tons per year for both Point IDs B21 and B22. This value should be 205 SO₂ tons per year. The “ptipm_2014” tab has 184 NO_x tons per year for both Point IDs B21 and B22. This value should be 280 NO_x tons per year. The “ptipm_2014” tab has 74 SO₂ tons per year for both Point IDs B21 and B22. This value should be 205 SO₂ tons per year. The “ptipm_2014ctrl” tab has 184 NO_x tons per year for both Point IDs B21 and B22. This value should be 280 NO_x tons per year. The “ptipm_2014ctrl” has 74 SO₂ tons per year for both Point IDs B21 and B22. This value should be 205 SO₂ tons per year.

Intent of CSAPR

DTE Stoneman should receive significantly higher allowances than currently provided. The intent of the rule and allowance allocation approach EPA took is not to penalize units for choosing cleaner fuels or installing pollution controls. DTE Stoneman converted the plant to 100% wood biomass, reduced fuel sulfur content and installed SNCR and OFA as BACT for NO_x control. Wood biomass is a cleaner burning fuel than coal, which resulted in significantly reduced SO₂ emission rate. It also installed SNCR and overfire air as add-on emission controls to reduce NO_x emissions. With the fuel conversion, the use of SNCR and overfired air, the current EPA approach in allocating allowances provided DTE Stoneman very little to cover future emissions. DTE Stoneman previously fulfilled the intent of the rule by converting to biomass and now is being asked to buy a significant number of allowances and retrofit with additional pollution controls that are not economical and likely not technically feasible.

Projected Heat Input vs. Historical Heat Input

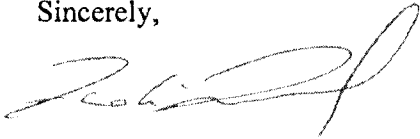
DTE Stoneman should receive significantly higher allowances than currently provided. The allocation method EPA chose for the final CSAPR consists of the use of historical heat input to allocate allowances instead of projected heat input. Though this approach may make sense for units that have not undergone reconstruction during the look back period, it is not a logical way to appropriately allocate allowances for DTE Stoneman. The plant was unfairly penalized for converting the plant from 100% coal to 100% Biomass and for installing SNCR and OFA. The reconstruction occurred between April 2009 and July 2010, during the baseline period. Prior to the reconstruction, the facility

Ms. Lisa Jackson
October 7, 2011
Page 4 of 4

did not operate often combusting coal (capacity factors in the 3% to 17% range). EPA should allocate based on DTE Stoneman's projected emissions using limited operation data from 2010 and extrapolating for a full year operation and projected capacity factor rather than using the highest 3-yr average between 2006 and 2010 which is not representative of the biomass plant we currently have and future operating conditions.

Due to the extraordinary reasons listed above, DTE Stoneman should receive a significant increase in the allocated allowances to be consistent with the intent of the rule and not cause severe economic hardship to this renewable energy facility. Your consideration is appreciated. Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fadi K. Mourad', written in a cursive style.

Fadi K. Mourad, P.E.
Designated Representative – DTE Stoneman, LLC
Director of Environmental Affairs - DTE Energy Resources

C: Mr. Steve Sorrentino - DTE Energy Services
Mr. Richard Nelson - DTE Stoneman, L.L.C.
Ms. Kyra Fleming - DTE Energy Services



Correspondence Management System

Control Number: AX-11-001-7342

Printing Date: October 14, 2011 04:36:57



Citizen Information

Citizen/Originator: Mire, Alainna Renee

Organization: City of Alexandria, Louisiana

Address: Post Office Box 71, Alexandria, LA 71309-0071

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7342 **Alternate Number:** 870087287306
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 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 - Docket No. EPA-HQ-OAR-2009-0941: Request for Reconsideration and Stay of EPA's Final Rule entitled Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States signed July 6, 2011
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
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	Oct 14, 2011

History

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



RECEIVED

2011 OCT 14 PM 1:25

OFFICE OF
EXECUTIVE SECRETARIAT

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

October 7, 2011

Administrator Lisa P. Jackson
USEPA Headquarters
Room 3000, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2009-0941: Request for Reconsideration and Stay of EPA's Final Rule entitled *Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States* signed July 6, 2011.

Dear Administrator Jackson:

The City of Alexandria, Louisiana (the "City" or "Alexandria") hereby requests that the United States Environmental Protection Agency ("EPA") reconsider and stay the effectiveness of its Final Rule entitled *Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States*, published at 76 Fed. Reg. 48,208 on August 8, 2011 ("Final Rule").

Alexandria is a home rule charter municipality organized under the Constitution and the statutes of the State of Louisiana as a municipal corporation in the Parish of Rapides with a population of approximately 50,000. The City owns and operates a not-for-profit electric utility system, which currently includes 140 MW of generating capacity located at Alexandria's D.G. Hunter Generating Station. The City is also entitled to approximately 55 MW of the output of Rodemacher Unit No. 2 pursuant to terms of an agreement between the City and the Louisiana Electric Power Authority.



Jacques M. Roy
(0023904.DOCX \)
Mayor

Alainna Renee' Mire
Assistant City Attorney
Post Office Box 71
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Tel (318) 449-5046 · Fax (318) 449-5019
e-mail: alainna.mire@cityofalex.com

The City has not previously filed comments in this proceeding. When the EPA issued its proposed rule in this proceeding, the nitrogen oxide (“NOx”) emissions budget for the State of Louisiana was 21,220 tons for the 2012 ozone season. When the Final Rule was issued, however, the City learned for the first time that the EPA had cut the state’s NOx budget to 13,432 tons – a 37% reduction in the NOx emissions permitted from the state’s electric generating units (“EGUs”) for the 2012 ozone season. As discussed in the Request for Reconsideration and Stay filed by the State of Louisiana Department of Environmental Quality in this proceeding on October 5, 2011, the reduction to the state’s NOx budget contained in the Final Rule has far-reaching implications for the state’s EGUs – including those units owned by the City.

Because the City became aware of the potential impact of the Final Rule only after it was issued, the City has been denied its right to meaningfully participate in this proceeding. The City has never been presented an opportunity to study and comment on the impact of a 13,432 ton budget for the 2012 ozone season on its electric utility operations. Nor has the City or any other interested party been given an opportunity to comment on the reasonable amount of time needed to permit compliance with the EPA’s revised NOx emissions levels for 2012 and beyond.

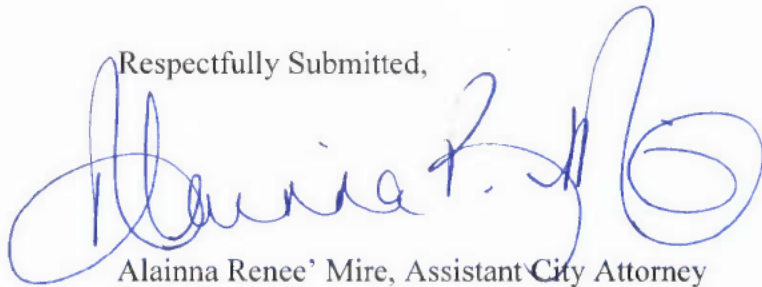
The Administrative Procedures Act, 5 U.S.C. § 101 *et seq.*, provides that “[a]fter notice...the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments....” 5 U.S.C. § 553. Similarly, section 307(d)(3) of the Clean Air Act requires that the EPA must provide adequate notice of, and the opportunity to comment on the elements of its rulemakings. The City could not comment on the impact of a 13,432 ton NOx emission budget for the State of Louisiana for the 2012 ozone season because it had no reason to believe that the EPA was considering a budget that was a full 37% lower than what it had initially proposed in this proceeding.

The opportunity for the City to submit these comments after the promulgation of the Final Rule is an insufficient remedy under the APA. “Section 553 [of the APA] is designed to ensure that affected parties have an opportunity to participate in and influence agency decision making at an early stage, when the agency is more likely to give real consideration to alternative ideas.” *United States Steel Corp. v. EPA*, 595 F.2d 207, 214 (5th Cir. 1979). Nor could the City have reasonably anticipated that the Final Rule would depart from the proposed rule in such a significant manner. The D.C. Circuit has held that “[g]iven the strictures of the notice-and-comment rulemaking, an agency’s proposed rule and its final rule may differ only insofar as the latter is a ‘logical outgrowth’ of the former.” *Envil. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005). The court explained further that a final rule is a logical outgrowth of a proposed rule “only if interested parties should have anticipated that the change was possible, and thus reasonably should have filed their comments on the subject during the notice-and-comment period.” *Id.* at 998. The City, however, had no reason to believe that the EPA would

change its rule so significantly from the proposal stage when issuing the Final Rule. Nor could the City have submitted meaningful comments on a hypothetical NOx emissions budget and the reasonable amount of time necessary to comply with that emissions budget.

The City of Alexandria therefore respectfully requests that the Administrator convene a proceeding for reconsideration of the Final Rule and afford the City and other interested parties the opportunity to comment on the reasonableness of the proposed NOx baseline for the State of Louisiana. The City requests further that the Administrator stay the effectiveness of the Final Rule during the pendency of the reconsideration for the maximum time allowed by law.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Alainna Renee' Mire', with a large, stylized flourish at the end.

Alainna Renee' Mire, Assistant City Attorney



Correspondence Management System

Control Number: AX-11-001-7345

Printing Date: October 14, 2011 04:28:42



Citizen Information

Citizen/Originator: Jauch, Robert

Organization: Wisconsin Legislature
Address: P.O. Box 7882, Madison, WI 53707-7882

Holperin, Jim

Organization: Wisconsin Legislature
Address: P.O. Box 7882, Madison, WI 53707-7882

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7345 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 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 - Impact on forest roads and their runoff systems subject to the Clean Water Act's National Pollutant Elimination Discharge System permit system
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Lawrence Elworth - AO-IO
OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Oct 14, 2011

History



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 7, 2011

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

RECEIVED
2011 OCT 14 PM 1:24
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson,

Our Wisconsin Senate districts comprise approximately the northern half of the state, a largely rural area that is heavily forested and sustains countless jobs that rely on the forest industry. As you know, the forest products industry employs more than 160,000 people statewide. The industry contributes \$5.3 billion in GSP from private forests alone.

Despite 35 years of forest road management practices to the contrary, the U.S. Court of Appeals for the Ninth Circuit ruled in May 2011 that the Environmental Protection Agency lacked authority to designate forest roads and associated storm water runoff systems as "nonpoint" sources. This means that forest roads and their runoff systems will be subject to the Clean Water Act's National Pollutant Elimination Discharge System (NPDES) permit system, and each culvert or drainage ditch on a forest logging road will be consider a "point source," much like a factory or coal-burning power plant. The state of Oregon and other defendants in the case recently appealed the decision to the Supreme Court.

Pending that appeal, the decision by the Court of Appeals has left the EPA in a difficult position. As the Agency decides how to respond to the court's decision, I ask that you carefully consider the impact any action will have on the forest industry and choose the least burdensome solution possible.

Environmental practices in place over the last 30 years have both protected our valued forest resource and allowed the forest products industry to succeed. The forest industry is a critical employer in Wisconsin and thousands of families and businesses in the state are reliant upon the jobs the industry provides. With unemployment well over 9% in Northern Wisconsin we simply cannot afford to see more jobs lost at this time.

Thank you for your consideration of our concerns. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Senator Robert Jauch, 25th District

Senator Jim Holperin, 12th District



Correspondence Management System

Control Number: AX-11-001-7353

Printing Date: October 17, 2011 12:54:27



Citizen Information

Citizen/Originator: Casperson, Tom

Organization: The Senate of the State of Michigan
Address: P.O. Box 30036, Lansing, MI 48909-7536

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7353 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 31, 2011 **# of Extensions:** 0
Letter Date: Sep 29, 2011 **Received Date:** Oct 14, 2011
Addressee: Jon Carson **Addressee Org:** White House
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: AA-OW-Assistant Administrator - Signature Date: N/A
OW
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 deeply concerned that a recent court ruling by the U.S. Ninth Circuit Court of Appeals will weaken the vital timber industry in Michigan by increasing operating costs.
Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW
Instruction Note: N/A
General Notes: Cc: Stoner, Shapiro, Schneider, Peck, Gilinsky, Lousberg
CC: Lawrence Elworth - AO-IO
OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (5) Personal Privacy	OEX	OW	Oct 17, 2011	Oct 31, 2011	N/A
Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW					
Wanda Fields	OW	OW-OWM	Oct 17, 2011	Oct 27, 2011	N/A
Instruction: Cc: Stoner, Shapiro, Schneider, Peck, Gilinsky, Lousberg					

Supporting Information

Supporting Author: N/A



TOM CASPERSON

38TH DISTRICT

P.O. BOX 30036

LANSING, MI 48909-7636

PHONE: (517) 373-7840

FAX: (517) 373-3932

sentcasperson@senate.michigan.gov

**THE SENATE
STATE OF MICHIGAN**

RECEIVED
2011 OCT 14 PM 1:24
OFFICE OF THE
EXECUTIVE SECRETARIAT

September 29, 2011

Mr. Jon Carson
Director, Office of Public Engagement
Executive Office of the President
Eisenhower Executive Office Building,
1650 Pennsylvania Avenue, NW
Washington, D.C. 20501

Dear Mr. Carson:

As a State Senator in the Michigan Legislature, I am well aware of the industries that drive our state's economy. My district, in the Upper Peninsula, includes a majority of Michigan's forest lands. Timber plays a major role in our state, providing employment and economic growth. With 19 million acres that cover 53 percent of the state, Michigan's forests support 150,000 jobs and contribute more than \$12 billion to Michigan's economy annually. Michigan's timberland acreage is the fifth largest in the nation. I am deeply concerned that a recent court ruling by the U.S. Ninth Circuit Court of Appeals will weaken this vital industry in Michigan by increasing operating costs for business that produce and transport forest products.

Overturning decades of existing EPA practice, the Ninth Circuit earlier this year determined that the Environmental Protection Agency could not define forest roads and their storm water runoff systems as a "nonpoint" sources. Drainage ditches on logging roads will now be categorized as "point" sources, like factories or mining operations. As a result, temporary logging roads will be part of the National Pollutant Elimination Discharge System (NPDES), and those who own and operate these roads must receive special permits. Delays and litigation created by the new permitting process will burden forest owners in Michigan. The state stands to lose countless jobs. The Michigan Department of Environmental Quality (DEQ) and Department of Natural Resources (DNR) set standards for stewardship of our forestlands and are in a better position to



Correspondence Management System

Control Number: AX-11-001-7355

Printing Date: October 14, 2011 03:56:29



Citizen Information

Citizen/Originator: Cross, R.D.

Organization: City of Gilmer (Texas)
Address: P.O. Box 760, Gilmer, TX 75644

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7355 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Oct 5, 2011 Received Date: Oct 14, 2011
Addressee: POTUS-President of the United States Addressee Org: White House
Contact Type: LTR (Letter) Priority Code: Normal
Signature: N/A Signature Date: N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants.
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	Oct 14, 2011

History

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



RECEIVED
2011 OCT 14 PM 1:23
OFFICE OF THE
EXECUTIVE SECRETARIAT

October 5, 2011

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

Dear Mr. President:

I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants. As the mayor of [Insert City] I strongly urge the Administration to utilize all of the flexibility tools it has available under the Clean Air Act and to provide utilities with greater compliance flexibility.

As you know, EPA is required to finalize the Utility MACT by November 16. I am concerned that the final rule, unless it is modified, could negatively impact [INSERT CITY] and my constituents at a time when we are making every effort possible to create new jobs and restore economic growth. These facilities will be required to be in compliance with the new standards within three years of the rule's effective date, which is impractical, resulting in premature plant closures and unnecessary rate hikes to our citizens.

I believe EPA's proposed three-year implementation schedule is too short and does not adequately take into account the unprecedented number of controls that will need to be installed in our region and across the country, at nearly the same time. EPA can and should extend the compliance deadline for one additional year for all units that are installing new pollution control equipment; that are being replaced or repowered; or whose closure requires expanded transmission capacity for reliability purposes. Such an extension would give utilities more flexibility and would be in line with Executive Order 13563 that states regulations "must promote predictability and reduce uncertainty."

Your Administration has many available tools under the CAA when implementing the Utility MACT and we encourage you to use them all, including, in appropriate circumstances, the

Presidential exemption provisions. I hope that you will agree that additional implementation flexibility will improve the rule and will minimize the compliance costs for customers, reduce regulatory uncertainty, and help to protect electric reliability, while still achieving the desired emissions reductions.

Thank you for your personal attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R.D. Cross". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

R.D. Cross, Mayor

cc: ✓ The Honorable Lisa Jackson
The Honorable Cass R. Sunstein



Correspondence Management System

Control Number: AX-11-001-7363

Printing Date: October 14, 2011 04:18:16



Citizen Information

Citizen/Originator: Robyn, Dorothy

Organization: Department of Defense

Address: 3000 Defense Pentagon, Washington, DC 20301

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7363 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Sep 30, 2011 **Received Date:** Oct 14, 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 - Proposed District of Columbia Municipal Separate Storm Sewer System (MS4) permit
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Oct 14, 2011

History

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

Comments

DAILY READING FILE



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

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2011 OCT 14 PM 4:00

OFFICE OF THE
EXECUTIVE SECRETARIAT

SEP 30 2011

The Honorable Robert Perciasepe
Deputy Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Perciasepe:

I appreciate the willingness of senior management at the U.S. Environmental Protection Agency (EPA) to work so closely with their counterparts at the Department of Defense (DoD) regarding the proposed District of Columbia (DC) Municipal Separate Storm Sewer System (MS4) permit. I am pleased that this Clean Water Act permit applies the same performance criteria to federal and non-federal facilities. DoD is committed to maximizing our efforts to reduce storm water pollution throughout the District and to complying fully with federal laws, regulations and directives, including Presidential Executive Orders 13508 and 13514, the Energy Independence and Security Act (EISA), and the Clean Water Act. In addition, as I stated in my January 2010 Policy Memorandum, "DoD Implementation of Storm Water Requirements under Section 438 of [EISA]," DoD will implement EPA's technical guidance on Section 438 of EISA.

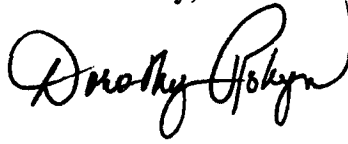
DoD supports EPA's proposal to have federal agencies sign a Memorandum of Understanding (MOU) on Storm Water Management in Washington, DC, which would specify concrete actions they are willing to take beyond what the permit requires. Such actions could include:

- Development of metrics and best management practices, including a tracking mechanism for greater transparency;
- Implementation of storm water retention technologies at highly developed properties, where feasible and supported by the latest research;
- Incorporation of "Low Impact Development" or "Green Infrastructure" approaches to reduce the volume and rate of storm water discharges for redevelopment projects;
- Dissemination of information that demonstrates agencies' full compliance with the storm water requirements in the Clean Water Act and Section 438 of the EISA;
- Implementation of storm water actions necessary to meet pollution load reductions contained in the DC Watershed Implementation Plan under the Chesapeake Bay Total Maximum Daily Loads; and
- Exploration of additional innovative opportunities for using preserved open-space on federal properties to improve storm water retention.

DoD would support EPA efforts to expand the number of federal signatories, so as to enhance the exchange of information and lessons learned.

DoD is committed to helping address storm water issues in Washington, DC. I look forward to working with you over the next six months to develop an MOU and to improve in other ways the management of storm water in the Nation's capital.

Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy Robyn". The signature is fluid and cursive, with the first name "Dorothy" and last name "Robyn" clearly distinguishable.

Dorothy Robyn
Deputy Under Secretary of Defense
(Installations and Environment)



Correspondence Management System

Control Number: AX-11-001-7366

Printing Date: October 17, 2011 01:52:17



Citizen Information

Citizen/Originator: McLaughlin, Gayle

Organization: City of Richmond

Address: 450 Civic Center Plaza, Richmond, CA 94804-1630

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7366

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 4, 2011

Received Date: Oct 17, 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_167_a Transitory Files Record copy

Subject: DRF - Keynote Speaker Invitation - Federal Interagency Working Group on Environmental Justice, Richmond, California, November 3, 2011; SCH002-Scheduling Request - Invitation - Keynote Speaker- Federal Interagency Working Group on Environmental Justice, Richmond, California, November 3, 2011

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: Event Date: 11/3/11 Location: Richmond, California Contact: Gayle McLaughlin, (510) 620-6503, gayle_mclaughlin@ci.richmond.ca.us or Shasa Curl, (510) 412-2091, shasa_curl@ci.richmond.ca.us

CC: Linda Huffman - OECA

OEAE - Office of External Affairs and Environmental Education

OECA - OECA -- Immediate Office

R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	Noah Dubin	Oct 17, 2011

History



2011 OCT 17 AM 6:10

OFFICE OF THE
EXECUTIVE SECRETARIAT

October 4, 2011

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

RE: Keynote Speaker Invitation - Federal Interagency Working Group on Environmental Justice, Richmond, California, November 3, 2011

Dear Administrator Jackson:

We would be honored to have you join us as the keynote speaker for the Federal Interagency Working Group on Environmental Justice's (IWG) West Coast convening: "Plan for a Sustainable and Livable Richmond for All" in Richmond, California on November 3, 2011. The meeting is co-sponsored by the City of Richmond, US EPA Region 9, San Francisco Federal Reserve Bank, Urban Habitat and five other environmental and community based organizations. Your participation would provide inspiration and leadership at this first-of-its-kind meeting to create green jobs and move towards the goal of achieving environmental justice.

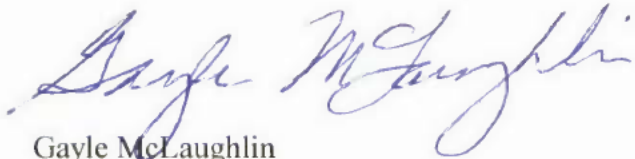
Together with our partners, we are addressing high unemployment (18% in the City of Richmond), environmental health, access to affordable housing, and other health inequities affecting our community. Your leadership in all of these critical areas is deeply appreciated.

As examples of the Richmond community's work that would be showcased and built upon at the convening, we have:

- Established RichmondBUILD, a green workforce development program that has built an international reputation for placing at risk residents, including youths, in full time jobs. Coupled with financial incentives, RichmondBUILD has helped the City achieve the highest percent of homes with rooftop solar systems in the Bay Area.
- Created an innovative Community Health and Wellness Element of the General Plan Update (pending approval November 2011), ensuring that environmental health and wellness criteria will be met in new projects in the City.
- Implemented a downtown revitalization program and funded transit-oriented development at the Richmond Intermodal Transit Station (BART/Amtrak/Bus), creating jobs, affordable housing, and reducing greenhouse gas and toxic air emissions.

Your participation as keynote speaker for the Federal Interagency Working Group meeting and on behalf of our "Plan for a Sustainable and Livable Richmond for All" would be of great importance to us. I appreciate your consideration. Please do not hesitate to contact me with any questions at (510) 620-6503 or gayle_mclaughlin@ci.richmond.ca.us, or Shasa Curl at (510) 412-2091 or shasa_curl@ci.richmond.ca.us.

Sincerely,



Gayle McLaughlin
Mayor, City of Richmond

cc: Hon. George Miller, Member of Congress
Hon. Jared Blumenfeld, US EPA Region 9 Administrator
Lisa Garcia, Associate Assistant Administrator for Environmental Justice



Correspondence Management System

Control Number: AX-11-001-7368

Printing Date: October 17, 2011 01:09:19



Citizen Information

Citizen/Originator: Dalpiaz, Mike R.

Organization: United Mine Workers of America

Address: 525 East 100 South, Price, UT 84501

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7368

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 31, 2011

of Extensions: 0

Letter Date: Oct 3, 2011

Received Date: Oct 17, 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- We are concerned about the loss of coal mining jobs and all the affected jobs related to coal mining due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants.

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

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	Oct 17, 2011	Oct 31, 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

United Mine Workers of America

MICHAEL R. DALPIAZ, SR.
INTERNATIONAL VICE PRESIDENT
DISTRICT 22
525 EAST 100 SOUTH
PRICE, UT 84501



TELEPHONE
(435) 637-2066
FAX (435) 637-9456

President Barack H. Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

October 3, 2011

Re: EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of our 6000 members of UMWA District 22 (Western United States) because we are concerned about the loss of coal mining jobs and all the affected jobs related to coal mining due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants. We believe that the recently issued Transport Rule for reducing utility emissions of NOx and SO2 will compound the risk of job losses at a time of high coalfield unemployment and weak growth prospects.

The Transport Rule's deadlines are simply not feasible. Utilities cannot reasonably be expected to retrofit controls by 2012. Many plants will not have time to retrofit scrubbers by the second phase deadline of January 1, 2014. We hope that you will request EPA to grant the petitions for an administrative stay and reconsideration of this rule.

Providing additional time for compliance with EPA's MACT and Transport rules would increase the number of coal-based generating units that are upgraded with retrofit controls, increasing construction jobs and reducing unemployment due to coal market disruptions and plant closures.

The UMWA District 22 knows from experience that cap-and-trade regulations like the Transport Rule can inflict unacceptably large job losses due to fuel-switching. More than 30,000 mining jobs were lost under the 1990 acid rain program, as production shifted from eastern to western mines. We see little opportunity to meet the stringent reductions of the Transport Rule without large-scale fuel-switching. We particularly object to the rule's

OFFICE OF THE
EXECUTIVE SECRETARIAL

2011 OCT 17 AM 6:10

RECEIVED

emission allocation scheme that severely penalizes many well-controlled plants equipped with SO₂ scrubbers and advanced NO_x emission controls.

Hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits proposed last March. Job losses would occur in economically-depressed areas already suffering from high unemployment. Worse, the MACT rule would preclude the construction of state-of-the-art new coal plants because of the stringency of its proposed emission limits for mercury and other air toxics.

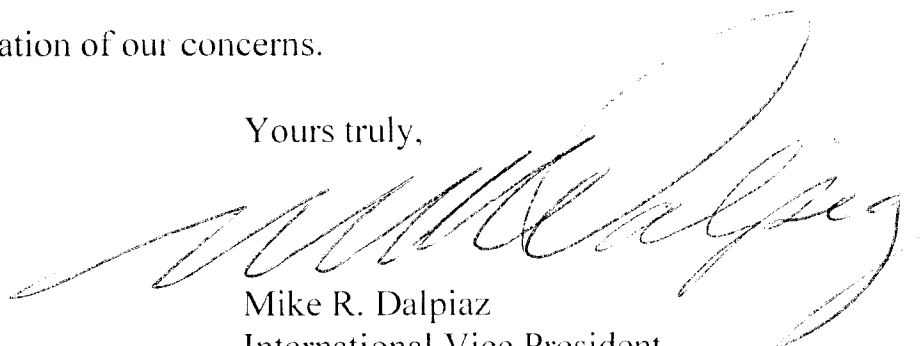
A UMWA analysis indicates that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and rail transport may be at risk of near-term closure. Our estimates are confirmed by preliminary studies by the Federal Energy Regulatory Commission. FERC staff estimate that up to 81,000 Megawatts of coal-based capacity could be lost due to pending EPA regulations.

EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. This is the most expensive utility rule ever proposed by EPA, and the agency should ask the court for additional time to develop a final rule.

Finally, we are asking that you use your authority under the Clean Air Act to provide at least a two-year extension of the three-year compliance deadline for MACT. Providing more time to install controls at more than 1,000 units impacted by this rule is critical given the 4-5 year lead time for retrofitting scrubbers at powerplants.

Thank you for your consideration of our concerns.

Yours truly,

A large, stylized handwritten signature in black ink, appearing to read 'Mike R. Dalpiaz', is written over the typed name and title.

Mike R. Dalpiaz
International Vice President
District 22, U.M.W. of A.



Correspondence Management System

Control Number: AX-11-001-7381

Printing Date: October 17, 2011 03:05:20



Citizen Information

Citizen/Originator: Williams, Charles

Organization:

N/A

Address:

26 Homestead Avenue, West Haven, CT 06516

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7381

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: Nov 1, 2011

of Extensions: 0

Letter Date: Oct 14, 2011

Received Date: Oct 17, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DIR-OEX-Director - OEX

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - Thank you

Instructions: Immediate Closure

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign Eric Wachter as lead	Oct 17, 2011
(b) (6) Personal Privacy	OEX	Retracted Assignment	Oct 17, 2011
(b) (6) Personal Privacy	OEX	Changed Status Pending For Your Information	Oct 17, 2011
(b) (6) Personal Privacy	OEX	Changed File Code 404-141-02-01_141_b Controlled	Oct 17, 2011

Message Information

Date 10/14/2011 12:38 AM
From "Charles Williams" <charles@picturestruth.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Thank you

Message Body

Dear Ms. Jackson,

I recently discovered that the EPA's ninety-five million dollar grant to Johnson Control's lithium ion battery plant in Jacksonville, Florida is the reason I am employed today (b) (6) s

I now have a temporary position as a Senior Electronics Technician in the Test Department at Digatron Firing Circuits. They are making the test and formation equipment for Johnson Controls.

After reading your bio on the EPA website, I wanted to write this letter to thank you for the government's insightful investment in our national economy, and in the environment. I am a parent of two young adult children, and I want them to see that working in the green sustainable energy field is needed now. President Obama was correct when he announced that the nation which harnesses sustainable clean energy, will be the nation that leads the world. In reality, if this nation plans to survive the present economic meltdown, then it must immediately shift energy generation to clean sustainable (solar, wind, geothermal, and hydro) sources.

Your established priorities at the EPA on pure drinking water, clean air, job creation, and action on greenhouse gases (causes of severe climate change) are commendable. Again, thank you for your efforts.

Best regards,



Charles Williams CFW_CV_21jul11.doc

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

OFFICE OF THE
EXECUTIVE SECRETARY

2011 OCT 17 AM 6:08

REC'D

CHARLES F. WILLIAMS
26 Homestead Ave.
West Haven, CT 06516
914.714.1238 | 203.937.7278
charles@picturestruth.com

OBJECTIVE

To incorporate traditional expertise in electronics with developing green technologies to solve real world problems.

EXPERIENCE

Site Manager/ Electronics Technician 1998 – 2011
Agissar Corporation, Stratford, CT

- Performed preventive maintenance, and repaired mail sorting and mail opening equipment at our client's headquarters in Englewood Cliffs, NJ.
- Edited sort schemes and modified thickness files in the sort control computers.
- Responsible for fixing malfunctioning machines by refurbishing or replacing the faulty components.
- Sustained a parts inventory, purchased tools, and supervised the other on-site Agissar technicians.
- In-house electronics engineer/field service engineer at the corporate office from 1999 – 2011.
- Improved or modified machine circuitry, and performed quarterly preventive maintenance on machines in the NY/CT area.
- Installed new equipment at customer's sites, and trained customer's employees on machine operations.

Electronics Technician 1986 – 1997
US Postal Service, Stamford, CT

- Repaired, and performed maintenance on various mail cancellation, and sorting machines at the US Postal facility in Stamford, CT.
- Secured, and sustained LAN/WAN system, and AB programmable logic controlled conveyors.
- Maintained video capture (wide area bar code reader) equipment, and printers.
- Obtained prerequisite grades at the US Postal Technical Training Center, in Norman, OK, for all machines to be serviced.

Electro-Mechanic Technician 1984 – 1986
Clairex Corporation, Mount Vernon, NY

- Repaired, and adjusted silicon wafer aligners and developers, aluminum, and gold evaporators, furnaces, reverse osmosis machine, compressors, and pumps.
- Built printed circuit boards from schematic drawings, and tested them for proper functionality.
- Fixed plumbing, and maintained logs for gases used in silicon wafer processing.

Test Technician 1980 – 1984
Magnetic Analysis Corporation, Mount Vernon, NY

- Refurbish malfunctioning units from the field.
- Used Non-Destructive Testing (NDT) methods to detect defects in rolled bar stock, tubes, and metal parts.
- Update, troubleshoot, adjust, and repair new and used equipment.
- Tested, debugged, adjusted, and electronically aligned new equipment.

SKILLS

Programmed AB programmable logic controllers. Experienced in use of digital multi-meters, frequency generators, oscilloscopes, and frequency counters. Soldered electronic parts, and sweat copper pipe joints. Microsoft Office.

EDUCATION

UL University – National Electrical Code for Photovoltaics 2010
Porter and Chester Institute – HVACR 2005
Electronics Warfare Technician "A" school (rating required secret clearance)
US Naval Reserves – Electricity and Electronics
SUNY Stony Brook – BA Environmental Studies



Correspondence Management System

Control Number: AX-11-001-7398

Printing Date: October 17, 2011 01:02:52



Citizen Information

Citizen/Originator: Laskey, Frederick A.

Organization: Massachusetts Water Resources Authority
Address: 100 First Avenue, Building 39, Boston, MA 02129

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7398 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 17, 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- MWRA has made significant design decisions based on EPA's UV Guidance Manual and has begun construction of a \$29 million, UV treatment project at our Water Treatment Plant and are in the final design stage of a smaller UV project at the Quabbin Reservoir
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
R1 - Region 1 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Oct 17, 2011



MASSACHUSETTS WATER RESOURCES AUTHORITY

Charlestown Navy Yard
100 First Avenue, Building 39
Boston, MA 02129

Frederick A. Laskey
Executive Director

Telephone: (617) 242-6000
Fax: (617) 788-4899
TTY: (617) 788-4971

October 7, 2011

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

2011 OCT 17 AM 7:14
RECEIVED
OFFICE OF THE
EXECUTIVE SECRETARY

Dear Administrator Jackson:

In order to ensure compliance with the Environmental Protection Agency's (EPA) Long Term 2 Enhanced Surface Water Treatment Rule, the Massachusetts Water Resources Authority (MWRA) has made significant design decisions based on EPA's UV Guidance Manual and has begun construction of a \$29 million, UV treatment project at our John J. Carroll Water Treatment Plant which serves over 2 million people in the metropolitan Boston area, and are in the final design stage of a smaller UV project at the Quabbin Reservoir. However, MWRA, like other water utilities across the country, has recently learned of developments in the science of ultraviolet disinfection which call into question assumptions made by EPA in the development of said UV Guidance Manual.

It is MWRA's understanding that recent studies raise the possibility that the assumptions in the EPA UV Guidance Manual may overestimate the UV dose delivery with regard to *Cryptosporidium* inactivation for all medium pressure UV reactors. While it appears that there is substantial activity by UV manufacturers, academics, and industry experts to understand the issue, ultimately EPA action will be required to definitively assess and resolve the matter.

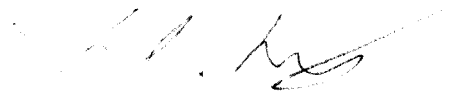
MWRA is very concerned that given the fact that MWRA is already in construction on a complicated and tight schedule, that any delay in definitively resolving the issue may result in the need for costly construction delays and/or expensive rework, as well as the potential of violating the compliance deadline.

Frankly, MWRA finds itself in a classic "Catch 22" situation. Whether we plow ahead with construction to meet the compliance deadline and the standard then changes, or we put the project on hold and miss the deadline, MWRA could find itself in non-compliance with federal law.

In closing, I respectfully request that you do all in your power to resolve this situation in an expeditious manner, so that MWRA has clear guidance on how to proceed. MWRA staff stands ready to assist in any possible.

I thank you in advance for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. A. Laskey', written over a light gray rectangular background.

Frederick A. Laskey
Executive Director

cc: H. Curtis Spalding, EPA Region 1 Administrator
Kenneth L. Kimmel, Mass DEP Commissioner



Correspondence Management System

Control Number: AX-11-001-7406

Printing Date: October 17, 2011 01:33:30



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-11-001-7406

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 13, 2011

Received Date: Oct 17, 2011

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: MEM (Memo)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - Acceptance of Corrective Action Plan for OIG Report No. 11-P-0315, Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase EPA Efficiency, July 6, 2011

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

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R7	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R7	Oct 17, 2011



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

OCT 13 2011

THE INSPECTOR GENERAL

MEMORANDUM

SUBJECT: Acceptance of Corrective Action Plan for OIG Report No. 11-P-0315,
*Agency-Wide Application of Region 7 NPDES Program Process Improvements
Could Increase EPA Efficiency*, July 6, 2011

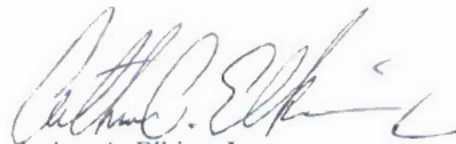
TO: Bob Perciasepe
Deputy Administrator

This memorandum serves to acknowledge the receipt and acceptance of the revised corrective action plan dated October 6, 2011, for the subject report.

In accordance with EPA Manual 2750, you provided a written response to the findings and recommendations presented in the final report. We agree that your final corrective action plan meets the intent of the recommendations. We appreciate your constructive approach to the issues raised in our report.

With this memorandum, we are closing out this assignment. As reminder, please provide us with regular updates on your corrective actions, and notify us when you complete the corrective action plan and inactivate the assignment in MATS.

If you or your staff have any questions regarding this memo, please contact Melissa Heist, Assistant Inspector General for Audit, at (202) 566-0899; or Richard Eyermann, Director, Efficiency Audits, at (202) 566-0565.


Arthur A. Elkins, Jr.

2011 OCT 17 AM 8:35
OFFICE OF THE
EXECUTIVE SECRETARIAT



Correspondence Management System

Control Number: AX-11-001-7384

Printing Date: October 17, 2011 05:40:26



Citizen Information

Citizen/Originator: Cimini, Pat

Organization: Southeastern Association of Fire Chiefs

Address: 1101 Marley Street, Conway, SC 29527

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7384

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 31, 2011

of Extensions: 0

Letter Date: Oct 14, 2011

Received Date: Oct 17, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

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

Subject: Daily Reading File- The Association Board of Directors has asked me to write to you regarding the EPA forcing every diesel-powered vehicle to have a filter to keep soot out of the air, including fire trucks.

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

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R2 - Region 2 -- Immediate Office
R3 - Region 3 - Immediate Office
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	Oct 17, 2011	Oct 31, 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.			



Alabama – Florida – Georgia – Kentucky – Mississippi – North Carolina – Puerto Rico
South Carolina – Tennessee – U.S. Virgin Island – Virginia – West Virginia

Southeastern Association of Fire Chiefs

1101 Marley Street
Conway, SC 29527
843-397-9146

October 14, 2011

United States Environmental Protection Agency
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Attn: Lisa Jackson, Administrator

Dear Ms. Jackson;

The Southeastern Association of Fire Chiefs is the largest division within the International Association of Fire Chiefs (IAFC) with some 2,000 plus members. The Association Board of Directors has asked me to write to you regarding the EPA forcing every diesel-powered vehicle to have a filter to keep soot out of the air, including fire trucks.

These filters, as you know, usually burn off soot before clogging the engine, but fire trucks don't do enough long-haul driving to get hot enough to burn the soot away. Fire apparatus are equipped with a feature called "Regeneration" which causes the fire engine to go into the burn off process. Fire trucks across the country are breaking down at record rates because of this filter system that EPA forces them to use.

Fire apparatus are going into "Regeneration" at the scene of fires to begin the burn off process causing units to shut down, thus leaving firefighters with no water to fight a fire until replacement units can arrive.

The impact of these break downs are extremely costly and are rendering primary emergency response units out of service until they can be reprogramed and returned to service. These out of service vehicles force emergency responders to be without apparatus or utilize reserve apparatus which may not meet current NFPA requirements.

This situation could cause the loss of life to a fire fighter or to a taxpayer who is depending on the fire engine reaching them in time to save them and their property.

Currently EPA exempts military and construction industries from having to install these filters. We certainly can understand the military vehicles being exempt, but construction equipment is a little hard to swallow, knowing that no one's life depends on a piece of construction equipment.

The filter system on a new fire apparatus has raised the cost of a new unit approximately \$25,000.00 to \$30,000.00 per apparatus. In these economic hard times this puts a huge burden on Volunteer Fire Departments and Career Departments alike when trying to purchase a new vehicle. The money needed to provide the filter system could be used to purchase some equipment that could make the difference between life and death.

Somehow it is hard to believe a filter system on a fire apparatus can make that much difference to the environment when they do not operate anywhere near the time that a piece of construction equipment does.

We are asking that you give this consideration to exempt fire and emergency apparatus from the filter requirement. It is our hope that you will see the importance of this issue and exempt fire and emergency services apparatus.

Respectfully;

Pat Cimini

Pat Cimini

Executive Director

Southeastern Associations of Fire Chiefs

Cc: US Senators

US Congressmen



Correspondence Management System

Control Number: AX-11-001-7475

Printing Date: October 18, 2011 02:08:54



Citizen Information

Citizen/Originator: Hamilton, Joshua W.

Organization: N/A

Address: 52 Old Forge Road, North Falmouth, MA 02556

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7475

Alternate Number: N/A

Status: For Your Information

Closed Date: Oct 18, 2011

Due Date: N/A

of Extensions: 0

Letter Date: Oct 5, 2011

Received Date: Oct 18, 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 purpose of this letter is to respond to the letter to you from Jennifer Sass at the Natural Resources Defense Council dated October 3, 2011, regarding the EPA's pending Integrated Risk Information System assessment of hexavalent chromium.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA

Kecia Thornton - OSWER

Michelle Crews - OSWER

OCSPP - OCSPP - Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OSWER - OSWER -- Immediate Office

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	ORD	Oct 18, 2011

History

Joshua W. Hamilton Ph.D.
52 Old Forge Road, North Falmouth MA 02556
phone 508-524-2200 e-mail jhamilton@mbi.edu

October 5, 2011

Administrator Lisa Jackson
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue NW
Mail Code: 1101A
Washington DC 20460

Re: NRDC letter of October 3, 2011

Dear Administrator Jackson:

The purpose of this letter is to respond to the letter to you from Jennifer Sass at the Natural Resources Defense Council (NRDC) dated October 3, 2011 regarding the EPA's pending Integrated Risk Information System (IRIS) assessment of hexavalent chromium. I served on the expert peer review panel that recently reviewed the EPA's draft document, and I was explicitly mentioned and criticized in the NRDC's letter. While there are numerous technical inaccuracies and misstatements in their letter, I am particularly concerned about and feel I must specifically respond to the statements about me and my role in this assessment, since they attack me as an individual and professional and also call into question the EPA's process and the integrity of its review panel and its findings.

First, by way of background, I am an academic scientist and a molecular toxicologist who focuses principally on toxic metals including arsenic and chromium. I received my Ph.D. from Cornell University and did my postdoctoral training at Dartmouth College with the late Karen Wetterhahn, who was considered at the time of her tragic death in 1997 to be one of the world's top experts on chromium chemistry, biology and toxicology. It was in her laboratory that I first began my own research program on chromium in 1985, and I have been doing basic research on chromium for the past 26 years. I started my own independent laboratory at Dartmouth in 1988 and remained there, rising to tenured full professor at Dartmouth Medical School, until 2008 when I became the Chief Academic and Scientific Officer and a Senior Scientist at the Marine Biological Laboratory in Woods Hole MA where I also have an appointment as a Professor of Pathology and Laboratory Medicine at Brown University.

I am considered one of the leading independent experts on chromium toxicology, which is why I was invited to participate on the expert panel. I previously served on the EPA's Science Advisory Board Framework for Metals Risk Assessment panel (2004) to develop new risk assessment strategies for toxic metals and have served on many other independent expert panels in a similar capacity. I have been continuously funded by the National Institutes of Health (NIH) — principally through the National Institute for Environmental Health Sciences (NIEHS) and the National Cancer Institute (NCI) — as well as by the National Science Foundation (NSF) and by

other federal and non-federal non-profit agencies, for my entire career. My studies are reviewed and selected for funding via the peer-review process, and the results of these studies are published via the peer review process.

I should also note that, while at Dartmouth, I was the Principal Investigator and Director of the Dartmouth Superfund Research Program (SRP), which was initiated by me and Karen Wetterhahan in 1995 and which I directed from 1997 to 2008. When I moved to the MBL, I stepped down as Director but I remain as a research project leader in that program and am also affiliated with the Brown SRP program. As you know, the SRP program was started by and previously jointly funded by EPA and NIEHS, and is now funded and administered by NIEHS but with close ties to the EPA, the Center for Disease Control and Prevention (CDC) and their Agency for Toxic Substances and Disease Registry (ATSDR), and closely aligned with their missions to understand and ameliorate the adverse effects of toxic substances in the environment on human health. I have worked closely for many years with Region I EPA and ATSDR through our SRP program as well as several New England state agencies. The Dartmouth SRP program is focused exclusively on toxic metals, and through that program, my colleagues and I developed an international reputation for performing cutting edge research and assessment of toxic metals and human health.

My lab was the first to discover and report that arsenic is a potent endocrine disruptor [1-8] (as is chromium, see [1-3]), and more recently we demonstrated that arsenic also suppresses innate immune response [9,10], resulting, for example, in a substantial compromise in the ability of mice to recover from influenza infection [11]. My lab, among others in the Dartmouth SRP program, was also instrumental in assisting the EPA in the 1999 and 2001 National Research Council (NRC) reviews that led to a lowering of the drinking water standard from 50 to 10 parts per billion, and my lab's work was specifically cited by then EPA Administrator Christie Todd Whitman in Congressional Testimony as key new evidence that led EPA to promulgate the new drinking water standard. Current NIEHS Director Linda Birnbaum has often cited our arsenic research in her public comments and testimony before Congressional committees and other stakeholders. While at Dartmouth I also founded and was the director of the Center for Environmental Health Sciences, which remains as a strong interdisciplinary program at Dartmouth that more broadly examines the environment and human health and which currently manages the Dartmouth SRP and three other large, interdisciplinary program projects.

As this background illustrates, I am, and have always been an independent, principally federally-funded basic researcher doing fundamental research on the mechanistic basis for the toxic effects of chromium and arsenic. For the record, I am not, nor have I ever been, funded by industry for any of my chromium (or arsenic) research (as incorrectly stated in the NRDC letter, page 2, second paragraph). Thus, the implication that I "work for industry" is false and appears to be meant to label me in order to discount my expert opinions regarding hexavalent chromium and those of other members of this panel with which the NRDC and other special interest groups apparently disagree. Further in that same paragraph (page 2, paragraph 2) of the NRDC letter it states that I am "a litigation witness for PG&E ..." which is also false. Many years ago I did consult with PG&E on a chromium-related litigation matter that was settled. More recently I worked with them on another non-litigation matter involving former manufactured gas plant residues in the San Francisco area, serving as a toxicology expert for them, and serving as a

toxicology liaison with the State agency workers from CA EPA, officials from the City, and local residents and other stakeholders. Based on that consulting relationship, this summer I was asked by PG&E if I could serve in a similar capacity to provide toxicology advice to them, to the Hinckley CA community, and to the Lahontan CA water board as they discussed hexavalent chromium remediation strategies for the legacy contamination in Hinckley and the potential exposure and human health implications of those strategies. But while the water board has legal authority this is not, to my knowledge, a litigation matter per se – so far as I know there is no lawsuit pending with PG&E, nor am I involved in any litigation associated with Hinckley CA -- and my June 2011 declaration that the NRDC letter cites is simply a formal written response I was asked to write to the Lahontan water board as a follow-up to verbal comments I gave them and a draft decision they provided to PG&E regarding their clean-up strategy and the current controversy over the interpretation of a public health goal versus a regulatory and clean-up standard.

With regard to any potential conflict of interest, I had indicated to ERG Inc. my previous consulting with PG&E as well as other previous and current consulting, as part of my conflict of interest review in 2010 in preparation for the EPA's chromium expert panel review, and it was determined that there was no conflict. When PG&E initially contacted me about my potential role at the Hinckley site this summer – almost a year after I had been engaged by ERG for the EPA panel and after the majority of our work had been completed -- I immediately contacted ERG before making any decision, and ERG concluded that this did not represent a significant conflict of interest, particularly since the consulting would involve informal "town meeting" style formats and since it would follow after my principal involvement in the EPA review. At that point I had completed and submitted my preliminary review, participated in the public meeting and committee review in Washington DC, and amended my written comments for final submission as a follow-up to our public discussion.

I should also note that in addition to naming me in their letter, the NRDC also named Dr. Stephen Patierno who was also on the expert panel. The letter implied that Dr. Patierno and I were not only working together but were somehow overseeing and coordinating the efforts of ToxStrategies Inc. regarding the new chromium studies being concluded this year. Again, for the record, I do not now, nor have I ever worked for ToxStrategies, I am not involved in any way in those emerging studies, and I did not in any way know of, or coordinate any of the public comments that day. Moreover, I had not actually seen Dr. Patierno, nor communicated with him, for perhaps two years or more prior to seeing him at the May 2011 public hearing session of the expert review panel. The chromium field is small, and so in that sense he is a colleague (and I should note a competitor for NIH grants) that I have known for over twenty years, but we usually just see each other once a year or so at the annual Society of Toxicology meeting. The implication that we are somehow in collaboration behind the scenes is also absurd and patently false, and I am appalled at how irresponsible the NRDC was in making false allegations against me – and I assume also against Dr. Patierno – without the most basic fact-checking or confirmation.

Finally, I would like to make a more general comment regarding another statement in the NRDC letter because I think this substantially impacts not only this chromium review, but other external scientist-participatory processes within the EPA as well. In the fourth paragraph of page

2, the NRDC cites an article by Dr. David Michaels, which they state is a warning against appointing “product defense scientists” to advisory panels. As a toxicologist, I am deeply troubled by this statement and its implications. First, most of the toxicologists I know have done some consulting at one time or another. I believe this is not only acceptable but is an important activity. While most of us work in the laboratory or clinic, consulting provides an opportunity to apply our knowledge and experience to real-world situations, where “the rubber meets the road.” Were we not to do so, many stakeholders would find themselves having to make decisions in the absence of, or with incomplete knowledge of the latest science and our overall understanding of the adverse effects of chemicals on the environment and on human health. Thus, working toxicologists are often sought – and this is appropriate in my view – to provide insight into specific toxicology issues by various stakeholders. Second, in my experience most of these situations are non-litigation cases; but even in those cases, good toxicology is important to provide or the legal system is faced with very difficult decisions in the absence of this knowledge. But most importantly, it is important to recognize that there are at least two sides to every debate. And as a scientist, I am supposed to be as objective as possible in each situation. For any given circumstance where we are looking at a potential chemical exposure and asking whether there may be an adverse effect, we must acknowledge that the answer might be “yes,” but the answer might also be “no.” I assess each potential consulting matter as well as my own research results through this objective lens.

As I think is typical for academic scientists like me, my consulting is a very small part of my overall professional effort and is rather ad hoc. I do not advertise for or seek consulting opportunities, and those cases that I have worked on are always a result of someone seeking my expertise. Over the years I have worked on a few dozen individual cases and these range from individuals who are concerned about a household issue to small businesses to large corporations to schools and municipalities. And I have turned down perhaps four times as many potential clients than I have taken on because I did a preliminary assessment and told them I could not help them. Most of my cases have been non-litigation matters where someone is simply seeking knowledge to make an informed decision. But in litigation terms, I would say I have worked about equally for stakeholders who, if it had involved litigation, would traditionally be considered either defendants or plaintiffs. So the notion that I am “pro-industry” or principally work on their behalf is not true, as any simple examination of my consulting record would reveal.

More importantly, I believe it would do great harm to the EPA and others to exclude any toxicologist who has worked for a for-profit client, the so-called “product defense scientist” cited by the NRDC. First, it would exclude many, perhaps most good toxicologists in a given area. Second, as indicated, many toxicologists like me have worked on “both sides of the aisle” – so would someone be excluded who had ever worked for an industry client under any circumstance? I think this would be a big mistake both because it excludes good people and because it assumes bias (but only in one direction) by the scientist if they have ever consulted with the private sector. Third, this assumes that industry is always “wrong” on a given issue and anti-industry stakeholders are always “right.” Painting with such a broad brush is, in fact, a strong form of bias and is the antithesis of good science that looks objectively – and skeptically – at any claims unless and until the science supports such a conclusion. And finally, as they say: “what is good for the goose is good for the gander.” If “pro-industry” experts are excluded, so

too should be “anti-industry” experts who have worked with or are working with plaintiffs, advocacy groups or others with their own “anti-chemical” or “anti-industry” agenda. Because one could argue that this is also a significant conflict of interest for such an expert, since a scientist on a panel who influences the outcome to overstate the toxicity of a chemical could arguably be seen as doing so to enhance his or her own abilities to garner positive results for plaintiffs and other stakeholders by supporting their claims of some harm from that chemical.

In conclusion, the charges aimed against me in the NRDC letter are false and baseless. I believe that the ERG put together an excellent panel of experts to review hexavalent chromium on behalf of the EPA, and that we did a very thorough and thoughtful job in updating this assessment with a comprehensive view of what chromium does and does not do. There is growing consensus, as indicated by the individual reviewer comments and by the discussion at the review session, that the emerging studies should be looked at very carefully before a final document is produced, and that there were other significant aspects of the draft document that required significant revision. In particular, there is growing consensus that a mutagenic Mode of Action (MOA) for chromium is unlikely when one views the entire chromium literature objectively through a modern lens. The EPA administrator who opened the meeting said it best when he stated that he did not want the EPA to just do it quickly, he wanted them to get it right. I concur wholeheartedly. He encouraged the panel to be as critical and comprehensive as possible, and I believe we fulfilled that charge and produced an excellent set of reviews of the draft document that we urged EPA to consider just as thoughtfully before producing a final document. I also believe that the panel represented a very good cross-section of the best expertise in the field and that the review was fair and comprehensive. I would urge the EPA to not bow to external pressures to do it quickly, or to dismiss some or all of the panel’s comments based on the NRDC’s charges and clear bias. I look forward to the EPA’s final evaluation of chromium toxicology and hope that you take full advantage of the expertise of the panel and the comments they provided to the agency on this important topic. I am happy to continue to be of service to the EPA in any capacity as it moves forward with this process.

Sincerely,

A handwritten signature in black ink, appearing to be 'JW Hamilton', with a large, stylized loop at the end.

Joshua W. Hamilton Ph.D.

References Cited:

1. Hamilton JW, Kaltreider RC, Bajenova OV, Ihnat MA, McCaffrey J, Turpie BW, Rowell EE, Oh J, Nemeth MJ, Pesce CA, Lariviere JP. Molecular basis for effects of carcinogenic heavy metals on inducible gene expression. *Environ Hlth Perspect* 106(S4):1005-1015, 1998.
2. Kaltreider RC, Pesce CA, Ihnat MA, Lariviere JP, Hamilton JW. Differential effects of arsenic(III) and chromium(VI) on nuclear transcription factor binding. *Mol Carcinogen* 25:219-229, 1999.
3. Hamilton JW, Kaltreider RC, Davis AM, Green RA. Arsenic(III) and chromium(VI) alter glucocorticoid receptor (GR) function and GR-dependent gene regulation. *Metal Ions Bio Med* 6:66-58, 2000.
4. Kaltreider RC, Davis AM, Lariviere JP, Hamilton JW. Arsenic alters the function of the glucocorticoid receptor as a transcription factor. *Environ Hlth Perspect* 109:245-251, 2001.



Correspondence Management System

Control Number: AX-11-001-7484

Printing Date: October 18, 2011 02:19:56



Citizen Information

Citizen/Originator: Morgan, J. H.

Organization: House of Delegates West Virginia Legislature
Address: Post Office Box 117, Huntington, WV 25706

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7484 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 11, 2011 **Received Date:** Oct 18, 2011
Addressee: POTUS-President of the United States **Addressee Org:** White House
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 18, 2011
Gloria Hammond	OAR	OAR-OAQPS	Oct 18, 2011

History



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM E-213
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3192

JIM MORGAN, Chair
COMMITTEE ON GOVERNMENT ORGANIZATION
P.O. BOX 117
HUNTINGTON, WV 25706
PHONE: (304) 523-6120
EMAIL: delegatejim@aol.com
WEBSITE: www.delegatejim.com

October 11, 2011

RECEIVED
2011 OCT 18 AM 9:01
OFFICE OF THE
EXECUTIVE SECRETARIAT

Committees:
House Rules
Joint Committee on
Government Operations
Joint Committee on
Government Organization
Constitutional Revision

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

Dear Mr. President:

I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants. I strongly urge the Administration to utilize all of the flexibility tools it has available under the Clean Air Act and to provide utilities with greater compliance flexibility.

As you know, EPA is required to finalize the Utility MACT by November 16. I am concerned that the final rule, unless it is modified, could negatively impact my constituents at a time when we are making every effort possible to create new jobs and restore economic growth.

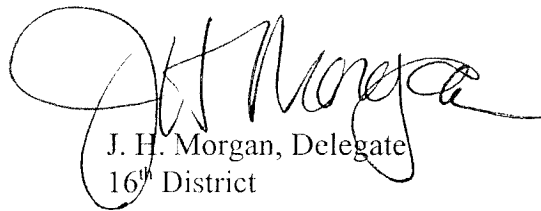
I believe EPA's proposed three-year implementation schedule is too short and does not adequately take into account the unprecedented number of controls that will need to be installed across the country, at nearly the same time. EPA can and should extend the compliance deadline for one additional year for all units that are installing new pollution control equipment; that are being replaced or repowered; or whose closure requires expanded transmission capacity for reliability purposes. Such an extension would give utilities more flexibility and would be in line with Executive Order 13563 that states regulations "must promote predictability and reduce uncertainty."

Your Administration has many available tools under the CAA when implementing the Utility MACT and we encourage you to use them all, including, in appropriate circumstances, the Presidential exemption provisions. I hope that you will agree that additional implementation flexibility will improve the rule and will minimize the compliance costs for customers, reduce regulatory uncertainty, and help to protect electric reliability, while still achieving the desired emissions reductions.

President Barack Obama
Page 2

Thank you for your personal attention to this matter.

Yours truly,



J. H. Morgan, Delegate
16th District

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

Mr. Cass Sustein
Administer, Office of Information and Regulatory Affairs
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503
Fax: 202-395-5806



Correspondence Management System

Control Number: AX-11-001-7508

Printing Date: October 18, 2011 02:00:49



Citizen Information

Citizen/Originator: Patierno, Steven R.

Organization: The George Washington University Medical Center
Address: Rose Hall, 2300 Eye Street NW, Washington, DC 20034

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7508 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 4, 2011 **Received Date:** Oct 18, 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-You were recently in receipt of a letter from Dr. Jennifer Sass, on behalf of the National Resources Defense Council. There are many factual inaccuracies in that letter but I wish to correct the ones that affect me personally.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
OSWER - OSWER -- Immediate Office
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	ORD	Oct 18, 2011

History



THE GEORGE
WASHINGTON
UNIVERSITY
MEDICAL CENTER
WASHINGTON DC

OFFICE OF THE EXECUTIVE DIRECTOR

THE GW CANCER INSTITUTE

October 4, 2011

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT 18 AM 8:59

RE
D

Dear Administrator Jackson:

You were recently in receipt of a letter from Dr. Jennifer Sass, on behalf of the National Resources Defense Council. There are many factual inaccuracies in that letter but I wish to correct the ones that affect me personally.

In this letter and on her blog Dr. Sass has disparagingly, but incorrectly claimed that my research is funded by the chromium industry through ToxStrategies. I am not, and have never been, a contractor to ToxStrategies, nor been a Principle Investigator to any grant from ToxStrategies. No part of my research has ever been funded by any organization that could even be loosely described as the "chromium industry".

My chromium-related research has been funded by the NIH National Institute of Environmental Health, uninterrupted, for twenty-three years. I have published nearly 100 peer-reviewed papers on the molecular and cellular mechanisms of chromium carcinogenesis, and more recently, on chromium-induced lung inflammation and its role in asthma. If you read my papers it would be difficult, if not impossible, to conclude that I do research on behalf of the chromium industry. The scientific record indicates exactly the opposite.

ToxStrategies recently gave the George Washington University a small grant to conduct a small part of it's multi-center study. The PI of that grant is Dr. Travis O'Brien, an independent faculty member with his own research lab, who happens to have expertise in measuring Cr-DNA adducts. Dr. O'Brien is a professional colleague of mine, but I am neither his Chairman, nor his employer. He does not report to me or work for me in any way.

Over the course of a long career of chromium research, I have occasionally served as an expert witness in chromium-related litigation (<10 cases in 25 years). Indeed, because chromium litigation has nearly become an industry in itself, it very difficult to find a chromium expert who has NOT served as an expert witness on one side or the other. I am always careful to disclose this: I disclosed it three times in writing to the contracting agency that coordinated the Peer

Review Panel. I also verbally disclosed this activity, on the record, in front of everyone present, at the very beginning of the EPA Peer Review Panel. Dr. Sass didn't need to file a FOIA request to get this information: I gave it freely and it is on the record. Likewise I publically disclosed this information when I gave testimony before the U.S. Senate Subcommittee on Environment and Public Works.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Patierno', with a stylized flourish extending from the end.

Steven R. Patierno, Ph.D.
Director, The GW Cancer Institute
Vivian Gill Distinguished Professor of Oncology

Professor of Pharmacology and Physiology, Genetics and Urology
The GW School of Medicine and Health Sciences
Professor of Environmental and Occupational Health, and Global Health
The GW School of Public Health and Health Services
Founding Director, Molecular and Cellular Oncology Program



Correspondence Management System

Control Number: AX-11-001-7481

Printing Date: October 19, 2011 04:52:56



Citizen Information

Citizen/Originator: Hay, Lewis

Organization: Nextera Energy

Address: 700 Universe Boulevard, Juno Beach, FL 33408

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7481

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Nov 2, 2011

of Extensions: 0

Letter Date: Oct 11, 2011

Received Date: Oct 18, 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- Nextera Energy 2011 Sustainability Report

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

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OEAE - Office of External Affairs and Environmental Education
ORD - Office of Research and Development -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OP	Oct 19, 2011	Nov 2, 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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Lewis Hay, III
Chairman & Chief Executive Officer



October 11, 2011

Ms. Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Rm 3000, MC 1101
Washington, DC 20460

RECEIVED
2011 OCT 18 AM 8:58
OFFICE OF THE
EXECUTIVE SECRETARY

Dear Administrator Jackson:

NextEra Energy's investments of more than \$38 billion in the electric infrastructure over the past decade have enabled us to deliver a product that is low-cost, clean and reliable – all at the same time. This achievement and many others are outlined in detail in our 2011 Sustainability Report, a copy of which you will find enclosed.

If I had to point to a single source for the most thorough review available of key elements in our sustainability journey – including our environmental leadership, strong financial performance, excellent customer service, and investments in our people and our communities – this is it.

In this report, you'll learn that NextEra Energy's recorded emissions rates continue to be remarkably better than other energy companies, beating the U.S. electric power sector averages for carbon dioxide by 52 percent, nitrogen oxides by 77 percent and sulfur dioxide by 85 percent in 2010.

You'll read that thanks in large part to investments by our rate-regulated subsidiary, Florida Power & Light Company (FPL), in efficient, state-of-the-art power generation technologies, today's typical FPL residential customer bill is the lowest of all 55 utilities in Florida and more than 20 percent below the national average. At the same time, FPL continues to deliver cleaner and more reliable service than the comparable national averages.

NextEra Energy Resources, our competitive generation subsidiary, continues to lead North America in renewable energy generation from the wind and the sun, and grew its wind capacity in operation by 10 percent to 8,298 megawatts in 2010. It has two large solar projects under construction, one in California and the other in Spain.

Our 2011 Sustainability Report also highlights initiatives we are championing to help customers and communities in need. These include long-standing, proven programs to help customers save energy and money, such as FPL's free home and business energy-saving evaluations and "energy makeovers" for homes and non-profit organizations. Newer initiatives include support to help local governments upgrade their emergency services.

For NextEra Energy, sustainability also means investing in our approximately 15,000 employees. We're proud to offer programs ranging from dozens of health and wellness activities, to a comprehensive ZERO Today! safety vision, to more than 1,000 courses in professional skills development at NextEra University.

Administrator Lisa Jackson
October 11, 2011
Page 2

We also have a long history of encouraging our employees to give back to the communities in which we all live and work. As part of our annual Power to Care Week, for example, nearly 650 employees and their families participated in more than 20 community volunteer projects across Florida in May 2011. Our long-standing commitment to the United Way continues as well, and since 2000, our employees and our company have donated more than \$33 million to the non-profit organization.

As you can tell, I'm proud of the work we've done. Our talented and hard-working employees make it all happen. I hope you'll take some time to browse this report, which is also available to download at www.NextEraEnergy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lew". The signature is stylized with a large, looping "L" and a cursive "ew".



Correspondence Management System

Control Number: AX-11-001-7507

Printing Date: October 19, 2011 10:58:22



Citizen Information

Citizen/Originator: Pinkoson, Lee

Organization: Alachua County Board of County Commissioners

Address: P.O. Box 2877, Gainesville, FL 32602

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7507

Alternate Number: N/A

Status: Closed

Closed Date: Oct 19, 2011

Due Date: Nov 1, 2011

of Extensions: 0

Letter Date: Oct 18, 2011

Received Date: Oct 18, 2011

Addressee: POTUS-President of the United States

Addressee Org: White House

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- We are again writing to request your assistance to expedite federal action to address local concerns as a result of the Cabots/Koppers Superfund site located in Gainesville Florida.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
OEAE - Office of External Affairs and Environmental Education
OSWER - OSWER -- Immediate Office
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (7) Personal Privacy	OEX	R4	Oct 18, 2011	Nov 1, 2011	Oct 19, 2011
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.			



Alachua County Board of County Commissioners

Lee Pinkoson, *Chair*
Paula M. DeLaney, *Vice Chair*
Rodney J. Long
Mike Byerly
Susan Baird

Administration
Randall H. Reid
County Manager

October 5, 2011

The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama,

On behalf of the Alachua County, FL Commission, We are again writing to request your assistance to expedite federal action to address local concerns as a result of the Cabots/Koppers Superfund site located in Gainesville Florida.

As we expressed to you previously, our citizens have been waiting for decades for implementation of corrective actions that can provide adequate safeguards for adjacent neighborhoods and the community water supply.

We seek your assistance in helping the people in the impacted neighborhoods adjacent to the former Kopper's plant. The uncertainty associated with dioxin levels at their homes continues to impose undue stress and anxiety on these people. We continue to desperately need your assistance and your influence in expediting:

- the delineation of the offsite dioxin contamination surrounding the superfund site, including the extent of soil and indoor dust contamination in all potentially affected properties;
- immediate action to provide temporary and permanent relocation of affected residents; and
- analysis by the CDC of the field data to determine and resolve the uncertainties of potential health effects as a result of exposure to dioxin in the area.

Mr. President, please help restore their faith in their elected officials.

Thank you for your service.

Respectfully,

Lee Pinkoson, Chair
Alachua County Commission

2011 OCT 18 AM 8:59
OFFICE OF THE
EXECUTIVE SECRETARIAT
RE
D





Correspondence Management System

Control Number: AX-11-001-7509

Printing Date: October 18, 2011 02:48:55



Citizen Information

Citizen/Originator: Wyant, Dan

Organization: State of Michigan Department of Natural Resources & Environment
Lansing

Address: Constitution Hall, 525 West Allegan Street, P.O. Box 30473, Lansing, MI
48909-7973

Constituent: Isiogu, Orjiakor N.

Organization: Michigan Public Service Commission

Address: P.O. Box 30221, Lansing, MI 48909

White, Greg R.

Organization: Michigan Public Service Commission

Address: P.O. Box 30221, Lansing, MI 48909

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7509

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 7, 2011

Received Date: Oct 18, 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- Michigan Department of Environmental Quality (MDEQ) and the Michigan Public Service Commission respectfully request that the US EPA convene a proceeding for reconsideration of the Cross-State Air Pollution Rule.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OP - Office of Policy

R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

October 7, 2011

Ms. Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue NW (1101A)
Washington, DC 20460

SUBJECT: Request for Reconsideration and Petition for Administrative Stay of the U.S. EPA Final Rule titled "Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States" promulgated August 8, 2011 -- Docket No. EPA-HQ-OAR-2009-0491

Dear Ms. Jackson:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act (CAA), 42 U.S.C. §7607(d)(7)(B), the Michigan Department of Environmental Quality (MDEQ) and the Michigan Public Service Commission (MPSC) respectfully request that the U.S. Environmental Protection Agency (U.S. EPA) convene a proceeding for reconsideration of the Cross-State Air Pollution Rule (CSAPR), 76 *Federal Register* 48208 (August 8, 2011), and stay the compliance deadline of the rule.

The MDEQ and MPSC are concerned that the CSAPR creates a serious risk for electric system reliability in Michigan's Upper Peninsula because insufficient nitrogen oxide (NO_x) and sulfur dioxide (SO₂) allocations have been assigned to key electric generating units in the region. MISO and the American Transmission Company (ATC) require the Upper Peninsula's We Energies Presque Isle Power Plant to operate four of its five units for local voltage support and system reliability. Under certain conditions, transmission constraints reduce power flow into and out of the Upper Peninsula. Although recent transmission system upgrades have been completed by the ATC Northern Umbrella Project, operation of the four Presque Isle units is still required to provide adequate voltage stability and to avoid pre-emptive curtailment of customer load. Additional transmission upgrades into the Upper Peninsula are not possible prior to 2017. The Presque Isle Power Plant did not receive enough allowances to support the operation of the four units at the required minimum load levels.

In addition, installation of major emission controls on the four Presque Isle units such as selective catalytic reduction (SCR) technology cannot be completed until 2017 as planned outage schedules are restricted by MISO/ATC requirements. Controls such as advanced low NO_x burners or selective non-catalytic reduction cannot be installed at this plant prior to 2014 and would be insufficient to achieve required emissions reductions. Finally, given the short compliance time line and aggressive emission reductions, there is great uncertainty of both the availability and cost of emission allowances.

System reliability is also a concern for the Lower Peninsula of Michigan. There were multiple days in the summer of 2011 in which MISO initiated emergency operations procedures during critical load conditions. The market progressed to a Max Gen alert multiple times, declaring that the estimated maximum available economic generation was within one percent of requirements.

On future critical load days, a lower amount of available generation due to the retirements and shutdowns anticipated by the CSAPR will result in a serious risk to system reliability.

The reduced limits/allocations and trading options in the final CSAPR will drive modifications in the utilization of the electric generating fleet in Michigan. Strategies for meeting the limits suggested in the rule would drive units to "off status" instead of cycling down during low demand periods. Units that are cycled down can start up relatively quickly unlike units that are shut down. Further, generators must be granted prior approval to shut down or restrict unit operation by both the MPSC and MISO. Dispatch priority based on emissions may shift the merit dispatch of natural gas fired units. Those natural gas units were designed to handle peak load and not function in a base load capacity during shoulder periods. This will affect pricing for both electricity and natural gas and potentially affect the longevity of these natural gas units.

Although the U.S. EPA's analysis indicates that compliance is achievable with existing operating emission control equipment, analysis by utilities in Michigan indicates a significant shortfall of allocations to reduced forecasted emissions, especially for the Phase 1 compliance deadline of January 2012. This analysis shows that many of the U.S. EPA's assumptions for optimization are not achievable and certainly not sustainable. For example, Detroit Edison (DTE), in spite of completing significant NO_x and SO₂ emissions reductions on most units with investments totaling \$1.5 billion, will still see an allocation shortfall of 15 to 18 percent for SO₂ and 30 to 40 percent for NO_x from forecasted emissions in 2012, 2013, and 2014.

Additionally, there are significant errors in the U.S. EPA's analysis of DTE's system. The assumed Flue Gas Desulfurization controls on Monroe Units One and Two and SCR technology on Unit Two are not scheduled to be operational before 2014. The very high capacity assumed at the Belle River Power Plant is not sustainable, and the low emission rates assumed for the Trenton Channel Power Plant are not achievable without major capital investment. DTE's analysis of the proposed CSAPR concluded that compliance in 2012 would be difficult but achievable with the more flexible emission allowance trading options, options that were excluded from the final rule.

The MDEQ and MPSC are also concerned that the time allotted to the power generation and transmission sectors for strategic planning, procurement, and installation under the CSAPR is likely to add extreme pressures to a Michigan economy that has only recently started to recover from a severe and prolonged downturn. From 2000 to 2010, Michigan lost 832,800 jobs. Of the private sector job losses nationwide, fully 24 percent occurred in Michigan.¹ The August 2011 seasonally unadjusted unemployment rate for the Upper Peninsula is 11 percent. The ratepayers—all residents and businesses—will ultimately bear the increased costs that will flow from cancelling and renegotiating existing contracts for fuel purchases, equipment, and services, as well as the inflated costs to procure skilled labor and materials in a multi-state region where every utility is undertaking the same work in a compressed time frame.

We understand that the annual health and environmental benefits derived from the CSAPR have been estimated to far exceed the compliance costs, but the extremely short time frame adds unnecessarily to the implementation cost. In addition, the affordability and availability of emission allowances in this constrained market is highly uncertain.

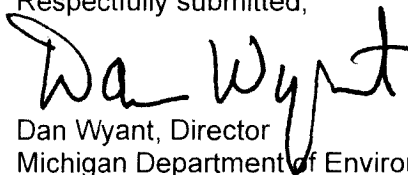
¹ U.S. Bureau of Labor Statistics

Ms. Lisa P. Jackson
Docket No. EPA-HQ-OAR-2009-0491
Page 3
October 7, 2011

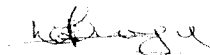
The MDEQ and MPSC ask that the Federal Energy Regulatory Commission and MISO study these ramifications and potential risk to system reliability in both Michigan's Upper Peninsula and Lower Peninsula due to the accelerated compliance deadline of the CSAPR. The MDEQ asks the U.S. EPA to reconsider the 2012 and 2014 compliance deadlines and to establish a more manageable time line to ease the immediate monetary penalty for electricity users.

We are also very concerned that the U.S. EPA has disregarded the process set out in the CAA for Michigan to revise its State Implementation Plan (SIP) before the U.S. EPA can step in to impose a Federal Implementation Plan (FIP). Pursuant to Section 110(k)(5) of the CAA, any finding by the U.S. EPA of SIP inadequacy regarding interstate transport must be accompanied by notice to Michigan of the emissions that contribute significantly to nonattainment/maintenance problems in downwind states. The U.S. EPA has not provided such notice. Without that notice and an opportunity for Michigan to correct any inadequacies, the U.S. EPA cannot make a finding that Michigan has failed to make a required SIP submission and cannot promulgate a FIP under Section 110(c). The U.S. EPA has opted to ignore the requirements of the CAA and to supplant the role of the states by imposing a FIP with potentially damaging deadlines.

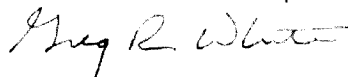
Respectfully submitted,



Dan Wyant, Director
Michigan Department of Environmental Quality



Orjiakor N. Isiogu, Chairman
Michigan Public Service Commission



Greg R. White, Commissioner
Michigan Public Service Commission

cc: Ms. Susan Hedman, U.S. EPA, Region 5
Mr. Jim Sygo, Deputy Director, MDEQ
Mr. G. Vinson Hellwig, MDEQ



Correspondence Management System

Control Number: AX-11-001-7635

Printing Date: October 19, 2011 03:22:23



Citizen Information

Citizen/Originator: Swartzentruber, Wendell

Organization: Swartz Ag, LLC

Address: 261 Hamilton Road, Montezuma, GA 31063

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7635

Alternate Number: WH10182011-52

Status: Pending

Closed Date: N/A

Due Date: Nov 2, 2011

of Extensions: 0

Letter Date: Oct 18, 2011

Received Date: Oct 19, 2011

Addressee: VPOTUS-Vice President of the United States

Addressee Org: White House

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- What we are requesting of you is to look into a petition in the works requesting the EPA to re-approve Cotton Seed Oil as an approved feed stock.

Instructions: DX-WH-Respond directly to this citizen's questions, statements, or concerns. Do not send a copy of the response to the White House directly. No extensions will be granted for this control.

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO

OAR - Office of Air and Radiation -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OP - Office of Policy

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Oct 19, 2011	Nov 2, 2011	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

EPA



Swartz Ag, LLC
261 Hamilton Road
Montezuma, GA 31063
478-472-0005 478-472-0006 fax
www.swartzag.com

Dear Vice President Biden,

Swartz Ag is an oil seed crushing plant located in middle Georgia. We started production on April 7th of this year employing nine people and plan to increase to forty before 2015. All that we have invested and accomplished, including all present and future employment opportunities are in jeopardy. You have a reputation of integrity and determination, which is why we are requesting your assistance at this crucial juncture.

Please allow me to explain our dilemma in detail. When Swartz Ag was first conceived our intention was to process soybeans. However due to the high cost of soybeans and other market dynamics we looked for an alternative, economical, high quality, high protein product to provide for our customers, Southeastern farmers. We found just that in Cotton Seed.

We are a small company, producing 400K (+/-) lbs. of crude non-food grade cottonseed oil per month and therefore initially did not produce the volume of oil to justify purchasing the refining equipment necessary to convert our cotton seed oil to PDSY grade, which is sold in the food market. We have been marketing our oil in the bio-diesel industry which fit well into our model of being a green, environmentally conscious company. With the recent, relative strength of that market, we saw the bio-diesel route as a viable starting point. We fully recognized that being locked into one industry was a key vulnerability which we were actively addressing. Part of our business plan was to purchase and install the equipment needed to enable us to sell our oil in the food market, as soon as our volume made it feasible. The upgrade would most likely have taken place in the 1st or 2nd quarter of 2012. Cotton Seed Oil was an approved feed stock for biodiesel production under RFS1 but apparently the EPA forgot to list it under RFS2, this in effect renders us unable to market our oil due to our customers not being able to generate RINs with this feedstock. Without the ability to sell our oil we cannot profitably run the company.

As we understand it there is a petition in the works requesting the EPA to re-approve Cotton Seed Oil as an approved feed stock. The person in charge of this petition is Vince Camobreco, 202-564-9043. What we are requesting of you is to look into this situation and see if there is any way to expedite the process before it is too late for Swartz Ag and its employees.

You have considerable influence and understand how the wheels of bureaucracy turn and we would greatly appreciate any assistance you can offer.

We are not desiring you to supersede due process but instead wanting things to move along as swiftly as possible. We are a viable company. We have created jobs, during difficult economic times and will create more, putting people back into the workforce and therefore strengthening our local economy. The oil we produce has value and was well received by the bio-diesel industry, to create bio-diesel, which again creates jobs in that field and reduces our country's dependence on foreign oil. The way we see it, it's a win-win. We strengthen our county, state and country's economy! It would be very unfortunate to lose it all over a minor oversight.

Please, look into this problem at your earliest opportunity. Our future and the future of those we employ could very well rest in your hands.

With our sincere appreciation,

Wendell Swartzentruber ~ Owner/ President

Joe Oaks ~ General Manager



Correspondence Management System

Control Number: AX-11-001-7656

Printing Date: October 19, 2011 01:41:17



Citizen Information

Citizen/Originator: Troxler, Steven W.

Organization: North Carolina Department of Agriculture and Consumer Services
Address: 1001 Mail Service Center, Raleigh, NC 27699

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7656
Status: Pending
Due Date: Nov 2, 2011
Letter Date: Oct 17, 2011
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Oct 19, 2011
Addressee Org: EPA
Priority Code: Normal
Signature Date: N/A
Subject: U.S. EPA NPDES Pesticide General Permit
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
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	Oct 19, 2011	Nov 2, 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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Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

October 17, 2011

The Honorable Lisa Jackson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW, Mail Code 1101A
Washington, DC 20460

RE: U.S. EPA NPDES Pesticide General Permit

Dear Administrator Jackson:


The North Carolina Department of Agriculture and Consumer Services has been actively involved in the development of the U.S. EPA NPDES Pesticide General Permit and a North Carolina NPDES Pesticide General Permit. Based on the importance of decision makers and pesticide applicators being informed about specific requirements of this new permit in North Carolina and being able to implement all the requirements by set deadlines, I respectfully request that EPA pursue a six-month stay of the 6th Circuit Court of Appeals mandate in *National Cotton Council of America et al. v. US EPA*, which will require that aquatic pesticide applications be permitted under the Clean Water Act NPDES.

North Carolina and other states need additional time to ensure that affected entities are able to pursue coverage under EPA or state-approved permits. Another important point to consider is the fact that there are many states that need more time to finalize a permit that is valid within their states. Furthermore, some states will be required to address certain Endangered Species Act issues that will take more time to inform affected entities and allow adjustments in their operations. More time for public outreach is essential for this program to operate more smoothly for everyone involved.

In the states that do not have permits ready by October 31, 2011, the decision makers and pesticide applicators that are actively involved in aquatic pesticide applications can be held liable for their actions. This alone could have a significant impact on future aquatic pesticide applications that are necessary to protect public health. It also would affect pesticide applicators' ability to manage invasive plant and animal species that can impact public utilities, farming operations, water-based recreational activities, and soil conservation along water bodies.

The citizens of North Carolina and other states will greatly appreciate your efforts to request an additional six-month stay. Thank you for your time.

Sincerely,



Steven W. Troxler
Commissioner



Correspondence Management System

Control Number: AX-11-001-7662

Printing Date: October 19, 2011 04:44:19



Citizen Information

Citizen/Originator: Jordan, Joseph G

Organization: U.S. Small Business Administration
Address: 409 3rd Street, SW, Washington, DC 20416-0001

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7662 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 19, 2011 **Received Date:** Oct 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: Daily Reading File-Every two years, the U.S. Small Business Administration (SBA) works with federal agencies to set their small business procurement goals.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Kimberly Wheeler - OARM
OARM - OARM -- Immediate Office
OCFO - OCFO -- Immediate Office
OCSPP - OCSPP - Immediate Office
OEAE - 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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OARM	Oct 19, 2011
Karen Johnson	OARM	OARM-OAM	Oct 19, 2011

History



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

October 18, 2011

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

Dear Administrator Perez Jackson:

Every two years, the U. S. Small Business Administration (SBA) works with federal agencies to set their small business procurement goals. As you may know, the Small Business Act (The Act) provides that each agency shall have an annual goal that represents, for that agency, the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service disabled veterans, and qualified Historically Underutilized Business Zone (HUBZone) small business concerns to participate in the performance of contracts led by that agency.

The Act provides for the establishment of government-wide goals for award of not less than 23% of the total value of Federal prime contracts to small businesses each fiscal year. It also provides for the establishment of individual contracting goals for small disadvantaged businesses (SDB): 5%, women-owned small businesses (WOSB): 5%, service-disabled veteran-owned small businesses (SDVOSB): 3%, and HUBZone small businesses: 3%. The Act further provides that agencies negotiate goals with SBA that represents that agency's maximum practicable utilization of small businesses.

The Act does not set a statutory government-wide requirement for small business subcontracting participation. However, it does mandate a government-wide goal for SDB, WOSB, SDVOSB, and HUBZone of 5%, 5%, 3% and 3%, respectively.

As discussed at the September 2011 Small Business Procurement Advisory Council (SBPAC) meeting with each agency's Offices of Small and Disadvantaged Business Utilization, SBA's objective is to utilize a fact-based, data-driven and analytical approach to set goals. We utilized three key data points to set prime contracting goals: 1) agency's past performance; 2) agency's future forecasts; and 3) SBA's analysis and DOD's Maximum Practicable Opportunity Analysis Model (MaxPrac) tool. For your reference, enclosed is the PowerPoint presentation we shared at the SBPAC meeting that outlines this approach. Additionally, we want to provide agencies the supporting data and analysis we utilized to derive your proposed goals (see attached Excel spreadsheet). We hope this data will allow your agency to identify the specific funding offices and NAICS codes for which there is the most small business opportunity. Please feel free to contact us if you have any questions about the analysis. We will be holding a training session in the coming weeks to review the spreadsheet and explain how your team can utilize it.

Honorable Lisa Perez Jackson

Page 2

For subcontracting, SBA determined your agency's goal by analyzing your FY 2010 performance, your FY 2008-2010 average performance, your current FY 2010-11 goal, and your agency's proposed FY 2012 and FY 2013 goal.

At the end of this letter, please find SBA's proposal for your agency's FY 2012 and FY 2013 small business prime and subcontracting goals. We have made the decision to set every agency's socio-economic prime and subcontracting goals at the government-wide mandated level.

Our objective is to finalize agencies' FY 12/13 goals in November 2011. If you wish to discuss your proposed goals with the SBA, please contact Ms. Ilene Rubio, SBA Goaling Manager, via e-mail at ilene.rubio@sba.gov or via telephone at (202) 205-6579 **no later than close of business on Friday, November 4, 2011** to set up a meeting.

In order to ensure attainment of the statutory government-wide goal, please be sure that any requests for changes to your agency's proposed goals are supported with detailed data and quantitative analysis. Please note that if we do not hear back from your agency by close of business **November 4, 2011**, we will presume that our proposed goals for your agency have been accepted. To ensure we can meet the November 2011 deadline, we request that your Agency include all appropriate senior level management in the goals discussion to minimize the number of meetings.

Environmental Protection Agency Proposed FY 2012/2013 Goals

Current Goals/Performance		
	Prime	Sub
FY 10/11 Goal	42.0%	53.3%
FY 10 Performance	43.3%	69.8%

"Should Be" FY12/13 Performance based on Analysis		
	Prime	Sub
"Should Be" Performance from SBA Analysis	47.0%	N/A
"Should Be" Performance from DOD Analysis	46.5%	N/A
Average	46.8%	

FY 2012/2013 Proposed Goal		
	Prime	Sub
Agency's Desired Small Business Goal	37.0%	50.0%
SBA Proposed Small Business Goal	42.0%	55.0%
SDB	5.0%	5.0%
WOSB	5.0%	5.0%
SDVOSB	3.0%	3.0%
HUBZone	3.0%	3.0%

Honorable Lisa Perez Jackson
Page 3

Thank you for your continuing support of the small business community, and for making substantive contracting opportunities available to it. As always, please feel free to contact us with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Jordan", followed by a horizontal line.

Joseph G. Jordan
Associate Administrator
for the Office of Government Contracting
and Business Development

Cc: Chief Acquisition Officer
Senior Procurement Executive
Office of Small and Disadvantaged Business Utilization

Enclosures



Correspondence Management System

Control Number: AX-11-001-7689

Printing Date: October 19, 2011 04:38:27



Citizen Information

Citizen/Originator: Northey, Bill

Organization: The National Association of State Department of Agriculture
Address: 1156 15th Street NW, Washington, DC 20005

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7689 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 12, 2011 **Received Date:** Oct 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 National Association of State Departments of Agriculture respectfully requests that EPA pursue an additional six month stay of the 6th Circuit Court of Appeals' mandate in National Cotton Council of America, etal. v. US EPA, which will require that aquatic pesticide applications be permitted under the Clean Water Act. National Pollutant Discharge Elimination System.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Lawrence Elworth - AO-IO
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R7 - Region 7 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Oct 19, 2011

History



The National Association of State Departments of Agriculture (NASDA)

1156 15th Street, N.W., Suite 1020

Washington, D.C. 20005

(202) 296-9680

www.nasda.org

President: Bill Northey – Secretary, Iowa Department of Agriculture and Land Stewardship

October 12, 2011

The Honorable Lisa Jackson
Administrator, US Environmental Protection Agency
1200 Pennsylvania Ave., NW, Mail Code: 1101A
Washington, D.C. 20460

Dear Administrator Jackson:

The National Association of State Departments of Agriculture (NASDA) respectfully requests that EPA pursue an additional six month stay of the 6th Circuit Court of Appeals' mandate in *National Cotton Council of America, et al. v. US EPA*, which will require that aquatic pesticide applications be permitted under the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES).

Despite some progress at EPA and in the states in recent months, additional time is necessary to ensure pesticide applicators nationwide are able to pursue coverage under an appropriate NPDES permit. To date, EPA has not released a final permit and accompanying documentation that incorporates the additional requirements that are apparently being contemplated to satisfy the Endangered Species Act consultations with both the National Marine Fisheries Service and the Fish and Wildlife Service. Additionally, we are aware that as of today only 34 states expect to have permits finalized by October 31. Of these 34, a number of states will likely finalize permits at the very last minute.

Allowing sufficient time for states to finalize permits is reason enough for EPA to pursue additional time from the court. It is unreasonable to leave applicators exposed to significant legal liability—through no fault of their own—because a permit is not available. Additionally, even if EPA and some states are able to finalize their permits, the 365,000 new permittees must have adequate time to understand, plan, and implement permit requirements. This, the continued uncertainty about potential ESA requirements, and the sheer number of new permittees (the vast majority of whom have never pursued an NPDES permit) necessitate significant amounts of public outreach. The current timeline is insufficient to ensure this outreach can occur.

We appreciate your consideration this request and look forward to your response.

Sincerely,

NASDA President
Secretary, Iowa Department of Agriculture and Land Stewardship

cc: Nancy Stoner, Acting Assistant Administrator, Office of Water

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT 19 PM 12:49

RECEIVED



Correspondence Management System

Control Number: AX-11-001-7690

Printing Date: October 19, 2011 05:12:13



Citizen Information

Citizen/Originator: Pruitt, E. Scott

Organization: Attorney General of Oklahoma
Address: 313 North East 21st Street, Oklahoma City, OK 73105

Constituent: N/A

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

Control Information

Control Number: AX-11-001-7690 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Nov 2, 2011 **# of Extensions:** 0
Letter Date: Oct 12, 2011 **Received Date:** Oct 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-EPA's estimate of methane emissions from upstream natural gas development.
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
OGC - Office of General Counsel -- Immediate Office
OP - Office of Policy
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: Anne Hargrove
Office: OAR-OAP-CCD
Due Date: Oct 31, 2011
Assigned Date: Oct 19, 2011
Complete Date: N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Oct 19, 2011	Nov 2, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Martha Faulkner	OAR	OAR-OAP	Oct 19, 2011	Oct 31, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

October 12, 2011

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

OFFICE OF THE
EXECUTIVE SECRETARY

2011 OCT 19 PM 12:49

RECEIVED

RE: EPA's estimate of methane emissions from upstream natural gas development

Dear Ms. Jackson:

It has come to my attention that the agency you oversee, the U.S. Environmental Protection Agency, may be very significantly overestimating methane emissions from natural gas production. If true, this could have serious implications for the natural gas exploration and production industry nationwide, particularly to the extent current and future regulatory proposals are based on or justified by reference to those estimates.

As a result, I write to inquire about the methods EPA employs to estimate methane emissions and about claims in support of new regulations based on EPA's estimates. My purpose is to ensure that the federal government is providing reliable information upon which policies that may affect the citizens of the State of Oklahoma may be based.

In 2010, EPA issued a background technical support document titled, "Greenhouse gas emissions reporting from the petroleum and natural gas industry." In the report, EPA altered the methodology it had previously used to estimate methane emissions from natural gas production. Before 2010, EPA estimated 0.02 metric tons of methane was emitted per well completion. In 2010, EPA made dramatic changes to its estimates. The new estimates hold that conventional natural gas wells emit 0.71 metric tons of methane, and shale gas wells emit 177 metric tons of methane per well completion. As a result of these new estimates, EPA adjusted prior-year US GHG emission reports retroactively as far back as 1990 to reflect the new estimates. These significant increases in the estimates raise questions about the methodology used to create the estimates.



Recently a report exploring the inaccuracies in EPA's methodology in determining methane emissions from natural gas production convinced me that those questions could be valid. IHS CERA, a highly respected research firm with specific expertise in the oil and natural gas production sector, released a report entitled, "Mismeasuring Methane: Estimating greenhouse gas emissions from upstream natural gas development." In its report, IHS CERA points out specific flaws EPA made in its analysis, including:

- The misuse and inaccurate application of Natural Gas STAR program data — collected from a small number of wells — to assume industry-wide emission rates.
- EPA's flawed rounding of data points to the nearest hundred, thousand, and even ten thousand Mcf to overcome the "high variability and uncertainty" in the industry.
- Developing an assumption that producers in Oklahoma vent to the atmosphere during flowback, rather than commonly flaring or capturing emissions, simply because Oklahoma does not mandate flaring or recovery. (Many of the nation's best operators drill in Oklahoma. To assume these producers do not flare or capture this marketable product is not only misguided, it would be flat wrong.)

Because of the flaws I have listed, and many others I have not, EPA may have led researchers and other governmental bodies to apply inaccurate statistics to the research and reports they develop. For example, Dr. Robert Howarth of Cornell University led a team that released a study this past spring questioning whether natural gas was truly a cleaner fuel than coal. Certainly Dr. Howarth's study included several inaccurate assumptions of his own making, but the basis for his review lies in the overestimation of methane emissions developed by EPA.

The Cornell study and EPA's methane emission estimates are finding voice in other government studies. The U.S. Department of Energy SEAB Natural Gas Subcommittee report even mentions the "pessimistic conclusion about the greenhouse gas footprint of shale gas production and use." Such a statement, if founded on inaccurate data, can cast unjustified aspersions upon an entire industry.

Then EPA itself, in announcing new proposals to regulate emissions from exploration and production facilities, incorrectly used the significantly overstated emission estimates to show that there would not be economic harm to domestic producers. In fact, and even more astoundingly, EPA uses these incorrect assumptions to claim that the rule will quickly result in a net savings of nearly \$30 million annually to domestic producers.

To assure estimates are properly developed and to provide the citizens of the State of Oklahoma with the proper tools to determine the accuracy of EPA data reports, studies, and the justification for any current or future EPA regulatory proposals, I ask that you provide my office with the following information:

- Any and all information pertaining to the determination of natural gas methane emission estimates.
- Any and all information related to why it is appropriate to round emission rates to the nearest hundred, thousand, or ten thousand Mcf per well completion and how this does not produce an inaccurate end estimate.
- Any and all information explaining why EPA would improperly assume Natural Gas STAR data — which records ALL natural gas collected through green completions, including natural gas collection at the conclusion of the flowback process — is an appropriate basis for determining methane emission from all wells.
- Any and all information explaining what led EPA to conclude — incorrectly — that Oklahoma natural gas producers do not commonly flare or capture methane emissions to reduce venting simply because Oklahoma regulators do not mandate flaring.
- Any and all information explaining why, if EPA estimates are accurate, a natural gas producer would allow significant volumes of its product to simply vent to the atmosphere when it could be captured and marketed.
- Any and all existing, proposed and potential rules or regulations which are or will be based on EPA estimates of methane emission from natural gas wells. In addition, please provide any information that could be used to justify those rules, regulations determine enforcement priorities or to review enforcement effectiveness by the federal government or states.
- Any and all consideration that has been given to reverting to the previous methane estimation methodology while industry data is collected (MRR subpart W) to provide a more accurate estimate of emissions.

Your assistance in responding to these questions will provide my office with the ability to assure all Oklahomans that they can begin to place trust in the information upon which regulatory decisions are made.

Respectfully,



E. Scott Pruitt
Attorney General



Correspondence Management System

Control Number: AX-11-001-7698

Printing Date: October 19, 2011 04:35:48



Citizen Information

Citizen/Originator: Macadam, Stephen E

Organization: EnPro

Address: 5605 Carnegie Blvd, Charlotte, NC 28209

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7698

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 13, 2011

Received Date: Oct 19, 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: Daily Reading File-Thank you for your help in looking into our efforts to resolve the lawsuit between EnPro's Fairbanks Morse Engine division and the EPA and DOJ.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office

OGC - Office of General Counsel -- Immediate Office

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	AO-IO-DA	Oct 19, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to AO-IO-DA	Oct 19, 2011

October 13, 2011

Mr. Robert Perciasepe
Deputy Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW (1101A)
Washington, D.C. 20460

RECEIVED
2011 OCT 19 PM 12:48
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Bob:

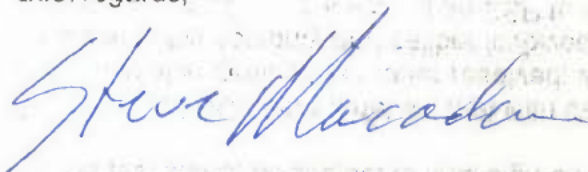
Thank you for your help in looking into our efforts to resolve the lawsuit between EnPro's Fairbanks Morse Engine division and the EPA and DOJ. You may recall that the lawsuit related to whether engines sold by Fairbanks Morse for use on the Navy's T-AKE ship program qualified for a national security exemption and the labeling requirements for the engines.

We met with EPA and DOJ representatives earlier this week, including Phil Brooks. The parties were able to settle the matter for a \$280,000 cash payment by FME and FME's agreement to implement a supplemental environmental project of installing Nox emission controls on an engine test stand, all subject to final sign-off by the EPA.

The EPA and DOJ personnel we met with treated us with respect. Phil was especially instrumental in getting the matter resolved; we appreciated his judgment and your help in having a person of his seniority and caliber involved. The settlement was more than we planned to pay, but we were glad that it involved an SEP to directly benefit the environment and Fairbank's local community. We did feel the EPA was constrained by its penalty policy, which did not seem to appropriately differentiate a labeling and registration violation from an emission violation, but that is past us now. I guess the saying goes that a good settlement leaves neither side feeling entirely happy.

Again, thank you personally for your assistance in helping a strong American company resolve this dispute so that we can move forward, focusing on creating jobs and products.

Best regards,





Correspondence Management System

Control Number: AX-11-001-7633

Printing Date: October 19, 2011 03:44:35



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-11-001-7633 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 17, 2011 **Received Date:** Oct 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: Daily Reading File The National Security Affairs Calendar for the upcoming months October 3, 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

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	Oct 19, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Oct 19, 2011
(b) (6) Personal Privacy	OEX	Forward control to OITA	Oct 19, 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. 201118673

McPhail, Donald L to: Bobbitt, Alicia CIV USAF AF/CC-POLAD,
andre.williams, andrew.beach, anneem1,
anne.e.money, ABlinken,

10/17/2011 10:45 PM

From: "McPhail, Donald L" <McPhailDL2@state.gov>

To: "Bobbitt, Alicia CIV USAF AF/CC-POLAD" <Alicia.Bobbitt@pentagon.af.mil>,
<andre.williams@faa.gov>, <andrew.beach@dni.gov>, <anneem1@dni.gov>,
<anne.e.money@ugov.gov>, <ABlinken@ovp.eop.gov>, <"mailto:Bailey.Hand"@sd.mil>,

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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 201118673>> <<Final Dist 201118673>>

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- 10178516.tif

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EXECUTIVE SECRETARY

2011 OCT 19 AM 9:01

RECEIVED



S/ES 201118673

United States Department of State

Washington, D.C. 20520

October 17, 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.

A handwritten signature in black ink, appearing to read "SDM", followed by a small flourish.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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October 17, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Oct 3-28	UNGA First (Disarmament and International Security) Committee, New York
Oct 15-21	U.S.-Russia Technical Experts Talks, Moscow
Oct 16-17	Asia-Pacific Economic Cooperation (APEC) Workshop on Terrorist Abuse of Non-Profit Organizations, Kuala Lumpur
Oct 17-18	International Congress on Energy Security, Geneva
Oct 17-21	International Atomic Energy Agency (IAEA) International Conference on the Safe and Secure Transport of Radioactive Materials, Vienna
Oct 17-20	7th UN Educational, Scientific and Cultural Organization (UNESCO) Youth Forum, Paris
Oct 17-19	Organization for Security and Cooperation in Europe (OSCE) Economic and Environmental Dimension Implementation Meeting, Vienna
Oct 17-27*	Visit of Foreign Minister Shaikh Khalid Bin Ahmed Al-Khalida of Bahrain to Washington
Oct 18-22	Association of Southeast Asian Nations (ASEAN) Defense Ministers' Meeting (ADMM) Retreat, Bali

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Oct 18-19	International Energy Agency (IEA) Governing Board and Management Committee Ministerial-Level Meeting, Paris
Oct 19-22	U.S.-UK Higher Education Policy Forum, Windsor
Oct 20*	Visit of Prime Minister Stoltenberg of Norway to Washington
Oct 21-23	World Economic Forum on the Middle East, Dead Sea, Jordan
Oct 23	Presidential Elections in Bulgaria
Oct 23	Presidential and Legislative Elections in Argentina
Oct 23	Legislative Elections in Tunisia (Snap)
Oct 24-28	International Telecommunication Union (ITU) Telecom World 2011, Geneva
Oct 24-26*	Visit of Prime Minister Lerner of Peru to Washington

LOOKING FORWARD

Oct 27	Presidential Elections in Ireland
Oct 27*	Visit of Prime Minister Necas of Czech Republic to Washington
Oct 27-28	123rd Session of the Steering Committee for Nuclear Energy, Nuclear Energy Agency, Paris
Oct 28*	Visit of Foreign Minister Lambrinidis of Greece to Washington
Oct 30	Presidential Elections in Kyrgyzstan
Oct 31*	U.S.-Indonesia Higher Education Summit, Washington

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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 6	Presidential and Parliamentary Elections in Nicaragua
Nov 6	Presidential Elections in Guatemala-2nd Round
Nov 7-9	Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC) IV, Honolulu
Nov 7-16*	Visit of President Cavaco Silva of Portugal to New York, Washington and San Jose
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
Nov 10-11	17th Meeting of the Heads of State and Government of the South Asian Association for Regional Cooperation (SAARC), Addu City
Nov 10	3rd International Space Exploration Conference/High-Level International Space Exploration Meeting, Lucca

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Nov 11	Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting, Honolulu
Nov 12-13	19th Asia-Pacific Economic Cooperation (APEC) Economic Leaders' Meeting, Honolulu
Nov 12-15	Dubai Air Show
Nov 13-15	India Economic Summit, Mumbai
Nov 13	North American Leaders Summit (NALS), Honolulu
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 14-20	Global Entrepreneurship Week
Nov 14-15* (T)	Visit of Foreign Minister Westerwelle of Germany to Washington
Nov 15-19	Visit of President Obama to Australia to Commemorate the 60th Anniversary of the U.S.-Australia Alliance and Indonesia for the East Asia Summit
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

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Nov 17	10th 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
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 28 (T)	Parliamentary Elections in Egypt--Stage One
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

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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 9	Ministerial Conference on Internet Freedom, The Hague
Dec 10	Presidential Inauguration in Argentina
Dec 11 (T)	Parliamentary Elections in Cote d'Ivoire
Dec 12-19	World Trade Organization (WTO) Ministerial Conference, Geneva
Dec 13*	International Engagement Conference for the Republic of South Sudan (RoSS), Washington
Dec 14	Parliamentary Elections in Egypt-Stage 2
Dec 17	Parliamentary Elections in Gabon
2012 Jan 3	Parliamentary Elections in Egypt-Stage 3
Jan 16-19	5th World Future Energy Summit, Abu Dhabi
Jan 16	Presidential Inauguration in Liberia
Jan 22	Presidential Elections in Finland-1st Round
Jan 22	Legislative Elections in Egypt-1st Round
Jan 23 - Feb 17	World Radiocommunications Conference 2012 (WRC-12), Geneva
Jan 25-29	World Economic Forum Annual Meeting, Davos-Klostern

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Feb 3-5	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 TBD	Presidential Elections in Egypt
Mar 4	Presidential Elections in Russia
Mar 5-9	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Mar 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 Iran
Apr 3-5	Pan-African Intellectual Property Rights (IPR) Summit, Cape Town
Apr 14-15	6th Summit of the Americas, Cartagena
Apr 22	Presidential Elections in France-1st Round
May 6	Presidential Elections in France-2nd Round

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May 12 - Aug 12	Expo 2012 Yeosu Korea: The Living Ocean and Coast
May 15-22	NATO/G-8 Summits, Chicago
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
Jun 19-21	World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul
Jul 1	Presidential and Legislative Elections in Mexico
Jul 8-10	Organization of American States (OAS) General Assembly, Cochabamba

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Jul 21-25 (T)	19th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Phnom Penh
Jul 27 - Aug 12	XXX Summer Olympic Games, London
Aug 14	Presidential Elections in Kenya-1st Round
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 7	Presidential Elections in Venezuela
Oct 8	Legislative Elections in Slovenia
Oct 28	Parliamentary Elections in Ukraine
Nov 18-20 (T)	21st Annual Association of Southeast Asian Nations (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.

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Correspondence Management System

Control Number: AX-11-001-7685

Printing Date: October 19, 2011 04:49:23



Citizen Information

Citizen/Originator: King, Thomas B.

Organization: National Grid

Address: 40 Sylvan Road, Waltham, MA 02451

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7685

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 12, 2011

Received Date: Oct 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- National Grid continues to fully and publicly support EPA's timely implementation of the Cross State Air Pollution Rule and the Utility Air Toxics Rule.

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	Oct 19, 2011

History

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

Comments