

2011 OCT 19 PM 12:49

OFFICE OF THE
EXECUTIVE SECRETARIAT

October 12, 2011

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

Re: Support for EPA Regulatory Agenda

Dear Administrator Jackson:

It was a pleasure chatting with you last Thursday at the New England Council meeting. National Grid absolutely shares your desire to boldly address the critical environmental problems facing our country. We echo your view that close collaboration between environmentally responsible businesses and EPA will help drive our nation to a cleaner and more sustainable future.

As we discussed, National Grid, both individually and through our long standing membership in the Clean Energy Group, continues to fully and publicly support EPA's timely implementation of the Cross State Air Pollution Rule (CSAPR) and the Utility Air Toxics Rule (MACT). We firmly believe that both these rules will enhance public health through significantly improved air quality particularly in the Northeast where we do business. Cleaner air in the Northeast will certainly lead to greater prospects for economic development in the region. We believe that the compliance time frames and options for extensions already available in the Clean Air Act are sufficient to assure achievement of the rules' objectives without compromising electric system reliability. Knowing these rules were imminent, we embarked three years ago on a four year plan to achieve significant NOx reductions as well as efficiency improvements to reduce fuel consumption and CO2 emissions. When complete in 2012, this \$100 Million program will make six of our older units among the cleanest in their class.

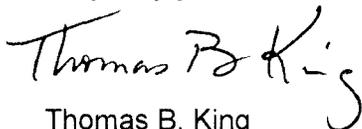
With respect to CSAPR and MACT, we have been working closely with your staff on refining some of the details and were greatly encouraged by EPA's proposed corrections announced on October 6th which would amend the CSAPR NOx and SO2 allowance allocations for New York sources. The revised allocation will ensure appropriate numbers of allowances for our low emitting units. While we did join with the other New York generators in filing a petition for review with the DC Circuit Court, we did so reluctantly and only as a placeholder to protect our legal recourse in the event the proposal is challenged or otherwise not finalized as proposed. We do not expect to pursue any challenge of CSAPR if the revised allocation is finalized. On the contrary, we will continue to actively support it. Additionally, ongoing discussions with staff surrounding the MACT rule's details for oil fired units have also been encouraging and we look forward to timely promulgation of the final rule in November as planned.

National Grid has long advocated nationwide action to address greenhouse gas emissions. We have adopted our own aggressive "80% by 2050" reduction targets and are making good progress throughout the company. Accordingly, we look forward to fully supporting EPA's efforts to regulate greenhouse gases particularly as you propose NSPS for electric generating units in the near future.

Lastly, I appreciate your willingness and interest in engaging with us in discussions concerning the Gowanus Canal Superfund site in Brooklyn. National Grid fully recognizes our obligations among the responsible parties. Corrective actions at this site will have to address not only legacy manufactured gas plant (MGP) residues but ongoing NYC combined sewer overflows and other significant industrial contributions. The community clearly seeks a comprehensive solution that addresses all these sources of contamination. The way forward will certainly be technically, politically, legally and economically complex. With the interests of our New York City ratepayers, local taxpayers and affected community stakeholders fully in mind, our desire is to work together with EPA, New York State, New York City, other Potentially Responsible Parties and the community to achieve a remedy that is scientifically sound, cost effective, timely and equitable. I know that working together we will accomplish it. To advance the dialogue, we will follow your guidance and work to arrange a meeting in New York with yourself and Judith Enck in the next month or two.

Thank you again for your collaboration with National Grid and, most importantly, your unwavering commitment to the environment. Please count on the continued support of National Grid.

Very truly yours,



Thomas B. King
Executive Director and President
National Grid US



Correspondence Management System

Control Number: AX-11-001-7709

Printing Date: October 20, 2011 03:12:20



Citizen Information

Citizen/Originator: Huddleston, Charles

Organization: Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.

Address: 3414 Peachtree Road, Atlanta, GA 30326

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7709

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 18, 2011

Received Date: Oct 20, 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- Congratulations!

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R4	Oct 20, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Oct 20, 2011

Comments

Message Information

Date 10/18/2011 06:25 PM
From "Huddleston, Charles" <chuddleston@bakerdonelson.com>
To "GKF" <gkf@gwenkeyesfleming.com>; Gwendolyn KeyesFleming/R4/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA
cc <nancy-ann_m._deparle@who.eop.gov>
Subject Congratulations!

Message Body

Dear Gwen and Lisa,

This is to thank both of you for what you do every day to make our planet more livable for our kids, and their kids, and all future generations!

And thank you, Lisa, for the wonderful article you and Secretary Sebelius wrote in USA Today yesterday, pointing out how the work your agencies do each day is not just to fine companies, or restrict their growth, or limit their profits....but it is to make sure we leave our planet a little cleaner and safer and more livable than it would have become if we were not taking the environment seriously! And, as you said, the least powerful communities often take the brunt of our waste and excessiveness, and it is there that watchdog agencies like EPA and HHS can protect the voiceless from continued exploitation.

Thanks!

Warmly,
Charles

Charles T. Huddleston

ATTORNEY AT LAW
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.
3414 Peachtree Road Suite 1600
Atlanta, GA 30326
Direct: 404.221.6536
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E-Mail: chuddleston@bakerdonelson.com
www.bakerdonelson.com

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OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT 19 PM 1:35

RECEIVED

Village of Ford Heights



Charles R. Griffin
Mayor

Gloria D. Bryant
Village Clerk

Trustees:

D. Nicole Conway
LaDell Jones
Samuel J. Lawrence III
Antonia McMichales
Steve Simpson
Jimmy Viverette

October 5, 2011

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

RECEIVED
2011 OCT 19 PM 1:54
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson,

I am the Mayor of the Village Of Ford Heights, a Village in the South portion of Cook County, Illinois. We are a small town with virtually no tax base of which approximately 96% of the residents are African American. The Village of Ford Heights has been noted as being one of the poorest communities in the State of Illinois. The median income is 57% below the median for the entire County. I have been an elected official of the Village for more than 10 years, and leading efforts in job training and placement programs for more than 18 years. Together with our Village Council, I am working hard to generate jobs and taxes in our community by attracting corporate investment and commercial development. We need good jobs and we need tax revenue to provide adequate public services.

I am writing to you today to express my concerns about the actions of your Agency with respect to the sole industrial facility in Ford Heights, a 20 MW tire-fired power plant owned by Geneva Energy LLC. Geneva Energy is the largest private employer and taxpayer in the Village. It is my belief that a tiny group of environmental activists have misused the concept of Environmental Justice ("EJ") and the USEPA to advance their agenda **at the expense of the very people who it was intended to help -- low-income, minority communities like Ford Heights.** As a result of current USEPA pressure, our community is at risk of losing its most significant employer as well as one of the cleanest solid fuel facilities in the Midwest. Given the terrible state

of the economy and employment, especially among members of our community, this comes at an especially bad time. I am hoping with your help we can right an obvious wrong.

Geneva Energy purchased the power plant in our Village in 2005. Since that time, it has been an active supporter of our community. One of its top officers has served on the Board of directors for our local community service organization. Over the years, they have donated school supplies for our children, entertainment for our summer fair, and assisted in the clean-up of illegal dump sites. They remain a responsible corporate citizen.

In May of 2006 and again in 2010, your Agency received complaints alleging that the Illinois Environmental Protection Agency has violated Title VI of the 1964 Civil Rights Act by issuing an air permit to Geneva Energy that allowed them to re-start an existing small power plant in our Village. The charge was made by the Chicago Legal Clinic (“CLC”) representing a self-described “community organization”, calling itself South Suburban Citizens Opposed to Polluting Our Environment (“SS-COPE”). As far as I can tell, this “group” consists of three active people none of which lives in our community. These people have a stated goal to close this facility and for 15 years have tried various legal tactics to do so – the EJ complaint is simply the most recent tactic. It is important that you know **these people do not live in Ford Heights and are certainly not representative of, nor do they represent my constituents or my views.** In contrast, **I strongly support the facility’s continued operation** and to my knowledge, the facility has always enjoyed strong support from Village officials and local legislators. I also support a clean environment for all residents and hope that we can find a way to accomplish both, keeping the facility open and finding a way to set healthy and safe regulations that will allow them to continue to operate.

Furthermore, **the charges are baseless.** The permit was for a plant that was built in 1996 (at a cost of \$100 million) in Ford Heights with local government support. It has modern pollution control systems. The IEPA went through a full public process, including public notice, a public hearing and the receipt of written comments. In addition, company officials discussed their plan with the elected Village officials multiple times, including at public meetings of our Board. This was not some backroom process without community support and involvement.

The IEPA’s letter of May 17th, 2006 (attached) professionally addressed SS-COPE’s specific complaints. SS-COPE never offered any evidence of its general claims, saying among other things at a public hearing that the plant led to increases in rodents, odor, traffic accidents, and dying gardens. Although this is pure fiction, that didn’t stop the CLC from repeating these claims multiple times in its complaints to your Agency.

Permitting a power plant boiler is a serious matter because boilers can produce emissions of potentially harmful pollutants and that was especially true with Geneva’s facility given the common misperceptions about burning tires. As the IEPA has noted, the Geneva facility was specially designed for tires, and has advanced pollution controls including a scrubber, bag-house and NOx

reduction system. In fact **the facility's emissions rates are so low that if all fossil-burning plants in Illinois operated as cleanly as Geneva's, sulfur dioxide ("SO2") emissions would be reduced by more than 80%.** It is a minor source of Hazardous Air Pollutants ("HAPS"). According to the last USEPA National Emissions Inventory, the Geneva Energy plant ranked 516th among all sources of HAPs in Cook County, accounting for less than 0.01% of such emissions in the County.

While I appreciate that on the surface our community may look like a potential victim of EJ, it is not. And it is simply wrong that this facility has been the subject of an unresolved EJ complaint with your Agency for more than five years. This could have been dismissed after a brief investigation, lifting the cloud of uncertainty from the facility. The plant was permitted by IEPA professionals in a public process with meaningful involvement and support of the community. This process led to one of the tightest air permits in the country – one far exceeding Federal standards.

In closing, I am asking you to right this wrong by ruling quickly on the merits of this EJ case. The regulatory pressure resulting from this open issue recently led Geneva Energy to suspend operations and lay-off the majority of its staff. The Company is entitled to clarity as it contemplates its business options and future permitting actions. It would be an absurd result if "Environmental Justice" leads to the closing of one of the cleanest plants in the Midwest, harming a community that both wants and needs the tax base and jobs.

SS-COPE and CLC are correct about one thing -- this case is about violation of rights. It is about our community's right to self-determination, the State's right to regulate its facilities and the right to due process.

Sincerely,



Charles Griffin

Mayor, Village of Ford Heights

Cc: Congressman Jesse Jackson
Senator Dick Durbin
Senator Mark Kirk
Governor Patrick Quinn



Correspondence Management System

Control Number: AX-11-001-7765

Printing Date: October 20, 2011 03:43:57



Citizen Information

Citizen/Originator: Salmon, Edward H

Organization: Salmon Ventures LTD

Address: Airport Executive Complex, 207 Bogden Blvd., Millville, NJ 08332

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7765

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 20, 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- I wanted to let you know Gwendolyn did a terrific job of representing US - EPA at this outstanding education forum for decision makers in the world of energy.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: 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 20, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OEAE	Oct 20, 2011

Comments

RECEIVED

2011 OCT 20 PM 12: 52

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 10/19/2011 09:41 AM
From June Campbell <JCampbell@salmonventures.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject EIPF Conference

Message Body

Lisa,

I attended Julia Johnson's 11th Annual EIPF Conference held in Florida, October 9th thru 11th.

On Sunday, October 9th one of our keynote speakers was Gwendolyn Keyes, Regional Administrator for your Agency. I wanted to let you know Gwendolyn did a terrific job of representing US - EPA at this outstanding education forum for decision makers in the world of energy.

Hope you are doing well.

Kindest regards,

Ed

**Dr. Edward H. Salmon, Chairman
Salmon Ventures Limited, LLC
Corporate Office
207 Bogden Blvd., Suite D
Millville, NJ 08332
856-825-0500 (O) or 609-760-3394 (C)
856-825-8228 (F)**

**Trenton Office
128 West State Street
Trenton, NJ 08608**

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



Correspondence Management System

Control Number: AX-11-001-7894

Printing Date: October 24, 2011 10:53:56



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-11-001-7894 **Alternate Number:** 70110110000197271611

Status: For Your Information **Closed Date:** N/A

Due Date: N/A **# of Extensions:** 0

Letter Date: Oct 17, 2011 **Received Date:** Oct 24, 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 - U.S. EPA NPDES Pesticide General Permit

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO
OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
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	OW	Oct 24, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Oct 24, 2011



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

RECEIVED
2011 OCT 24 AM 8:38
OFFICE OF THE
EXECUTIVE SECRETARIAT

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-11-001-7925

Printing Date: October 24, 2011 03:07:13



Citizen Information

Citizen/Originator: Plymale, Robert H

Organization: The Senate of West Virginia Charlestown
Address: 206 Cliffview Drive, Huntington, WV 25704

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7925 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 18, 2011 **Received Date:** Oct 24, 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 Final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants. Strongly urge the Administration to utilize all of the flexibility tools it has available under the Clean Air Act

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
 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 24, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 24, 2011



The Senate of West Virginia
Charleston

ROBERT H. PLYMALE
206 CLIFFVIEW DRIVE
HUNTINGTON, WV 25704

- COMMITTEES:
- EDUCATION (CHAIRPERSON)
- CONFIRMATIONS
- FINANCE
- PENSIONS
- RULES
- TRANSPORTATION & INFRASTRUCTURE

October 18, 2011

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

2011 OCT 24 PM 12:56
OFFICE OF THE
EXECUTIVE SECRETARIAT
PER ID

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.

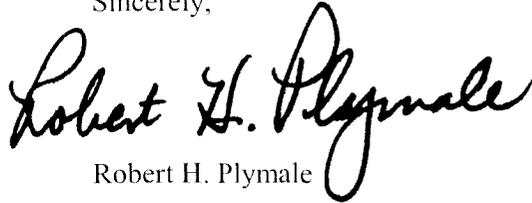
As you know, EPA is required to finalize the Utility MACT by November 16. I am concerned that the final rule, unless it is modified, could negatively impact my constituents at a time when we are making every effort possible to create new jobs and restore economic growth.

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.

Thank you for your personal attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert H. Plymale". The signature is written in a cursive style with a large, prominent initial 'R'.

Robert H. Plymale

cc:

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency

Mr. Cass Sustein
Administrator, Office of Information and Regulatory Affairs



Correspondence Management System

Control Number: AX-11-001-7926

Printing Date: October 24, 2011 04:46:31



Citizen Information

Citizen/Originator: Marsh, Del

Organization: Alabama State Senate

Address: 11 South Union Street, Suite 735, Montgomery, AL 36130-4600

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7926

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 14, 2011

Received Date: Oct 24, 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 EPA's Utility MACT (Maximum Achievable Control Technology) and CSAPR (Cross State Air Pollution Rule asking that these rules be shelved.

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
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 24, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 24, 2011



Correspondence Management System

Control Number: AX-11-001-7926

Printing Date: October 24, 2011 04:46:31



Comments

Commentator	Comment	Date
No Record Found.		



DAILY READING FILE

ALABAMA STATE SENATE
ALABAMA STATE HOUSE
11 SOUTH UNION STREET, SUITE 722
MONTGOMERY, ALABAMA 36130-4600
October 14, 2011

SENATOR DEL MARSH
PRESIDENT PRO TEM

STATE HOUSE OFFICE
(334) 242-7877
Fax (334) 353-7123

State Senator 12th District
P.O. Box 2365
Anniston, AL 36202
(256) 241-2750

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

Dear Ms. Jackson:

I very concerned about new EPA regulations that will put people in Alabama out of work while, at the same time, increasing electricity rates.

Some policies of Washington are crippling job creation at the same time legislation is being introduced that will create jobs. According to a study by the National Economic Research Associates released in June, 2011, just two of EPA's proposed rules could destroy thousands of jobs and raise electric rates in Alabama by 14.5% to 23.5%.

In the midst of one of our nation's deepest economic challenges, the EPA is proposing rules that are among the most expensive in our history. The EPA's Utility MACT (Maximum Achievable Control Technology) and CSAPR (Cross State Air Pollution Rule) would cost our nation's electric utilities approximately \$18 billion a year to comply. It would also mean almost one and one-half million job losses by 2020. This approach is out of touch with the reality that most Americans are facing.

I am asking that these rules be shelved. EPA should further study these proposals including estimates of the impact on the economy.

Sincerely,

Del Marsh
President Pro Tempore
Alabama Senate

2011 OCT 24 PM 12:56
OFFICE OF THE
EXECUTIVE SECRETARIAT
PT

ACT No. 2011 - 131

1 HJR197
2 127390-2
3 By Representatives DeMarco, Johnson (R), Williams (J), Farley,
4 Treadaway and Canfield
5 RFD: Rules
6 First Read: 24-MAR-11



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ENROLLED, House Joint Resolution,
URGING THE UNITED STATES CONGRESS TO ADOPT
LEGISLATION PROHIBITING THE ENVIRONMENTAL PROTECTION AGENCY
FROM REGULATING GREENHOUSE GAS EMISSIONS WITHOUT CONGRESSIONAL
APPROVAL.

WHEREAS, the United States Environmental Protection
Agency (EPA) has proposed or is proposing numerous new
regulations, particularly in the area of air quality and
regulation of greenhouse gases, that are likely to have major
effects on the economy, jobs, and U.S. competitiveness in
worldwide markets; and

WHEREAS, EPA's regulatory activity as to air quality
and greenhouse gases has become known as the "train wreck,"
because of the numerous and overlapping requirements and
because of the potentially devastating consequences this
regulatory activity may have on the economy; and

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

WHEREAS, EPA over-regulation is driving jobs and
industry out of America; and

1 WHEREAS, although required by the Clean Air Act
2 under Section 321, 42 U.S.C. § 7621, neither EPA nor the
3 administration has conducted a comprehensive study of how many
4 jobs might be lost by regulation of greenhouse gases or what
5 the cumulative effect of all of this new regulatory activity
6 will have on the economy and competitiveness; and

7 WHEREAS, EPA has not performed any comprehensive
8 study of what the environmental benefits of its greenhouse
9 regulations will be in terms of impacts on global climate; and

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

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

19 WHEREAS, the Legislature supports continuing
20 improvements in the quality of the nation's air and believes
21 that such improvements can be made in a sensible fashion
22 without damaging the economy so long as there is a full
23 understanding of the cost of the regulations at issue; and

24 WHEREAS, the primary goal of government at the
25 present time must be to promote economic recovery and to

1 foster a stable and predictable business environment that will
2 lead to the creation of jobs; and

3 WHEREAS, public health and welfare will suffer
4 without significant new job creation and economic improvement,
5 because people with good jobs are better able to take care of
6 themselves and their families than the unemployed and because
7 environmental improvement is only possible in a society that
8 generates wealth; and

9 WHEREAS, economists speculate, based on a variety of
10 recent analyses on GHG regulation, that EPA's approach would:
11 Reduce the gross domestic product every year for the next two
12 decades, with GDP dropping \$500 billion by 2030; reduce U.S.
13 employment by 2.5 million jobs by 2030; reduce U.S. household
14 incomes, with average household income dropping by about
15 \$1,200 annually by 2030; and increase U.S. energy costs by
16 approximately 50 percent for gasoline and residential
17 electricity prices, 75 percent for industrial electricity
18 prices and residential natural gas prices, and 600 percent for
19 electric utility coal prices; now therefore,

20 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
21 HOUSES THEREOF CONCURRING, That we hereby call upon the
22 Members of the Alabama Delegation in the U.S. Congress to:

23 (1) Adopt legislation prohibiting EPA by any means
24 necessary from regulating greenhouse gas emissions, including,

1 if necessary, defunding EPA greenhouse gas regulatory
2 activities;

3 (2) Impose a moratorium on promulgation of any new
4 air quality regulation by EPA by any means necessary, except
5 regulation to directly address an imminent health or
6 environmental emergency, for a period of at least two years,
7 including defunding EPA air quality regulatory activities;

8 (3) Require the administration to undertake a study
9 identifying all regulatory activity that EPA intends to
10 undertake in furtherance of its goal of "taking action on
11 climate change and improving air quality" and specifying the
12 cumulative effect of all of these regulations on the economy,
13 jobs, and American economic competitiveness. This study should
14 be a multi-agency study drawing on the expertise both of EPA
15 and of agencies and departments having expertise in and
16 responsibility for the economy and the electric system and
17 should provide an objective cost-benefit analysis of all EPA's
18 current and planned regulations together.



Correspondence Management System

Control Number: AX-11-001-7927

Printing Date: October 24, 2011 02:56:32



Citizen Information

Citizen/Originator: Doer, Gary

Organization: Canadian Embassy

Address: 501 Pennsylvania Avenue, NW, Washington, DC 20001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7927

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: Nov 7, 2011

of Extensions: 0

Letter Date: Oct 17, 2011

Received Date: Oct 24, 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- We are concerned with the EPA's recommendation that extraction-related GHG emissions in Canada form part of the Environmental Impact Statement included in the permitting process.

Instructions: For Your Information -- No action required

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
OITA - Office of International and Tribal Affairs
OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OECA	Oct 24, 2011	Nov 7, 2011	N/A
Instruction: AA-OECA-Prepare draft response for signature by the Assistant Administrator for OECA					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



DAILY READING FILE

Canadian Embassy

Ambassade du Canada

October 17, 2011

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT 24 PM 12:56

RECORDED

Ms. Lisa Jackson
Administrator
US EPA
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Madame Administrator,

The Government of Canada has reviewed the letter submitted on July 16, 2010, by the United States Environmental Protection Agency (EPA) providing its comments to the Department of State in response to the inter-agency consultation on the permitting process for the proposed Keystone XL pipeline project.

Considering that Canada and the U.S. have committed to the same 17% greenhouse gas (GHG) reduction target at Copenhagen, we are concerned with the EPA's recommendation that extraction-related GHG emissions in Canada form part of the Environmental Impact Statement included in the permitting process. Canada believes how each country manages these reductions domestically is an internal matter and that responsibility for achieving these targets ultimately rests with our respective sovereign governments.

I am sure you would agree that countries must be able to set their own laws to achieve similar internationally-agreed upon ends. Canada's laws and regulations will differ from those in the United States in respect of civil and political rights, labour rights, and environmental protections, to name but a few examples. In various international agreements this is explicitly recognized, including in the recently concluded Copenhagen Accord which allows countries to set economy-wide emissions targets. This has been a long-established practice in our bilateral relationship and was clearly laid out in the State Department's 2009 decision to issue a Presidential Permit for the Alberta Clipper pipeline. In its National Interest Determination, the State Department noted:

"The administration believes the reduction of greenhouse gas emissions are best addressed through each country's robust domestic policies and a strong international agreement."

Moreover, it is relevant as well to consider the compatibility of our environmental assessment regimes and the ways they complement each other. Our two countries have traditionally relied on each other to ensure that we each adopt sound environmental management practices to protect our common North American environment, while respecting the sovereignty of our independent decision-making processes.

Like the U.S., Canada is working within the confines of its own regulatory processes to mitigate climate change impacts at home. The 17% GHG reduction target we committed to at Copenhagen establishes a benchmark we intend to meet through a combination of regulation and clean energy technology development. We have already taken several important steps towards meeting this objective. In addition to major government investments in carbon capture and storage, advanced biofuels and energy efficiency initiatives, Canada recently announced that it is taking action to reduce GHG emissions in the electricity sector by moving forward with regulations on coal-fired electricity generation.

As you are aware, we are also working with the U.S. towards common North American standards for regulating greenhouse gas emissions from vehicles, and have published final regulations for new light-duty vehicles, under the Canadian Environmental Protection Act that are harmonized with those of the U.S.. Building on this successful collaboration between Canada and the United States, we will continue to work together to do the same for heavy-duty vehicles. This is in addition to the important work both countries continue to undertake in promoting the development of low-carbon energy technologies through the Canada-U.S. Clean Energy Dialogue.

In addition to sharing a common commitment to greenhouse gas emission reductions, domestically and at the international level, it is important to note that Canada is the United States' largest, most accessible and secure supplier of energy. As both our countries continue to build clean energy economies, it is important that we assess and discuss policy issues of concern that may arise. I would welcome the opportunity to further review with you the issues outlined in this letter and look forward to your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Doer", with a stylized flourish at the end.

Gary Doer
Ambassador



CITY OF WINNSBORO

501 South Main Street
Winnsboro, Texas 75494
Phone: (903) 342-3654
Fax: (903) 342-5708

October 17, 2011

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

RE
D
2011 OCT 24 PM 12:56
OFFICE OF THE
EXECUTIVE SECRETARIAT

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 Winnsboro, Texas 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 Winnsboro, Texas 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 blue ink that reads "Carolyn S. Jones". The signature is written in a cursive style with a large initial 'C'.

Carolyn S. Jones
Mayor, City of Winnsboro, Texas

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



Correspondence Management System

Control Number: AX-11-001-7934

Printing Date: October 24, 2011 03:20:20



Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	Oct 24, 2011	Nov 7, 2011	N/A
Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW					
Wanda Fields	OW	OW-OGWDW	Oct 24, 2011	Nov 3, 2011	N/A
Instruction: Cc: Stoner, Shapiro, Peck, Gilinsky, Lousberg					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OW as lead office	Oct 24, 2011
Wanda Fields	OW	Accepted the group assignment	Oct 24, 2011
Wanda Fields	OW	Assign OW-OGWDW as lead office	Oct 24, 2011

Comments

Commentator	Comment	Date
No Record Found.		



DAILY READING FILE

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

2011 OCT 24 PM 12: 54
OFFICE OF THE
EXECUTIVE SECRETARY
REQ. TD

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.

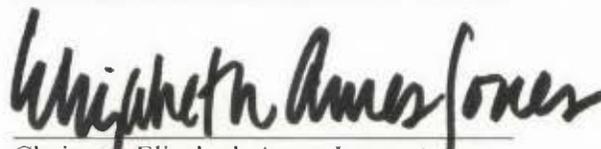
In conducting the hydraulic fracturing study, the EPA must bear in mind that a variety of factors, including surface spills, improperly drilled water wells or insufficient cement casings, have been known to result in communication between gas fields and water wells. However, those incidents are not a 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.

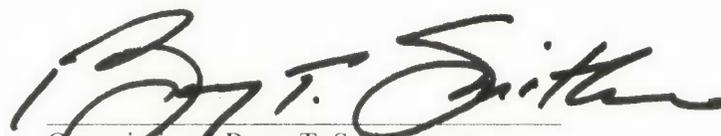
The Commission is the state's primary regulatory agency over Texas' oil and gas industry, exclusively responsible for the prevention and abatement of pollution of surface and subsurface water from oil and gas exploration and production activities, including hydraulic fracturing. If the EPA knows landowners 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.

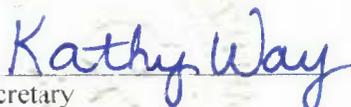
RAILROAD COMMISSION OF TEXAS


Chairman Elizabeth Ames Jones


Commissioner David Porter


Commissioner Barry T. Smitherman

ATTEST:



Secretary



Correspondence Management System

Control Number: AX-11-001-7933

Printing Date: October 27, 2011 03:50:45



Citizen Information

Citizen/Originator: Pinkoson, Lee

Organization: Alachua County Board of County Commissioners
Address: P.O. Box 2877, Gainesville, FL 32602

Mousa, John

Organization: Alachua County Board of Commissioners
Address: PO Box 2877, Gainesville, FL 32602

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7933

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Nov 8, 2011

of Extensions: 0

Letter Date: Oct 12, 2011

Received Date: Oct 24, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: Division Director, R4-SFD

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 Alachua County Supports Implementation of Indoor Dioxin Dust Workplan Near Koppers Site

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

Instruction Note: N/A

General Notes: ASSIGNED TO SUPERFUND DIV. (SCOTT MILLER)

CC: Brigid Lowery - OSWER-CPA

Kecia Thornton - OSWER

Michelle Crews - OSWER

OCIR - Office of Congressional and Intergovernmental Relations

OCSPP - OCSPP - Immediate Office

OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

OSWER - OSWER -- Immediate Office

R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: David Keefer

Office: R4-SFD-SRB-SRSC

Due Date: Nov 3, 2011

Assigned Date: Oct 26, 2011

Complete Date: N/A

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



DAILY READING FILE
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

2011 OCT 24 PM 12:54
RECEIVED
OFFICE OF THE
EXECUTIVE SECRETARIAT

October 12, 2011

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

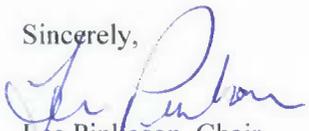
Re: Alachua County Supports Implementation of Indoor Dioxin Dust Workplan Near Koppers Site

Dear Ms. Jackson:

Residents from neighborhoods surrounding the Cabot Koppers Superfund site, including the Stephen Foster neighborhood, located in Gainesville, Florida have stated that indoor dust in houses near the Site is contaminated with dioxins. This information has raised significant concerns about potential health impacts among residents living near the site. Recently, an "Indoor Dust Dioxin Workgroup" lead by the Florida Department of Health (FDOH) has completed a workplan for confirmatory testing of dioxin levels in dust found in homes in the Stephen Foster neighborhood. The task force was comprised of Federal, State, and Alachua County environmental and health experts, as well as local non-governmental experts, University of Florida faculty, and a representative of the responsible party, Beazer East. The workplan was submitted to Mr. Scott Miller, Remedial Project Manager with USEPA Region 4, on July 22, 2011. We understand that USEPA is currently reviewing the plan for potential implementation.

The Alachua County Board of County Commissioners supports the implementation of the full workplan by USEPA as prepared by the FDOH workgroup as expeditiously as possible. The BoCC believes it is very important to provide confirmation of the levels of any potential contamination and provide information to nearby residents of the significance of any found contamination in terms of potential health impacts and remedies.

We appreciate your help and attention to this matter. If you have any questions about this letter, you may contact, Dr. John Mousa, at (352) 264-6805.

Sincerely,

Lee Pinkoson, Chair
Alachua County Commission



Correspondence Management System

Control Number: AX-11-001-8187

Printing Date: October 27, 2011 12:09:55



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-11-001-8187 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 25, 2011 **Received Date:** Oct 27, 2011
Addressee: OEX-Director - OEX **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File The National Security Affairs Calendar 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
OEAEE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Oct 27, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Oct 27, 2011

201119334



United States Department of State

Washington, D.C. 20520

October 25, 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 stylized flourish.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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October 25, 2011

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Oct 3-28	UNGA First (Disarmament and International Security) Committee, New York
Oct 7 - Dec 4	100th Session of the International Organization for Migration (IOM) Council and High-Level Segment of the Council, Geneva
Oct 17-27*	Visit of Foreign Minister Shaikh Khalid Bin Ahmed Al-Khalida of Bahrain to Washington
Oct 21-28	Visit of Secretary of Defense Panetta to Indonesia, Japan and South Korea
Oct 24-28	International Telecommunication Union (ITU) Telecom World 2011, Geneva
Oct 24-26*	Visit of Prime Minister Lerner of Peru to Washington
Oct 25-Nov 10	36th Session of the General Conference of the UN Educational Scientific and Cultural Organization (UNESCO), Paris
Oct 24-28	4th Conference of States Parties to the UN Convention Against Corruption, Marrakech
Oct 24-25	Talks with D.P.R.K, Geneva
Oct 27	Presidential Elections in Ireland

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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 27-28* 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 1-2 London International Cyber Conference, London

LOOKING FORWARD

Nov 2 Regional Summit on Afghanistan, Istanbul

Nov 2 Canada-U.S. Partnership: Enhancing the Innovation Ecosystem, Ottawa

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 7* Visit of NATO Secretary-General Rasmussen to Washington

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Nov 8-9 Asia-Pacific Economic Cooperation (APEC) Concluding Senior Officials Meeting and Related Meetings, Honolulu

Nov 8-10 IV High Level Intergovernmental Conference on Delivering as One (DaO)-Montevideo Conference, Montevideo

Nov 8 Presidential Elections in Liberia-2nd Round

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 11-12 East-West Center Pacific Islands Nations 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

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4

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 21 Parliamentary Elections in the Marshall Islands

Nov 21-22 Forum for the Future, Kuwait City

Nov 22 International Energy Forum (IEF) Executive Board Meeting, Riyadh

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Nov 23	10th Anniversary Meeting of the Budapest Convention on Cybercrime, Strasbourg
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 28	Parliamentary Elections in Guyana
Nov 29 - Dec 1	4th High-Level Forum on Aid Effectiveness, Busan
Dec 1* (T)	U.S.-Israel Strategic Dialogue, Washington
Dec 4	Parliamentary Elections in Croatia
Dec 4	Parliamentary Elections in Russia
Dec 4	Parliamentary Elections in Slovenia
Dec 5-22	Biological Weapons Convention 7th Review Conference, Geneva
Dec 5	International Afghanistan Conference, Bonn

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Dec 5-6 ASEAN Regional Forum (ARF) Proxy Actors in Cyberspace Workshop, Hoi An

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 7-8 60th Anniversary of the 1951 Convention Relating to the Status of Refugees and the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness Ministerial-level Meeting, Geneva

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

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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
Jan 26-27* (T)	U.S.-Philippines Strategic Dialogue, Washington
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 10	Parliamentary Elections in Slovakia
Mar 12-17	6th World Water Forum, Marseille
Mar 12-14	International Energy Forum (IEF) Ministerial Meeting, Kuwait City
Mar 24	Legislative Elections in Gambia

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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
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

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

9

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
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	Presidential Elections in Slovenia
Oct 28	Parliamentary Elections in Ukraine
Nov 18-20 (T)	21st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh

SENSITIVE BUT UNCLASSIFIED

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-11-001-8251

Printing Date: October 27, 2011 03:14:04



Citizen Information

Citizen/Originator: Ivan, Ivan

Organization: Akiak Native Community
Address: P.O. Box 52127, Akiak, AK 99552

Constituent: N/A

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

Control Information

Control Number: AX-11-001-8251 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Oct 25, 2011 Received Date: Oct 27, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: FAX (Facsimile) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: DRF - Opposing Listing Alaska Native Claims Settlement Act Corporations on the Secretary's Annual List of Federally Recognized Tribes
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education
 R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Oct 27, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Oct 27, 2011

Comments



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-05-062

TITLE: Opposing Listing ANCSA Corporations on the Secretary's Annual List of Federally Recognized Tribes

EXECUTIVE COMMITTEE

PRESIDENT

Joe A. Garcia
Ohkay Owingeh
(Pueblo of San Juan)

FIRST VICE-PRESIDENT

Jefferson Keel
Chickasaw Nation

RECORDING SECRETARY

Juana Majel
Akwim-Yuma Band of Mission Indians

TREASURER

W. Ron Allen
Jamesown S'Klallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA

Miky Williams
Yupik

EASTERN OKLAHOMA

Joe Grayson, Jr.
Cherokee Nation

GREAT PLAINS

Mark Allen
Flandreau Santee Sioux

MIDWEST

Robert Chickles
Stockbridge-Munsee

NORTHEAST

Randy Noka
Narragansett

NORTHWEST

Ernie Stongar
Coeur d'Alene Tribe

PACIFIC

Cheryl Seldner
Wiyot

ROCKY MOUNTAIN

Raymond Parker
Chippewa-Cree Business Committee

SOUTHEAST

Leon Jacobs
Lumbee Tribe

SOUTHERN PLAINS

Steve Johnson
Absentee Shawnee

SOUTHWEST

Manuel Hoart
Ute Mountain Ute Tribe

WESTERN

Kathleen Kilchayan
San Carlos Apache

EXECUTIVE DIRECTOR

Jacqueline Johnson
Tlingit

NCAI HEADQUARTERS

1301 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, for-profit corporations were created in 1971 pursuant to the Alaska Native Claims Settlement Act, (ANCSA), 43 U. S. C. 1604 et seq., to hold the land and assets that were conveyed to Alaska Natives in the process of settling aboriginal land claims; and

WHEREAS, Tribes existed in Alaska long before the passage of ANCSA and neither the creation of the for-profit corporations nor the enactment of ANCSA affected the governmental status of the pre-existing Alaska Native Tribes; and

WHEREAS, in 1978 the Secretary of the Interior promulgated regulations "to establish a departmental procedure and policy for acknowledging that certain American Indians tribes exist," 43 Fed Reg. 39,361 (Sept,5,1978); and

WHEREAS, although the first list of tribal entities published pursuant to the regulations did not include any Alaska Native entities, its preamble indicated that: "The list of eligible Alaskan entities will be published at a later date." 44 Fed. Reg. 7,235 (Feb.6, 1979); and

WHEREAS, in 1982 the Secretary issued a "Preliminary" list of Alaska Native entities that were considered federally recognized and eligible for services and funding administered by the Bureau of Indian Affairs (BIA), 47 Fed. Reg. 53133 (Nov, 24, 1982), consistent with earlier lists the BIA issued from time to time in the 1960s and 1970s; and

NCAI 2005 Annual Session

Resolution TUL-05-062

WHEREAS, the preamble to the 1982 list noted that “[u]nique circumstances have made eligible for BIA services additional entities in Alaska which are not historical tribes” referring to the fact that the 1975 Indian Self-Determination Act had defined “Indian Tribe” to also include non-governmental, state-chartered ANCSA corporations for the limited purposes of authorizing such entities to administer contracts and grants under that Act in geographic areas not served by recognized Tribes; and

WHEREAS, the 1982 Preamble properly excluded such non-tribal entities from the 1982 list and was subsequently republished with the same Alaska Native villages in 1983 and thereafter; and

WHEREAS, in 1988 a one year anomaly occurred when the Secretary issued a new list of Alaska Native entities that added all ANCSA corporations on the basis of their eligibility under the ISDA and similar laws to carry out certain contracts and grants; and

WHEREAS, confusion generated by the 1988 list prompted the Department of the Interior to undertake a comprehensive review of the entire matter of tribal recognition in Alaska; and

WHEREAS, in January 1993 Interior Solicitor Sansonetti issued a detailed analysis reaffirming that there are federally recognized tribes in Alaska possessing powers of self-governance, and based on that analysis the Secretary published a new list of federally recognized tribes, including recognized Tribes in Alaska, which eliminated the ANCSA corporations from the list, 59 Fed. Reg. 54364 (Oct. 21, 1993); and

WHEREAS, the 1993 list explained that it was intended to conform to the original intent behind the 1978 acknowledgement regulations limiting the list to only recognized Tribes having government to government relationship with the United States, and further explained that such tribes “are entitled to the same protection, immunities, privileges, as other acknowledged tribes; have the same right, subject to general principles of Federal Indian Law, to exercise the same inherent and delegated authorities available to other tribes; and are subject to the same limitations imposed by law on the other tribes;” and

WHEREAS, Congress in 1999 enacted the “Federally Recognized Indian Tribe List Act” directing the Secretary to annually publish a list of federally recognized tribes, 25 U. S. C. 479a-1, and further directing that once a Tribe is added to that list, the Tribe can thereafter only be removed from the list by an act of Congress; and

WHEREAS, there are 231 federally recognized tribes in Alaska that have been recognized by the Secretary as possessing a government to government relationship with the United States; and

WHEREAS, in January 2004, Senator Stevens secured passage of a rider to the FY 2004 Consolidated Appropriations Act (Section 161) that requires the Director of the Office Of Management and Budget (OMB) to consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order 13175; and

NCAI 2005 Annual Session

Resolution TUL-05-062

WHEREAS, certain ANCSA corporations continue to seek to be added to the annual list of federally recognized tribes; and

WHEREAS, ANCSA corporations carry out important functions but are not governmental entities and are instead incorporated under state law; do not possess the general privileges and immunities that tribes possess; are not governed by a council of elected tribal leaders owing duties to tribal members, but by decisions of the board of directors owing fiduciary duties to corporate shareholders.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby oppose the listing of State-Chartered ANCSA corporations on the Secretary's Annual list of Federally Recognized Tribes.

BE IT FURTHER RESOLVED, that the NCAI urges the Office of OMB and the Department of the Interior to reject any pending or future requests to list ANCSA corporations as federally recognized tribes.

BE IT FURTHER RESOLVED, that the NCAI urges the Congress to repeal Sec. 161 of the FY 2004 Consolidated Appropriations Act which requires the Director of the Office of Management and Budget to consult with Alaska Native corporations on the same basis as Indian tribes in Executive Order 13175.

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

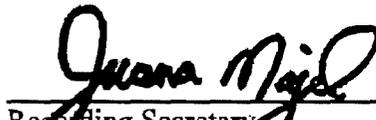
CERTIFICATION

The foregoing resolution was adopted at the 2005 Annual Session of the National Congress of American Indians, held at the 62nd Annual Convention in Tulsa, Oklahoma on November 4, 2005 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2005 Annual Session of the National Congress of American Indians held from October 30, 2005 to November 4, 2005 at the Convention Center in Tulsa, Oklahoma.



Correspondence Management System

Control Number: AX-11-001-6477

Printing Date: October 03, 2011 03:27:55



Citizen Information

Citizen/Originator: Devall, Gary W.

Organization: United Transportation Union

Address: 429 Government Street, Post Office Box 3477, Baton Rouge, LA 70821

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6477

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 26, 2011

Received Date: Oct 3, 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: DRF - Job Losses Due to EPA Electric Utility Regulations

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OARM - OARM -- Immediate Office

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 3, 2011

History

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

DAILY READING FILE
United Transportation Union

SHAWN A. McRAE
ASSISTANT STATE DIRECTOR

MICHAEL A. ROE
SECRETARY

LOUISIANA STATE LEGISLATIVE BOARD
429 Government Street
POST OFFICE BOX 3477
BATON ROUGE, LOUISIANA 70821
(225) 383-5741 OR FAX # (225) 383-8847



GARY W. DEVALL
STATE DIRECTOR/CHAIRMAN

September 26, 2011

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

Re: Job Losses Due to EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members in Louisiana because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We also are troubled by the recently issued Transport Rule for reducing utility emissions of NOx and SO2.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012. Nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just 26 months from now. For this reason, I'm respectfully asking that you instruct EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers that will be lost.

This nation cannot afford the loss of thousands of good-paying union rail jobs when America's unemployment rate is 9% and is not projected to decrease meaningfully even next year.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by EPA many of the job losses will occur in rural, economically-depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting communities and businesses that rely on rail service.

Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

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OFFICE OF THE
EXECUTIVE SECRETARIAT

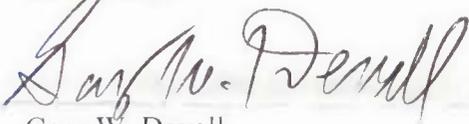
United *Transportation* Union

I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

Finally, we are concerned that EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration of these views.

Yours truly,



Gary W. Devall
Louisiana Legislative Director
United Transportation Union



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

The Office of Inspector General (OIG) is responsible for independently reviewing U.S. Environmental Protection Agency (EPA) programs related to national security. We evaluated the scope and nature of EPA's classified national security information (NSI) infrastructure, and its ability to provide information to those who need it.

Background

Some EPA staff members are cleared to access, use, and create classified NSI in the performance of their assigned duties. EPA must protect NSI according to executive order and other national and EPA guidance. EPA policy requires that a classification guide shall be developed for each system, plan, program, or project in which classified information is involved. The Office of Administration and Resources Management manages EPA's NSI program.

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

The full report is at:
www.epa.gov/oig/reports/2011/20110929-11-P-0722.pdf

EPA Should Prepare and Distribute Security Classification Guides

What We Found

EPA has not established any official classification guides even though EPA Administrators have taken original classification actions. Original classification actions involve someone with original classification authority assigning a classification level to a particular document. According to the NSI program team leader, classification guides have not been prepared because EPA Administrators have only classified a few documents. Executive Order 13526 states that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. Further, EPA's *National Security Information Handbook* requires that a classification guide be developed for each system, plan, program, or project that involves classified information. Without classification guides, EPA staff and other users of EPA's classified information may not be uniformly and consistently identifying information for classification, nor classifying information in a uniform and consistent manner. Ultimately, information that should be identified for safeguarding could be unintentionally released, resulting in harm to national security. Therefore, the lack of classification guides is a material internal control weakness in EPA's classified NSI program.

This report presents a significant finding identified during our ongoing review that requires immediate attention. We will issue a final report that will discuss other results of our review of EPA's classified NSI infrastructure.

What We Recommend

We recommend that the Administrator ensure the preparation, review, and approval of appropriate security classification guides that conform to the requirements of Executive Order 13526, *Classified National Security Information*, and EPA's NSI handbook. We also recommend that the Administrator ensure the distribution of classification guides to users of EPA's originally classified information and to program offices that work in related subject areas. The Office of Administration and Resources Management, which responded on behalf of the Agency, did not agree with the report's conclusions, and the recommendations are unresolved.



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

THE INSPECTOR GENERAL

September 29, 2011

MEMORANDUM

SUBJECT: EPA Should Prepare and Distribute Security Classification Guides
Report No. 11-P-0722

FROM: Arthur A. Elkins, Jr.
Inspector General

A handwritten signature in black ink, appearing to read "Arthur A. Elkins, Jr.", is written over the typed name and title.

TO: Lisa P. Jackson
Administrator

This early warning report is to inform you of a finding by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) that requires your immediate attention. The purpose of this OIG review was to evaluate the scope and nature of EPA's national security information infrastructure, and its ability to disseminate classified information to those who need it. This report presents a significant OIG finding identified during our ongoing review. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

Action Required

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

If you or your staff have any questions regarding this report, please contact Wade Najjum at (202) 566-0827 or najjum.wade@epa.gov, or Eric Lewis at (202) 566-2664 or lewis.eric@epa.gov.

Ken Menges
Director



DAILY READING FILE

222 A Madison
Jefferson City, Mo. 65101
Phone 573-634-3303
Cell 573-418-2362
Fax: 573-634-5925
moutu@embarqmail.com

united transportation union MISSOURI STATE LEGISLATIVE BOARD

September 27, 2011

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

Re: Job Losses Due to EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members in Missouri because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We also are troubled by the recently issued Transport Rule for reducing utility emissions of nitrogen oxides and sulfur dioxides.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012. Nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just a short 26 months from now. For this reason, the UTU members in Missouri are respectfully asking that you instruct the EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with the EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers' jobs that will be lost.

This nation cannot afford the loss of thousands of good paying union rail jobs when America's unemployment rate is hovering around 9% and is not projected to decrease meaningfully in the near future.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by the EPA, many of the job losses will occur in rural, economically-depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting communities and businesses that rely on rail service.

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT -3 PM 1:09

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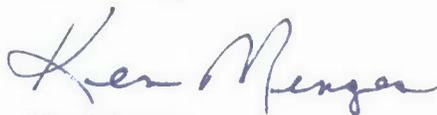
Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

Finally, we are concerned that the EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration of these views.

Yours truly,



Ken Menges
Missouri Legislative Director
United Transportation Union

Cc: Honorable William M. Daley,
Chief of Staff The White House

Honorable Stephen Chu, Secretary
U.S. Department of Energy

Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency

Honorable Cass R. Sunstein
Office of Information and Regulatory Affairs
Office of Management and Budget

Honorable Jay Nixon, Governor

Honorable Claire McCaskill

Honorable Roy Blunt

Honorable Lacy Clay

Honorable Todd Akins

Honorable Russ Carnahan

Honorable Vicki Hartzler

Honorable Emanuel Cleaver

Honorable Sam Graves

Honorable Billy Long

Honorable Jo Ann Emerson

Honorable Blaine Luetkemeyer

Mr. Richard L. Trumka, President AFL-CIO

Mr. M.B. Futhy Jr., International President
United Transportation Union

Mr. James Stem, National Legislative Director
United Transportation Union



SENATOR KEL SELIGER

CAPITOL OFFICE:
P.O. BOX 12068
AUSTIN, TEXAS 78711
(512) 463-0131
FAX: (512) 475-3733
DIAL 711 FOR RELAY CALLS

The Senate of
The State of Texas

DISTRICT 31

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410 S. TAYLOR
SUITE 1600
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FAX: (806) 374-4607

401 AUSTIN
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FAX: (432) 268-9899

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SUITE 3360
MIDLAND, TEXAS 79705
(432) 620-0436
FAX: (432) 686-7748

4840 E. UNIVERSITY
SUITE 205
ODESSA, TEXAS 79762
(432) 550-7476
FAX: (432) 367-0034

September 27, 2011

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

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

Dear Administrator Jackson:

As a member of the Texas Senate Committee on Natural Resources, I have been closely following the Cross State Air Pollution Rulemaking (CSAPR), and I am deeply concerned about the timeframe for implementation of this rule. While my senatorial district is serviced mostly by the Southwestern Public Service Company (SPS) in the Texas Panhandle, I write today on behalf of the entire state and request that the Environmental Protection Agency (EPA) reconsider the January 1, 2012, compliance date.

I am aware of the conversations between state leaders and the EPA, and am hopeful that common ground can be reached on the technical merits of the decision to include the state of Texas in the CSAPR. In addition, I am privy to the correspondence between the EPA and Luminant regarding potential options to bring Luminant into compliance with the CSAPR within the January 1, 2012, timeframe. As the negotiations with Luminant continue, I ask that you extend the same commitment to all Texas providers to ensure that the reliability of the electric grid is preserved statewide. It is my understanding that a delegation from SPS has met with your staff, and that these discussions are underway.

While I realize that the Clean Air Act has not harmed electric grid reliability in the past, I think it is a reasonable and prudent concern in light of the current compliance guidelines set forth in the CSAPR. I am aware that you have received correspondence from a number of Texas elected officials and agencies to request that Texas be exempt from this rulemaking. Although I do find it curious that the EPA did not follow the strict and necessary legal notice requirements and has yet to provide sound technical science for our inclusion, I respectfully request that you allow the impacted electric utilities the necessary flexibility regarding compliance.

Sincerely,

Kel Seliger

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2011 OCT -3 PM 1:03
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Correspondence Management System

Control Number: AX-11-001-6462

Printing Date: October 03, 2011 04:20:35



Citizen Information

Citizen/Originator: Doering, Jason T.

Organization: United Transport Union

Address: 5614 Thunder Spirit Street, Las Vegas, NV 89148

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6462

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 26, 2011

Received Date: Oct 3, 2011

Addressee: POTUS-President of the United States

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 on behalf of United Transportation Union members in the state of Nevada because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants

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
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 3, 2011

History

DAILY READING FILE

September 26, 2011

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

Re: Job Losses Due to the EPA's Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members in the state of Nevada because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We also are troubled by the recently issued Transport Rule for reducing utility emissions of NOx and SO₂.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012, nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just 26 months from now. For this reason, I'm respectfully asking that you instruct EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with the EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers that will be lost.

This nation cannot afford the loss of thousands of good-paying union rail jobs when America's unemployment rate is 9% and is not projected to decrease meaningfully even next year.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by the EPA many of the job losses will occur in rural, economically-depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting the communities and businesses that rely on rail service.

Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

OFFICE OF THE
EXECUTIVE SECRETARIAT

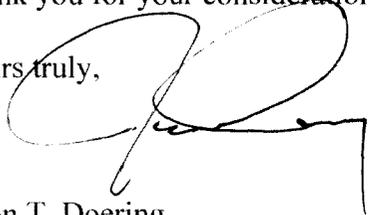
2011 OCT -3 PM 1:02

RECEIVED

Finally, we are concerned that the EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration regarding these views.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jason T. Doering', written over the words 'Yours truly,'.

Jason T. Doering
Nevada State Legislative Director
United Transportation Union

Cc: Honorable William M. Daley, Chief of Staff, The White House
Honorable Stephen Chu, Secretary, U.S. Department of Energy
Honorable Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency
Honorable Cass R. Sunstein, Office of Information and Regulatory Affairs
Honorable Harry Reid, Senate Majority Leader (NV)
Honorable Shelley Berkley, Congresswoman (NV)
Mr. Richard L. Trumka, President, AFL-CIO
Mr. M.B. Futhey Jr., International President, United Transportation Union
Mr. James Stem, National Legislative Director, United Transportation Union



City of Pensacola

America's First Settlement
Established 1559

ASHTON J. HAYWARD
Mayor

September 23, 2011

Hand Delivery

REC'D
2011 OCT -3 PM 1:02
OFFICE OF THE
EXECUTIVE SECRETARIAT

Jeff Littlejohn, P.E.
Deputy Secretary for Regulatory Programs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard MS 15
Tallahassee, Florida 32399

Re: Letter of Interest- Escambia Wood Treating Site

Dear Mr. Littlejohn:

As I am sure you are aware, the Escambia Wood Treating Superfund site and surrounding properties held by the Corps (collectively "ETC") are transitioning to the State. As part of our ongoing discussions regarding a possible transfer of the ETC properties from the State to the City, the City of Pensacola was asked to provide the State with a Letter of Interest, and it is my pleasure to do so. This is an important undertaking for the City and the Northwest Florida community.

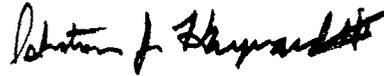
The City of Pensacola is willing to accept title to the ETC properties subject to the satisfactory completion and review of our ongoing environmental due diligence studies, acceptable use restrictions and title, an agreeable operation and maintenance plan for the environmental conditions, and the appropriate City approvals and funding. The Corps will need to provide an access license to our environmental consultant prior to the City being able to complete our remaining due diligence and related testing.

To move these tasks forward in an expedited fashion, I asked Mr. Lewis to deliver this letter to you today and discuss some of the issues that I would appreciate you and your staff facilitating the resolution of. First, we understand from EPA Region 4 that it expects a delay in the transfer of the property to the State as a result of the leachate treatment being behind schedule and also requiring additional funds to continue treating the leachate. Erik Spalvins, EPA Remediation Project Manager, recently advised the City that the properties would not be transferred to the State until June 2012 or possibly even into 2013 as a result of the leachate issue. Second, we understand that an Operational and Functional Determination ("OFD") will be made that will clear the way for the transfer of the property to the State. The City is unclear as to when the OFD will occur. Lastly, the City and the State will need to come to an agreement on use restrictions and the necessary operation and maintenance of the environmental conditions existing at the ETC site.

Jeff Littlejohn, P.E.
September 23, 2011
Page two

My overriding concern is that these tasks and issues need to be accomplished or resolved expeditiously so that we can confidently move forward with the planning and development of ETC as a major, regional railhead development. We would like to see an approved transfer to the City occur by March 2012. There is already great private interest in this project and we are looking forward to the incremental jobs and other benefits that it will create for the City, Escambia County and the State. With that in mind, it would be timely and very helpful if you would provide us with your thoughts on this project, FDEP's task list and preliminary timelines regarding the transfers from the Corps and to the City, and identify the decision-making team members at FDEP that will be handling the issues and final steps necessary to move this project forward. I currently have a scheduled meeting with Governor Scott and Deputy Administrator Perciasepe on October 11th, and it would be helpful to have your input in advance of that meeting. We look forward to working with you and FDEP.

Sincerely,



Ashton J. Hayward, III
Mayor

cc: The Honorable Rick Scott, Governor of the State of Florida
Administrator Lisa P. Jackson, U.S. Environmental Protection Agency
Deputy Administrator Bob Perciasepe, U.S. Environmental Protection Agency
Secretary Herschel T. Vinyard, Jr., Florida Department of Environmental Protection
Erik Spalvins, Region 4, U.S. Environmental Protection Agency

united transportation union

COLORADO STATE LEGISLATIVE BOARD

6565 West Jewell Avenue - Suite 4-B
Lakewood, Colorado 80232-7102

☎ (303) 937-0728 FAX (303) 937-1213
CELL (303) 877-6530



RICK JOHNSON
State Legislative Director

September 26, 2011

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

Re: Job Losses Due to EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members in **Colorado** because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We, also, are troubled by the recently issued Transport Rule for reducing utility emissions of NOx and SO₂.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012. Nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just 26 months from now. For this reason, I'm respectfully asking that you instruct EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers that will be lost.

This nation cannot afford the loss of thousands of good-paying union rail jobs when America's unemployment rate is 9% and is not projected to decrease meaningfully even next year.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by EPA many of the job losses will occur in rural, economically depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting communities and businesses that rely on rail service.

RECORDED
2011 OCT -3 PM 1:02
OFFICE OF THE
EXECUTIVE SECRETARIAT

President Barack H. Obama
September 26, 2011
Page 2

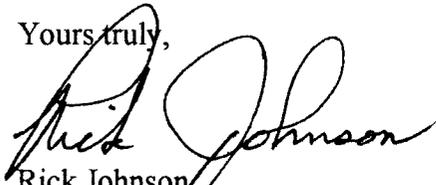
Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

Finally, we are concerned that EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration of these views.

Yours truly,



Rick Johnson,
Colorado Legislative Director
United Transportation Union

Cc: Honorable William M. Daley, Chief of Staff
Honorable Stephen Chu, Secretary
Honorable Lisa P. Jackson, Administrator
Honorable Cass R. Sunstein
Mr. Richard L. Trumka, President, AFL-CIO
Mr. M.B. Futhey Jr., International President
Mr. James Stem, National Legislative Director
Honorable John Hickenlooper, Governor, CO
Honorable Michael Bennett, US Senator, CO
Honorable Mark Udall, US Senator, CO



Correspondence Management System

Control Number: AX-11-001-6476

Printing Date: October 03, 2011 03:23:02



Citizen Information

Citizen/Originator: Miller, Greg

Organization: Dakota Electric Association

Address: 4300 220th Street West, Farmington, MN 55024-9583

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6476

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 3, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - Recent EPA rules that set National Emission Standards for Hazardous Air Pollutants for compression ignition and spark ignition stationary Reciprocating Internal Combustion Engines

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

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 3, 2011

History

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



Your Touchstone Energy™ Partner



September 28, 2011

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

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT -3 PM 1:01

REC'D

Dear Administrator Jackson:

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

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

Dakota Electric has had a peak shaving program in place for two decades. Prohibiting the use of these small diesel engines for peak shaving will have an adverse financial impact to hospitals, health care facilities, schools, fire departments, local cities and not to mention several small businesses. Currently over 40 schools and municipal accounts participate in these programs in our service area. These entities are already under severe budget constraints.

Peak-shaving programs enhance electric reliability and lower cost to the consumer by reducing demand on central station power supplies. These efforts have eliminated the necessity of building utility peaking plants. The engines are used on a limited basis and are run fewer hours than the 100 hours allowed in the rule for general non-emergency operation. Were EPA to remove the prohibition on these engines for peak-shaving and demand reduction purposes, the result would be no more run-time than that which is already provided for in the rule and no measurable public health risk or environmental harm.

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

Sincerely,

Greg Miller
President & CEO
Dakota Electric Association



Correspondence Management System

Control Number: AX-11-001-6478

Printing Date: October 03, 2011 03:28:22



Citizen Information

Citizen/Originator: Stem, James A.

Organization: United Transportation Union

Address: 304 Pennsylvania Avenue, S.E., Washington, DC 20003-1147

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6478

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 3, 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 concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 3, 2011

History

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



M. B. FUTHEY JR.
International President

ARTHUR MARTIN III
Assistant President

KIM N. THOMPSON
General Secretary and Treasurer

JAMES A. STEM JR.
National Legislative Director

304 PENNSYLVANIA AVENUE, S.E.
WASHINGTON, D.C. 20003-1147
(202) 543-7714
FAX: (202) 543-0015
E-MAIL: UTUNLD@aol.com

WASHINGTON OFFICE
NATIONAL LEGISLATIVE DEPARTMENT

September 28, 2011

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

RECEIVED
2011 OCT -3 PM 1:01
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Job Losses Due to EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We also are troubled by the recently issued Transport Rule for reducing utility emissions of NOx and SO2.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012. Nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just 26 months from now. For this reason, I'm respectfully asking that you instruct EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers that will be lost.

This nation cannot afford the loss of thousands of good-paying union rail jobs when America's unemployment rate is 9% and is not projected to decrease meaningfully even next year.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by EPA many of the job losses will occur in rural, economically-depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting communities and businesses that rely on rail service.

Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker

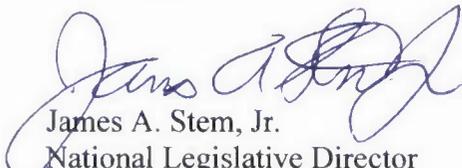
analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

Finally, we are concerned that EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration of these views.

Sincerely yours,



James A. Stem, Jr.
National Legislative Director
United Transportation Union

Cc: Honorable William M. Daley, Chief of Staff, The White House
Honorable Stephen Chu, Secretary, U.S. Department of Energy
Honorable Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency
Honorable Cass R. Sunstein, Office of Information and Regulatory Affairs
Office of Management and Budget
Mr. Richard L. Trumka, President, AFL-CIO
Mr. M.B. Futhey Jr., International President, United Transportation Union



Correspondence Management System

Control Number: AX-11-001-8332

Printing Date: October 31, 2011 01:27:34



Citizen Information

Citizen/Originator: Nungesser, Billy

Organization: Plaquemines Parish Government
Address: 8056 Highway 23, Belle Chasse, LA 70037

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-8332 **Alternate Number:** 873556472508
Status: Pending **Closed Date:** N/A
Due Date: Nov 15, 2011 **# of Extensions:** 0
Letter Date: Oct 25, 2011 **Received Date:** Oct 31, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: DRF - Gulf Ecosystem Restoration Task Force Strategic Restoration Strategy
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
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
OSWER - OSWER -- Immediate Office
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
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	GCERTF	Oct 31, 2011

Plaquemines Parish Government

BILLY NUNGESSER

Parish President

8056 Hwy. 23, Suite 200
Belle Chasse, LA 70037

(504) 392-6690
(504) 274-2462
1-888-784-5387
Fax: (504) 274-2463

October 25, 2011

Lisa Jackson
Chair- Gulf Coast Ecosystem Restoration Task Force
Woodrow Wilson Center G1-1
Mail Code 1101 R
1300 Pennsylvania Avenue
Washington, DC 20460

OFFICE OF THE
EXECUTIVE SECRETARIAL

2011 OCT 31 AM 7:42

RECEIVED

Dear Chairman Jackson,

Thank you for your continued commitment to Louisiana and your leadership on the Gulf Coast Ecosystem Restoration Task Force (Task Force) to assist Gulf Coast residents in conserving and restoring resilient and healthy ecosystems along the Gulf of Mexico. It is essential that we unify our efforts to ensure our coast is restored to a sustainable, resilient and thriving ecosystem that bolsters our economic vitality, remains an integral component in the protection of our communities and preserves our unique culture and way of life.

Since the 1930's, Louisiana has experienced a net land loss of over 1,800 square miles of land due to the cumulative man-made and natural impacts of subsidence, sea level rise, saltwater intrusion, oil and gas exploration, river and channel engineering, erosion, habitat degradation and tropical events. Since the 1950's, Plaquemines Parish, whom I have the honor of serving, accounts for over 250 square miles of this land loss.

Though we live in an environment which is in a naturally occurring constant state of change, much of our land loss has been directly caused by the enactment of national policies and initiatives such as the development of navigation routes (Intracoastal Waterway, Mississippi River, MRGO) and domestic energy production (oil and gas drilling and associated canal dredging for access) that helped sustain our **national** economic engine. However, the detrimental impacts of implementing such projects and policies have only directly impacted the daily lives of coastal Louisiana residents in the form of reduced hurricane protection, degraded fisheries and the largest environmental disaster spill in U.S. history.

Louisiana's coastal communities are in a state of crisis. The Deepwater Horizon oil spill focused the eyes of the world on our dire situation, but we readily admit the current state of our ecosystem is not the result of just the oil spill but decades of unwise decisions made at all levels of government and private industry.

We appreciate the desire of the Task Force to aggressively tackle this issue and understand the daunting challenge you bear on behalf of the federal government. Over two million Louisianans who live in our coastal zone are looking to the Task Force to partner with citizens, corporations, non-profits and agencies at all levels of government to provide manmade solutions to manmade problems. With that partnership in mind, we are confident we can rise to the challenge and provide the sufficient science, resources and political will to restore coastal Louisiana.

We support efforts to enact Clean Water Act legislation that will direct the penalties back to the affected Gulf Coast States to provide much needed funding for restoration activities. But even if this legislation is passed and funds do become available, a vital component necessary for efficient and timely restoration is the streamlining of the permitting process. The current processes that dictate the permitting and approval of projects that are intended to restore and protect Louisiana's coast must follow the same arduous processes for a project that has no net benefit for coastal restoration. This must change. Without the resources and processes in place that can effectively and efficiently implement restoration, even if we receive adequate funding to initiate restoration activities, current processes will bog us down and hamper true progress.

In this regard, we believe the Task Force can directly and positively contribute to the restoration of the Gulf Coast by implementing and/or advocating for the following directives and initiatives:

1. Recognize Louisiana's coastal communities are in a "crisis" and the federal government's response in the form of appropriate manpower and resources should match the urgency of the situation.
2. Prioritize and fast-track the permitting process by all commenting agencies for coastal restoration projects. We request the permitting processes for coastal restoration projects be granted "alternative arrangements" authorization, or similar processes, that was provided by the White House's Council on Environmental Quality to the Army Corps of Engineers for their work on the greater New Orleans' Hurricane and Storm Damage Risk Reduction System (HSDRRS) projects, which allows for the fast track implementation and "mitigation after the fact." Those projects granted alternative arrangements must be in conformance to a State or Parish/County approved plan.

Please find enclosed resolutions passed by all coastal parish governments and cities, which was developed by Plaquemines Parish, reiterating this request. I look forward to your collaborating with the residents of coastal Louisiana to ensure our livelihoods and our way of life is preserved.

Sincerely,



William "Billy" Nungesser
Plaquemines Parish President

BN/mle



Correspondence Management System

Control Number: AX-11-001-8343

Printing Date: October 31, 2011 01:29:17



Citizen Information

Citizen/Originator: Lew, Jacob J

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

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-001-8343	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Oct 27, 2011	Received Date:	Oct 31, 2011
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	MEM (Memo)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	DRF - Financial Reporting Requirements		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	OARM - OARM -- Immediate Office OEAE - Office of External Affairs and Environmental Education OP - Office of Policy		

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OCFO	Oct 31, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OCFO	Oct 31, 2011

Comments

DAILY READING FILE



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

RECEIVED

2011 OCT 31 AM 9:08

THE DIRECTOR

October 27, 2011

CIRCULAR NO. A-136

Revised

OFFICE OF THE
EXECUTIVE SECRETARIAT

TO THE HEADS OF EXECUTIVE DEPARTMENTS, AGENCIES, AND OTHER ENTITIES SUBJECT TO THE CHIEF FINANCIAL OFFICERS ACT AND THE ACCOUNTABILITY OF TAX DOLLARS ACT AND TO GOVERNMENT ENTITIES SUBJECT TO THE GOVERNMENT CORPORATIONS CONTROL ACT

FROM: Jacob J. Lew
Director

SUBJECT: Financial Reporting Requirements

The Office of Management and Budget (OMB), with the Chief Financial Officers Council (CFOC), has updated existing OMB guidance for agency and government-wide financial reporting. OMB Circular No. A-136, *Financial Reporting Requirements* (Circular No. A-136), establishes a central reference point and supersedes the OMB memoranda, bulletin and circular listed in Section I.2 of this Circular. Additionally, in coordination with the CFOC, OMB is working on a financial reporting model project and exploring related potential changes that may affect this guidance in the future.

This update includes:

- Agency due dates and some reporting changes that support the Department of the Treasury in preparing the 2011 Financial Report of the U.S. Government (Sections I and V);
- Guidance for SFFAS 37, effective in FY 2011, that applies generally to the Statement of Social Insurance, Required Supplementary Information, and requires a new basic financial statement (Section II.2);
- New Annual Performance Report performance reporting requirements under the Government Performance and Results Act Modernization Act (GPRAMA) of 2010, effective in FY 2011 (Section II.3);
- Continued advance guidance for aligning the Statement of Budgetary Resources with the SF 133, *Report on Budget Execution and Budgetary Resources*, effective in FY 2012 (Section II.4); and,
- Continued advance guidance for SFFAS No. 38 effective in FY 2012 that applies to reporting Federal oil and gas resources (Section II.4).

All significant changes are summarized in Section I.9 *Summary of Significant Changes*. This revision of Circular No. A-136 is effective upon issuance, unless otherwise specified in the Circular. All questions or inquiries concerning OMB Circular A-136 should be directed to the Office of Federal Financial Management, Accountability, Performance and Reporting Branch at (202) 395-5846.



Correspondence Management System

Control Number: AX-11-001-8344

Printing Date: October 31, 2011 01:31:11



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-11-001-8344

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 26, 2011

Received Date: Oct 31, 2011

Addressee: AD-Administrator

Addressee Org: EPA

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File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - Flood Risk Management/Levee Vegetation Program Detailed Discussion

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO

OEAEE - 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	OW	Oct 31, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OW	Oct 31, 2011

Comments



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

OCT 26 2011

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

Dear Administrator ~~Jackson~~ ^{*Lisa*}:

The U.S. Army Corps of Engineers has been working with Federal agencies at the national and regional levels on a long-term program to ensure the safety of levees and to comply with environmental statutes. The intent is to reduce overall flood risk by transitioning non-compliant levees to appropriate engineering standards and to optimize life safety, environmental, endangered species, and Native American considerations. The Corps is working with local levee sponsors to foster solutions that satisfy all of these imperatives. Because these issues have national application and could potentially be very costly to implement, I want to apprise you of the status of the Corps efforts and request your continued engagement and support in implementing this program.

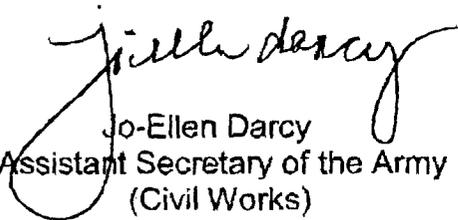
This program centers around three engineering documents: 1) Corps standards for managing vegetation on levees, 2) a proposed process for issuing a variance from the vegetation standards, and 3) a proposed process to assist in transitioning non-compliant levees to meet the standards. Complying with engineering standards allows levee sponsors to remain eligible for Federal rehabilitation funding under the Flood Control and Coastal Emergency Act (PL 84-99). The Corps levee vegetation management standards, published over a decade ago, remain sound and will not be updated at this time. Both the proposed variance process and the levee system transition guidance will be published in coordination with your agency. I have enclosed a more detailed description of these activities and the program schedule.

Fundamental to the program is complying with all environmental, endangered species, and Native American requirements. We believe that addressing these imperatives on a case-specific basis is the most reasonable approach. To support the program, the Corps Engineer Research and Development Center recently conducted a research effort on the impacts of trees on levees. They determined that the impact of vegetation on levees is highly variable. The Corps will host an interagency workshop to develop an intergovernmental strategy for future research to address the engineering and environmental considerations of vegetation on levees. I will have the Corps provide your staff with workshop information when the details are finalized.

As we move forward with our unified program, I respectfully request the continued participation of your agency in finalizing these policy documents, and your

support as they are implemented. I look forward to maintaining the close partnership among Federal agencies as we work to preserve public safety, cultural heritage, and the environment. Thank you for your interest and support of the Army Civil Works program. I am sending an identical letter to Secretary Salazar, Administrator Fugate, Dr. Lubchenco and Chair Sutley.

Very truly yours,



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

Enclosures

Flood Risk Management / Levee Vegetation Program Detailed Discussion

The foundation of our program is the Corps vegetation standards, Engineering Technical Letter (ETL) 1110-2-571, *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures*, published in 2009. Both an Independent External Peer Review and an Independent Technical Review validated the ETL based upon existing and available engineering and scientific data. The clarified standards outlined in the ETL, which includes the opportunity for a variance, are used when evaluating flood damage reduction projects that have chosen to participate in the Corps program. Though published over a decade ago, these ETL standards remain sound and applicable and will not be updated at this time. However, they may change over time as we continue to learn more about the impacts of vegetation on levees through holistic and collaborative intergovernmental research.

The draft policy guidance letter (PGL), *Variance from Vegetation Standards for Levees and Floodwalls*, addresses alternative approaches to achieving ETL standards that accommodate local conditions and concerns. Specifically, it outlines the process by which a levee sponsor may request, and the Corps may consider, a permanent variance to current vegetation standards to optimize life safety, environmental protection, and Native American rights. Such a variance is not a waiver, an exemption, or an exclusion – all of which would lower safety standards. Instead, a variance allows for an alternate path to realize the same functionality as the ETL standards while achieving important environmental goals or Native American concerns. As with the ETL, this PGL may change over time as we learn more about the impacts of vegetation on levees. We have updated the current draft PGL based on government agency and public input and intend to publish a new revised draft in December 2011 in the Federal Register for a 60-day public review. The PGL will be published in the Federal Register in its final form in Spring 2012.

The centerpiece of our program is a draft System-wide Improvement Framework (SWIF) which provides committed levee sponsors a process to transition their levees, over time, to Corps standards while remaining eligible for federal rehabilitation funding under Public Law 84-99. The policy allows deficiencies, which may include vegetation, to be addressed on a “worst first” basis as part of a larger system-wide plan that optimizes overall risk reduction and environmental, endangered species, and Native American imperatives. In light of these imperatives, the SWIF recognizes and accommodates for the potential significant increase in time for transitioning levees to Corps standards. We intend to publish the final SWIF policy this fall.

As an integral part of this program, we are committed to complying with all environmental protection and endangered species requirements, on a case-specific basis as the Corps undertakes actions to assist levee sponsors transition their levees. We recognize that each levee is a unique flood risk management system that operates within a broader and equally unique local ecosystem and that potential environmental

ENCL 1

impacts are dependent upon the undetermined future actions of individual levee sponsors who operate and maintain levee systems. As a result, we believe that approaching environmental compliance on a case-specific basis is the most reasonable approach.

Also, the Corps Engineer Research and Development Center (ERDC) has conducted advanced, quantitative research on the impacts of trees on levees. Though their research report, "Initial Research into the Effects of Woody Vegetation on Levees", provides additional valuable information, the total impact of vegetation on levees continues to be extremely complex and highly variable. As a result, the Corps will conduct an interagency workshop with the goal of defining an intergovernmental research and development strategy so we can ask the "right" questions and develop the most comprehensive and complete scientific information about the potential impacts of vegetation on levees. Finally, national and selected regional multidisciplinary "solutioneering" teams led by the Corps will investigate technical alternatives that address both levee reliability and habitat concerns.

A long-term solution to flood risk reduction challenges will require extensive collaboration at the federal, state and local levels. We recognize that levee sponsors will require assistance from federal agencies and others to develop plans for transitioning their levees to Corps standards while maintaining eligibility for federal rehabilitation funding and complying with the Endangered Species Act and other federal laws. We are committed to supporting levee sponsors in establishing multi-agency, multi-disciplinary teams such as the "roundtable" forums in California and Washington or leveraging the very successful interagency Silver Jacket teams now operating in twenty-three (23) states.

Flood Risk Management / Levee Vegetation Program Schedule

<i>Date</i>	<i>ACTION</i>
August 2	Issue draft PGL for internal 30-day review, issue ERDC report for internal information
September 2	Internal PGL comments received
September 9	Meeting(s) completed with USFWS, NMFS, and EPA to Review Updated Policy Documents
TBD	Briefings completed to HQ USACE, ASA(CW), CEQ, Senate and House Appropriations and Authorizations, Senate and House two (2) open meetings - Subject: past release of SWIF, immediate release of ERDC report, and future release of PGL
TBD	Media Roundtable for external release of ERDC Report, contact all those briefed by email
TBD	Teleconference with key stakeholders on ERDC research
November 2	Redraft PGL based on internal and resource agency comments
November 18	Public release of System-Wide Improvement Framework Policy (SWIF)
November 23	Briefings completed to HQ USACE, ASA(CW), and CEQ – Subject: past release of SWIF, past release of ERDC report, and future publication of draft PGL in the Federal Register
December 14	Finalize and proof PGL and obtain final buy-in before submitting to Federal Register
December 16	Advance release of Final Draft of PGL and related communication documents to Hill Staff, RA staff
December 19	Publish draft PGL in Federal Register for 60-Day comment
February 17	Receive public comments from 60-day PGL review
March 30	Complete proposed final PGL based on public comments
April 15	Briefings completed to CW leadership, ASA(CW), CEQ. Subject: past release of SWIF, past release of ERDC report, and immediate release of final PGL.
April 22	Final modifications to PGL and obtain approvals
April 23	Publish Final PGL in Federal Register CF:

ENCL 2

October 25, 2011

Ms. Lisa Jackson
Administrator
Environmental Protection Agency (Region 2)
290 Broadway
New York, NY 10007-1866
Phone: (212) 637-3000
Fax: (212) 637-3526

Ms. Jackson:

In recent statements Governor Luis G. Fortuño called for relaxing the requirement to use fuel oil with a higher sulfur content than the current 0.2%. He argued that the increased use of natural gas and new renewable energy projects would still keep overall emissions down to acceptable levels. "Time is of the essence, Puerto Rico is struggling to emerge from five years of severe economic recession, and the conversion of PREPA's existing generation plants must begin promptly in order for the government to have a healthy economy," the governor said.

I'm against this idea, and let me explain in detail. In the shadow of polluting factories surrounding San Juan's low income community of Cataño, the wetlands and mangroves of Las Cucharillas Marsh provide important habitats for aquatic and migratory birds as well as flood protection and much needed open space for nearby residents. After leading a movement to hold nearby polluting industry accountable for Cataño's high incidence of respiratory disease, local leader Rosa Hilda Ramos successfully convinced the US Environmental Protection Agency to direct millions of dollars in pollution fines to establish long term protection of the Las Cucharillas Marsh.

In the 1990s, Cataño, a community of 35,000 within greater San Juan and adjacent to Las Cucharillas Marsh, was found to have the highest rate of respiratory diseases and cancer incidence in Puerto Rico. Air pollution from nearby oil-powered electric power plants, run by the Puerto Rico Electric Power Authority (PREPA), was primarily responsible. The EPA knew about the high levels of pollution in the Cataño area and had notified the Puerto Rican government that it was unsafe for residents; however, as of 1991, neither entity had taken action to address the problem.

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EXECUTIVE SECRETARIAT

When Ramos's mother died of cancer causes in 1990, Ramos decided to donate the medical equipment used by her mother to people in need , after learning that in some of the less privileged communities of the town some people had to share respiratory machines. Realizing that many neighbors were suffering from the same respiratory and cancer problems, Ramos and other community leaders founded Communities United Against Contamination (CUCCo) in 1991 to seek justice. That year, Ramos and CUCCo brought their complaints directly to the Puerto Rican Department of Health and the State environmental Quality Board, demanding action from the EPA. In response to Ramos and CUCCo's persistence, the EPA held a public hearing to address the matter. As a result, PREPA was found in violation of the federal Clean Air and Clean Water acts by the EPA, and was also fined US\$10,000 by the Puerto Rican Environmental Quality Board.

While the decision was an initial victory for CUCCo and the Cataño community, by 1993, the plants had failed to reduce their toxic emissions. Ramos and CUCCo sued PREPA pro se in federal court. Ultimately PREPA was found responsible for the respiratory and related health ailments of Cataño's residents, and was fined US\$7 million. The case represented the first time that citizens in Puerto Rico sat down to negotiate directly with the EPA and regulators, a landmark environmental justice success for the island. The court ordered PREPA to pay the US\$7 million directly to the federal government. Ramos and CUCCo had a different idea about where the funds should go. They recommended to the EPA that it use the multi-million dollar fine to purchase Las Cucharillas marshland from the collection of private entities that owned the land in order to permanently protect it.

The 1200-acre Las Cucharillas Marsh bordering Cataño is part of Puerto Rico's San Juan Bay Estuary, the only tropical estuary in the US National Estuary Program, and provides habitat for the largest diversity of aquatic birds in the region. The marsh also serves as a respite from the surrounding complex of warehouses, highways, electrical plants and multiple manufacturing facilities. Its mangroves and wetlands are an important buffer zone protecting Cataño communities from frequent threats of flooding, which have increased with the intensity of tropical storms in recent years. Despite its long-term ecological and community significance, the marsh was not officially deemed a protected area.

Cataño rallied behind Ramos' proposal to direct the fines to protect Las Cucharillas. In 1999, Ramos and CUCCo succeeded in convincing the EPA to redirect US\$3.4 million of the original \$7 million PREPA fine toward the purchase and protection of Las Cucharillas Marsh. The funds were not sufficient to purchase Las Cucharillas's entire 1,200 acres of marshland, so in 2001, Ramos and CUCCo brought together a diverse constituency to develop strategies for additional land acquisition and conservation. The coalition worked against the clock to prevent warehouse construction within large sections of privately-owned Las Cucharillas marshland.



In late 2004, the Bacardi Corporation, which operates a factory in Cataño, transferred 10 acres of land worth approximately US\$1 million to the Las Cucharillas Marsh reserve. Encouraged by Ramos's talks with the company, the transfer was part of a settlement reached by Bacardi and the EPA over the company's Clean Water Act violations at its factory. In April 2007, with a similar agreement, the EPA announced that Wal-Mart would provide nearly US\$100,000 for the preservation of land in the Las Cucharillas Marsh watershed. By 2007, Ramos and CUCCo's efforts had resulted in the acquisition and permanent protection of 300 acres of Las Cucharillas marshland.

As a result of Ramos's sustained advocacy, in August 2004, the Governor of Puerto Rico issued an executive order to designate Las Cucharillas Marsh a protected area. Governor Calderón then sent the process to the Puerto Rico Planning Board, where it went through various stages of review. The board has scheduled public hearings on the issue, which will mark the final step in the process to establish Las Cucharillas Nature Reserve.

Our primary concern is our citizen's health and we're ready to discuss this situation in detail.

Cordially yours,


José A. Rosario Meléndez
Mayor

cc Hon. Luis G. Fortuño Burset
Governor of Puerto Rico

Press references:

<http://www.telemundopr.com/noticia-reaccionaalcaldedecatanoanteelissuedelazufreenelpetroleo-131988.html>

<http://www.telemundopr.com/noticia-reaccionaalcaldedecatanoanteelissuedelazufreenelpetroleo-131988.html>

<http://www.primerahora.com/fortunopediraalaepaqueaumentelosenivelesdeazufreenpetroleoqueesecompraenlaisla-562361.html>

[http://www.wapa.tv/noticias/locales/reacciona-el-alcalde-de-catano_20111007085414.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+WapatvNoticias+\(WAPA.TV%3A+Noticias\)](http://www.wapa.tv/noticias/locales/reacciona-el-alcalde-de-catano_20111007085414.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+WapatvNoticias+(WAPA.TV%3A+Noticias))





THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Budget - Subcommittee on Criminal and Civil Justice
Appropriations
Community Affairs
Military Affairs, Space, and Domestic Security
Reapportionment
Transportation

SENATOR RONDA STORMS

10th District

DAILY READING FILE

October 7, 2011

Administrator Lisa Jackson
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue
Washington, DC 20460

2011 OCT 31 PM 12:56
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EXECUTIVE SECRETARIAT
RECEIVED

Dear Administrator Jackson:

The purpose of this correspondence is to provide you with concerns of Lakeland Electric, which are specified in the attached letter.

I would appreciate a member of your staff reviewing this matter and providing Mr. Shelton, as well as my office, with a response.

If you should have any further questions, please feel free to contact my office and as always, thank you for your assistance.

Sincerely,

Ronda R. Storms
Florida State Senator
10th District

RRS/ztp

CC: Mr. Farzie Shelton
C/O Lakeland Electric
501 East Lemon Street
Lakeland, FL 33801
Farzie.shelton@lakelandelectric.com

File

REPLY TO:

- Lithia Oaks Business Center, 421 Lithia Pinecrest Road, Brandon, Florida 33511 (813) 651-2189 FAX: (813) 651-2188
- 413 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5072
Internet Address: storms.ronda.web@flsenate.gov

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



Farzie Shelton, ChE; REM

Associate GM Technical Support

August 24, 2011

SENATOR RONDA STORMS

SEP 06 2011

RECEIVED

Via First-Class Mail &
Electronic Submission at regulations.gov
EPA Docket Center
Attention Docket ID No. EPA-HQ-OAR-2009-0491
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Mailcode 2822T
Washington, D.C. 20460

Re: Request for Reconsideration and Stay of EPA's Final Rule titled "Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States" signed July 6, 2011 (Docket No. EPA-HQ-OAR2009-0491)

Dear Sir or Madam:

Lakeland Electric (Lakeland) is Florida's third-largest public power utility. Lakeland provides electricity to more than 120,000 residential and commercial customers. Power is generated at Lakeland's two main power plants, the C.D. McIntosh, Jr. Power Plant permitted at 941-megawatts and the Larsen Memorial Power Plant permitted at 143-megawatts. The utility also operates a group of energy-efficient generating units capable of providing up to 55-megawatts of additional electricity when other units are out of service or during periods when demand for electricity is highest. Lakeland appreciates this chance to submit the following comments on the finalized Cross-State Air Pollution Rule (CSAPR):

A. SPECIFIC LAKELAND ELECTRIC CONCERNS

1. Proper Notice

Lakeland believes that EPA, by not proposing CSAPR, violated federal administrative notification and comment requirements. EPA is required to notify regulated entities via a proposed rulemaking with a notice and comment period, under certain conditions, before finalizing a rule that will substantially affect those entities. EPA under CASPR has allowed for such a notice and comment period for six states: Iowa, Kansas, Michigan, Oklahoma, and

City of Lakeland • Department of Electric Utilities

501 East Lemon Street • Lakeland, FL 33801-5050 • 863. 834.6603 • Fax 863. 834.8187 • Cell 863.430.8297

farzie.shelton@lakelandelectric.com

Wisconsin, which are required to reduce ozone-season NOx now under the new rule. Unfortunately, according to EPA revisions that were made to allowance schemes for other states including Florida did not differ enough from previous proposals to warrant an additional proposal.

Lakeland's allowances as per the Transport Rules multiple proposals are detailed below in "TABLE - 1". As you can see, Lakeland's allowances were proposed between 2,210 and 1,151 allowances on multiple occasions. However in CSAPR, EPA granted Lakeland only 602 allowances. This is a 48% reduction from the smallest amount of allowances previously proposed and a 73% reduction from the previous highest amount of proposed allowances for Lakeland. EPA states in 76 FR 48213 that CSAPR results "differ somewhat" from previously proposed; however, Lakeland believes that EPA's CSAPR more than "differs somewhat," and seeks EPA to reconsider the final rulemaking and allow utilities additional time to analyze EPA's modeling data in order to understand how EPA's previous modeling was so far off from what EPA now cites to be correct. Lakeland also does not agree with EPA's reasoning that an approximate 50% reduction in allowances (from the previous smallest amount of allowances proposed) is a minor change which does not call for an examination of EPA's modeling inputs. EPA is not under a stringent court set deadline, and therefore EPA should grant a stay of CSAPR and reconsider Lakeland's request with the intent of re-proposing CSAPR.

TABLE - 1

Comparison: NOx-O							
	CAIR	CATR	Option 1	Option 2	CSAPR	2008	2010
Unit 1	72	26	37	43	12	27	0
Unit 2	61	12	44	51	26	12.2	27.5
Unit 3	886	2011	751	875	447	2073.9	432.9
Unit 5	167	36	289	227	76	37.8	75.8
Unit 7	23	106	0	0	0	0	0
Unit 8	48	19	60	70	41	15.5	25.4
Total	1257	2210	1181	1266	602	2166.4	561.6

Notes:

1. 2008: Each unit's specific 2008 NOx ozone season emissions
2. 2010: Each unit's specific 2008 NOx ozone season emissions

In addition to those arguments stated above, EPA should consider EPA's unjustified treatment of the State of Texas. Texas is now regulated under the annual SO₂ and NO_x programs, where it was not regulated in any previous EPA proposal. Lakeland feels that EPA should also reconsider and re-propose CSAPR in order to allow Texas due process in EPA's rulemaking.

EPA is aware that Florida is regulated only due to its potential effect on Texas for ozone season emissions but Florida is disproportionately shouldering the burden of assisting Houston's air quality; despite EPA's conclusion that seven states are harming Houston's air, EPA requires Florida to provide 94% of the benefit achieved by the rule for Houston. In addition, if Texas is given reconsideration or if Texas' allowances are modified as a result of reconsideration or in the future in any way, Florida should be given an additional notice and comment period. This should be required as Texas' own emissions affect Texas' monitors, and therefore, if EPA reduces or increases Texas' emissions requirements under CSAPR for any reason, Florida's utilities' emission scheme will change accordingly. Therefore, if EPA modifies Texas' requirements under CSAPR for any reason, Florida should be given an additional notice and comment period.

2. Lakeland's Selective Catalytic Reduction System – Non-Dispatchable SCR

EPA has modeled Lakeland's C.D. McIntosh, Jr. Power Plant's Unit 3 coal unit with a "dispatchable SCR" for the purposes of CSAPR. EPA must be unaware of this facility's Title V permit (1050004-029-AV) that requires operation of the Unit 3 SCR. Specifically, Lakeland's coal unit is required to reduce its NO_x emissions to a calendar year average of 0.22 NO_x lb/MMBtu. This NO_x limit was set by the Florida Department of Environmental Protection (FDEP) after FDEP recognized that Unit 3 has temperature restrictions on its boiler system that must first be met in order for the SCR system to begin injecting ammonia. These temperature restrictions are set by the SCR manufacturer, and Lakeland has been warned that if ammonia injection commences before the proper temperatures are reached and sustained, that ammonia salts can form and clog up the reactive pores of the catalyst.

These temperature setpoints are reached at approximately two-thirds of the nominal capacity of Unit 3. Therefore, when Unit 3 is turned down during low load demand, such as at night, the SCR must be turned off. Due to this constraint, Lakeland has operated the SCR at maximum NO_x reduction, while staying within ammonia slip limits, whenever operation setpoints/restrictions were satisfied.

CSAPR places this unit in a major predicament. Lakeland added the Unit 3 SCR in 2009-2010, and due to operational constraints on the system along with market demand and natural gas and coal prices, Unit 3 will not be able to reduce its emissions enough to comply with CSAPR as its emissions rate is approximately 0.21-0.22 NO_x lb/MMBtu at this time. Therefore, Lakeland may be required to take operational constraints on this unit that may reduce its production and be a substantial burden on Lakeland. Lakeland believes EPA has made a mistake by not considering Lakeland's most recent permit covering Unit 3's SCR as a required operational system for Unit 3. As stated above, if Unit 3 does not operate the SCR the unit will be out of compliance with its Title V air permit. Therefore, Lakeland does not believe that such a system should be labeled as "dispatchable" under EPA's modeling analysis, and that EPA has made a fatal flaw with regards to Lakeland's Unit 3.

3. Baseline Heat Input

Lakeland believes that EPA's utilization of the past five years of operational data for setting baseline heat input and emissions levels is not a representative assumption for predicting future heat input and emissions values. Many of the units regulated under CSAPR are also regulated under the Clean Air Interstate Rule (CAIR), and therefore, have spent considerable time in outage for installation and construction of pollution control devices such as ultra low NO_x burners, selective catalytic reduction systems (SCRs), etc., in order to meet CAIR requirements. In addition to those units that were not operating due to CAIR pollution control device installation, certain boiler units may have been down due to significant malfunctions and necessary extensive repairs.

If EPA does not revise its model, EPA is in effect penalizing those companies that shut down their units over the last five years to install pollution control equipment to assist in meeting CAIR reductions. For example, Lakeland's coal unit has a 2008 ozone-season heat input of 13,683,490 MMBtu. The 2008 season represents the only season over the past five years where Lakeland was not installing pollution control devices on Unit 3 or incurred considerable downtime due to a malfunction. In 2006, Unit 3 incurred significant downtime due to a forced outage due to a malfunction with the unit. Then in 2007, Lakeland installed low NO_x burners (LNBs) on Unit 3. In addition to the installation downtime, Unit 3 experienced substantial downtime due to malfunctions that occurred during the startup procedures from Unit 3's burner installation. These events considerably reduced the seasonal heat input values for Unit 3 over 2006 and 2007. Furthermore, in 2009 and 2010, this Unit operated at reduced capacity throughout both seasons due to downtime associated with the installation of an SCR system

along with multiple bearing malfunctions in 2010 on the Unit. Therefore, the Unit's heat input in the 2009 and 2010 ozone seasons was 7,780,732 and 6,992,401 MMBtu respectively; this equates to approximately a 50% reduction in heat input for the past two seasons.

Four of the past five ozone-seasons are not representative of normal operation for Lakeland's Unit 3, and therefore, EPA's emissions allowances for this Unit are not appropriate as it restricts the operation of this Unit even with full operation of LNBS and SCR. In addition to Unit 3, Lakeland's Unit 1 at the same facility was down in 2009 and 2010 due to repairs that were required due to long term potential safety concerns. Unit 1's outage time during these past two years has also skewed its heat input values from what would be normally expected.

Lakeland is requesting EPA to reconsider this rule and allow for a more representative averaging scheme which will not penalize those units which were shut down for installation of pollution control equipment in order to comply with CAIR.

4. Early Reductions

Lakeland Electric installed low NOx burners in 2007 on its sole coal unit for the purpose of having flexibility with CAIR requirements and any successor rule. Lakeland then installed an SCR in 2009-2010 on the very same unit for the very same purpose. The installation and construction costs of the low NOx burners and SCR were initially \$6 and \$75 million dollars, respectively, to Lakeland's customers. This initial cost does not include the SCR's continuing operation and maintenance, i.e., ammonia feed, costs of repairs etc.

EPA in 76 FR 48223, explains why reductions that were made for the purposes of complying with CAIR cannot be taken into consideration for modeling base year emissions. In addition, EPA goes on further to explain why the installation costs associated with CAIR compliance are not factored into EPA's associated costs with complying with CSAPR, because these costs are "sunk" costs and EPA believes that each utility that installed such controls would operate their control equipment even if CSAPR were not in effect. Unfortunately, Lakeland does not agree with this logic and feels EPA's rationale is not a fair representation of the facts. CSAPR is EPA's CAIR replacement. Therefore, costs associated with CAIR should be transferred to CSAPR.

In addition, EPA employs an analogy in 76 FR 48224 to explain why EPA must consider recent actual emissions, i.e., CAIR compliant emissions, in setting its baseline. Although Lakeland understands EPA's reasoning, EPA is punishing Lakeland for making early reductions under

CAIR, and therefore, Lakeland believes EPA should develop a modeling formula/scheme to take into greater consideration utility emission reductions performed due to CAIR compliance.

In effect Lakeland, which installed an SCR and accumulated a large amount of unit downtime and has since emitted NOx at a much lower rate than pre-CAIR, is now being punished for its good deeds due to EPA's unwillingness to correctly model pre-CAIR/CSAPR emissions and heat input. Lakeland is being forced to make an additional 50% NOx reduction on its coal unit during the ozone season from what was proposed in the earlier plans lowest allowances (See TABLE - 1).

If Lakeland is forced to curtail its load, in particular its coal unit, Lakeland's customers will most likely be required to pay a higher rate for their electricity as Lakeland will be required to purchase power on the market. Purchasing enough allowances on the open market to comply with CSAPR without needing to curtail load to be very difficult to achieve, as Florida has been given a shortfall of approximately 9,500 allowances. Florida's neighboring utilities suffer the same plight Lakeland is experiencing, and in addition to the limitation on availability of allowances, there are valid concerns regarding the availability and reliability of the transmission system in the Southeast. Consequently, Lakeland will not be able to meet its reliability obligations in providing power and with fewer units running for extended periods of time, Lakeland will not be able to justify retaining all of its employees and may be required to reduce its workforce at the time that unemployment is a staggering 11.7% in our area of service.

Therefore, Lakeland is Filing a Petition for Reconsideration and Stay and requests that EPA reconsider their rulemaking and provide additional time for regulated entities and EPA staff to analyze the modeling inputs and provide due notice to the regulated community.

Lakeland appreciates the opportunity to comment on this extremely important regulatory proposal. Please contact me at (863) 834-6603 if you have any questions.

Sincerely,



Farzie Shelton

cc: Florida Congressional Delegates



Correspondence Management System

Control Number: AX-11-001-8379

Printing Date: October 31, 2011 02:20:45



Citizen Information

Citizen/Originator: Bloomberg, Michael R.

Organization: The City of New York

Address: Office of the Mayor, New York, NY 10007

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-8379

Alternate Number: N/A

Status: For Your Information

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of Extensions: 0

Letter Date: Oct 20, 2011

Received Date: Oct 31, 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 - Launching of the NYC Community Brownfield Grant program

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

Noah Dubin - OEX

OARM - OARM -- Immediate Office

OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OSWER - OSWER -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R2	Oct 31, 2011

History



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

RECEIVED
DAILY READING FILE

2011 OCT 31 PM 12:56

OFFICE OF THE
EXECUTIVE SECRETARIAT

October 20, 2011

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

Dear Administrator Jackson:

Thank you for formally recognizing New York City's Brownfield Cleanup Program (NYC BCP), and for your recent decision to allow the program to oversee projects funded by US EPA Brownfield Grants. In its first seven months of operation, the NYC BCP has approved cleanup plans for 34 properties that will allow redevelopment of vacant and neglected land, create over 1000 permanent new jobs, and generate over \$400 million in tax revenue for the City, State, and Federal governments. Most importantly, approximately 80% of NYC BCP projects are in low-income communities like Harlem, South Bronx, and north and central Brooklyn.

The NYC BCP is successful because it provides developers with protection against liability from government environmental enforcement actions. In 2009, we passed a *Local Law* that provides a city liability release for NYC BCP projects. In 2010, we worked with New York State to establish an administrative agreement that provides state liability protection for NYC BCP projects. I strongly believe that we can increase the use of the NYC BCP in underserved communities by working with EPA to provide developers with similar assurances regarding federal environmental enforcement.

Within months we will launch the NYC Community Brownfield Grant program. This program will use EPA Brownfield Grants to fund environmental investigations on properties in low-income New York City neighborhoods and foster projects that create new jobs and a safer environment while building low-income housing, open space, and other necessary amenities in these underserved communities.

We would be honored if you would join us later this fall to announce this important new program, and my staff will contact your office about possible dates. Dan Walsh, the Director of the City's Office of Environmental Remediation, will also be reaching out to your staff to discuss the environmental liability issue. I look forward to working closely with EPA to revitalize the New York City neighborhoods most in need of resources and economic development.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Bloomberg". The signature is written in a cursive style with a large, sweeping flourish at the end of the word "Bloomberg".

Michael R. Bloomberg
Mayor



c.m. english, jr. director

united transportation union

texas legislative board

southwest tower, 211 east 7th, suite 440, austin, tx 78701-3263
(512) 472-7072 e-mail: sld@ututx.org FAX 472-5821

September 26, 2011

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

Re: Job Losses Due to EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members in Texas because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We also are troubled by the recently issued Transport Rule for reducing utility emissions of NOx and SO2.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012. Nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just 26 months from now. For this reason, I'm respectfully asking that you instruct EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers that will be lost.

This nation cannot afford the loss of thousands of good-paying union rail jobs when America's unemployment rate is 9% and is not projected to decrease meaningfully even next year.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by EPA many of the job losses will occur in rural, economically-depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting communities and businesses that rely on rail service.

Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

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2011 OCT - 3 PM 1:02
OFFICE OF THE
EXECUTIVE SECRETARIAT



c.m. english, jr. director

united transportation union

texas legislative board

southwest tower, 211 east 7th, suite 440, austin, tx 78701-3263
(512) 472-7072 e-mail: sld@ututx.org FAX 472-5821

I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

Finally, we are concerned that EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration of these views.

Yours truly,

C. M. (Connie) English, Jr
Texas State Legislative Director
United Transportation Union
211 East 7th Street, Suite 706
Austin, TX 78701
sld@ututx.org
Tel: (512) 472-7072
Fax: (512) 472-5821

Cc: Honorable William M. Daley, Chief of Staff, The White House
Honorable Stephen Chu, Secretary, U.S. Department of Energy
Honorable Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency
Honorable Cass R. Sunstein, Office of Information and Regulatory Affairs
Mr. Richard L. Trumka, President, AFL-CIO
Mr. M.B. Futhey Jr., International President, United Transportation Union
Mr. James Stem, National Legislative Director, United Transportation Union



Correspondence Management System

Control Number: AX-11-001-6461

Printing Date: October 04, 2011 09:40:58



Citizen Information

Citizen/Originator: O'Connell, Daniel J.

Organization: United Transportation Union
Address: 333 W. State Street, 15F, Trenton, NJ 08618-5740

Constituent: N/A

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

Control Information

Control Number: AX-11-001-6461 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Sep 26, 2011 Received Date: Oct 4, 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: DRF - Job Losses Due to EPA Electric Utility Regulations
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OARM - OARM -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
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 4, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 4, 2011

New Jersey State Legislative Board

UNITED TRANSPORTATION UNION

DANIEL J. O'CONNELL, DIRECTOR
(609) 396-1994 (OFFICE)
(856) 764-7478 (HOME)

WILLIAM BRADEN, ASST. DIRECTOR
(732) 539-7932

NELSON MANZANO, ALT. DIRECTOR
(201) 200-0911



JAMES ALBI, SECRETARY
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THOMAS ESPOSITO, CHAIRPERSON
(862) 215-7257

McKINLEY CUTHBERT, VICE CHAIRPERSON
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(732) 558-2078

333 West State Street, 15F, Trenton, New Jersey 08618
FAX: (609) 396-4945 E-Mail: danutunjslb@aol.com

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT -3 PM 1:02

RECEIVED

September 26, 2011

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

Dear Mr. President:

We are writing to you today on behalf of members of the United Transportation Union (UTU) in New Jersey and across the United States. We are concerned about the loss of railroad jobs as a result of proposed Environmental Protection Agency (EPA) regulations. The regulations, Maximum Achievable Control Technology (MACT) and Transport Rule for reducing utility emissions could have the unintended consequences of loss of jobs in the railroad industry.

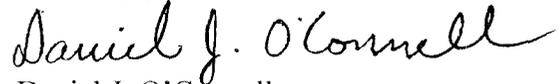
We feel the Transport Rule's proposed deadlines are unrealistic. There is not enough time to either retrofit power plants by 2012 or scrubbers by January 1, 2014. If we provide additional time for the implementation of these regulations it will increase the number of electrical generating units that are upgraded.

With unemployment as high as it is and no meaningful decrease expected next year an extension of the regulations' deadline could increase construction jobs while reducing the loss of railroad jobs. A study by the Federal Energy Regulatory Commission suggests by adopting these regulations' existing timelines up to one-quarter of the nation's coal generating fleet could be shutdown. A United Mine Workers (UMW) analysis puts the direct job loss at 54,000 with upwards of more than 250,000 jobs in the utility, mining and railroad industries possibly at risk. If no corrective action is taken by EPA many of the job losses will occur in rural areas already suffering from high unemployment. If rail lines in these areas are downgraded or abandoned as a result of these regulations it will impact communities and businesses that rely on rail service.

Finally we are concerned that the EPA lacks sufficient time to respond to the issues raised in comments on the proposed MACT rule. This rule is the most expensive utility rule ever proposed by EPA. We respectfully request that you exercise your authority under the Clean Air Act to allow for a two-year extension of the compliance deadline for MACT and instruct the EPA to ask the court for additional time to develop a final rule.

Thank you for your consideration of UTU's views on this issue.

Sincerely yours,



Daniel J. O'Connell
State Director

cc: Honorable William M. Daley, White House Chief of Staff
Honorable Stephen Chu, Secretary-U.S. Department of Energy
Honorable Lisa P. Jackson, Administrator-U.S. Environmental Protection Agency
Honorable Cass R. Sunstein, Office of Information and Regulatory Affairs-OMB
Honorable Robert Menendez, U.S. Senator-NJ
Honorable Frank R. Lautenberg, U.S. Senator-NJ
Honorable Frank A. LoBiondo, Congressman-NJ
Honorable Albio Sires, Congressman-NJ
Mr. Richard L. Trumka, President-AFL-CIO
Mr. M.B. Futhy, Jr., International President-United Transportation Union
Mr. James Stem, National Legislative Director-United Transportation Union
Mr. James Albi, Secretary-NJSLB



Correspondence Management System

Control Number: AX-11-001-6484

Printing Date: October 04, 2011 11:24:26



Citizen Information

Citizen/Originator: Jones, Paul W.

Organization: A.O .Smith Corporation

Address: 11270 West Park Place, Milwaukee, WI 53224

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6484

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 3, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- Thank you kindly for taking the time during your visit to Milwaukee to visit A.O. Smith Corporation, and our Corporate Technology Center.

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

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 4, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 4, 2011



P.O. Box 245008
Milwaukee, WI 53224-9508
Direct Dial Number: (414) 359-4007
E-Mail Address: pjones@aosmith.com

September 30, 2011

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

Dear Administrator Jackson:

Thank you kindly for taking the time during your visit to Milwaukee to visit A. O. Smith Corporation, and our Corporate Technology Center. The employees and executive team appreciated your address and the kind words you had for our company during your press conference.

As a co-founder of the Milwaukee Water Council, I also wanted to thank you for your time and remarks at the summit. Your presence elevated the visibility of the Council and its great work and provided the community with a renewed sense of confidence and optimism as we forge ahead with making Milwaukee a leader on freshwater technology and innovation.

I also want to thank you for listening to our company's concerns regarding the ENERGY STAR® program for water heaters. We received instantaneous feedback from Abigail Daken following your visit. Unfortunately, and upon discussion with Ms. Daken, we still feel U.S. manufacturers of the highest efficiency residential water heaters will continue to be disadvantaged over their foreign competitors, and we will need to wait up to two more years to rectify the situation. I'm enclosing recent correspondence on this subject to Ms. Daken from our Chief Engineer, Charlie Adams, whom you met.

We are a company dedicated to high-efficiency, water conservation, and a level-playing field. It is hard to compete when you have one arm tied behind your back. Please reconsider including EPACK covered water heaters in the current 2.0 program being considered this fall.

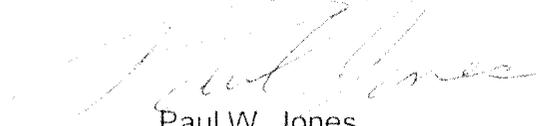
Administrator Lisa Jackson
September 30, 2011
Page 2

As for other topics, my team and I are available as a resource to you and your team as we all forge good policy and regulation. We are a straight-shooting, level-playing field industry leader ready to assist.

Thanks again for your time last week.

Sincerely,

A. O. SMITH CORPORATION

A handwritten signature in cursive script, appearing to read "Paul W. Jones", is written over a faint, larger version of the same signature.

Paul W. Jones
Chairman & Chief Executive Officer

Enclosure

Jones, Paul

From: Adams, Charlie
Sent: Friday, September 30, 2011 10:39 AM
To: Abigail Daken - EPA
Cc: Stern, Jim; Jones, Paul
Subject: Follow up on our EPACT/ENERGY STAR water heater discussion

Hi Abi.

Thanks again for the update on the status of ENERGY STAR® for EPACT-covered water heaters last week.

While we understand the logic behind the need for a new program development for commercial EPACT heaters, we continue to have significant concerns about an entire category of residential heaters (many, if not most, of them being the most efficient residential heaters on the market) continuing to be excluded from the residential ENERGY STAR program. This exclusion, as we have discussed before, not only goes against the purpose of the ENERGY STAR program (promoting consumer adoption of highly efficient appliances), but does a disservice to US manufacturers by promoting foreign-made heaters (gas tankless) while excluding US-made heaters of equivalent water delivery performance and equal (or better) efficiency.

When I suggested the addition of EPACT residential heaters to the on-going 2.0 revision to the residential program as a straightforward way to address the residential versus commercial warranty concern you expressed, you indicated that AOS was in the minority opinion. You may have received some comments suggesting that we wait for the 3.0 revision to include EPACT heaters, and referencing (among other things) the current effort to develop a uniform efficiency descriptor as a reason. We are troubled by this reasoning for a couple of reasons. First, it is entirely possible that some of the comments were from other manufacturers that do not want products more efficient than theirs to be eligible for ENERGY STAR recognition, and their comments could have been entirely anti-competitive, or protectionist, in nature. Secondly, the argument against having both EF and TE (thermal efficiency) as descriptors in the program seems to lose its validity in light of the questions posed by EPA around whether to use EF or COP as the criteria for add-on heat pump water heaters, as well as the already existing solar water heating system criteria of SF (solar fraction) instead of the more directly comparable metric of SEF (solar energy factor). We recognize that the current EPA position was stated as intending to change to SEF from SF, if it is decided to keep solar systems in the program, but either way, it is still an example of multiple descriptors being used for program criteria. We can't see how using TE in addition to EF as a descriptor is any different. Furthermore, seemingly great effort is going into expanding the residential program to include point-of-use electric heaters, which by EPA's own admission, save energy ONLY in the way in which they are installed, and on the basis of their own rated EF performance, would not qualify for eligibility. How is this equitable treatment of technologies, when residential EPACT-covered gas tank-type heaters are established in the marketplace (from several manufacturers) that can be readily installed as a replacement for an existing gas tank-type heater, and use up to 30+% less energy beginning the moment they are turned on, independent of any installation or piping considerations?

While the launch of the program to cover both residential and commercial EPACT water heaters

9/30/2011

in 2012 would appear to address our concerns over the exclusion of such residential heaters, the problem is that at least two more years of inequitable treatment for EPACT residential heaters would be the result, when we could easily fix it now by putting them into the residential program during the ongoing 2.0 revision, and have the problem solved by December of this year. Since FEMP criteria has already been put in place for EPACT heaters, we don't even see it as a criteria-development issue. All that is required is to take the same action that has been used on other products, and adopt the FEMP specification as the ENERGY STAR criteria.

I am readily available to discuss in more detail, if you wish. I also suggest that we discuss the matter at the Partners' meeting in November, but as the final specification draft will be out or coming out at that time, A. O. Smith urges EPA not to wait for that meeting to take action.

Regards,

Charlie

Charles W. Adams
Chief Engineer, Director of Government Affairs
A.O. Smith Corporation
11270 West Park Place
Milwaukee, WI 53224
414.359.4274

9/30/2011



Correspondence Management System

Control Number: AX-11-001-6485

Printing Date: October 04, 2011 09:58:17



Citizen Information

Citizen/Originator: Culp, Rita

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

Bennett, Barbara J

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

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-11-001-6485	Alternate Number:	N/A
Status:	Closed	Closed Date:	Oct 4, 2011
Due Date:	N/A	# of Extensions:	0
Letter Date:	Sep 30, 2011	Received Date:	Oct 4, 2011
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	EML (E-Mail)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	DRF - Continuing Resolution for Fiscal Year 2012		
Instructions:	Immediate Closure		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	N/A		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	N/A	Oct 4, 2011	N/A	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

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

SEP 30 2011

OFFICE OF THE
CHIEF FINANCIAL OFFICER

MEMORANDUM

SUBJECT: FY 2012 4-day Continuing Resolution

FROM: Barbara J. Bennett
Chief Financial Officer

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

TO: Lisa P. Jackson
Administrator

Bob Perciasepe
Deputy Administrator

On September 29, 2011, the House of Representatives passed by unanimous consent H.R. 2017, "making continuing appropriations for fiscal year 2012, and for other purposes." The Bill previously passed the Senate by voice vote and is expected to be signed by the President.

This Continuing Resolution provides the U.S. Environmental Protection Agency with funding through October 4, 2011. The CR uses FY 2011 Enacted levels for its base with a 1.503 percent across the board reduction.

I will continue to monitor Congressional action and provide updates as needed, and I am pleased to answer any questions you may have.

cc: Assistant Administrators
General Counsel
Inspector General
Chief of Staff
Bob Sussman
Arvin Ganesan
Associate Administrators
Regional Administrators
Deputy Assistant Administrators
Deputy Regional Administrators
Deputy Chief of Staff
Deputy Associate Administrators
Janet Woodka



Correspondence Management System

Control Number: AX-11-001-6488

Printing Date: October 04, 2011 09:48:51



Citizen Information

Citizen/Originator: Nieuwsma, Lynette

Organization: Beltrami Electric Cooperative

Address: 4111 Technology Drive, NW, PO Box 488, Bemidji, MN 56619-0488

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6488

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 4, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - Recent EPA rules that set National Emission Standards for Hazardous Air Pollutants for compression ignition and spark ignition stationary Reciprocating Internal Combustion Engines

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

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 4, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 4, 2011



**Beltrami Electric
Cooperative Inc.**

Your Touchstone Energy® Partner 

4111 Technology DR NW
PO Box 488
Bemidji, MN 56619-0488
218-444-2540 800-955-6083
www.beltramielectric.com

The Honorable Lisa Jackson
EPA Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

RECEIVED
2011 OCT -3 PM 1:03
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

As the General Manager/CEO of Beltrami Electric Cooperative, a electric provider in northwest Minnesota, I am writing in regard to recent EPA rules that set National Emission Standards for Hazardous Air Pollutants ("NESHAP") for compression ignition and spark ignition stationary Reciprocating Internal Combustion Engines ("RICE"). I request that EPA favorably respond to the reconsideration of the 2010 final RICE NESHAP rules by eliminating certain restrictions on non-emergency annual hours of operation.

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

Peak-shaving programs enhance electric reliability and lower cost to the consumer by reducing demand on central station power supplies. The engines are used on a limited basis and are run fewer hours than the 100 hours allowed in the rule for general non-emergency operation. Were EPA to remove the prohibition on these engines for peak-shaving and demand reduction purposes, the result would be no more run-time than that which is already provided for in the rule and no measurable public health risk or environmental harm.

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

Sincerely,

A handwritten signature in cursive script that reads "Lynette Nieuwsma".

Lynette Nieuwsma
General Manager/CEO
Beltrami Electric Cooperative
lnieuwsma@beltramielectric.com



Correspondence Management System

Control Number: AX-11-001-6494

Printing Date: October 04, 2011 09:54:10



Citizen Information

Citizen/Originator: Englund, D.W.

Organization: City of Slaton

Address: City Hall, 130 South 9th Street, Slaton, TX 79364-4120

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6494

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 26, 2011

Received Date: Oct 4, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

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

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: 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

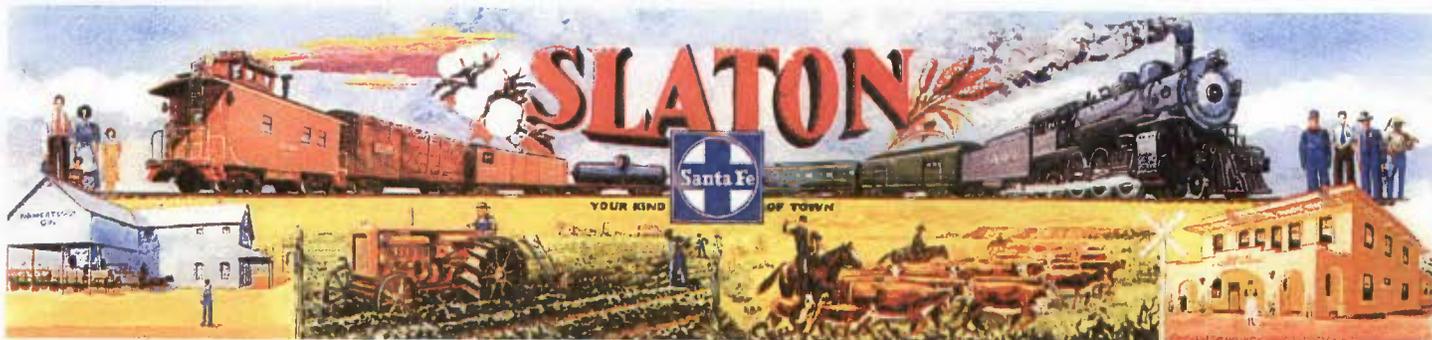
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 4, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 4, 2011



September 26, 2011

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

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

RECEIVED
2011 OCT -3 PM 1:02
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

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

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

SPS serves our local area, and about half its power comes from coal. To have to comply with this rule by January 1, 2012, could have a significant impact on SPS' operations of its coal-fired power plants and possibly having to rely significantly more on natural gas-fired electric generation very likely leading to an increase in the cost of electricity. Based on data provided by SPS, the cost of increasing its reliance on natural gas plants could be up to \$200 to \$250 million in 2012 alone. It is energy consumers like the City of Slaton that ultimately pay this cost.

Increased energy costs not only have a negative effect on consumers, but also the businesses in our community. The more capital a business has to spend on electricity, the less capital is available for investing in the business and creating jobs.

More importantly, we are concerned that CSAPR could harm the reliability of the electric system. We respectfully refer you to the *Petition for Reconsideration and Stay* submitted on September 8, 2011 by the Office of the Attorney General of Texas for a description of the many negative impacts the CSAPR would have on our community. We and all the people of the Texas Panhandle and Eastern New Mexico rely on the SPS electric system for our livelihoods and well-being. Especially after the record

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

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

Sincerely,

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

D. W. Englund
Mayor



MOAPA BAND OF PAIUTES

MOAPA RIVER INDIAN RESERVATION

P.O. BOX 340

MOAPA, NEVADA 89025

TELEPHONE (702) 865-2787

Fax (702) 865-2875

September 29, 2011

Lisa Jackson, Administrator
U.S. EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Mail Code: 1101A
Washington, DC 20460
Email: jackson.lisa@epa.gov

Re: Environmental Justice for the Moapa Tribe

Dear Administrator Jackson,

I write on behalf of the Moapa Band of Paiutes, an "overburdened community" by any definition – including that of your agency¹ – that resides in the shadow of NV Energy's Reid Gardner coal-fired power plant in Moapa, Nevada.

The Reid Gardner plant – including its coal ash landfill, and its collection of wastewater ponds – is adjacent to the Tribe, within a mile of its community center, and within a ½ mile of the closest homes of Tribal Members. The facility generates significant quantities of regional haze pollution in Nevada and imposes on Tribal members an overwhelming environmental and public health burden. The impacts of the plant on our tribe and our way of life cannot be fully understood without coming to our community and speaking with members of our tribe. We hereby invite you to come to the Reservation at your earliest convenience.

¹ EPA identifies communities facing environmental injustice as those bearing a "disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies." EPA Environment Justice Plan 2014 (Sept. 2011) at 3.

EPA Region 9 now has the opportunity to take significant action² to protect visibility in the region by rejecting the State of Nevada's inadequate State Implementation Plan (SIP) for regional haze and instead promulgating a Federal Implementation Plan (FIP) that clears the air of haze-causing particles and, as an ancillary benefit, protects public health.

On August 11, 2011, Tribal leaders hosted a consultation meeting with EPA on the Reservation. The meeting with Region 9 Administrator Blumenfeld was historic because he is the first Regional Administrator to have visited the Reservation. Administrator Blumenfeld listened intently to the concerns as expressed by Tribal Chairman William Anderson, Tribal Environmental Coordinator Darren Daboda, two other Members of the Tribe, and the Tribe's legal representative Dan Galpern. However, to date we have received no indication of how Administrator Blumenfeld will proceed, and the Administrator has declined our request for a second consultation meeting on this issue.

Accordingly, the Tribe appeals to you, Administrator Jackson, for your assistance and active engagement. As you stated in your letter opening the EPA Environment Justice Plan 2014, "every American deserves clean air, water and land in the places where they live, work, play and learn." The people of the Moapa are undoubtedly included in your scope of concern. Accordingly, for EPA to "[lead] by...working for environmental justice," it is necessary for you to ensure that Region 9 fulfills the Clean Air Act's Best Available Retrofit Technology ("BART") requirement with respect to the Reid Gardner facility.

Regrettably, Nevada's BART determination, as proposed for approval by Region 9 is grossly inadequate. It is also inferior to EPA's BART determinations for other plants. For example, while two of the three Reid Gardner boilers would be held to a NOx limit of only 0.2 lbs/mmbtu and a third limited to an even less stringent standard of 0.28 lbs/mmbtu under Region 9's proposal, Region 6's BART determination for the San Juan Generating Stations imposes a 0.05 lbs/mmbtu NOx limit. Thus, under the proposed standards, the Reid Gardner facility would be allowed to emit ozone-causing pollution at a rate at least four times that of San Juan. As your Agency acknowledges,³ breathing ozone can reduce lung function, inflame the lining of the lungs, and permanently scar lung tissue. Accordingly, the disparity, if it stands, will not only limit visibility in the region, but will also allow higher health risks to the Moapa people and the people of Southern Nevada.

In sum, if Region 9 does not turn back and demand a different course, then it will sanction inadequate controls on Reid Gardner that are not BART, that fail to protect visibility in regional Class I airsheds, and that fail to protect the Tribe. These failures will cause a new environmental injustice, one that compounds the damage of decades of preventable pollution imposed on the Moapa. Alternatively, you can choose to act firmly to put our region on track to meet visibility goals with the notable co-benefits of protecting public health and honoring long-standing environmental justice commitments.

² 76 FR 36450

³ <http://www.epa.gov/glo/health.html>

Accordingly, we urge you take strong action now. Please intervene in this matter immediately to ensure that EPA rejects Nevada's SIP and promulgates a FIP that upholds the law, protects the environment, and protects our people.

Thank you for your consideration. We look forward to hearing from you soon. Should you have any question, please do not hesitate to contact our attorney, Dan Galpern, at 541-359-3243, or galpern@westernlaw.org.

Sincerely,



William Anderson, Chairman
Moapa Band of Paiutes



NATURAL RESOURCES DEFENSE COUNCIL
THE EARTH'S BEST DEFENSE

October 3, 2011

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

Dear Administrator Jackson:

The EPA Integrated Risk Information System (IRIS) has seen many substantial improvements under your leadership. Since 2009, the program has significantly increased its output of completed assessments, improved its public transparency, and maintained its high level of scientific quality. The IRIS program has committed to go even further to improve its communication and presentation of its assessments, making them shorter, clearer, and with a more transparent presentation of the scientific rationale underpinning the scientific evaluations.¹

We are writing you today concerning EPA's pending assessment of hexavalent chromium (Cr6), which has recently been the subject of criticism from the chemical industry and its paid consultants. For its assessment of Cr6 via ingestion, EPA was correct to rely on the scientific study of the National Toxicology Program (NTP) showing in rodents that a lifetime of drinking Cr6 contaminated drinking water causes cancer of the intestine.^{2,3} Cr6 inhalation has long been known to cause cancer in humans.⁴ Despite this evidence of harm, and widespread Cr6 contamination of the nation's drinking water supply, we are concerned that chemical industry pressure is delaying the IRIS assessment of Cr6, and frustrating your ability to "address the immediate and long-term concerns over chromium-6, and ... seek to ensure that our water is safe".⁵

The chemical industry has called for EPA's assessment to be halted until new industry-sponsored studies can be completed.⁶ The industry is critical of EPA's work on a number of fronts, all with no scientific merit. We rebut these arguments here:

First, the industry is arguing that there are insufficient data to support EPA's conclusion that chromium causes cancer by DNA mutations (a mutagenic mode of action, MOA), and therefore that a safe level or threshold of exposure may exist for Cr6, below which no risk would be incurred. However, at a May 12th public meeting, the EPA expert peer review panel agreed that although a mutagenic MOA is not proved, neither could a non-linear or threshold dose-response be described with confidence based on the available data.⁷ Therefore, according to EPA's Cancer Guidelines (2005), a linear dose-response model must be employed, which presumes that there is no safe level (no threshold) of exposure to Cr6 via the oral route. This is scientifically sound, consistent with EPA guidelines, and consistent with the clear guidance of the National Academy of Sciences.⁸

Second, the industry concedes that Cr6 causes cancer, but argues that it is completely converted to harmless Cr3 in the stomach, and therefore poses no risk from drinking water. However, this argument presumes that everyone in the population has a stomach that is capable of rapidly reducing Cr6 to Cr3 prior to any contact with cells. Such an assumption is almost certainly false, because the reduction process is reliant on a very acidic gastric environment, which is not present in newborn babies and in the millions of people that take antacid medications or prescription medications to treat gastritis, ulcers, and gastrointestinal reflux disease. The California EPA considered this same industry argument about rapid reduction of Cr6 to Cr3 in the stomach, and rejected it on the basis of the widespread use of acid-reducing medications, and data on the pH of the stomach in babies.⁹ Members of the EPA expert peer review panel found these scientific arguments compelling when raised by NRDC during the May 12th public meeting, and urged EPA to consider this further.

Third, the industry is calling for EPA to stall its assessment of hexavalent chromium (Cr6) in drinking water until it can include promised but still incomplete industry-sponsored studies.¹⁰ Similar recommendations came from two members of the peer review panel, whose research is funded by the chromium industry. Drs. Joshua Hamilton and Steven Patierno are both funded by the chromium industry through ToxStrategies Inc, a consulting firm that is coordinating the industry research, and also coordinated the suite of scientists that provided public comments to the peer review panel at the May 12th public meeting. Dr. Patierno has also testified as an expert on behalf of industry in chromium litigation and presumably will again.¹¹ Dr. Joshua Hamilton is a litigation witness for PG&E, the utility responsible for the chromium ground water contamination in the Hinkley case made famous in the Erin Brockovich movie.¹² It is a common industry strategy to claim that an important new study is pending, and to demand a delay of agency action until the study is complete. In fact, science is constantly developing, and EPA cannot await the completion of every conceivable scientific study before acting to protect public health, especially when the existing science is so strong.

Interestingly, although the industry-sponsored studies are not yet done, the outcome appears to be pre-determined. An August 8th story in the beltway press, Risk Policy Report, quoted a source as saying that the upcoming study results would help industry make its case.¹³ The same source argued that the NTP study is inappropriate as a basis of risk assessment because it treated the test rodents with high doses whereas the industry studies find that Cr6 is safe at lower doses. Further, although the draft IRIS assessment provides evidence that Cr6 causes mutations of the genetic DNA, the industry studies will apparently conclude that it does not.

“Product Defense is a lucrative business”. These are the words that begin an article titled, *Don't Let Mercenaries Advise EPA on Asbestos Science* by your colleague, Dr. David Michaels, Assistant Secretary of Labor.¹⁴ The article warns EPA against appointing “product defense scientist[s]” to advisory panels, comparing it to appointing a member of the defendant’s legal team to a jury that is deciding the guilt or innocence of the defendant. It is likely that even EPA staff did not know of the conflicts of Drs. Patierno and Hamilton, because EPA’s contractor (ERG, Inc) that assembled the review panel and convened the meeting, not EPA, reviewed and retained all panel member disclosures.¹⁵ This information is now being shielded from the public; further eroding trust and transparency in the review process.¹⁶

EPA should not delay its release of the Cr6 assessment. According to the 2009 EPA Toxics Release Inventory (the most recent data available), forty-four million pounds of chromium and chromium compounds were released to the environment that year, including almost 2 million pounds into underground wells, almost ninety-nine thousand pounds as surface water discharges, and 1 million pounds into the air as fugitive and point source air emissions.¹⁷ It is not surprising that a now-functioning IRIS program has attracted significant criticism from chemical industries whose products are being scrutinized.

Chromium alloys and compounds have been in widespread commercial use for over 100 years, and have been polluting our soil and water supplies for far too long, resulting in uncountable illnesses and deaths. Industry has had plenty of time to prove its case for safety. We urge you to move ahead with finalizing the EPA Cr6 Assessment, so that water providers will have a clear mandate to reduce chromium contamination in drinking water.

Sincerely,

Jen Sass

Jennifer Sass, Ph.D. Senior Scientist, NRDC

The following health, environmental, and environmental justice groups also support this letter:

1. Autism Society of America (Donna Ferullo, Director)
2. Breast Cancer Fund (Jeanne Rizzo, RN. President)
3. Center for International Environmental Law (Daryl Ditz, Ph.D.)
4. Center for Media and Democracy (Lisa Graves, Executive Director)
5. Center for Public Environmental Oversight (Lenny Siegel, Executive Director)
6. Citizens' Environmental Coalition (Barbara Warren, Executive Director)
7. Clean Production Action (Mark Rossi, Ph.D.)
8. Clean and Healthy New York (Kathy Curtis, Executive Director)
9. Cleanuprocketdyne.org (Christina Walsh, Executive Director)
10. Clean Water Action (Lynn Thorp)
11. Connecticut Coalition for Environmental Justice (Tom Colligan, Executive Director)
12. Deep South Center for Environmental Justice (Beverly Wright, Ph.D.)
13. Don't Waste Arizona (Steve Brittle, President)
14. Edison Wetlands Association (Robert Spiegel, Executive Director)
15. Environmental Health Fund (Judith Robinson, Assoc Director)
16. Environmental Health Strategy Center (Steve Taylor, Program Director)
17. Environmental Working Group (Rebecca Sutton, Ph.D.)
18. Erin Brockovich, Inc. (Erin Brockovich)
19. Glynn Environmental Coalition (Daniel Parshley, Project Manager)
20. Hillcrest Environmental Action Team (Bruce Oldfield, Chair)
21. Healthy Child Healthy World (Rachel Lincoln Sarnoff, Executive Director)
22. Integrated Resource Management, LLC (Robert W. Bowcock)
23. Ithaca South Hill Industrial Pollution (Ken Deschere)
24. Lindon Park Neighborhood Assoc, Phoenix AZ (Mary Moore)
25. Mitchell Environmental Health Associates (Mark Mitchell, MD MPH, President)
26. New York Vapor Intrusion Alliance (Bruce Oldfield, Co-Chair)
27. NYCOSH - New York Committee for Occupational Safety and Health (Joel Shufro, Exec Dir)
28. Physicians for Social Responsibility (Peter Wilk, MD)
29. Public Employees for Environmental Responsibility (PEER, Jeff Ruch, Executive Director)
30. Science and Environmental Health Network (Ted Schettler, MD)
31. Sciencecorps (Kathy Burns, Director)
32. Steinzor, Rena. President of Center for Progressive Reform (CPR) and Professor, Univ of Maryland School of Law
33. TEDX, The Endocrine Disruptor Exchange (Lynn Carroll, Ph.D.)
34. Union of Concerned Scientists (Francesca Grifo, Ph.D.Senior Scientist)
35. WE ACT for Environmental Justice (Cecil Corbin)



Correspondence Management System

Control Number: AX-11-001-6528

Printing Date: October 04, 2011 06:51:12



Citizen Information

Citizen/Originator: Berry, John

Organization: United States Office of Personnel Management

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

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6528

Alternate Number: ff

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 4, 2011

Received Date: Oct 4, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-Approval of the FY 2011 Presidential Rank Award Recipient and Guidance on Preparing Award Payments

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCFO - OCFO -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

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 4, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OARM	Oct 4, 2011

Comments



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

RECEIVED

2011 OCT -3 PK 12:59

OFFICE OF THE
EXECUTIVE SECRETARIAT

September 30, 2011

MEMORANDUM FOR SELECTED HEADS OF DEPARTMENTS AND AGENCIES
(see attached list)

FROM:

JOHN BERRY
DIRECTOR

Subject:

Approval of the FY 2011 Presidential Rank Awards Recipients
and Guidance on Preparing Award Payments

It is my privilege to inform you that today President Obama approved the finalists recommended for the FY 2011 Presidential Rank Awards. This honor is awarded to career executives and senior professionals you recently certified as deserving of this distinction.

You are now authorized to post payments. Guidance on preparing award payments is attached. Your agencies should not make any public announcements regarding these awards until you receive further authorization by the U.S. Office of Personnel Management.

If your staff have any questions, please contact Stephen Shih, Deputy Associate Director, Executive Resources and Employee Development at 202-606-8046, or Karen English, Presidential Rank Awards program manager at 202-606-2747.

Attachment

cc: Chief Human Capital Officers
Human Resources Directors

**Preparing Payments for FY 2011 Presidential Rank Awards
and Aggregate Compensation**

Under 5 U.S.C. 4507(e), Presidential Rank Awards are a lump-sum payment of 35 percent of annual basic pay for the Distinguished Rank and 20 percent of annual basic pay for the Meritorious Rank. Please note that the award is subject to the applicable annual aggregate limitation on pay under 5 U.S.C. 5307. Section 5307(d) permits agencies with certified performance appraisal systems for members of the Senior Executive Service (SES) and senior-level (SL) and scientific or professional (ST) employees (senior professionals) to apply a higher annual aggregate limitation on pay for those employees. The higher aggregate limitation on pay is equivalent to the total annual compensation payable to the Vice President under 3 U.S.C. 104 (\$230,700 in 2011, the same level as in 2010). Agencies without certified performance appraisal systems for their SES members or senior professionals must apply an annual aggregate limitation on pay equivalent to the rate for level I of the Executive Schedule (\$199,700 in 2011, the same level as in 2010).

If a rank award would cause an executive's aggregate compensation to exceed the applicable annual aggregate limitation on pay by the end of calendar year 2011, an agency should withhold the excess award amount and include the excess payment in any lump-sum payment made at the beginning of calendar year 2012. Such payments count toward the aggregate limitation for calendar year 2012.

Processing the Awards

Effective April 7, 2006, The Guide to Processing Personnel Actions was updated to consolidate the Nature of Action Code (NOAC) for capturing Presidential Rank Awards into one action code. The NOAC is 878. In order to capture payments accurately, use the appropriate Authority Code below.

<u>Award Type</u>	<u>Nature of Action</u>	<u>Nature of Action Code</u>	<u>Legal Authority Code</u>	<u>Legal Authority</u>
Senior Executive Service (SES) Distinguished Rank	Presidential Rank Award	878	V8G	5 U.S.C. 4507(e)(2)
Senior Executive Service (SES) Meritorious Rank			V7G	5 U.S.C. 4507(e)(1)
Senior Professional (SL/ST) Distinguished Rank			V9P	5 U.S.C. 4507(a)(c)
Senior Professional (SL/ST) Meritorious Rank			V9N	5 U.S.C. 4507(a)(c)



Correspondence Management System

Control Number: AX-11-001-6540

Printing Date: October 04, 2011 03:28:17



Citizen Information

Citizen/Originator: Shaw, Bryan W.

Organization: Texas Commission on Environmental Quality

Address: P.O. Box 13087, Austin, TX 78711

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6540

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Sep 26, 2011

Received Date: Oct 4, 2011

Addressee: DA-Deputy 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-Thank you for the opportunity to meet with you, Gina McCarthy and the EPA staff.

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

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - 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	AO-IO-DA	Oct 4, 2011

History

Action By	Office	Action	Date
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10/

mwb

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 26, 2011

RECEIVED
2011 OCT -3 PM 1:02

OFFICE OF THE
EXECUTIVE SECRETARIAT

EPA Deputy Administrator Bob Perciasepe
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Deputy Administrator Perciasepe,

Thank you for the opportunity to meet with you, Gina McCarthy, and EPA staff last Friday at EPA Headquarters regarding the Cross-State Air Pollution Rule (CSAPR) and its immediate adverse impacts on electric reliability in Texas. I am glad to see the beginning of a substantive dialogue between the EPA and the Texas Commission on Environmental Quality (TCEQ), the Public Utilities Commission of Texas (PUC), and the Electric Reliability Council of Texas (ERCOT). I would like to reiterate a few points made during the course of the meeting to aid in future discussions.

Foremost is the need to provide Texas with the opportunity and time to provide meaningful comment to the data, modeling, and analyses put forth by EPA in the final version of CSAPR. Given the lack of due process and the errors the TCEQ and our sister agencies have identified as the basis for including Texas as a Group 2 state, Texas hopes to be treated similarly as the six other states which were included in a supplemental rulemaking due to their late inclusion in CSAPR. A supplemental rulemaking will provide the best opportunity to thoroughly vet the data, modeling, and assumptions upon which EPA incorrectly relied to include Texas for the SO₂ portion of CSAPR. Most importantly, it will allow EPA to fully consider the rule's reliability impacts upon Texas and her citizens.

Second, while I understand EPA's desire to move forward and address CSAPR's unintended reliability consequences as they arise, I believe this will only worsen the already identified consequences and create new ones. As PUC and ERCOT described, electrical reliability in Texas is based on a competitive wholesale market model. Tinkering with the market on a case-by-case basis, as you suggest, will not solve the problem – it will exacerbate it.

Third, Texas' electric-generating units are facing an October 3rd deadline, when they must alert ERCOT of their plans to mothball or retire facilities. This deadline is not a mere exercise in paperwork. It is a hard deadline that is critical for ERCOT's reliability planning purposes. Given CSAPR goes into effect on January 1, 2012, Texas companies must plan on how they will

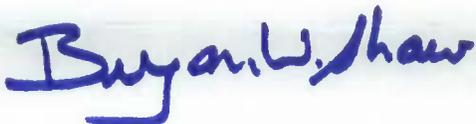
meet EPA SO₂ emission budgets and comply with the ERCOT notice deadline. To suggest that the "real" deadline is March 2013 and that Texas companies and operators should risk facing civil and criminal penalties based on the unlikely chance that a viable allowance trading market will form is untenable and unrealistic.

Lastly, you asked that Madame Chair Nelson, President Doggett, and I provide you with additional information related to our reliability concerns. To that end, I have included our joint petition for reconsideration and our joint motion to stay the rule. Included in both documents are the errors our agencies have found within CSAPR and the process by which it was promulgated. While these documents are currently before your lawyers, they will prove informative to you and will be of great assistance in your efforts to understand Texas' concerns with CSAPR.

On another note, Dr. Al Armendariz held a meeting for the Region 6 states last Friday, while we were meeting at EPA headquarters. It came to my attention that all of the Region 6 states voiced their united opposition to the rule and highlighted the detrimental impacts it will have upon their states. However, Dr. Armendariz advised the states' representatives to avoid voicing any concerns (related to due process or otherwise) beyond the proposed technical corrections if they want their comments given all due consideration. I fear his statement is a reflection of EPA's general disregard for states' legitimate interests and concerns related to CSAPR and other rules EPA has promulgated. I sincerely hope this is not the case.

In closing, I hope you, your staff, and other EPA officials will give serious consideration to Texas' request to be included in a supplemental rulemaking. Such a decision would address the lack of due process Texas was afforded and ensure EPA has the most recent and thoroughly vetted data Texas regulators and companies can provide. The benefits of a holistic approach to solving this problem far outweigh EPA's proposed piece-meal approach, which is highly problematic. Furthermore, EPA, Texas, and other states stand to benefit from encouraging and ensuring the federal regulatory process moves forward in the open, transparent way envisioned by both the Clean Air Act and Administrative Procedure Act.

Sincerely,



Bryan W. Shaw, Ph.D.
Chairman of the Texas Commission on Environmental Quality

Cc: Administrator Lisa Jackson, EPA
Gina McCarthy, Assistant Administrator for EPA's Office of Air and Radiation
Dr. Al Armendariz, EPA Region 6 Administrator
Madame Chair Donna Nelson, Public Utilities Commission of Texas
President and CEO Trip Doggett, Electric Reliability Council of Texas
United States Congress – Texas Delegation
Texas Senate Committee on Natural Resources
Texas House Committee on State Affairs



Correspondence Management System

Control Number: AX-11-001-6619

Printing Date: October 04, 2011 03:30:30



Citizen Information

Citizen/Originator: Floares, Joaquin C.

Organization: Guam Power Authority

Address: Post Office Box 2977, Hagatha, Guam 96932-2977

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6619

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: Oct 18, 2011

of Extensions: 0

Letter Date: Aug 4, 2011

Received Date: Oct 4, 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-EPA -HQ-OAR-2009-0234 and EPA-HQ-OAR-2011-0044

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

R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Oct 4, 2011	Oct 18, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Oct 4, 2011



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • HAGATNA, GUAM U.S.A. 96932-2977

August 4, 2011

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

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

Dear Administrator Jackson:

As General Manager of the Guam Power Authority (GPA), I am submitting, under the cover letter from the Governor of Guam, GPA's comments vis-à-vis the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Guam Power Authority, or GPA, is a community-owned, non-for-profit electric utility serving 47,000 customers. As the only utility on the island, GPA has a total dependence on fuel oil for electric energy production. GPA and Guam will be significantly impacted by the proposed EGU MACT rules and related New Source Performance Standards (NSPS) requirements.

I respectfully request that EPA reevaluate the premises of the proposed EGU MACT rules. GPA supports EPA's efforts to reduce harmful mercury emissions, but believe such efforts need to be realistic and done in a cost effective manner. The rule as proposed will have a significant impact on Guam's electricity reliability and cost. We respectfully request that the agency also reconsider regulating acid gases. It is not required under the Clean Air Act and its inclusion will make it much more costly and difficult for GPA to comply. If EPA does not provide relief for GPA in the final rule, GPA intends to request a territorial waiver.

Thank you,

Joaquin C. Flores, P.E.
GENERAL MANAGER
GUAM POWER AUTHORITY

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT -4 AM 10:50

RECEIVED



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

August 4, 2011

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

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

Dear Administrator Jackson:

In my capacity as Chairman of the Committee on Utilities, Transportation, Public Works and Veterans Affairs of the 31st Guam Legislature, I am writing to express my support for the Guam Power Authority's comments regarding the Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology rules ("EGU MACT").

Guam Power Authority (GPA) is a community-owned, not-for-profit electric utility serving the island of Guam. GPA is dependent on residual fuel oil for over 98% of its electric energy production. These generation facilities will be significantly impacted by the proposed EGU MACT rules and related New Source Performance Standards (NSPS) requirements.

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

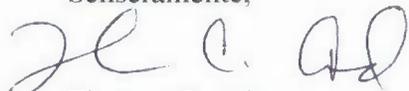
GPA's environmental consultants have shown that the proposed rules present an unacceptable burden on GPA and the island's rate payers. The compliance costs and risks would require significantly increased electricity rates that could cause our customers economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed, and those with limited or fixed incomes. Due to GPA's complete reliance on fuel oil for electric production, 70% of GPA's power rates are made up of fuel costs. This is already a significant impact to customers today as our rates are at 26.66 cents per kilo-watt hour as of August 1st of this year. These rates are among the highest in the country (see Exhibit A). The cost of energy on Guam is a much more significant part of household and business expense than nationally.

Ada Plaza Center, Ste. 207 • 173 Aspinall Avenue • Hagåtña, Guam 96910
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Please be advised that Guam was designated as a "distressed nonmetropolitan middle-income" area. These are areas that meet one or more triggers that generally reflect the "distress criteria" used by the Community Development Financial Institutions (CDFI) Fund. The distress triggers are: (1) an unemployment rate of at least 1.5 times the national average; (2) a poverty rate of 20 percent or more; or, (3) a population loss of 10 percent or more between the previous and most recent decennial census, or a net migration loss of 5 percent or more over the five-year period preceding the most recent census. Guam qualifies as a place with **both high poverty and unemployment rates**

Please consider relief for GPA in the final "EGU MACT" rule.

Senseramente,



Thomas C. Ada

Cc: Governor Edward J. B. Calvo
Congresswoman Madeleine Z. Bordallo



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

August 4, 2011

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

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

Dear Administrator Jackson:

On behalf of Guam Power Authority, I am writing regarding the U.S. Environmental Protection Agency's (EPA) proposed electric generating unit maximum achievable control technology rules ("EGU MACT"). Guam Power Authority, or GPA, is a state/territory-owned, not-for-profit electric utility serving more than 47,000 customers. As the only electric utility on the island, GPA operates a total of 351.6 MW power plants fueled by residual fuel oil and will be significantly impacted by the proposed EGU MACT rules and related New Source Performance Standards (NSPS) requirements.

Our utility, as well as other publicly owned utilities nationwide, share major concerns over this rule, however, GPA and utilities in Hawaii and Puerto Rico have additional significant issues due to our location and access to fuel and equipment required to comply with the proposed regulation. We share similar concerns with Hawaiian Electric about the decision to include oil-fired plants in this rule, the risk of nickel, its request for a non-continental oil-fired category and reduction of the monitoring requirements.

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

As a not-for-profit state-owned and operated electric utility, GPA has standing under all of these Executive Orders to call for reasonable and cost-effective regulations to achieve reductions in air pollution in a reasonable time-frame. Guam's specific concerns are as follows:

- The proposed rules present an unacceptable burden on GPA and the island's rate payers. The compliance costs and risks would require significantly increased electricity

rates that will cause our customers extreme economic hardship, particularly those negatively impacted by the current economic climate, such as the unemployed, the underemployed and those with limited or fixed incomes, who make up a disproportionately high percentage of the island's population when compared to other U.S. states and territories.

- Guam is designated by the Federal Financial Institutions Examination Council as a "distressed nonmetropolitan middle-income" area. These are areas that meet one or more triggers that generally reflect the "distress criteria" used by the Community Development Financial Institutions Fund. The distress triggers are: (1) an unemployment rate of at least 1.5 times the national average; (2) a poverty rate of 20 percent or more; or, (3) a population loss of 10 percent or more between the previous and most recent decennial census, or a net migration loss of five percent or more over the five-year period preceding the most recent census. Guam qualifies as a place with both high poverty and unemployment rates. Guam's unemployment rate is currently over 13%, and Guam's median household income is \$39,000 per year, which ranks amongst the lowest in the nation, yet the average cost per kWh is 26.66 cents, which is amongst the highest in the nation (see Exhibit A). The average residential monthly electric bill nearly \$300 for about 980 kWh.
- Due to GPA's complete reliance on fuel oil for electric production, 70% of GPA's power rates are made up of fuel costs. This is already a significant impact to customers today (see Exhibit A).
- The proposed rule is unrealistic about the ability of GPA to avoid electricity reliability issues in 2014 when compliance with these rules begins. There will be a substantial impact on Guam's electric rates as we demonstrate in EXHIBIT B.
- EPA's economic and reliability analysis in the proposed rules assumes that the mercury MACT regulations are the only major capital expenditures that GPA will be undertaking in the next four years. The analysis completely dismisses the current state of the economy and the cumulative impacts from approximately eight major EPA rules affecting air, water, and wastewater from electric utilities in the next five to eight years. Additionally, the proposed multi-billion dollar military buildup on Guam will strain GPA resources within this period requiring additional capital costs. GPA has insufficient capital acquisition capability to meet all these requirements.
- The proposed rules include many additional controls beyond those to reduce mercury emissions. These controls are not required under the Clean Air Act or the EPA's own hazardous air pollutants study. We respectfully request that EPA withdraw these rules and re-propose them to solely address mercury emissions. GPA's mercury emissions are significantly lower than for coal-fired power plant. They are 1/10,000 of the most stringent limit proposed for coal-fired power plants.
- The statutorily imposed three year time frame for compliance with the rules is too short. Guam and GPA have not been part of the CAIR rule and have not begun any planning for compliance which the proposed rule says should ease the timing requirement. It is

not expected that a one year or even a two year extension would provide enough time for compliance.

- GPA is in a distant territory and will have difficulties getting vendors and contractors to respond to requests-for-proposals for a single opportunity to sell an ESP when large utilities will also be seeking larger quantities of such equipment from the same vendors. They are very likely to serve larger utilities first based on economic considerations. Additionally, Guam's procurement laws have historically resulted in a lengthy procurement process that may take longer than the EPA's deadline would allow.
- The EPA's own Regulatory Impact Analysis is flawed and suggests that only 97 municipal utilities will be affected, and will face a compliance cost of only \$666.3 million annually. These costs underestimate the real impact and show no regional additional impacts. Additionally, these costs completely ignore the impact on Guam. The costs to GPA are shown in Exhibit C. They are \$49 to \$103 million in capital costs and \$1.2 to \$2.6 million a year in operating and maintenance costs. This is too large a burden for GPA to bear for compliance with one rule.
- The proposed rules assume that all coal and fuel-oil types can still be used with available control technologies. This may not be the case. Such fuel switching from one fuel type to another or fuel blending can be very expensive for a municipal utility and Guam is very restricted in its fuel choices. GPA must rely on oil for the near- to mid-term.
- Should the proposed rules be finalized in their current form they will likely have a significant impact on jobs on Guam. The cost of compliance will result in increases in electric rate that could drive out businesses or result in job losses because of increased energy costs.

We respectfully request that EPA reevaluate the premises of the proposed EGU MACT rules. We support EPA's efforts to reduce harmful mercury emissions, but believe such efforts need to be realistic and done in a cost effective manner. The rule as proposed will have a significant impact on Guam's electricity reliability and cost. We respectfully request that the agency also reconsider regulating acid gases. It is not required under the Clean Air Act and its inclusion will make it much more costly and difficult for GPA to comply. If EPA does not provide relief for GPA in the final rule, GPA intends to request a territorial waiver.

Senseramente,


Edward J. B. Calvo
I Maga'lahañ Guahan
Governor of Guam

Cc: Ivan C. Quinata (Guam EPA)
Congresswoman Madeleine Z. Bordallo

Attachments

Letter to Administrator Jackson

August 4, 2011

Exhibits

Exhibit A: Average Electricity Price - Comparison

Average Electricity Price in Cents per KWH

	U.S. Ave.	Hawaii	Puerto Rico	Guam
Residential	11.62	29.36	22.68	21.00
Commercial	10.26	27.08	23.74	24.81
Industrial	6.84	23.05	19.81	19.33

Note:

- (1) Data is for the period July 2010 to March 2011
- (2) Current residential rate for Guam has increased to 26.66 Cents per KWH.

Exhibit B: GPA Rate Impact

GPA ESTIMATE

MACT Ruling Compliance Requirements for Steam Units

YEAR	ESTIMATED SALES (GWH)	PROJECT COST (\$ 000)	INCREMENTAL FUEL COST (\$ 000)	ANNUAL TESTING FEES (\$ 000)	COST IMPACT (CENTS/KWH)
2012	1,750	\$ 5,110	\$ 5,467	\$ 4,800	0.88
2013	1,811	\$ 5,151	\$ 5,656	\$ 5,088	0.88
2014	1,864	\$ 5,194	\$ 5,824	\$ 5,393	0.88
2015	1,894	\$ 5,240	\$ 5,916	\$ 5,717	0.89
2016	1,905	\$ 5,289	\$ 5,951	\$ 6,060	0.91
2017	1,905	\$ 5,341	\$ 5,951	\$ 6,423	0.93
2018	1,904	\$5,396	\$ 5,948	\$ 6,809	0.95
2019	1,908	\$ 5,454	\$ 5,960	\$ 7,217	0.98

NOTES:

(1) Estimated Capital Cost is \$38,211,750 with a payment period of 20 years and an annual interest rate of 10%.

(2) Estimated Operating Cost is \$ 684,500 with an annual inflation rate of 6%

(3) Parasitic Losses assumed to be 3%

(4) Fuel Cost (GPA's LEAC Rate) = \$0.1922 per KWH

(5) Testing Fee = \$200,000 per unit, based on ICR testing costs. Annual Inflation rate of 6% added.

Letter to Administrator Jackson

August 4, 2011

Exhibits

Exhibit C: Feasibility Report

**Report on Feasibility and Cost of Compliance with the Proposed MACT for Utilities
Guam Power Authority**

Prepared by TRC Environmental Corporation

Introduction

The Guam Power Authority (GPA) has asked TRC Environmental Corporation (TRC) to provide an estimate of the feasibility and costs of compliance with the proposed MACT for utilities (Electric Generating Unit[EGU])(Part 63, Subpart UUUUU). The basis of the calculations of the need for compliance and costs starts with the Information Collection Request (ICR) source testing performed at Unit Number 1 at the Cabras power plant.

ICR Data

Testing of the Cabras Unit 1 was accomplished on January 19-21, 2011 and reported AirKinetics, Inc. (AKI) on June 15, 2011. Measurements were made for Carbon Monoxide, Total Hydrocarbons and metals. The metals results are shown on Table 1.

The total of all the required metals is 0.000855 pounds per Million BTU of heat input. When compared with the proposed MACT Standard for oil fired units of 0.00003 pounds per million Btu of heat input, metals emissions would have to be controlled by 96.5% for Cabras Unit 1. Without further testing at other GPA facilities, it must be assumed that the other units would also have to be controlled.

It should be noted that the mercury emissions are more than 10,000 times smaller than the most stringent proposed emission limit for coal fired EGU's.

TABLE 1: Metals Results of ICR Tests on Cabras 1

Metal	Test Result (lbs/MMBTU)
mercury	8.33E-08
antimony	0.0000553
arsenic	0.00000455
beryllium	6.89E-08
cadmium	0.000000887
chromium	0.00000384
cobalt	0.0000215
lead	0.00000371
manganese	0.00000646
nickel	0.000755
selenium	0.00000345

TOTAL 0.00085485 lbs/MMBTU

MACT STANDARD 0.00003 lbs/MMBTU
CONTROL
REQUIRED 96.50%

The MACT proposal also contains limits on hydrogen chloride and hydrogen fluoride emissions. The limits are set at 0.0003 pounds per million BTU heat input for chlorides and 0.0002 pounds/MMbtu for fluorides. Neither chloride nor fluoride emissions were measured during the ICR testing. An estimate of the chloride and fluoride emissions can be derived from the AP-42 emission estimates as reflected in the permit application for the Cabras power plant. This estimate is 0.0014 for chlorides and 0.00015 for fluorides. This means that 78% control of chloride emissions may also be required and no control of fluoride emissions would be required.

Control Technology Analysis

The suggested and preferred method of controlling particulate emissions from oil fired units is electrostatic precipitation. The other primary particulate control is baghouses but the particulate from oil firing generally have too much organic content (are "sticky") to be collected reliably in baghouses because of plugging the pore holes in the bags. Too much maintenance is necessary.

The US EPA Regulatory Impact Analysis for the MACT cites data from the Edison Electric Institute which provides average retrofit capital cost data for Electrostatic Precipitators (ESP) applied to oil fired units of various sizes. For the 25 MW size the value is \$153 per kW which is close to the size of the GPA units. The value for the next size (100 Mw) is \$143. The preferred method for chloride control is Dry Sorbent

Injection (DSI). The EEI document shows a capital cost of \$42.35 per kW for this control technology.

Using the 25 MW range capital costs, TABLE 2 was created for the 4 units of GPA which are greater than 25 MW and are clearly Steam Electric Power Plants and thus subject to the MACT.

TABLE 2: Estimated Costs for Guam Power Authority
 Dry Sorbent Injection and Electrostatic Precipitators to Comply with MACT for Particulates

Power Plant	Unit	MW	DSI (42.35/KW) Capital Cost	ESP (\$153/KW) Capital Cost	Guam Factor (35%)	(\$6.7/KW) Annual Operating Cost
Cabras	1	66	\$2,795,100	\$10,098,000	\$17,405,685	\$442,200
	2	66	\$2,795,100	\$10,098,000	\$17,405,685	\$442,200
Tanguisson	1	26.5	\$1,122,275	\$4,054,500	\$6,988,646	\$177,550
	2	26.5	\$1,122,275	\$4,054,500	\$6,988,646	\$177,550
TOTAL			\$7,834,750	\$28,305,000	\$48,788,663	\$1,239,500

The applicability of other units is not clear, especially the diesel units. If all GPA electric generators above 25 MW were subject to the rule, the costs would be as shown in TABLE 3.

TABLE 3: Estimated Costs for Guam Power Authority
 Dry Sorbent Injection and Electrostatic Precipitators to Comply with MACT for Particulates (ALL UNITS)

Power Plant	Unit	MW	DSI (42.35/KW) Capital Cost	ESP (\$153/KW) Capital Cost	Guam Factor (35%)	(\$6.7/KW) Annual Operating Cost
Cabras	1	66	\$2,795,100	\$10,098,000	\$17,405,685	\$442,200
	2	66	\$2,795,100	\$10,098,000	\$17,405,685	\$442,200
Cabras	3	39.3	\$1,664,355	\$6,012,900	\$10,364,294	\$263,310
	4	39.3	\$1,664,355	\$6,012,900	\$10,364,294	\$263,310
MEC	8	44.2	\$1,871,870	\$6,762,600	\$11,656,535	\$296,140

	9	44.2	\$1,871,870	\$6,762,600	\$11,656,535	\$296,140
Tanguisson	1	26.5	\$1,122,275	\$4,054,500	\$6,988,646	\$177,550
	2	26.5	\$1,122,275	\$4,054,500	\$6,988,646	\$177,550
TEMES		40	\$1,694,000	\$6,120,000	\$10,548,900	\$268,000
TOTAL			\$16,601,200	\$59,976,000	\$103,379,220	\$2,626,400

There are several comments to be made given the data in the TABLE 2 and TABLE 3.

1. The GPA units (especially Tanguisson) are only slightly above the lower limit of the threshold for applicability (25 MW). It is not especially cost effective in terms of emissions reductions to apply the MACT to all these units.
2. A factor of 35% has been added to the EEI capital costs because of the greater expense of construction in Guam as opposed to the continental costs. This factor was provided by the GPA engineering staff based on their historical additional costs.
3. There may be some cost reduction if several units can be served by a single larger ESP. The savings may be on the order of 10% but would be offset by the costs of ducting to bring the emissions to a common ESP.
4. The annual operating and maintenance costs for oil fired ESPs are not addressed in the EEI data. The maintenance costs for a fabric filter (\$3.7/kW) were considered to give an idea of the costs and \$3/kW was added for O&M of the DSI. A significant portion of the O & M costs will be for electricity needed to run the DSI ESP thus reducing the output of the units (this is called parasitic cost).
5. For Cabras Unit 1 the cost per unit of pollution, a common way to evaluate the cost effectiveness of a regulation is \$803,000 per ton of metals emissions reduced. This calculation assumes 20 year depreciation and 6% cost of capital. The total metals emissions are 1.65 tons/year.
6. The GPA units do not qualify as a major source of HAP emissions (greater than 25 tons per year of all HAP emissions and /or greater than 10 tons per year for any single HAP). This proposed rule applies regardless of major source size.

The timing of the ability to comply with the MACT in 3 years, or even with an extension to 4 or 5 years, is problematic. EPA expects that US utilities will be able to meet these short deadlines because of the planning that has occurred for the CAIR rule over the last few years does not apply to GPA because it will have to start from scratch. The ability of engineers, suppliers and manufacturers to meet GPA requirements will also be strained because of continental demands and the distance to Guam.

SUMMARY

Compliance with the MACT by GPA will be extremely costly and the costs may range from \$49 million to \$103 million capital cost projected in Tables 2 and 3 depending on applicability determinations. O&M costs range from \$1.2 to \$2.6 million per year. Only a very small emissions reduction (1.65 tons/year of metals) will be accomplished by this extraordinary expense of \$803,000 dollars per ton of pollutant removed.

Letter to Administrator Jackson
August 4, 2011
Exhibits

References

1. NESHAPS from Coal and Oil-Fired EGU's, EPA Proposed Rule, Federal Register, Vol. 76, No. 85, May 3, 2011
2. "EPA Section 114 HAP Emissions Testing Program Test Report: Cabras Unit 1", Airkinetics, Inc. June 15, 2011.
3. "Cabras 1-4 Power Generation facility Air Pollution Control Permit Application", Guam power Authority submitted to Guam EPA, January 13, 2004.
4. "Potential Impacts of Environmental Regulation on the U.S. Generation Fleet", Edison Electric Institute, January 2011.
5. "Generation Resource Handbook FY 2008", GPA web site, www.guampowerauthority.com.

united transportation union

TY E. DRAGOO
DIRECTOR/CHAIRMAN

KANSAS STATE LEGISLATIVE BOARD

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September 26th, 2011

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

Re: Job Losses Due to EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of United Transportation Union members in Kansas because we are concerned about railroad job losses resulting from proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants. We also are troubled by the recently issued Transport Rule for reducing utility emissions of NOx and SO2.

The proposed Transport Rule's deadlines are unrealistic. Utilities cannot reasonably be expected to retrofit their power plants by 2012. Nor will plants have time to retrofit scrubbers by the second phase deadline of January 1, 2014, just 26 months from now. For this reason, I'm respectfully asking that you instruct EPA to provide adequate time for compliance with this rule.

Providing additional time for compliance with EPA's MACT and Transport rules will increase the number of electrical generating units that are upgraded with retrofit controls, increasing construction jobs and reducing the number of railroad workers that will be lost.

This nation cannot afford the loss of thousands of good-paying union rail jobs when America's unemployment rate is 9% and is not projected to decrease meaningfully even next year.

The proposed rule means hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits. If no corrective action is taken by EPA many of the job losses will occur in rural, economically-depressed areas that are already suffering from high unemployment. In many cases, the rail lines that serve these areas will be downgraded or even abandoned, hurting communities and businesses that rely on rail service.

Several studies have identified a range of estimates of the plant closures at risk. Staff of the Federal Energy Regulatory Commission suggests that as many as 81,000 megawatts of capacity could be shutdown, or one-quarter of the nation's coal generating fleet. A United Mine Worker analysis reports that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroads will be at risk.

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TY E. DRAGOO
DIRECTOR/CHAIRMAN

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I respectfully request 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. This will provide the time necessary to install controls at more than 1,000 electrical units impacted by the proposed rule. This lead time is essential to retrofit scrubbers and other controls at power plants.

Finally, we are concerned that EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. The MACT rule 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.

Thank you for your consideration of these views.

Yours truly,



Ty E. Dragoo
Kansas Legislative Director
United Transportation Union

Cc: Honorable William M. Daley, Chief of Staff
The White House

Honorable Stephen Chu, Secretary
U.S. Department of Energy

Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency

Honorable Cass R. Sunstein
Office of Information and Regulatory Affairs
Office of Management and Budget

Mr. Richard L. Trumka, President
AFL-CIO

Mr. M.B. Futhey Jr., International President
United Transportation Union

Mr. James Stem, National Legislative Director
United Transportation Union

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Illinois Legislative Board

8 S. Michigan Avenue Suite 2006 Chicago, Illinois 60603 Phone: (312) 236-5353 Fax: (312) 236-8209

September 27, 2011

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ROBERT W. GUY

State Legislative Director
Vice President, IL AFL-CIO

R.B. BLOMGREN

Assistant Legislative Director

L.R. HOLMAN

Chairman

J.D. O'BRIEN

Vice-Chairman

D.L. KORTUM

Secretary

President Barack H. Obama

The White House

1600 Pennsylvania Avenue, N.W.

Washington, DC. 20500

Re: Job losses due to EPA Electric Utility Regulations

Dear President Obama:

On behalf of the nearly 10,000 active and retired United Transportation Union members in Illinois, I would like to raise a concern regarding recent proposed EPA regulations requiring the installation of Maximum Achievable Control Technology (MACT) at electric utility plants, and the potential railroad job losses that would result. Also of concern would be the recently issued Transport Rule for reducing utility emissions of NOx and SO2.

The deadlines as proposed by the Transport Rule are burdensome and quite unrealistic. Utilities affected by the rule are presented with an enormous task to attempt to retrofit their power plants by 2012 and cannot reasonably be expected to do so. A second phase deadline of January 1, 2014, a mere 26 months from now, for plants to retrofit scrubbers is also unrealistic, and for that reason I would respectfully ask that you instruct EPA to provide adequate time for compliance with the rule.

Allowing electrical generating units additional time to retrofit controls and comply with EPA's MACT and Transport Rules will help increase construction jobs and help avoid a reduction in the number of railroad workers that could be potentially lost. With America's unemployment rate at 9%, we cannot afford to lose thousands of good-paying union rail jobs.

REPRESENTATIVES

168	J. Garcia
171	T. Dwyer
195	M. English
196	D. Belville
198	R. Farrier
234	B. Hagele
258	T. Frerichs
432	G. Crippin
445	D. Stimpson
453	L. Holman
469	T. VanWinkle
528	R. Parsons
565	R. Caldwell
577	R. Blomgren
597	M. Chapman
620	G. Ferenzi
653	R. Orseno
740	R. Barandel
768	C. Draper
979	M. Ward
1003	A. Combs
1083	S. Gerberding
1258	M. Azzi
1290	J. O'Brien
1299	W. Hardlannert
1358	M. Pesek
1402	W. Mathes
1421	D. Cicuto
1423	E. Walck
1433	T. Miller
1494	M. Marquez
1525	W. Beyer
1534	J. Ciemny
1597	J. Votteler
1883	D. Kortum
1895	R. Heuring, Jr.
1929	B. Smith
1973	T. Rodgers, Jr.



September 27, 2011

To: President Barack Obama

Page Two of Two

Under current rule proposals, hundreds of older and smaller coal-based generating units, mostly serving already economically-depressed rural areas suffering from high unemployment, may not be able to meet MACT emission limits, thus creating further job loss in the region. Closures of such facilities would also allow for the downgrading or abandonment of rail lines in the area, further hampering the communities and small businesses that rely on that rail service.

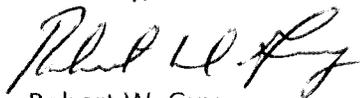
According to the Federal Energy Regulatory Commission, it has been estimated that as many as 81,000 megawatts of capacity could be shutdown. That represents one-quarter of our nation's coal generating fleet. A study by the United Mine Workers found that such capacity loss would risk 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and railroading.

I would respectfully request that you use your authority under the Clean Air Act to provide at least a two-year extension to the three-year compliance deadline for MACT. This surely would provide the valuable time needed to install controls to the more than 1,000 electrical units impacted by the proposed rule and would be essential to retrofit scrubbers and other controls at power plants.

In closing, seeing how the MACT rule is the most expensive utility rule ever proposed by EPA, and having concerns that the EPA lacks sufficient time to respond to the array of issues raised by comments on the proposed rule, we believe the agency should ask the court for additional time to develop a final rule.

Thank you for your time and attention to these important matters.

Sincerely,



Robert W. Guy

Illinois Legislative Director

United Transportation Union

cc: Honorable William M. Daley
Honorable Stephen Chu
Honorable Lisa P. Jackson
Honorable Cass R. Sunstein
Honorable Richard J. Durbin
Honorable Pat Quinn
Mr. Richard L. Trumka
Mr. M.B. Futhey Jr.
Mr. James Stem



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Citizen Information

Citizen/Originator: Galpern, Daniel

Organization: Western Environmental Law Center
Address: 1216 Lincoln Street, Eugene, OR 97401

Anderson, William

Organization: Moapa Band of Paiutes, Moapa River Indian Reservation
Address: P.O. Box 340, Moapa, NV 89025

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

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Subject: DRF - Reid Gardner Coal Plant, Pending Nevada Regional Haze SIP with BART Determination, and Environmental Justice for the Moapa Tribe

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

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA
OAR - Office of Air and Radiation -- Immediate Office
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
OITA - Office of International and Tribal Affairs

Lead Information

Lead Author: Frances Kwok

Office: R9

Due Date: Oct 19, 2011

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

Message Information

Date 09/29/2011 08:48 PM
From Daniel Galpern <galpern@westernlaw.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Reid Gardner Coal Plant, Pending Nevada Regional Haze SIP with BART Determination, and Environmental Justice for the Moapa Tribe

Message Body

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

Sept. 29, 2011

Dear Administrator Jackson,

I write on behalf of the Moapa Band of Paiutes.

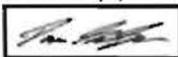
Please consider the attached letter from the Tribe's Chairman, William Anderson, regarding a decision to be made by Region 9 in the very near future.

It is critical, not only from the perspective of upholding the purposes of the Clean Air Act's regional haze program, but also on fundamental environmental justice grounds, that EPA rejects the Nevada State Implementation Plan on regional haze, and instead promulgates a Federal Implementation Plan. Only by so doing can your agency uphold the law and protect not only visibility but public health — including the health of Members of the Tribe who live in a overburdened community that is downwind and adjacent to the Reid Gardner coal fired power plant, coal ash landfill, and wastewater ponds. On the other hand, as explained in the letter, a decision to approve the Nevada SIP would constitute a regrettable and avoidable act of environmental injustice.

In addition to urging your direct intervention, or else as an aid to your decision-making, the Tribe also requests that you visit the Reservation without delay so as to learn first-hand how this facility undermines and threatens the Tribe's way of life.

Please do not hesitate to call me if I can be of any assistance in this matter.

Sincerely yours,



Dan Galpern
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The Western Environmental Law Center is a non-profit public interest law firm that works to protect and restore western wildlands and advocates for a healthy environment on behalf of communities throughout the West.



20110929 Moapa to L Jackson re BART at Reid Gardner, Nevada.pdf

OEX Processing Information

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OEX	CMS
Message Count	1



MOAPA BAND OF PAIUTES

MOAPA RIVER INDIAN RESERVATION

P.O. BOX 340

MOAPA, NEVADA 89025

TELEPHONE (702) 865-2787

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September 29, 2011

Lisa Jackson, Administrator
U.S. EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Mail Code: 1101A
Washington, DC 20460
Email: jackson.lisa@epa.gov

Re: Environmental Justice for the Moapa Tribe

Dear Administrator Jackson,

I write on behalf of the Moapa Band of Paiutes, an "overburdened community" by any definition – including that of your agency¹ – that resides in the shadow of NV Energy's Reid Gardner coal-fired power plant in Moapa, Nevada.

The Reid Gardner plant – including its coal ash landfill, and its collection of wastewater ponds – is adjacent to the Tribe, within a mile of its community center, and within a ½ mile of the closest homes of Tribal Members. The facility generates significant quantities of regional haze pollution in Nevada and imposes on Tribal members an overwhelming environmental and public health burden. The impacts of the plant on our tribe and our way of life cannot be fully understood without coming to our community and speaking with members of our tribe. We hereby invite you to come to the Reservation at your earliest convenience.

¹ EPA identifies communities facing environmental injustice as those bearing a "disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies." EPA Environment Justice Plan 2014 (Sept. 2011) at 3.

EPA Region 9 now has the opportunity to take significant action² to protect visibility in the region by rejecting the State of Nevada's inadequate State Implementation Plan (SIP) for regional haze and instead promulgating a Federal Implementation Plan (FIP) that clears the air of haze-causing particles and, as an ancillary benefit, protects public health.

On August 11, 2011, Tribal leaders hosted a consultation meeting with EPA on the Reservation. The meeting with Region 9 Administrator Blumenfeld was historic because he is the first Regional Administrator to have visited the Reservation. Administrator Blumenfeld listened intently to the concerns as expressed by Tribal Chairman William Anderson, Tribal Environmental Coordinator Darren Daboda, two other Members of the Tribe, and the Tribe's legal representative Dan Galpern. However, to date we have received no indication of how Administrator Blumenfeld will proceed, and the Administrator has declined our request for a second consultation meeting on this issue.

Accordingly, the Tribe appeals to you, Administrator Jackson, for your assistance and active engagement. As you stated in your letter opening the EPA Environment Justice Plan 2014, "every American deserves clean air, water and land in the places where they live, work, play and learn." The people of the Moapa are undoubtedly included in your scope of concern. Accordingly, for EPA to "[lead] by...working for environmental justice," it is necessary for you to ensure that Region 9 fulfills the Clean Air Act's Best Available Retrofit Technology ("BART") requirement with respect to the Reid Gardner facility.

Regrettably, Nevada's BART determination, as proposed for approval by Region 9 is grossly inadequate. It is also inferior to EPA's BART determinations for other plants. For example, while two of the three Reid Gardner boilers would be held to a NOx limit of only 0.2 lbs/mmbtu and a third limited to an even less stringent standard of 0.28 lbs/mmbtu under Region 9's proposal, Region 6's BART determination for the San Juan Generating Stations imposes a 0.05 lbs/mmbtu NOx limit. Thus, under the proposed standards, the Reid Gardner facility would be allowed to emit ozone-causing pollution at a rate at least four times that of San Juan. As your Agency acknowledges,³ breathing ozone can reduce lung function, inflame the lining of the lungs, and permanently scar lung tissue. Accordingly, the disparity, if it stands, will not only limit visibility in the region, but will also allow higher health risks to the Moapa people and the people of Southern Nevada.

In sum, if Region 9 does not turn back and demand a different course, then it will sanction inadequate controls on Reid Gardner that are not BART, that fail to protect visibility in regional Class I airsheds, and that fail to protect the Tribe. These failures will cause a new environmental injustice, one that compounds the damage of decades of preventable pollution imposed on the Moapa. Alternatively, you can choose to act firmly to put our region on track to meet visibility goals with the notable co-benefits of protecting public health and honoring long-standing environmental justice commitments.

² 76 FR 36450

³ <http://www.epa.gov/glo/health.html>

Accordingly, we urge you take strong action now. Please intervene in this matter immediately to ensure that EPA rejects Nevada's SIP and promulgates a FIP that upholds the law, protects the environment, and protects our people.

Thank you for your consideration. We look forward to hearing from you soon. Should you have any question, please do not hesitate to contact our attorney, Dan Galpern, at 541-359-3243, or galpern@westernlaw.org.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William Anderson', with a long horizontal flourish extending to the right.

William Anderson, Chairman
Moapa Band of Paiutes



Correspondence Management System

Control Number: AX-11-001-6511

Printing Date: October 05, 2011 09:59:40



Citizen Information

Citizen/Originator: Talbot, Jacob W.

Organization: American Council for an Energy-Efficient Economy
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Sachs, Harvey M.

Organization: American Council for an Energy-Efficient Economy
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Kennedy, Kit

Organization: Natural Resources Defense Council
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Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

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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 - Corrected: ACEEE & NRDC Comments re: "Dry-shipped" R-22 Residential Condensing Units		
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 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
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Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A



September 29, 2011

The Honorable Lisa P. Jackson
Office of the Administrator
Ariel Rios Building
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

re: "Dry-shipped" R-22 Residential Condensing Units

Dear Administrator Jackson:

We write to support air-conditioning industry groups, including many manufacturers and the distributors, urging you to close the loophole in current rules that is allowing repair of enormous numbers of obsolete and inefficient residential air conditioners that should instead be replaced with newer, more efficient equipment meeting current energy standards. The result is that even though consumers save money on the immediate repair, they *lose money over the long haul* due to higher electric bills. In our opinion, this violates the intent of your refrigerant regulations under the Montreal Treaty and the Clean Air Act, and the Department of Energy's regulations under NAECA.

Background

The American Council for an Energy-Efficient Economy (ACEEE) is a nonprofit organization dedicated to advancing energy efficiency as a means of promoting both economic prosperity and environmental protection. ACEEE fulfills its mission by conducting in-depth technical and policy assessments; advising policymakers and program managers; working collaboratively with businesses, public interest groups, and other organizations; publishing books, conference proceedings, and reports; organizing conferences and workshops; and educating consumers and businesses.

ACEEE was involved in the legislation establishing federal efficiency standards, and has been active in all rulemakings since then. We also have participated in analyses of EnergyStar proposals and reviews from the beginning, and continue to work with your excellent staff in this area. ACEEE has long been interested in protecting the earth's atmosphere through policies that recognize both direct effects of refrigerant releases and key indirect effects. In particular, robust analyses show that repairing and extending the life of less-efficient HVAC, instead of replacing them with models meeting current DOE energy-efficiency standards, raises life cycle costs in almost every case.

We have a record of involvement in these issues. For example:

- ACEEE work with industry leaders facilitated resolution of the "chiller [rating] wars" at ASHRAE in the last decade. Although nominally about part-load and peak-load efficiency, these issues correlated strongly with disagreements about classes of HCFC and other refrigerants.
- ACEEE and Emerson Climate Systems (Copeland Compressors, the market leader) worked together to study policy implications of the generation of low GHG refrigerants that will be required in a post 410A world.

- ACEEE has worked with AHRI to develop pending legislation to stimulate replacement of the remaining fleet of approximately 30,000 obsolete, leaky, CFC chillers. In aggregate, these are estimated to contain 37 million pounds of CFCs which equates to 64 million tonnes of CO₂e, long after we all hoped the phase-out would be complete.

NRDC is the nation's most effective environmental action organization. We use law, science and the support of 1.3 million members and online activists to protect the planet's wildlife and wild places and to ensure a safe and healthy environment for all living things.

Current rules under the Clean Air Act prohibit the production or import of new air conditioning systems using R-22, a hydrochlorofluorocarbon (HCFC) being phased out under the Montreal Protocol and Title VI of the Act. The current rules contain a loophole, however, that is allowing equipment manufacturers to make and sell condensing units for retrofit into broken existing R-22-using equipment, so long as those units are shipped without R-22 in them ("dry-ship units"). The repaired unit is then refilled with R-22 onsite by the service technician.

Based on published data and our discussions with a variety of industry sources, we conclude that the shipments of dry-ship R-22 units will account for at least ¼ of all residential air conditioner installations this year, with the percentage for some manufacturers substantially higher. This corresponds to roughly one to two million units per year. This is huge, with real implications for the earth, our economy, and the credibility of the government. This letter lays out the arguments and recommends closing the dry-ship R-22 exemption as quickly as possible, to limit present and future damage.

Regulatory Context

After a period of uncertainty and litigation, the United States minimum efficiency standard for conventional residential central air conditioners moved from SEER 10 to SEER 13 in January, 2006. Facing a mandatory conversion from HCFC to HFC refrigerants in 2009, manufacturers invested enormous sums in new designs and the facilities and machinery to produce complying products. According to press reports, one firm alone invested \$250 million in this effort. These investments were driven by good-faith efforts to comply with the law and compete effectively in a very tough industry.

Today, these manufacturers are being harmed by an EPA regulatory stance that allows huge numbers of sales of inefficient replacement condensers for repair of broken existing units that use the obsolete HCFC refrigerant, R-22. This loophole results from your agency's treatment of the condensing unit as just a repair part. It's not: it represents three quarters of the value of the system, and the heart of its performance. The value calculation is based on DOE's "tear-down analysis" in its Technical Support Documents.

What is a Residential Central Air Conditioner?

"Split systems" are by far the most common residential central air conditioning systems in the United States. From the perspective of the contractor, these comprise three sections:

- The furnace, which provides essential air handling capabilities (fan, linkages to ductwork). It may be replaced with in combination with the air conditioner, but it is logically separate, and regulated as a separate appliance by DOE.
- The "evaporator," which cools and dehumidifies house air. This is joined to the air handler, downstream of the furnace section if there is one. Refrigerant boils in the evaporator, absorbing heat from the air passing through it. It also includes a "metering device" that controls the flow of high-pressure liquid refrigerant to the heat exchanger. In general, SEER 13 A/C systems use a

different kind of metering valve than their SEER 10 precursors, and this difference matters for delivered efficiency. Roughly speaking, the evaporator comprises no more than ¼ of the air conditioner cost – and much less if the air handler/furnace system is included.

- The “condensing unit” or “outdoor unit.” This is a complex assembly that includes the compressor (the most expensive single component) and accounts for 73% of the manufactured cost of the product.¹ Components include the compressor, the condensing heat exchanger (“condenser”), the condenser fan and motor, and various controls.

This explanation is important because EPA’s exemption for R-22 “dry-ship” condensing units allows the functional replacement of the majority of the system’s value. We believe that the “condensing unit” should be considered a system replacement, rather than a repair part such as a fan motor or even a compressor. As such, it should be covered by the existing prohibition on manufacturing R-22 equipment.

The problem is that this loophole is very attractive to some residential contractors:

- Installing a R-22 unit allows continued use of the existing evaporator, which will almost always be too small to achieve SEER 13 performance. In addition, the older units use short capillary tubes to meter refrigerant to the evaporator, instead of the feedback “thermostatic control valves” of almost all SEER 13 equipment. Contractors are comfortable with short-cut refrigerant charging methods that work with the former but may not with the latter.
- The business case for selling a dry-shipped R-22 unit is really attractive: It is a bigger job than just replacing a failed compressor or repair/replacement of a condenser coil, so it is more profitable. At the same time, it is much less expensive than replacing the whole system, because of the cost of buying and installing the evaporator, and purging or replacing the refrigerant lines. With today’s financial pressures on contractors and customers alike, it too often looks like the “sweet spot” for a sale.

Impact on Energy Consumption

However, installing the R-22 condensing unit with an older, low-efficiency evaporator must lead to low performance, as well as another decade of slow leaks of R-22 to damage the atmosphere directly by depleting the ozone layer and contributing to global warming:

- DOE allows these units to be rated with evaporators that would have been specified for lower efficiency units, assuming equipment that would have been rated at SEER 12. However, the failed units are most likely to have been SEER 10, which dominates the stock, particularly the older units that are most likely to have failed. The distributors’ organization, HARDI, cites two studies documenting that the expected mismatch of coil to condensing unit will lead to at least 37% reductions in efficiency, and at least 39% in capacity.² Together, these shortfalls mean that the air conditioner will run much longer, and use much more electricity for the same output. These effects will continue for the life of the mismatched product, which is likely to be the 10-15 year expected life of the replacement condensing unit.
- As noted above, the non-feedback refrigerant devices that are pervasive with old evaporators affect performance. In particular, they are expected to starve the evaporator of refrigerant under

¹ TECHNICAL SUPPORT DOCUMENT: ENERGY EFFICIENCY PROGRAM FOR CONSUMER PRODUCTS: Residential Central Air Conditioners, Heat Pumps, and Furnaces, Chapter 5 (Engineering Analysis), Table 5.13.2 (SEER 13 case). We exclude the blower assembly in this section.

² Letter from Talbot Gee, HARDI, to Ms. Ashley Armstrong, DOE, November 22, 2010.

peak load conditions, contributing to performance degradation (both capacity and efficiency) just when utilities are straining to meet loads. Modern equipment with adaptive metering devices does a much better job under these conditions. We guess the effect at 10% or more at peak conditions. This matters: Residential AC loads are about a third of the system peak load in California, for example.

Thus, allowing the sale and installation of dry-ship R-22 condensing units locks in much lower efficiency, much higher power plant emissions, and additional leaks of HCFC refrigerants.

Collateral Damage

Of course, our conjectures assume that the dry-ship R-22 unit actually gives the expected service life. Giving credit to the manufacturers for efficiency in design, we suspect that the old evaporator itself will be the weak link with a new condensing system, and that many of these will fail (for example, from formicary corrosion). This will lead to replacement of the coil (and the refrigerant charge), further extending the service life of this obsolete equipment, and continuing the risk of R-22 leaks instead of the less harmful R-410A leaks from modern equipment.

Less obvious is the damage to the credibility of the government in regulatory affairs, credibility that has been the subject of far too much political criticism recently. The process of adopting the SEER 13 minimum energy efficiency took about a decade. From the industry's perspective, there was a lot of "flip-flop" with the late adoption of the regulation by the Clinton administration, its immediate "rollback" by the Bush administration, and subsequent messy litigation. The fight ended only about 18 months before the SEER 13 rule took effect. This gave manufacturers an enormous challenge to design products and manufacturing processes, certify the products, get them on the market, and ready the marketing and training materials needed for the product launches. It took huge investments. In our opinion, the "dry ship" R-22 rule that allows complete, low-performance and obsolete designs to be foisted on the public undercuts the business plans and investments made in good faith by industry.

The ripples extend outward: every contractor who tries to sell quality products and do an ANSI Quality Installation – with the potential to save perhaps another 20% of AC electricity use – now has to compete with low-ball outfits that can legally undercut him with an inferior product with a shorter expected life. In our opinion, the failure of EPA and DOE to prevent this situation is the kind of factor that contributes to the continuing loss of confidence by businesses and citizens that the government can establish a level playing field and protect the environment.

Recommendations.

ACEEE and NRDC have reviewed the August 15 letter from five manufacturers,³ Carrier's petition of February 3, 2011,⁴ HARDI's letter to DOE, dated November 22, 2010, and other materials. Over the decades, ACEEE has often opposed industry positions, particularly on the stringency of proposed minimum efficiency standards. We are proud also to have forged agreements with manufacturers in several industries, and that these agreements have been implemented to save energy and avoid power plant pollution.

In this situation, we agree with AHRI, HARDI, and several leading manufacturers that the sales and installation of "Dry-ship" R-22 units must stop. It must be halted to support our environmental protection

³ Carrier, Daikin/McQuay, Ingersoll Rand/Trane, Johnson Controls, Inc., and Lennox International.

⁴ Submitted by Crowell & Moring, counsel

goals, assure that the nation achieves the goals of the SEER 13 minimum efficiency standard adopted by DOE, and to begin to assure industry that they can depend on the federal government's rulemakings to keep the playing field level, a necessary condition for investing in products that may cost more, but have much lower life cycle costs and serve consumers much better.

Thank you for your consideration.



Harvey M. Sachs, Ph.D.
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American Council for an Energy-Efficient Economy
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Kit Kennedy
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Cc: Honorable Gina McCarthy
Henry Kelly, Acting Assistant Secretary for the Office of Energy Efficiency and Renewable Energy, DOE



Correspondence Management System

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Citizen Information

Citizen/Originator: Callaway, Casi

Organization: Mobile Baykeeper

Address: 450-C Government Street, Mobile, AL 36602

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

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Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OW - Office of Water -- Immediate Office

R4 - Region 4 -- 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) (6) Personal Privacy	OEX	GCERTF	Oct 4, 2011

History

Action By	Office	Action	Date
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