

01268-EPA-2010

**Robert
Goulding/DC/USEPA/US**
02/20/2009 07:59 PM

To Richard Windsor
cc Craig Hooks, Eric Wachter, David McIntosh, Lisa Heinzerling,
Scott Fulton
bcc

Subject Monday, February 23, 2009 Schedule for Lisa P. Jackson

Hi Administrator -

Please note your revised schedule for Monday, including a Presidential meeting with environment/energy agencies at the Roosevelt Room from 2-2:45. I have noted that Scott can lead the Senior Staff meeting (and he's agreed, if you are ok with it) and Craig can possibly lead the union follow up until you are available. I have also copied Dave McIntosh and Lisa Heinzerling for any possible short and concise information they may want to share for the meeting. I will know if it is principals + 1 soon or just solo. I am happy to re-arrange anything else as needed.

Robert Goulding
Director of Operations
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20004
(p) 202-564-4700
(f) 202-501-1450

*Please consider the environment before printing this e-mail
----- Forwarded by Robert Goulding/DC/USEPA/US on 02/20/2009 07:56 PM -----
*** do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule
Monday, February 23, 2009**

08:02 AM - 10:25 AM	Trenton Station	79 Amtrak Regional
10:30 AM - 10:45 AM	Union Station	Depart for Ariel Rios
11:00 AM - 11:45 AM	The Bullet Room	Briefing to discuss Air Monitoring and the USA Today Air Toxics Special Report Ct: Shela Poke-Williams 564-1850 Kushner/McGartland/Cristofaro/Davis/Banister/Johnson/B.Craig/Axelrad/Sussman/McCabe/Mackay/Rice/Guinnup/McIntosh/Zinger/Cotsworth/Clark/J.Craig/Nooan/Jones/Millett/Lewis/Frank/Sargeant/Mitchell/Teichman/Starfield/Kadeli/Heinzerling/Wise/Wegman/Oge/Pirzadeh/Hill/Wayland/Brenner/Lee/McCully/Page/Hanley/ *RTP will attend by phone (audio hookup)
11:45 AM - 12:15 PM	Your Office	Bob Watts

contact: Bob Watts, (b) (6) Personal Privacy

12:15 PM - 12:30 PM Ariel Rios Depart for DOE

12:30 PM - 01:30 PM DOE, 1000 Independence Ave., SW Climate and Energy Lunch
Ct: Lyndsey (b) (6) Personal Privacy
VIP Desk on left - Staff to greet.

01:30 PM - 01:45 PM DOE Depart for Ariel Rios

02:00 PM - 02:45 PM Roosevelt Room, WH Presidential Meeting w/ energy and environmental agencies
Ken L. Salazar, Secretary of the Interior
Tom J. Vilsack, Secretary of Agriculture
Shaun Donovan, Secretary of Housing and Urban Development
Ray H. LaHood, Secretary of Transportation
Steven Chu, Secretary of Energy
Lisa P. Jackson, Administrator, Environmental Protection Agency
John P. Holdren, Assistant to the President for Science and Technology,
Director of the White House Office of Science and Technology Policy

Nancy H. Sutley, Chair, White House Council on Environmental Quality

02:45 PM - 03:15 PM The Administrator's Office Craig Hooks to Handle: Briefing to discuss Follow-ups from Union Meeting
Ct: Dennis Franklin 564-0333
Hooks/Hazen/Lemley/Davis

03:30 PM - 04:15 PM Your Office Meeting with Dave McCurdy
Ct: Dave McCurdy (b) (6) Personal Privacy

04:30 PM - 04:45 PM The Administrator's Office Call with Mike Shapiro
Ct: Lori Keyton 564-5768
Mike Shapiro will dial the Administrator at 564-4700

05:00 PM - 05:30 PM The Administrator's Office Meet with Katherine Miller
Ct: Katherine Miller (b) (6) Personal Privacy

06:10 PM - 06:30 PM Ariel Rios Depart for Georgetown University Law Center

06:30 PM - 07:00 PM Gtown Univ Law Center
12th Floor, Gewirz Student Center- 120 F St, N.W. Speech at Opening Reception of the Georgetown State-Federal Climate Resource Center.
Lead Advance: Megan Cryan (b) (6) Personal Privacy
Staff: Lisa Heinzerling (b) (6) Personal Privacy

Security Lead: (b) (6) Personal Privacy (b) (6) Personal Privacy

Site Contact: Vicki Arroyo (b) (6) Personal Privacy

01268-EPA-2011

David
McIntosh/DC/USEPA/US
02/20/2009 08:25 PM

To Robert Goulding, Richard Windsor
cc Craig Hooks, Eric Wachter, Lisa Heinzerling, Scott Fulton
bcc

Subject Re: Monday, February 23, 2009 Schedule for Lisa P. Jackson

(b) (5) Deliberative

Robert Goulding

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

From: Robert Goulding
Sent: 02/20/2009 07:59 PM EST
To: Richard Windsor
Cc: Craig Hooks; Eric Wachter; David McIntosh; Lisa Heinzerling; Scott

Fulton

Subject: Monday, February 23, 2009 Schedule for Lisa P. Jackson

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Craig/Axelrad/Sussman/McCabe/Mackay/Rice/Guinnup/McIntosh/Zinger/Cotsworth/Clark/J.Craig/Noonan/Jones/Millett/Lewis/Frank/Sargeant/Mitchell/Teichman/Starfield/Kadeli/Heinzerling/Wise/Wegman/Ogener/Lee/McCully/Page/Hanley/
*RTP will attend by phone (audio hookup)

11:45 AM - 12:15 PM	Your Office	Bob Watts contact: Bob Watts, (b) (6) Personal Privacy
12:15 PM - 12:30 PM	Ariel Rios	Depart for DOE
12:30 PM - 01:30 PM	DOE, 1000 Independence Ave., SW	Climate and Energy Lunch Ct: Lyndsey (b) (6) Personal Privacy VIP Desk on left - Staff to greet.
01:30 PM - 01:45 PM	DOE	Depart for Ariel Rios
02:00 PM - 02:45 PM	Roosevelt Room, WH	Presidential Meeting w/ energy and environmental agencies Ken L. Salazar, Secretary of the Interior Tom J. Vilsack, Secretary of Agriculture Shaun Donovan, Secretary of Housing and Urban Development Ray H. LaHood, Secretary of Transportation Steven Chu, Secretary of Energy Lisa P. Jackson, Administrator, Environmental Protection Agency John P. Holdren, Assistant to the President for Science and Technology, Director of the White House Office of Science and Technology Policy Nancy H. Sutley, Chair, White House Council on Environmental Quality
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04:30 PM - 04:45 PM	The Administrator's Office	Call with Mike Shapiro Ct: Lori Keyton 564-5768 Mike Shapiro will dial the Administrator at 564-4700
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Depart for Georgetown University Law Center

06:30 PM - 07:00 PM
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12th Floor,
Gewirz Student Center- 120 F St,
N.W.

Speech at Opening Reception of the Georgetown State-Federal Climate Resource Center.

Lead Advance: Megan Cryan (b) (6) Personal Privacy

Staff: Lisa Heinzerling (b) (6) Personal Privacy

Security Lead: (b) (6) Personal Privacy (b) (6) Personal Privacy

Site Contact: Vicki Arroyo (b) (6) Personal Privacy

*** 02/20/2009 07:56:16 PM ***

01268-EPA-2012

Richard Windsor/DC/USEPA/US
02/20/2009 09:10 PM

To David McIntosh, Robert Goulding
cc Craig Hooks, Eric Wachter, Lisa Heinzerling, Scott Fulton
bcc
Subject Re: Monday, February 23, 2009 Schedule for Lisa P. Jackson

(b) (5) Deliberative

Lisa
David McIntosh

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

From: David McIntosh
Sent: 02/20/2009 08:25 PM EST
To: Robert Goulding; Richard Windsor
Cc: Craig Hooks; Eric Wachter; Lisa Heinzerling; Scott Fulton
Subject: Re: Monday, February 23, 2009 Schedule for Lisa P. Jackson

(b) (5) Deliberative

Robert Goulding

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

From: Robert Goulding
Sent: 02/20/2009 07:59 PM EST
To: Richard Windsor
Cc: Craig Hooks; Eric Wachter; David McIntosh; Lisa Heinzerling; Scott Fulton
Subject: Monday, February 23, 2009 Schedule for Lisa P. Jackson

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Ct: Dave McCurdy (b) (6) Personal Privacy

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Office

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Ct: Lori Keyton 564-5768

Mike Shapiro will dial the Administrator at 564-4700

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Ct: Katherine Miller (b) (6) Personal Privacy

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Center
12th Floor,
Gewirz Student
Center- 120 F St,
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Speech at Opening Reception of the Georgetown
State-Federal Climate Resource Center.

Lead Advance: Megan Cryan (b) (6) Personal Privacy

Staff: Lisa Heinzerling (b) (6) Personal Privacy

Security Lead: (b) (6) Personal Privacy (b) (6) Personal Privacy

Site Contact: Vicki Arroyo (b) (6) Personal Privacy

*** 02/20/2009 07:56:16 PM ***

01268-EPA-2020

**Lisa
Heinzerling/DC/USEPA/US**
02/22/2009 06:54 PM

To Richard Windsor, "David McIntosh", "Lisa Heinzerling", "Bob
Sussman"
cc "Allyn Brooks-Lasure"
bcc

Subject Re: 2nd UPDATE:US Climate Czar: CO2 Regulation Ruling
To Come Soon

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 02/22/2009 06:20 PM EST
To: "David McIntosh" <mcintosh.david@epa.gov>; "Lisa Heinzerling"
<heinzerling.lisa@epa.gov>; "Bob Sussman" <sussman.bob@epa.gov>
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Subject: 2nd UPDATE:US Climate Czar: CO2 Regulation Ruling To Come Soon

(b) (5) Deliberative

http://money.cnn.com/news/newsfeeds/articles/djf500/200902221138DOWJONESDJONLINE000312_FORTUNE5.htm

01268-EPA-2027

Bob Sussman/DC/USEPA/US
02/23/2009 10:15 AM

To Richard Windsor
cc David McIntosh, Lisa Heinzerling, Scott Fulton
bcc

Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor

(b) (5) Deliberative

02/23/2009 10:08:00 AM

Richard Windsor/DC/USEPA/US
02/23/2009 10:09 AM

To Bob Sussman/DC/USEPA/US@EPA
cc David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

Lisa
Bob Sussman

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

From: Bob Sussman
Sent: 02/22/2009 03:09 PM EST
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling
Subject: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thoughts?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2028

Richard Windsor/DC/USEPA/US
02/23/2009 10:19 AM

To Bob Sussman
cc David McIntosh, Lisa Heinzerling, Scott Fulton
bcc

Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 02/23/2009 10:15 AM EST
To: Richard Windsor
Cc: David McIntosh; Lisa Heinzerling; Scott Fulton
Subject: Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 02/23/2009 10:08:00 AM

Richard Windsor/DC/USEPA/US
02/23/2009 10:09 AM
To Bob Sussman/DC/USEPA/US@EPA
cc David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Subject Re: Energy STAR Dispute Between EPA and DOE 📎

(b) (5) Deliberative

(b) (5) Deliberative

Lisa
Bob Sussman

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

From: Bob Sussman
Sent: 02/22/2009 03:09 PM EST
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling
Subject: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thoughts?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2029

Bob Sussman/DC/USEPA/US
02/23/2009 10:26 AM

To Richard Windsor
cc David McIntosh, Lisa Heinzerling, Scott Fulton
bcc

Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 02/23/2009 10:18:34 AM

Richard Windsor/DC/USEPA/US
02/23/2009 10:19 AM

To Bob Sussman/DC/USEPA/US@EPA
cc David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 02/23/2009 10:15 AM EST
To: Richard Windsor
Cc: David McIntosh; Lisa Heinzerling; Scott Fulton
Subject: Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 02/23/2009 10:08:00 AM

Richard Windsor/DC/USEPA/US
02/23/2009 10:09 AM

To Bob Sussman/DC/USEPA/US@EPA
cc David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

Lisa
Bob Sussman

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

From: Bob Sussman
Sent: 02/22/2009 03:09 PM EST
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling
Subject: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thoughts?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2030

Richard Windsor/DC/USEPA/US
02/23/2009 10:34 AM

To Bob Sussman
cc David McIntosh, Lisa Heinzerling, Scott Fulton
bcc

Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 02/23/2009 10:26 AM EST
To: Richard Windsor
Cc: David McIntosh; Lisa Heinzerling; Scott Fulton
Subject: (b) (5) Deliberative

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 02/23/2009 10:18:34 AM

Richard Windsor/DC/USEPA/US
02/23/2009 10:19 AM

To Bob Sussman/DC/USEPA/US@EPA
cc David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Subject Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative
Bob Sussman

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From: Bob Sussman
Sent: 02/23/2009 10:15 AM EST
To: Richard Windsor
Cc: David McIntosh; Lisa Heinzerling; Scott Fulton
Subject: Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator

Office of the Administrator
US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative 02/23/2009 10:08:00 AM

Richard Windsor/DC/USEPA/US
02/23/2009 10:09 AM

To: Bob Sussman/DC/USEPA/US@EPA
cc: David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Subject: Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

Lisa
Bob Sussman

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

From: Bob Sussman
Sent: 02/22/2009 03:09 PM EST
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling
Subject: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

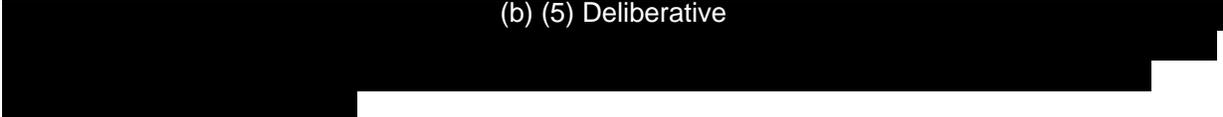
[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

A large rectangular area of the document is completely redacted with black ink, covering approximately the top third of the page.

Thoughts?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2031

David McIntosh/DC/USEPA/US
02/23/2009 10:42 AM

To Richard Windsor
cc Bob Sussman, Lisa Heinzerling, Scott Fulton
bcc

Subject Re: Energy STAR Dispute Between EPA and DOE

Done.

Richard Windsor (b) (5) Deliberative 02/23/2009 10:33:02 AM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 02/23/2009 10:33 AM
Subject: (b) (5) Deliberative

(b) (5) Deliberative ?

Bob Sussman

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

From: Bob Sussman
Sent: 02/23/2009 10:26 AM EST
To: Richard Windsor
Cc: David McIntosh; Lisa Heinzerling; Scott Fulton
Subject: Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

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Richard Windsor/DC/USEPA/US
02/23/2009 10:19 AM

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cc David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
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Bob Sussman

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From: Bob Sussman
Sent: 02/23/2009 10:15 AM EST

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Subject: Re: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

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Richard Windsor/DC/USEPA/US
02/23/2009 10:09 AM

To: Bob Sussman/DC/USEPA/US@EPA
cc: David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Subject: Re: Energy STAR Dispute Between EPA and DOE

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Lisa
Bob Sussman

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From: Bob Sussman
Sent: 02/22/2009 03:09 PM EST
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling
Subject: Energy STAR Dispute Between EPA and DOE

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative



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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2033

Bob Sussman/DC/USEPA/US
02/23/2009 02:04 PM

To Richard Windsor, Allyn Brooks-LaSure
cc
bcc

Subject Fw: Coal Ash report from Center for Public Integrity

(b) (5) Deliberative
[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 02/23/2009 02:01 PM -----

Barry Breen/DC/USEPA/US
02/23/2009 12:47 PM

To Bob Sussman/DC/USEPA/US@EPA
cc

Subject Coal Ash report from Center for Public Integrity

Dear Bob,

(b) (5) Deliberative
[Redacted]

[Redacted]

Barry

----- Forwarded by Barry Breen/DC/USEPA/US on 02/23/2009 12:42 PM -----

From: George Hull/DC/USEPA/US
To: Barry Breen/DC/USEPA/US@EPA, Renee Wynn/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Maria Vickers/DC/USEPA/US@EPA
Cc: Marsha Minter/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA, Eilyn Fine/DC/USEPA/US@EPA, Jeff Maurer/DC/USEPA/US@EPA, Colleen Keltz/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA
Date: 02/23/2009 10:56 AM
Subject: Center for Public Integrity

Here is a link to the Center for Public Integrity's recent report on coal ash:
<http://www.publicintegrity.org/articles/entry/1144/>

George Hull
Office of Solid Waste and Emergency Response
U.S. EPA
Tel. 202-566-2604

01268-EPA-2039

Bob Sussman/DC/USEPA/US

02/24/2009 10:27 AM

To Richard Windsor, Allyn Brooks-Lasure, Craig Hooks, Scott Fulton, Robert Goulding, David McIntosh, Lisa Heinzerling, Eric Wachter

cc

bcc

Subject FY 2009 Budget

Wanted to make sure everyone saw this. There are several binding and non-binding instructions to EPA in the draft report on a range of issues, including the Cal waiver, TRI etc.

House Hands EPA Modest Increase In FY09, With Climate A Key Priority

House Democrats are proposing a modest boost to EPA's budget for fiscal year 2009 while barring some contentious Bush EPA rules and issuing a series of potentially significant recommendations on climate, energy and other key issues in report language accompanying a bill that appears poised for House consideration later this week.

House Appropriations Committee Chairman Dave Obey (D-WI) Feb. 23 unveiled a [\\$410 billion omnibus bill](#) to fund the government through the end of FY09, \$7.6 billion of which is reserved for EPA.

The House Rules Committee plans to meet Feb. 24 to formulate a rule on the omnibus legislation, suggesting lawmakers in the lower chamber intend to move swiftly on the funding bill ahead of President Obama's FY10 proposal. Obama will discuss the budget and other key issues in a slated Feb. 24 speech to Congress.

A continuing resolution funding the government at FY08 levels will expire March 30, and the Senate would take up the omnibus legislation whenever the House approves it.

The House bill largely ignores former President Bush's FY09 proposal that would have cut funding for the clean water state revolving loan fund (SRF) and state and local air grants while proposing an overall increase to EPA's science and technology budget of some \$3.4 million over the FY08 budget Congress enacted.

General provisions of the bill would prohibit funds from implementing a Bush EPA rule that raised the threshold for reporting chemical releases to EPA's Toxic Release Inventory from 500 pounds to 2,000 pounds and set a first-time threshold of 500 pounds for reporting persistent bioaccumulative toxins. The bill would require EPA to revert to its former reporting thresholds -- something activists have been urging the Obama EPA to do.

Separate language would also force EPA to make a decision by June 30 on whether to approve California's request for a Clean Air Act waiver that would allow the state to issue first-time greenhouse gas standards for automobiles. EPA Administrator Lisa Jackson

recently announced that the agency will reconsider the Bush administration's denial of the waiver.

The general provisions also include language that would bar EPA from implementing the Bush administration's Jan. 3, 2007, proposal scrapping the agency's "once in, always in" policy. The proposal would allow facilities to downgrade from "major" to "area" sources of hazardous air pollutants which are subject to less stringent pollution reduction requirements.

And the [non-binding report statement](#) accompanying the bill also provides significant details, as it outlines a host of policy priorities for the Obama administration -- including funding for new climate initiatives and amending several EPA decisions on a range of issues, such as the agency's failure to set a drinking water standard for perchlorate.

Obey's bill would fund the clean water SRF at \$689 million, the same as in FY08 and \$134 million above Bush's proposed level of \$555 million. The bill would also fund the agency's drinking water SRF at its FY08 level of \$829 million, while Bush proposed a \$13 million increase for the account. In addition, the bill dedicates hundreds of millions of dollars to earmarks for more than 300 water and wastewater projects.

Separately, state and local air grants would receive \$224 million under Obey's proposal compared to the FY08 level of \$217 million, and the Superfund program would grow from roughly \$1.25 billion in FY08 to roughly \$1.28 billion in FY09.

Appropriators in both the report language and bill text identify climate change as a major policy issue. For example, bill text and report language direct EPA to use \$6.5 million to develop and publish a final rule no later than June 26 to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy. EPA Feb. 11 sent the registry proposal to the White House Office of Management and Budget for final review just days after a group of Democratic senators urged the administration to release the proposal this month in order to ensure reporting begins in 2010.

Meanwhile, non-binding report language recommends that EPA devote \$10 million for the Office of Air & Radiation to initiate a new competitive grant program to help local communities establish and implement climate change initiatives. The report also urges EPA to develop, in consultation with the Department of Energy's National Renewable Energy Laboratory, a comprehensive lifecycle analysis -- including a carbon profile -- for specification grade recycled scrap commodities used by manufacturers that produce both virgin and recycled materials for use as feedstock, as well as manufacturers that use recycled material as feedstock.

Toxics and chemical issues also draw attention from appropriators. In the bill language, lawmakers amend federal law to allow the agency to hire -- and pay competitive wages to -- an additional 25 "world-class" scientists to work in EPA's research office. The language enables EPA's research office to "attract and retain internationally-known scientific experts who world-class scientists, engineers and leaders within their specialized fields" by offering

salaries competitive with industry and academia, according to EPA's Web site. Recent recipients include two scientists now working at EPA's computational toxicology center, which is working to develop computer models to quickly assess chemical risks.

But lawmakers also raised concerns about the slow pace of EPA risk assessments. In the non-binding report language, lawmakers urge EPA to “aggressively pursue” completion of pending Integrated Risk Assessment System (IRIS) assessments and report on steps the agency will take to revise the IRIS process in line with recommendations to change the process detailed in a 2008 Government Accountability Office report.

The report also says that House and Senate appropriators “remain deeply concerned” about delays with EPA's work assessing the impact of endocrine disrupting chemicals on the environment and public health. The statement directs the agency to address the issue as a “first priority” and to submit to the panels within six months of the bill's enactment a plan to address the delays in the agency's endocrine disruptor screening program.

The report says that the House and Senate appropriations panel are concerned about the Bush EPA's preliminary decision not to issue Safe Drinking Water Act regulations for perchlorate, urging the agency to reconsider its position and quickly issue a rule to establish a maximum contaminant level for perchlorate. The language encourages EPA to consult with its Science Advisory Board and states that have established such levels “in order to develop a safe national standards for all populations.”

Appropriators also express their opposition to the Bush EPA's rule aimed at encouraging state regulatory agencies to charge fees for clean water permits. Lawmakers in both chambers “do not support” the rule that creates an incentive pool of funds for states that charge national permit discharge and elimination system fees, and the report language says the omnibus bill provides not money to fund the change. Several state attorneys general recently filed suit in federal court seeking to overturn the rule. -- *Anthony Lacey*

2232009_modest

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2040

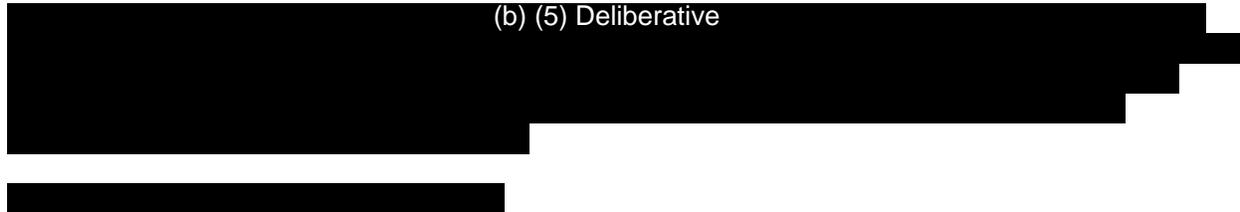
**Lisa
Heinzerling/DC/USEPA/US**
02/25/2009 11:50 AM

To Richard Windsor
cc
bcc

Subject point to emphasize re: call with Todd Stern

Hi Lisa --

(b) (5) Deliberative



Lisa

01268-EPA-2041

**Lisa
Heinzerling/DC/USEPA/US**
02/26/2009 10:25 AM

To "Richard Windsor"
cc "David McIntosh"
bcc
Subject Schedule

(b) (5) Deliberative



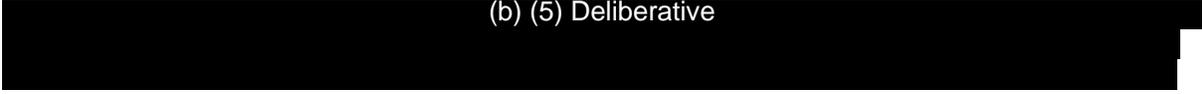
01268-EPA-2042

**Lisa
Heinzerling/DC/USEPA/US**
02/26/2009 10:40 AM

To "Richard Windsor"
cc "David McIntosh"
bcc

Subject Timing on final endt

(b) (5) Deliberative



01268-EPA-2043

Richard Windsor/DC/USEPA/US
02/26/2009 10:49 AM

To Lisa Heinzerling
cc
bcc
Subject Re: Schedule

[REDACTED] (b) (5) Deliberative
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/26/2009 10:25 AM EST
To: Richard Windsor
Cc: David McIntosh
Subject: Schedule

[REDACTED] (b) (5) Deliberative
[REDACTED]

01268-EPA-2044

Richard Windsor/DC/USEPA/US
02/26/2009 10:51 AM

To Lisa Heinzerling
cc David McIntosh
bcc
Subject Re: Schedule

David,

[REDACTED] (b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/26/2009 10:25 AM EST
To: Richard Windsor
Cc: David McIntosh
Subject: Schedule

[REDACTED] (b) (5) Deliberative

01268-EPA-2045

**Lisa
Heinzerling/DC/USEPA/US**
02/26/2009 10:53 AM

To Richard Windsor
cc
bcc
Subject Re: Schedule

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 02/26/2009 10:49 AM EST
To: Lisa Heinzerling
Subject: Re: Schedule

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/26/2009 10:25 AM EST
To: Richard Windsor
Cc: David McIntosh
Subject: Schedule

(b) (5) Deliberative

01268-EPA-2046

Richard Windsor/DC/USEPA/US
02/26/2009 10:57 AM

To Lisa Heinzerling
cc "David McIntosh"
bcc

Subject Re: Schedule

Yes - I realized that right after I asked the question. Tx.
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/26/2009 10:53 AM EST
To: Richard Windsor
Subject: Re: Schedule

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 02/26/2009 10:49 AM EST
To: Lisa Heinzerling
Subject: Re: Schedule

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/26/2009 10:25 AM EST
To: Richard Windsor
Cc: David McIntosh
Subject: Schedule

(b) (5) Deliberative

01268-EPA-2052

Richard Windsor/DC/USEPA/US
02/27/2009 08:42 PM

To Lisa Heinzerling
cc
bcc

Subject (b) (5) Deliberative, (b) (6) Personal Privacy

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

Lisa
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/27/2009 05:51 PM EST
To: Richard Windsor
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

01268-EPA-2053

"Corman, Bicky (DDOE)"
<bicky.corman@dc.gov>
02/28/2009 11:30 AM

To Richard Windsor
cc
bcc

Subject Re: Washington post page 1

(b) (6) Personal Privacy

Sent from my GoodLink synchronized handheld (www.good.com)

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

From: Windsor.Richard@epamail.epa.gov [<mailto:Windsor.Richard@epamail.epa.gov>]
Sent: Saturday, February 28, 2009 11:07 AM Eastern Standard Time
To: Corman, Bicky (DDOE)
Subject: Re: Washington post page 1

(b) (6) Personal Privacy

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

From: "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]
Sent: 02/28/2009 08:50 AM EST
To: Richard Windsor
Subject: Washington post page 1

Sent from my GoodLink synchronized handheld (www.good.com)

01268-EPA-2055

Richard Windsor/DC/USEPA/US
02/28/2009 11:38 AM

To David Cohen, Allyn Brooks-LaSure, Lisa Heinzerling, "David McIntosh"
cc
bcc

Subject Re: fyi: in case u have not seen yet:

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 02/28/2009 08:53 AM EST
To: Richard Windsor; Allyn Brooks-LaSure; Lisa Heinzerling
Subject: fyi: in case u have not seen yet:

(b) (5) Deliberative

February 28, 2009

News Analysis

Obama's Greenhouse Gas Gamble

By [JOHN M. BRODER](#)

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Green groups and supportive members of Congress applauded, saying the proposal was long overdue after eight years of inaction on climate change under President [George W. Bush](#). The costs, they said, would not begin to bite until at least 2012.

But the full costs and benefits of controlling greenhouse gas emissions remain unknown, and perhaps unknowable. While there is rough consensus on the science of global warming — with some notable and vocal objectors — there is less agreement on the economics of the problem and very little on the policy prescriptions to address it. And while a cap-and-trade approach bears substantial cost, it also brings a benefit whose value is incalculable — a steady decrease in emissions that scientists say will over time reduce the risk of climate catastrophe.

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But Mr. Obama offered a sweetener in the form of tax relief for lower- and middle-income families and billions of dollars in new spending for renewable sources of power to cut emissions and ultimately, it is hoped, bring down the cost of energy. He also plans to spend billions to weatherize homes to bring down heating costs for the poor.

Congress has debated versions of a cap-and-trade regime for years but never enacted one, in part because it would become so complex. The House is working on such legislation now; Senate leaders promise action later this year. Mr. Obama laid out only broad principles and targets, and his aides admit that revenue estimates are only a rough guess and will depend on whatever emerges from Congress. The White House projects the program to be in place starting in 2012.

Mr. Obama and his allies have a steep hill to climb. The recession-scarred public rates global warming low on its list of priorities. Lobbyists for business interests are lined up to weaken or kill any carbon regulation effort. The president's own party is divided over costs, and many Republicans hate the whole idea.

"Let's just be honest and call it a carbon tax that will increase taxes on all Americans who drive a car, who have a job, who turn on a light switch, pure and simple," said [John A. Boehner](#) of Ohio, the House Republican leader. "And if you look at this whole budget plan, they use this carbon tax as a way to fund all of their big government ideas."

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"It's a coal state stickup," he said. He based his figures on a first-year price of \$20 per ton of carbon dioxide emissions, a higher price than used by others who have studied the Obama proposal.

Some economists support Mr. Obama's approach to curbing emissions because they say the other main alternative, a tax on polluting fuels, is politically unpopular.

But others warn that a cap-and-trade bill could produce great volatility in permit prices and drive up energy costs.

"It's much easier for me to think of scenarios where cap-and-trade goes crazy, prices fluctuate like mad, and people get turned off," said Martin Weitzman, a Harvard economist. "That could end up discrediting the system for a decade or a generation."

Supporters of the plan acknowledge that there will be price increases and an uneven distribution of costs. But the White House allocates tens of billions of dollars in tax relief and promises to return any excess revenues directly to the public. Over time, officials contend, new technologies, like hybrid-electric cars and more efficient power plants, will lower energy costs and greenhouse gas emissions at the same time.

“We’re in a different world,” said Nathaniel Keohane, director of economic policy at the [Environmental Defense Fund](#), a supporter of strong and immediate action on climate change. “The president understands, and the world is coming to understand, that the costs of doing nothing are high to catastrophic.”

Dr. Keohane said numerous independent studies, as well as the [United Nations](#) Intergovernmental Panel on Climate Control, estimate the cost of a carbon-reduction program like that advocated by the president would be around 1 percent of gross domestic product per year by 2030, which he considers a reasonable trade-off. Industry-financed studies, not surprisingly, found a higher cost.

Veronique Bugnion, managing director for research at Point Carbon, a consulting firm on emissions trading, said the Obama plan would lead to gasoline price increases of about 6 percent, or 12 cents a gallon at current American prices, starting in 2012 and rising gradually until 2020. Average utility rates would rise about 7 percent nationwide, she predicted, although with significant regional variations.

Mr. Obama’s plan dedicates \$15 billion a year of revenue from the sale of emissions permits to develop new sources of clean energy. But that leaves a large pool of potential government income — by some estimates, as much as \$200 billion a year by 2020. How that money would be spent is expected to lead to a huge battle in Congress.

Paul Bledsoe, a spokesman at the National Commission on Energy Policy, a bipartisan research organization, said policy makers should not forget that the purpose of a cap-and-trade plan is to reduce carbon emissions and global warming, not to finance pet projects or balance the [federal budget](#).

“A cap-and-trade system is absolutely essential to spur private sector innovation, but must be combined with clean energy technology funding to meet the president’s ambitious emissions goals,” he said. “This funding should be a top priority when dealing with revenue generated by the program.”

Andrew C. Revkin and Jad Mouawad contributed reporting.

01268-EPA-2056

David
McIntosh/DC/USEPA/US
02/28/2009 11:55 AM

To Richard Windsor, David Cohen, Allyn Brooks-LaSure, Lisa
Heinzerling, "David McIntosh"
cc
bcc

Subject Re: fyi: in case u have not seen yet:

(b) (5) Deliberative
[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/28/2009 11:38 AM EST
To: David Cohen; Allyn Brooks-LaSure; Lisa Heinzerling; "David McIntosh"
<mcintosh.david@epa.gov>
Subject: Re: fyi: in case u have not seen yet:

(b) (5) Deliberative
[Redacted]

David Cohen

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

From: David Cohen
Sent: 02/28/2009 08:53 AM EST
To: Richard Windsor; Allyn Brooks-LaSure; Lisa Heinzerling
Subject: fyi: in case u have not seen yet:

(b) (5) Deliberative
[Redacted]

February 28, 2009
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Andrew C. Revkin and Jad Mouawad contributed reporting.

01268-EPA-2057

**Lisa
Heinzerling/DC/USEPA/US**
02/28/2009 11:55 AM

To Richard Windsor
cc
bcc

Subject (b) (5) Deliberative, (b) (6) Personal Privacy

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/27/2009 08:42 PM EST
To: Lisa Heinzerling
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

Lisa
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/27/2009 05:51 PM EST
To: Richard Windsor
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

01268-EPA-2058

Richard Windsor/DC/USEPA/US
02/28/2009 12:10 PM

To Lisa Heinzerling
cc
bcc
Subject (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/28/2009 11:55 AM EST
To: Richard Windsor
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/27/2009 08:42 PM EST
To: Lisa Heinzerling
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

Lisa
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/27/2009 05:51 PM EST
To: Richard Windsor
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

01268-EPA-2059

Richard Windsor/DC/USEPA/US
02/28/2009 12:26 PM

To David McIntosh
cc
bcc

Subject Re: fyi: in case u have not seen yet:

(b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 02/28/2009 11:55 AM EST
To: Richard Windsor; David Cohen; Allyn Brooks-LaSure; Lisa Heinzerling; "David McIntosh" <mcintosh.david@epa.gov>
Subject: Re: fyi: in case u have not seen yet:

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 02/28/2009 11:38 AM EST
To: David Cohen; Allyn Brooks-LaSure; Lisa Heinzerling; "David McIntosh" <mcintosh.david@epa.gov>
Subject: Re: fyi: in case u have not seen yet:

(b) (5) Deliberative

David Cohen

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From: David Cohen
Sent: 02/28/2009 08:53 AM EST
To: Richard Windsor; Allyn Brooks-LaSure; Lisa Heinzerling
Subject: fyi: in case u have not seen yet:

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February 28, 2009
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But others warn that a cap-and-trade bill could produce great volatility in permit prices and drive up energy costs.

“It’s much easier for me to think of scenarios where cap-and-trade goes crazy, prices fluctuate like mad, and people get turned off,” said Martin Weitzman, a Harvard economist. “That could end up discrediting the system for a decade or a generation.”

Supporters of the plan acknowledge that there will be price increases and an uneven distribution of costs. But the White House allocates tens of billions of dollars in tax relief and promises to return any excess revenues directly to the public. Over time, officials contend, new technologies, like hybrid-electric cars and more efficient power plants, will lower energy costs and greenhouse gas emissions at the same time.

“We’re in a different world,” said Nathaniel Keohane, director of economic policy at the [Environmental Defense Fund](#), a supporter of strong and immediate action on climate change. “The president understands, and the world is coming to understand, that the costs of doing nothing are high to catastrophic.”

Dr. Keohane said numerous independent studies, as well as the [United Nations](#) Intergovernmental Panel on Climate Control, estimate the cost of a carbon-reduction program like that advocated by the president would be around 1 percent of gross domestic product per year by 2030, which he considers a reasonable trade-off. Industry-financed studies, not surprisingly, found a higher cost.

Veronique Bugnion, managing director for research at Point Carbon, a consulting firm on emissions trading, said the Obama plan would lead to gasoline price increases of about 6 percent, or 12 cents a gallon at current American prices, starting in 2012 and rising gradually until 2020. Average utility rates would rise about 7 percent nationwide, she predicted, although with significant regional variations.

Mr. Obama’s plan dedicates \$15 billion a year of revenue from the sale of emissions permits to develop new sources of clean energy. But that leaves a large pool of potential government income — by some estimates, as much as \$200 billion a year by 2020. How that money would be spent is expected to lead to a huge battle in Congress.

Paul Bledsoe, a spokesman at the National Commission on Energy Policy, a bipartisan research

organization, said policy makers should not forget that the purpose of a cap-and-trade plan is to reduce carbon emissions and global warming, not to finance pet projects or balance the [federal budget](#).

“A cap-and-trade system is absolutely essential to spur private sector innovation, but must be combined with clean energy technology funding to meet the president’s ambitious emissions goals,” he said. “This funding should be a top priority when dealing with revenue generated by the program.”

Andrew C. Revkin and Jad Mouawad contributed reporting.

01268-EPA-2060

**Lisa
Heinzerling/DC/USEPA/US**
02/28/2009 03:39 PM

To Richard Windsor
cc
bcc

Subject [REDACTED]

[REDACTED]

Richard Windsor

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

From: Richard Windsor
Sent: 02/28/2009 12:10 PM EST
To: Lisa Heinzerling
Subject: Re: [REDACTED]

[REDACTED]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/28/2009 11:55 AM EST
To: Richard Windsor
Subject: [REDACTED]

[REDACTED]

[REDACTED]

Richard Windsor

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

From: Richard Windsor
Sent: 02/27/2009 08:42 PM EST
To: Lisa Heinzerling
Subject: [REDACTED]

[REDACTED]

[REDACTED]

Lisa

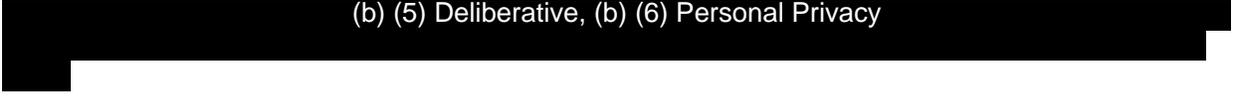
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/27/2009 05:51 PM EST
To: Richard Windsor
Subject: [REDACTED]

[REDACTED]

(b) (5) Deliberative, (b) (6) Personal Privacy



01268-EPA-2061

Richard Windsor/DC/USEPA/US
02/28/2009 04:54 PM

To Lisa Heinzerling
cc
bcc
Subject (b) (5) Deliberative, (b) (6) Personal Privacy

Yes

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/28/2009 03:39 PM EST
To: Richard Windsor
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/28/2009 12:10 PM EST
To: Lisa Heinzerling
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/28/2009 11:55 AM EST
To: Richard Windsor
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/27/2009 08:42 PM EST
To: Lisa Heinzerling
Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

Lisa

Lisa Heinzerling

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

From: Lisa Heinzerling

Sent: 02/27/2009 05:51 PM EST

To: Richard Windsor

Subject: (b) (5) Deliberative, (b) (6) Personal Privacy

[REDACTED]

01268-EPA-2062

Richard Windsor/DC/USEPA/US
03/03/2009 06:28 AM

To David Cohen
cc
bcc

Subject Re: preview: ghg reporting announcement

(b) (5) Deliberative

David Cohen

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

From: David Cohen

Sent: 03/02/2009 02:49 PM EST

To: Richard Windsor

Subject: preview: ghg reporting announcement

(b) (5) Deliberative

EPA Proposes First National Reporting on Greenhouse Gas Emissions

The U.S. Environmental Protection Agency (EPA) today proposed the first comprehensive national system for reporting emissions of carbon dioxide and other greenhouse gases produced by major sources in the United States.

EPA Administrator Lisa P. Jackson said, "Our decisions about addressing climate change must be based on the best possible information. Through this new reporting, we will have at our fingertips comprehensive and accurate national data about the production of greenhouse gases. This is a significant step toward helping us better protect our health and environment."

Greenhouse gases, like carbon dioxide, are produced by the burning of fossil fuels, as well as industrial and biological processes. Approximately 13,000 facilities, accounting for about 85-90 percent of greenhouse gases emitted in the United States, would be covered under the proposal.

The new reporting requirements would apply to suppliers of fossil fuel and industrial chemicals, manufacturers of motor vehicles and engines, as well as large direct emitters of greenhouse gases with emissions equal to or greater than a threshold of 25,000 metric tons per year. This threshold is roughly equivalent to the annual greenhouse gas emissions from just over 4,500 passenger vehicles. The vast majority of small businesses would not be required to report their emissions because their emissions fall well below the threshold.

The direct emission sources covered under the reporting requirement would include energy intensive sectors such as cement production, iron and steel production, and electricity generation, among others.

The first annual report would be submitted to EPA in 2011, for the calendar year 2010, except for vehicle and engine manufacturers, which would begin reporting for model year 2011. In developing the reporting requirements, EPA recognizes the substantial amount of work already completed and underway in many states, regions and voluntary programs. EPA is developing this rule under the authority of the Clean Air Act.

EPA estimates that the expected cost to comply with the reporting requirements to the private sector is \$168 million for the first year. In subsequent years, the annualized costs for the private sector would be \$134 million.

The proposed rule will be open for public comment for 60 days. Two public hearings will be held during the comment period. More information on the proposal and information on public hearings are available on the EPA Web site at www.epa.gov/climatechange/emissions/ghgrulemaking.html

01268-EPA-2063

Richard Windsor/DC/USEPA/US
03/03/2009 02:31 PM

To Allyn Brooks-LaSure, Bob Sussman, David McIntosh, Lisa Heinzerling
cc
bcc

Subject Re: Holdren/Lubchenco Confirmation Delays

You mean feisty DCCC chairs?
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/03/2009 02:08 PM EST
To: Bob Sussman; Richard Windsor; David McIntosh; Lisa Heinzerling
Subject: Re: Holdren/Lubchenco Confirmation Delays

Feisty New Jerseyans.
Bob Sussman

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

From: Bob Sussman
Sent: 03/03/2009 02:04 PM EST
To: Richard Windsor; David McIntosh; Allyn Brooks-LaSure; Lisa Heinzerling
Subject: Holdren/Lubchenco Confirmation Delays

NOMINATIONS: N.J. senator stalls confirmations of 2 top science posts (03/03/2009)

The nominations of two of President Barack Obama's top science advisers have stalled in the Senate, which could pose a challenge to the administration as it seeks to frame new policies on climate change and other environmental issues, according to several sources.

Sen. Robert Menendez (D-N.J.) has placed a "hold" that blocks the confirmation votes of Harvard University physicist John Holdren, who is slated to lead the White House Office of Science and Technology Policy, and Oregon State University marine biologist Jane Lubchenco, the nominee to lead the National Oceanic and Atmospheric Administration.

According to sources who asked not to be named because they are not authorized to discuss the matter, Menendez is using the holds as leverage to get Senate leaders' attention for a matter related to Cuba rather than a question of the nominees' credentials.

But the delay has alarmed environmentalists and scientific experts who strongly back Holdren and Lubchenco.

"Climate change damages our oceans more every day we fail to act," said Michael Hirshfield, chief scientist for the advocacy group Oceana. "We need these two supremely qualified individuals on the job yesterday."

Holdren and Lubchenco had a relatively friendly hearing before the Senate Commerce, Science and Transportation Committee last month. An administration official said yesterday he anticipated the nominations would make it to a floor vote, which could resolve the issue (Juliet Eilperin, [Washington Post](#), March 3). -- **KJH**

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2066

**Lisa
Heinzerling/DC/USEPA/US**
03/03/2009 05:19 PM

To David McIntosh
cc Allyn Brooks-LaSure, Bob Sussman, Richard Windsor
bcc

Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

David McIntosh (b) (5) Deliberative 03/03/2009 05:17:45 PM

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:17 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:13:25 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

[Redacted]

[Redacted]

[attachment "EO on OECC.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2067

LisaP Jackson/DC/USEPA/US
Sent by: Richard Windsor

To Lisa Heinzerling
cc Allyn Brooks-LaSure, Bob Sussman, David McIntosh
bcc

03/03/2009 05:29 PM

Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:20:07 PM

From: Lisa Heinzerling/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:20 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

David McIntosh (b) (5) Deliberative 03/03/2009 05:17:45 PM

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:17 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:13:25 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

[Redacted]

[attachment "EO on OECC.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2068

**Lisa
Heinzerling/DC/USEPA/US**
03/03/2009 05:33 PM

To LisaP Jackson
cc Allyn Brooks-LaSure, Bob Sussman, David McIntosh,
Richard Windsor
bcc
Subject Re: EO on Office of Energy and Climate Change

yes, we had

LisaP Jackson (b) (5) Deliberative 03/03/2009 05:29:38 PM

From: LisaP Jackson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 03/03/2009 05:29 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:20:07 PM

From: Lisa Heinzerling/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:20 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

David McIntosh (b) (5) Deliberative 03/03/2009 05:17:45 PM

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:17 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:13:25 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative

[attachment "EO on OECC.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2069

Richard Windsor/DC/USEPA/US
03/03/2009 05:41 PM

To Lisa Heinzerling
cc
bcc

Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/03/2009 05:33 PM EST
To: LisaP Jackson
Cc: Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Richard Windsor
Subject: Re: EO on Office of Energy and Climate Change

yes, we had

LisaP Jackson (b) (5) Deliberative 03/03/2009 05:29:38 PM

From: LisaP Jackson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 03/03/2009 05:29 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:20:07 PM

From: Lisa Heinzerling/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:20 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

David McIntosh (b) (5) Deliberative 03/03/2009 05:17:45 PM

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:17 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:13:25 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn

Date: Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[attachment "EO on OECC.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2070

Bob Sussman/DC/USEPA/US

03/03/2009 07:39 PM

To Lisa Heinzerling

cc Allyn Brooks-LaSure, David McIntosh, Richard Windsor

bcc

Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Lisa Heinzerling

(b) (5) Deliberative

03/03/2009 05:13:29 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

[attachment "EO on OECC.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-2071

**Lisa
Heinzerling/DC/USEPA/US**
03/04/2009 08:16 AM

To Bob Sussman
cc Allyn Brooks-LaSure, David McIntosh, Richard Windsor
bcc

Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative
[Redacted]

[Redacted]

Bob Sussman (b) (5) Deliberative 03/03/2009 07:39:22 PM

From: Bob Sussman/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 07:39 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative
[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:13:29 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative
[Redacted]

[attachment "EO on OECC.doc" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-2072

**Lisa
Heinzerling/DC/USEPA/US**
03/04/2009 08:17 AM

To Richard Windsor
cc
bcc

Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative 03/03/2009 05:41:29 PM

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 03/03/2009 05:41 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/03/2009 05:33 PM EST
To: LisaP Jackson
Cc: Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Richard Windsor
Subject: Re: EO on Office of Energy and Climate Change

yes, we had

LisaP Jackson (b) (5) Deliberative 03/03/2009 05:29:38 PM

From: LisaP Jackson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 03/03/2009 05:29 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:20:07 PM

From: Lisa Heinzerling/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:20 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

David McIntosh (b) (5) Deliberative 03/03/2009 05:17:45 PM

From: David McIntosh/DC/USEPA/US

To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:17 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling

(b) (5) Deliberative

03/03/2009 05:13:25 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

[attachment "EO on OECC.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2073

Richard Windsor/DC/USEPA/US
03/04/2009 09:48 AM

To Lisa Heinzerling
cc
bcc

Subject Re: EO on Office of Energy and Climate Change

Ok thanks.
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/04/2009 08:17 AM EST
To: Richard Windsor
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative 03/03/2009 05:41:29 PM

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 03/03/2009 05:41 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/03/2009 05:33 PM EST
To: LisaP Jackson
Cc: Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Richard Windsor
Subject: Re: EO on Office of Energy and Climate Change

yes, we had

LisaP Jackson I thought we had suggested a draft that... 03/03/2009 05:29:38 PM

From: LisaP Jackson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 03/03/2009 05:29 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling (b) (5) Deliberative 03/03/2009 05:20:07 PM

From: Lisa Heinzerling/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:20 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

David McIntosh

(b) (5) Deliberative

03/03/2009 05:17:45 PM

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 03/03/2009 05:17 PM
Subject: Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling

(b) (5) Deliberative

03/03/2009 05:13:25 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/03/2009 05:13 PM
Subject: EO on Office of Energy and Climate Change

(b) (5) Deliberative

[attachment "EO on OECC.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2074

LisaP Jackson/DC/USEPA/US
Sent by: Richard Windsor

To Eric Wachter, Robert Goulding
cc Lisa Heinzerling, David McIntosh
bcc

03/04/2009 01:54 PM

Subject Draft Agenda for Tuesday Energy/Climate Lunch

Eric and Rob,

Can you coordinate to ensure the draft agenda below is sent under my name to each of the participants in Tuesdays lunch (Browner, Sutley, Vilsack, Salazar, Chu, LaHood, Donovan). Please solicit any comments or modifications by COB tomorrow.

If you haven't done so already, please ensure that there are no food allergies or preferences as well.

Tx, Lisa

Energy/Climate Lunch
Tuesday March 10, 2009
Noon
US EPA - The Administrator's Office

Noon - 12:20 p.m.	EPA's Potential Endangerment Finding	Presented by Lisa
	Heinzerling, David McIntosh, Dina Krueger	
12:20 - 12:30 p.m.	Lunch is served	Principals only
12:30 p.m. - 12:45 p.m.	Discussion of Potential Endangerment Finding	Principals only
12:45 p.m. - 1:15 p.m.	Update on Energy/ Climate Legislative Strategy	Carol Browner
1:15 p.m.	Wrap-up/Next Meeting/Photo	Lisa Jackson

01268-EPA-2080

Richard Windsor/DC/USEPA/US
03/05/2009 05:27 AM

To Bob Sussman
cc
bcc

Subject Re: Coal Combustion Waste Resolution introduced today

Tx
Bob Sussman

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

From: Bob Sussman
Sent: 03/04/2009 06:50 PM EST
To: Richard Windsor; David McIntosh; Allyn Brooks-LaSure
Subject: Fw: Coal Combustion Waste Resolution introduced today

(b) (5) Deliberative
[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/04/2009 06:48 PM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 03/04/2009 06:37 PM
Subject: Fw: Coal Combustion Waste Resolution introduced today

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 03/04/2009 06:37 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Mary-Kay Lynch/DC/USEPA/US
Date: 03/04/2009 06:33 PM
Subject: Fw: Coal Combustion Waste Resolution introduced today

-
----- Forwarded by Carolyn Levine/DC/USEPA/US on 03/04/2009 06:32 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Randy Deitz/DC/USEPA/US@EPA, Amy Hayden/DC/USEPA/US@EPA, Allison Wise/R4/USEPA/US@EPA
Date: 03/04/2009 05:48 PM
Subject: Fw: Coal Combustion Waste Resolution introduced today

Please distribute as needed-

S. Res. 64 was introduced today by Sens. Boxer and Carper:

"Recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation

and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship."

[attachment "Coal Combustion Waste Resolution.pdf" deleted by Richard Windsor/DC/USEPA/US]

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

01268-EPA-2082

Richard Windsor/DC/USEPA/US
03/05/2009 11:50 AM

To Bob Sussman, Allyn Brooks-LaSure, David Cohen, Craig Hooks, Lisa Heinzerling, David McIntosh, Scott Fulton
cc
bcc

Subject Re: Enviro Feedback per INSIDE EPA

(b) (5) Deliberative

Bob Sussman

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

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Obama Delaying 'Hard Choices' On Many Of Environmentalists' Priorities

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An industry source says "we've learned a lot" from the first five weeks of the new administration -- including signals that the Obama EPA will reverse the Bush administration's opposition to climate change regulations -- but that the "hard decisions" regarding which environmental efforts to prioritize are yet to come.

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And other activists point to recent developments as evidence of the new administration's clear direction on environmental issues, including the stimulus law that provides more than \$7 billion for EPA programs and even more for renewable energy projects, and the agency's recent announcements that it will review Bush administration decisions on national air standards, and a policy blocking carbon dioxide (CO2) limits in air permits.

Still, on a wide-ranging set of issues, environmentalists have pressed the Obama administration for further action, but to date have had little feedback from the administration on a number of key issues. Efforts include trying to win EPA support for a bill to clarify the scope of the Clean Water Act.

However, Jackson recently told reporters, "I don't have a position" on the merits of the bill, the Clean Water Restoration Act, and in written responses to questions from Senate environment committee members following her Jan. 14 confirmation hearing said the issue was "complicated."

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2083

Richard Windsor/DC/USEPA/US
03/05/2009 01:34 PM

To David Cohen
cc
bcc

Subject Re: Enviro Feedback per INSIDE EPA

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/05/2009 12:49 PM EST
To: Richard Windsor
Subject: Re: Enviro Feedback per INSIDE EPA

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative

Richard Windsor

(b) (5) Deliberative

03/05/2009 11:50:16 AM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2084

Richard Windsor/DC/USEPA/US
03/05/2009 01:34 PM

To "Allyn Brooks-Lasure"
cc
bcc

Subject Fw: Enviro Feedback per INSIDE EPA

(b) (5) Deliberative

David Cohen

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

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Sent: 03/05/2009 12:49 PM EST
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Subject: Re: Enviro Feedback per INSIDE EPA

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Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2095

David
McIntosh/DC/USEPA/US
03/05/2009 07:34 PM

To Richard Windsor
cc Lisa Heinzerling, Eric Wachter
bcc

Subject Senate floor will not consider an energy bill prior to considering a climate bill -- instead they'll be debated as a single package as in the House

(b) (5) Deliberative

CLIMATE: Senate Dems to put energy, emissions bills in one package -- Reid (03/05/2009)

Darren Samuelsohn, E&E senior reporter

Senate Majority Leader Harry Reid (D-Nev.) confirmed today that he will package energy and global warming measures together into one large bill for consideration later this year, a decision that should put to rest questions about whether Democratic leaders on Capitol Hill have different strategies for one of President Obama's top agenda items.

Reid gave only a one-word answer -- "yes" -- when asked whether he planned to wrap a cap-and-trade bill together with separate bills establishing a nationwide renewable electricity standard (RES) and promotion of a modernized grid that can improve energy efficiency, reliability and renewable energy management.

As recently as last week, Reid had spoken of splitting the energy and climate items up into at least three different bills, with the energy provisions moving forward first while holding back on the global warming measure for the late summer. Reid did not elaborate today on his change of plans, and his spokesman, Jim Manley, declined further comment.

But sources tracking the Capitol Hill climate debate said Reid's shift came after a month of intense lobbying for the one-bill strategy that originated with House Energy and Commerce Chairman Henry Waxman (D-Calif.).

Waxman first convinced House Majority Leader Steny Hoyer (D-Md.) and House Speaker Nancy Pelosi (D-Calif.) on his approach. Pelosi, in turn, got approval from the Obama White House before pitching Reid the idea earlier this week during their weekly conference meeting.

Pelosi went public with her endorsement of Waxman's strategy Tuesday. "I would like to see one bill, which is the energy bill with the cap and trade and the grid piece," she told reporters. "They're the three elements that we have to pass more fully. I'd like to see it as one bill."

As far as timing, Pelosi and Reid have both promised floor votes this year on the global warming and energy measures, though they have been less clear about exactly when that may occur. Waxman has pledged a committee markup by Memorial Day, fueling speculation his measure could be handled by other committees that have jurisdiction on the issue and still be ready for the

floor before lawmakers break for their summer recess in August.

Pelosi spokesman Drew Hammill today would only point to Waxman's Memorial Day schedule.

In the Senate, Reid had previously said he wanted to hold a floor debate in the spring on energy, while holding back on the climate bill until later this summer.

"This is a big beast, you can't predict the timing," said one former Senate Democratic aide.

Different views on one-bill strategy

There is plenty of different opinions about the one-, two- or even three-bill strategy on and off Capitol Hill.

"Personally, I think they go hand in hand," Senate Foreign Relations Chairman John Kerry (D-Mass.) said in an interview today. "I'm very comfortable putting them together."

Rep. Rick Boucher (D-Va.) advocated for the combination strategy as well, saying it helps lawmakers grasp the entire picture of what they are voting on. "You can adjust one in order to compensate for changes you might want to make in another," Boucher said. "It does create a broader opportunity for balanced legislating. So I think it's a better way to do it that way."

Anna Aurilio, director of the Washington office of Environment America, said the logistics of the energy and climate legislation should be secondary to passing a measure as fast as possible. That said, she backs a single bill. "We want to get it done," she said. "If it moves together, if it moves separately, we want to get it done. The urgency of solving the problem is paramount, so obviously enacting one bill is easier than enacting separate bills."

But not everyone is on the same page.

Senate Energy and Natural Resources Chairman Jeff Bingaman (D-N.M.) said earlier today that he wants to mark up the energy and "smart grid" legislation this month and he still has doubts whether a cap-and-trade bill can move within the same timeframe. "I hate to see all of that sort of held hostage until we can get agreement on a cap-and-trade bill," he told reporters today.

Sen. Olympia Snowe (R-Maine), a critical swing vote for Democrats as they pursue Obama's agenda, said she was not aware of Reid's new position on combining energy and climate. Even so, she said she had some concerns with the approach. "I think you have to be careful not to make things such mega-bills," she said. "You give people plenty of reasons to vote against this."

And Senate Minority Whip Jon Kyl (R-Ariz.) also found fault in taking energy and climate change up in one package.

"It's an enormous undertaking," Kyl said. "And I don't think we're anywhere close to having the information necessary to pull all of this off. There's a great error being made here that we really know how to make all this stuff work. It's a bit like running the banking and financial

institutions. If you're comfortable with the way we do that, well, then maybe you're comfortable with the way we run the energy system of the entire country. I think not."

Reporters Ben Geman and Kate Ling contributed.

01268-EPA-2096

Richard Windsor/DC/USEPA/US
03/05/2009 07:40 PM

To David McIntosh, "Bob Sussman"
cc Lisa Heinzerling, Eric Wachter
bcc

Subject Re: Senate floor will not consider an energy bill prior to considering a climate bill -- instead they'll be debated as a single package as in the House

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David McIntosh

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Reid gave only a one-word answer -- "yes" -- when asked whether he planned to wrap a cap-and-trade bill together with separate bills establishing a nationwide renewable electricity standard (RES) and promotion of a modernized grid that can improve energy efficiency, reliability and renewable energy management.

As recently as last week, Reid had spoken of splitting the energy and climate items up into at least three different bills, with the energy provisions moving forward first while holding back on the global warming measure for the late summer. Reid did not elaborate today on his change of plans, and his spokesman, Jim Manley, declined further comment.

But sources tracking the Capitol Hill climate debate said Reid's shift came after a month of intense lobbying for the one-bill strategy that originated with House Energy and Commerce Chairman Henry Waxman (D-Calif.).

Waxman first convinced House Majority Leader Steny Hoyer (D-Md.) and House Speaker Nancy Pelosi (D-Calif.) on his approach. Pelosi, in turn, got approval from the Obama White House before pitching Reid the idea earlier this week during their weekly conference meeting.

Pelosi went public with her endorsement of Waxman's strategy Tuesday. "I would like to see one bill, which is the energy bill with the cap and trade and the grid piece," she told reporters. "They're the three elements that we have to pass more fully. I'd like to see it as one bill."

As far as timing, Pelosi and Reid have both promised floor votes this year on the global warming and energy measures, though they have been less clear about exactly when that may occur. Waxman has pledged a committee markup by Memorial Day, fueling speculation his measure could be handled by other committees that have jurisdiction on the issue and still be ready for the floor before lawmakers break for their summer recess in August.

Pelosi spokesman Drew Hammill today would only point to Waxman's Memorial Day schedule.

In the Senate, Reid had previously said he wanted to hold a floor debate in the spring on energy, while holding back on the climate bill until later this summer.

"This is a big beast, you can't predict the timing," said one former Senate Democratic aide.

Different views on one-bill strategy

There is plenty of different opinions about the one-, two- or even three-bill strategy on and off Capitol Hill.

"Personally, I think they go hand in hand," Senate Foreign Relations Chairman John Kerry (D-Mass.) said in an interview today. "I'm very comfortable putting them together."

Rep. Rick Boucher (D-Va.) advocated for the combination strategy as well, saying it helps lawmakers grasp the entire picture of what they are voting on. "You can adjust one in order to compensate for changes you might want to make in another," Boucher said. "It does create a broader opportunity for balanced legislating. So I think it's a better way to do it that way."

Anna Aurilio, director of the Washington office of Environment America, said the logistics of the energy and climate legislation should be secondary to passing a measure as fast as possible. That said, she backs a single bill. "We want to get it done," she said. "If it moves together, if it moves separately, we want to get it done. The urgency of solving the problem is paramount, so obviously enacting one bill is easier than enacting separate bills."

But not everyone is on the same page.

Senate Energy and Natural Resources Chairman Jeff Bingaman (D-N.M.) said earlier today that he wants to mark up the energy and "smart grid" legislation this month and he still has doubts whether a cap-and-trade bill can move within the same timeframe. "I hate to see all of that sort of held hostage until we can get agreement on a cap-and-trade bill," he told reporters today.

Sen. Olympia Snowe (R-Maine), a critical swing vote for Democrats as they pursue Obama's agenda, said she was not aware of Reid's new position on combining energy and climate. Even

so, she said she had some concerns with the approach. "I think you have to be careful not to make things such mega-bills," she said. "You give people plenty of reasons to vote against this."

And Senate Minority Whip Jon Kyl (R-Ariz.) also found fault in taking energy and climate change up in one package.

"It's an enormous undertaking," Kyl said. "And I don't think we're anywhere close to having the information necessary to pull all of this off. There's a great error being made here that we really know how to make all this stuff work. It's a bit like running the banking and financial institutions. If you're comfortable with the way we do that, well, then maybe you're comfortable with the way we run the energy system of the entire country. I think not."

Reporters Ben Geman and Kate Ling contributed.

01268-EPA-2097

David McIntosh/DC/USEPA/US
03/05/2009 07:45 PM

To Richard Windsor
cc Eric Wachter, Lisa Heinzerling, "Bob Sussman"
bcc

Subject Re: Senate floor will not consider an energy bill prior to considering a climate bill -- instead they'll be debated as a single package as in the House

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative 03/05/2009 07:40:47 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, "Bob Sussman" <sussman.bob@epa.gov>
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA
Date: 03/05/2009 07:40 PM
Subject: Re: Senate floor will not consider an energy bill prior to considering a climate bill -- instead they'll be debated as a single package as in the House

(b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 03/05/2009 07:34 PM EST
To: Richard Windsor
Cc: Lisa Heinzerling; Eric Wachter
Subject: Senate floor will not consider an energy bill prior to considering a climate bill -- instead they'll be debated as a single package as in the House

(b) (5) Deliberative

CLIMATE: Senate Dems to put energy, emissions bills in one package -- Reid (03/05/2009)

Darren Samuelsohn, E&E senior reporter

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Reporters Ben Geman and Kate Ling contributed.

01268-EPA-2106

David
McIntosh/DC/USEPA/US
03/06/2009 03:49 PM

To Richard Windsor
cc
bcc
Subject CB

(b) (5) Deliberative

Monday, February 23rd 2009, 10:35 AM GMT
Co2sceptic (Site Admin)



WASHINGTON -(Dow Jones)- President Barack Obama's climate czar said Sunday the Environment issue a rule on the regulation of carbon dioxide, finding that it represents a danger to the public.

The White House is pressing Congress to draft and pass legislation that would cut greenhouse gases by 80% of 1990 levels authority under the Clean Air Act if legislators don't move fast enough or create strong enough provisions.

Carol Browner, Obama's special advisor on climate change and energy, also said the administration is seeking to establish emissions that could mean tougher efficiency mandates for auto makers. The new standard could be fashioned after strict California that would limit greenhouse gas emissions - initiatives that car makers have vigorously fought.

Article continues below this advert:

The comments - the first by the administration on the topic - could lead to another blow for beleaguered car companies Ford (F) that are already tottering.

"EPA's going to look at Mass. Vs. EPA and will make an endangerment finding," Browner told Dow Jones Newswires in a report ordered the EPA in the Mass. Vs. EPA case to determine if carbon dioxide endangered public health or welfare.

"The next step is a notice of proposed rulemaking" for new regulations on CO2 emissions, Browner said on the sidelines of an Association meeting, one of her first public appearances since the inauguration.

Browner declined to say exactly when the EPA would issue the finding or rulemaking, but EPA chief Lisa Jackson has in honor of the anniversary of Mass Vs. EPA. Obama EPA chief Lisa Jackson said earlier in the month that her office would soon begin a review. The agency has been intensely reviewing and updating an existing endangerment finding made last year by agency officials in the administration - that found carbon dioxide threatened human welfare.

Officially recognizing that carbon dioxide is a danger to the public would trigger regulation of the greenhouse gas emissions from refineries, chemical plants, cement firms, vehicles and any other emitting sectors across the economy.

Industry fears it could shut down the economy, not only preventing plants from operating and spurring a dramatic recession, but pushing up costs and hurting the international competitiveness for a raft of sectors. Environmentalists, meanwhile, say

required by law and need to pressure lawmakers to act.

But Browner said the administration prefers that Congress draft legislation rather than CO2 to be regulated under the C... could develop a bill that could more deftly regulate the greenhouse gas through a cap- and-trade system.

Senate Majority Leader Harry Reid, D-Nev., said Friday he aims to pass a climate change bill by the end of the summer. D-Calif., head of the panel responsible for drafting a CO2 bill, said he wanted a bill approved by the Memorial Day holiday.

Browner also declined to say what the administration's target date for Congress to pass a climate bill before accelerating... but she called Waxman's schedule an "aggressive" one.

"In the next several weeks we will begin to see the shape of legislation...(and) we will work with Congress as they shape... Western Governors.

The climate czar dismissed critics of fast, stringent climate change laws who have said that the existing financial crisis is putting a premium on emitting carbon dioxide. She said businesses hoping to invest in CO2 mitigation projects needed cash into projects and companies, and that the rulemaking process would create a buffer for action and compliance.

Critics of putting an expensive premium on carbon say that such a schedule may be overly optimistic given the global financial ramifications that putting a cap on greenhouse gases would have across nearly every sector of the economy. Tough action could curb manufacturing and create an energy crisis by halting new power plant construction, but also could force a race overseas to cheaper energy climates.

Specifically, Obama wants an economy-wide law - instead of just some major emitting sectors - and to auction off 100... analysts say could exponentially increase the cost of emitting, as well as the pay-off for low-carbon projects.

Browner also said the administration had directed the EPA and the Department of Transportation to develop a national...

The DOT is currently developing new auto efficiency standards, but the White House and the EPA are currently considering... implement their own much stricter standards, which consider greenhouse gas emissions rather than just fuel efficiency... more than a dozen other states. The administration could seek to implement the California standards or a negotiated version... however, Browner indicated.

"We need a unified national policy when it comes to clean vehicles," Browner told the governors, adding that the Department... needed to cooperate and determine the impact of both conventional pollution and greenhouse gas emissions and give a... direction necessary to re-tool their plants.

"Both agencies have to meet their responsibilities...we're just trying to figure out how do you do it in a way that the California... mandate)," Browner told reporters after the event.

Car makers have expressed concern not only about the costs of meeting the tough new standards, but also having to meet... different mandates.

Separately, Browner said the administration was also going to create an inter- agency task force to site a new national... meet both growing demand and the President's planned renewable energy expansion. Siting has been a major bottleneck... lawmakers and administration officials have said they're likely to seek greater federal powers that would give expanded...

By Ian Talley, Dow Jones Newswires

01268-EPA-2107

Richard Windsor/DC/USEPA/US
03/06/2009 03:52 PM

To David McIntosh
cc
bcc
Subject Re: CB

(b) (5) Deliberative
David McIntosh

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

From: David McIntosh
Sent: 03/06/2009 03:49 PM EST
To: Richard Windsor
Subject: CB

(b) (5) Deliberative

Monday, February 23rd 2009, 10:35 AM GMT
Co2sceptic (Site Admin)



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By Ian Talley, Dow Jones Newswires

01268-EPA-2120

Richard Windsor/DC/USEPA/US
03/09/2009 06:42 PM

To David Cohen
cc
bcc

Subject Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Why such a tough day?
David Cohen

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

From: David Cohen
Sent: 03/09/2009 06:31 PM EDT
To: Richard Windsor
Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

It was a tough day. (b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 03/09/2009 06:21 PM EDT
To: David Cohen; Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh
Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Nice
David Cohen

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

From: David Cohen
Sent: 03/09/2009 06:14 PM EDT
To: Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh
Subject: Fw: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

----- Forwarded by David Cohen/DC/USEPA/US on 03/09/2009 06:13 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA
Date: 03/09/2009 05:53 PM
Subject: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Boxer and Carper Applaud EPA Plan to Better Assess and Regulate Coal Ash Dangers
March 9, 2009

Washington, DC - U.S. Senators Barbara Boxer (D-CA), Chairman of the Senate Committee on Environment and Public Works, and Tom Carper (D-DE), Chairman of the Subcommittee on Clean Air and Nuclear Safety, today applauded U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson's announcement that EPA will begin reviews and inspections of all coal ash impoundments in the U.S. and will start the process of issuing rules to regulate coal combustion waste.

The Senate Committee on Environment and Public Works held a hearing on the Kingston, Tennessee, coal ash spill immediately after the disaster. Senator Boxer also raised the Tennessee spill and the potential for similar disasters at other coal ash impoundments nationwide at Administrator Jackson's confirmation hearing. On March 4, Senators Boxer and Carper introduced a Senate Resolution (S. Res. 64) calling on EPA to use its authority under existing law to inspect coal combustion waste facilities and begin the rulemaking process under the Resource Conservation and Recovery Act (RCRA).

Senator Boxer said: **"The plans EPA Administrator Jackson announced today reflect the measures we included in our Senate resolution last week, and are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future."**

Senator Carper, chairman of the Senate Subcommittee on Clean Air and Nuclear Safety which has oversight jurisdiction over TVA said: **"I am pleased to see our nation's new EPA Administrator Lisa Jackson is making real environmental improvements in this crucial area by using her authority to regulate the disposal of coal ash waste. This decision shows the EPA is serious about cleaning up our nation's dirtiest coal facilities."**

#

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

01268-EPA-2122

Richard Windsor/DC/USEPA/US
03/09/2009 09:24 PM

To David Cohen
cc
bcc

Subject Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Sux. Sorry.
David Cohen

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

From: David Cohen
Sent: 03/09/2009 06:54 PM EDT
To: Richard Windsor
Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 03/09/2009 06:42 PM EDT
To: David Cohen
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To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA
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U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

01268-EPA-2123

Richard Windsor/DC/USEPA/US
03/09/2009 09:31 PM

To David Cohen
cc
bcc

Subject Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/09/2009 09:29 PM EDT
To: Richard Windsor

Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

(b) (5) Deliberative

Richard Windsor Sux. Sorry. ----- Original Message ----- 03/09/2009 09:24:07 PM

From: Richard Windsor/DC/USEPA/US
To: David Cohen/DC/USEPA/US@EPA
Date: 03/09/2009 09:24 PM
Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

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David Cohen

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Boxer and Carper Applaud EPA Plan to Better Assess and Regulate Coal Ash Dangers

March 9, 2009

Washington, DC - U.S. Senators Barbara Boxer (D-CA), Chairman of the Senate Committee on Environment and Public Works, and Tom Carper (D-DE), Chairman of the Subcommittee on Clean Air and Nuclear Safety, today applauded U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson's announcement that EPA will begin reviews and inspections of all coal ash impoundments in the U.S. and will start the process of issuing rules to regulate coal combustion waste.

The Senate Committee on Environment and Public Works held a hearing on the Kingston Tennessee, coal ash spill immediately after the disaster. Senator Boxer also raised the Tennessee spill and the potential for similar disasters at other coal ash impoundments nationwide at Administrator Jackson's confirmation hearing. On March 4, Senators Boxer and Carper introduced a Senate Resolution (S. Res. 64) calling on EPA to use its author

under existing law to inspect coal combustion waste facilities and begin the rulemaking process under the Resource Conservation and Recovery Act (RCRA).

Senator Boxer said: "**The plans EPA Administrator Jackson announced today reflect the measures we included in our Senate resolution last week, and are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future.**"

Senator Carper, chairman of the Senate Subcommittee on Clean Air and Nuclear Safety which has oversight jurisdiction over TVA said: "**I am pleased to see our nation's new EPA Administrator Lisa Jackson is making real environmental improvements in this crucial area by using her authority to regulate the disposal of coal ash waste. This decision shows the EPA is serious about cleaning up our nation's dirtiest coal facilities.**"

#

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

01268-EPA-2125

Richard Windsor/DC/USEPA/US
03/10/2009 06:18 AM

To David Cohen, "Allyn Brooks-Lasure"
cc "Eric Wachter", "Robert Goulding"
bcc

Subject Re: fyi

Wow. Thought-provoking story for me this morning.

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

David Cohen

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

From: David Cohen
Sent: 03/10/2009 03:16 AM EDT
To: Richard Windsor
Subject: fyi

good "green" diversity piece in times today. website version includes photo of you.

March 10, 2009

In Environmental Push, Looking to Add Diversity

By [MIREYA NAVARRO](#)

When Jerome C. Ringo joined the board of the National Wildlife Federation in 1995, he was the only African-American at the meetings.

Mr. Ringo, now president of the Apollo Alliance, a coalition of environmental, labor and business groups, says that even today, he is often the only environmentalist in the room who is not white.

“We’re not where we were, but we’re not where we want to be,” Mr. Ringo said of the environmental movement’s efforts to diversify.

National environmental organizations have traditionally drawn their membership from the white

and affluent, and have faced criticism for focusing more on protecting resources than protecting people.

But with a black president committed to environmental issues in the White House and a need to achieve broader public support for initiatives like federal legislation to address [global warming](#), many environmentalists say they feel pressure to diversify the movement further, both in membership and at higher levels of leadership.

“Our groups are not as diverse as we’d like, but every one of the major groups has diversity as a top priority,” said Frances Beinecke, president of the [Natural Resources Defense Council](#). “There’s great commitment to making the environmental movement representative of what the country is.”

The effort to broaden support comes as the groups find themselves competing with industries that oppose environmental measures, sometimes claiming that they will result in higher energy bills or the loss of jobs.

“The organization has to be able to credibly build trust with communities of color who are going to be targeted by the opponents of change,” said Sanjay Ranchod, a member of the [Sierra Club](#) board who is leading efforts to attract more minorities.

The need for racial diversity has been a persistent issue in the environmental movement: In 1990, leaders of civil rights and minority groups wrote an open letter that accused the 10 biggest environmental organizations of “racist” hiring practices.

Richard Moore, one of the letter’s signers, said the public indictment was set off by several cases in which the groups had pushed for protection of lands at the expense of minority rural communities.

Over the years, organizations like the Natural Resources Defense Council have formed partnerships with smaller environmental groups that emerged in the 1980s and ’90s to represent the interests of low-income and minority constituencies.

But more substantial change, Mr. Moore said, has been slow to come.

“If you’re going to be impacted by an issue, you bring the impacted people to the table,” said Mr. Moore, who is now executive director of the Southwest Network for Environmental and Economic Justice, a coalition of 60 groups.

Cara Pike, the author of a 2007 study commissioned by the environmental law group Earthjustice, said the research found that the “greenest Americans,” many of them members of environmental groups, were overwhelmingly white, over 45 and college-educated. “The focus of green groups has been to target the greenest Americans,” Ms. Pike said, “and as a result, we’ve left other people out of the equation.”

National polls show high environmental concern among minorities. A post-election poll for the

National Wildlife Federation in November, for example, found increasing support among blacks and Latinos for candidates keen on addressing global warming. And surveys by the Public Policy Institute of California have found that minorities are sometimes even more concerned than white respondents about environmental issues like air pollution.

But until recently, social concerns did not appear to be “on the radar” of many large environmental organizations, said Julian Agyeman, chairman of the department of urban and environmental policy and planning at [Tufts University](#) and author of the 2005 book “Sustainable Communities and the Challenge of Environmental Justice.”

Even organizations like the Sierra Club, which has incorporated social justice work since the 1990s, concede that their diversity efforts have failed to gain traction. The organization’s executive director, Carl Pope, points at “cultural barriers” that in effect shut the door to nonwhites regardless of good intentions.

“If you go to a Sierra Club meeting, the people are mostly white, largely over 40, almost all college-educated, whose style is to argue with each other,” Mr. Pope said. “That may not be a welcoming environment.”

Those who join such groups sometimes do not stay long. Marcelo Bonta, 35, who worked for four environmental groups before becoming a diversity consultant in Portland, Ore., five years ago, said he found “a need to conform,” down to the way to dress.

“It’s the tyranny of fleece,” Mr. Bonta said. “I always felt I had to dress down.”

Some larger environmental groups are taking steps to make up for the past.

Roger Rivera, president of the National Hispanic Environmental Council, an advocacy group in Washington that promotes environmental careers among Latino students, said that for more than a year he had been attending meetings of the Green Group, a loose association of about three dozen environmental organizations, as “an observer.”

Mr. Rivera, who served on [President Obama](#)’s [transition team](#) for the [Interior Department](#), said the Green Group formally invited his organization to join in January — soon after the election of the first black president, he pointed out.

Larry Schweiger, who is chairman of the association and president of the National Wildlife Federation, said the invitation to groups like Mr. Rivera’s was “part of an overall effort to get more engagement in the climate issue.”

[Lisa P. Jackson](#), whom Mr. Obama appointed as administrator of the [Environmental Protection Agency](#), emphasized inclusion at a recent conference of environmental justice groups in New York City. Ms. Jackson told the audience that she hoped to bring more diversity to the agency — its staff of about 1,700 is 69 percent non-Hispanic white — “so we look like the people we serve.”

(In addition to Ms. Jackson, who is black, Mr. Obama's environment team includes an Asian, [Steven Chu](#), as energy secretary; a Latino, [Ken Salazar](#), as interior secretary; and [Carol M. Browner](#), who is white, as the coordinator of energy and climate policy.)

Van Jones, whose national organization, Green for All, was also invited to join the Green Group, said that while environmental justice groups were focused on "equal protection from bad stuff," groups like his wanted "equal access to good stuff" and to use green jobs to lift urban youths and others out of poverty.

"The more the green movement transforms into a movement for economic opportunity," Mr. Jones said, "the more it will look like America."

01268-EPA-2128

**Lisa
Heinzerling/DC/USEPA/US**
03/10/2009 05:14 PM

To Richard Windsor
cc
bcc
Subject another leak

Someone has also leaked the Technical Support Document -- supporting the endangerment finding -- to the press. The draft of this document was dated yesterday.

(b) (5) Deliberative



01268-EPA-2130

Daniel Gerasimowicz/DC/USEPA/US
03/10/2009 05:51 PM

To Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b) (6) Personal Privacy Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject Wednesday, March 11, 2009 Schedule for Lisa P. Jackson

*** do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule
Wednesday, March 11, 2009**

08:30 AM - 09:00 AM	The Administrator's Office	Daily Briefing
09:00 AM - 09:45 AM	The Administrator's Office	Meeting with Mayor Nagin Ct: Dan Gerasimowicz 564-7314 <u>Mayor C. Ray Nagin and Staff</u> Jacquelyn Clarkson, Councilmember Cynthia Hedge-Morrell, Councilmember Dr. Brenda Hatfield – Chief Administrative Office Marcia St. Martin – Executive Director – New Orleans Sewerage and Water Board Julie Schwam Harris – Interim Director Intergovernmental Relations Austin Penny, Chief Operating Officer, Office of Recovery and Development Administration Tanya Lombard – Johnson, Madigan, Peck Rodney Braxton - Southern Strategy <u>EPA Staff</u> Barry Breen, Catherine McCabe, David McIntosh, Debbie Dietrich, Joyce Frank
09:45 AM - 10:30 AM	EOC - SCIF	Homeland Security Briefing Ct: Caroline Brown 564-2893 Reyes/Stolworthy/Martin/Fulton
10:45 AM - 11:00 AM	Ariel Rios	Depart for Hart Senate Building
11:00 AM - 11:45 AM	331 Hart Senate Building	Meeting with Senator Feinstein Ct: Aaron Adkins (b) (6) Personal Privacy Joyce Frank and Lisa Heinzerling will attend and travel with the Administrator
11:45 AM - 12:00 PM	Hart Senate Building	Depart for Ariel Rios
12:00 PM - 12:45 PM	The Administrators Office	No Meetings

12:45 PM - 01:00 PM	Ariel Rios	Depart for WH
01:00 PM - 01:45 PM	East Room	EO: Interagency Council on Women and Girls
01:45 PM - 02:10 PM	WH	Depart for Arlington Court Suites
02:15 PM - 02:45 PM	Arlington Court Suites 1200 N. Courthouse Rd. Arlington, VA 22201	Meet and Greet with Members of EPA's Children's Health Protection Advisory Committee (CHPAC) Ct: Martha Berger 564-2191 or (b) (6) Personal Privacy
02:45 PM - 03:00 PM	Arlington Court Suites	Depart for Ariel Rios
03:00 PM - 03:15 PM	The Administrator's Office	Meeting to discuss Personnel Ct: (b) (6) Personal Privacy (b) (6) Personal Privacy
03:30 PM - 03:45 PM	The Administrator's Office	Follow-up Personnel Call Ct: (b) (6) Personal Privacy (b) (6) Personal Privacy The Administrator's office will dial (b) (6) Personal Privacy on (b) (6) Personal Privacy
04:00 PM - 04:45 PM	3530 ARN	Briefing to discuss the Lieberman-Warner Climate Security Act of 2008 Ct: Shela Poke-Williams 564-1850 Heinzerling/McIntosh/McGartland/Frantz/Lewis/Craig/McLean/Krieger/Kruger/Napolitano/Dunham/Tsirigotis/Harvey/Culligan/Fawcett/Adamantiades/Johnson/Ketcham-Colwill/Zinger
04:45 PM - 05:15 PM	The Administrator's Office	Meeting with Marygrace Galston

*** 03/10/2009 05:47:14 PM ***

01268-EPA-2134

Richard Windsor/DC/USEPA/US
03/11/2009 07:51 AM

To David Cohen
cc
bcc

Subject Re: strictly between us

(b) (5) Deliberative, (b) (6) Personal Privacy
[Redacted]

David Cohen

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

From: David Cohen
Sent: 03/11/2009 07:32 AM EDT
To: Richard Windsor
Subject: strictly between us

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

01268-EPA-2135

Bob Sussman/DC/USEPA/US

To Richard Windsor

03/11/2009 12:25 PM

cc Scott Fulton

bcc

Subject Fw: CEQ Meeting

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/11/2009 12:23 PM -----

From: Gregory Peck/DC/USEPA/US
To: Mike Shapiro/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Steven Neugeboren/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA
Date: 03/11/2009 12:21 PM
Subject: CEQ Meeting

(b) (5) Deliberative

Gregory E. Peck

Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

01268-EPA-2136

Daniel
Gerasimowicz/DC/USEPA/US
03/11/2009 05:59 PM

To Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott
Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard
Windsor, Eric Wachter, (b) (6) Personal Privacy Robert Goulding, Lisa
Heinzerling, David McIntosh

cc

bcc

Subject Thursday, March 12, 2009 Schedule for Lisa P. Jackson

*** do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule
Thursday, March 12, 2009**

07:30 AM - 07:45 AM	Residence	Depart for Willard Hotel
07:45 AM - 08:15 AM	Crystal Ballroom, Willard Hotel, 1401 Pennsylvania	Business for Innovative Climate and Energy Policy Thought Leaders Breakfast Ct: Vivian (b) (6) Personal Privacy
08:20 AM - 09:00 AM	Cafe Du Parc, 1401 Pennsylvania Ave.	Breakfast with Sally Ericson Ct: (b) (6) Personal Privacy
09:00 AM - 09:15 AM	Cafe du Parc	Depart for Ariel Rios
09:30 AM - 09:45 AM	The Administrator's Office	Personnel Ct: Russell Wright (b) (6) Personal Privacy
09:45 AM - 10:15 AM	3530 ARN	Follow-up Briefing to discuss Ethanol Blending Ct: Karen Orehowsky 564-9674 Craig/Zinger/Oge/Stewart/Simon/Kortum/Caldwell/Anderson/Weihrauch/ France/Dunham/Machiele/Argyropolous/Nam/Hannon/Delaney/ Heinzerling/McIntosh/Wise/McGartland/Cristofaro/Sussman/Shaver *(hookup to conference line needed)
10:15 AM - 10:30 AM	The Administrator's Office	Depart for EEOB
10:30 AM - 11:45 AM	VP Ceremonial Office Room 276, EEOB	ARRA Implementation Bi-Weekly Meeting w/ VPOTUS *Note: You need to arrive by 10:30
11:45 AM - 12:00 PM	EEOB	Depart for Ariel Rios
12:00 PM - 12:45 PM	The Administrator's Office	Meeting with the Norwegian Minister for the Environment and International Development Erick Solheim Ct: Sigrid Bay (b) (6) Personal Privacy EPA Staff Sussman/McIntosh/Heinzerling/Phillips/Waxmonsky/Stahl/Fulton

Norwegian Delegation

Mr. Erik Solheim
Minister of Environment and International Development

Mrs. Aud Kolberg
Minister / DCM, Royal Norwegian Embassy

Mr. Georg Boersting
Senior Advisor, Ministry of Foreign Affairs

Ms. Hanne Inger Bjurstroem
Special Advisor, Ministry of Environment

Ms. Mona Elisabeth Aarhus
Senior Advisor, Ministry of Environment

Mrs. Elin Bergithe Rognlie
Minster Counselor, Royal Norwegian Embassy

Mrs. Sigrid Bay
1st secretary

*(there will be a brief photo op during the first 5 minutes of this meeting)

01:15 PM - 01:30 PM	Ariel Rios	Depart for WH
01:30 PM - 02:00 PM	Phil Schirilo's Office, West Wing, WH	Meeting w/ Browner, Schirilo and Sutley
02:00 PM - 03:00 PM	EEOB	Followup to Energy/Climate Lunch
03:00 PM - 03:15 PM	EEOB	Depart for Ariel Rios
03:15 PM - 03:45 PM	The Administrator's Office	Briefing to discuss Treatment as a State for Tribes at Wind River Reservation Ct: Shirley Kelley (b) (6) Personal Privacy B. Johnson/Craig/Sussman/Rushin/Green/Lynch/Shapiro/Hirsch *(audio hookup needed for conference line)
04:00 PM - 04:30 PM	The Administrator's Office	Meeting with Governor Rendell - PA and PA DEP Secretary Hanger Ct: Alex Ficken (b) (6) Personal Privacy or (b) (6) Personal Privacy Frank/Hiller-Purvis/Hooks/McIntosh/Sussman
04:30 PM - 05:00 PM	The Administrator's Office	Personnel Ct: (b) (6) Personal Privacy (b) (6) Personal Privacy
05:00 PM - 05:30 PM	The Administrator's Office	HOLD Call with President Shirley Ct: Dan Gerasimowicz 564-7314
07:30 PM - 09:00 PM	Cafe Milano, 3251 Prospect St., NW #	Dinner w/ Valerie Jarrett Ct: (b) (6) Personal Privacy

*** 03/11/2009 05:56:18 PM ***

01268-EPA-2137

Richard
Windsor/DC/USEPA/US
03/11/2009 10:24 PM

To Bob Sussman, "Allyn Brooks-Lasure"
cc
bcc

Subject Re: Review of Bush ozone Standard

(b) (6) Privacy

Bob Sussman

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

From: Bob Sussman

Sent: 03/11/2009 06:57 PM EDT

To: Richard Windsor

Cc: David McIntosh; Scott Fulton; Lisa Heinzerling; David Cohen; Allyn Brooks-LaSure

Subject: Review of Bush ozone Standard

LISA -- YOU'LL REMEMBER OUR DISCUSSION OF THIS. HERE'S THE FOLLOW-UP.

AIR POLLUTION: EPA seeks review of Bush smog standards (03/11/2009)

Robin Bravender, E&E reporter

The Obama administration has asked a federal appeals court to stall proceedings over pollution limits for smog to give U.S. EPA more time to determine whether to revise the controversial Bush-era standards.

Justice Department attorneys on behalf of EPA yesterday [asked](#) the U.S. Circuit Court of Appeals for the District of Columbia to vacate the briefing schedule for a lawsuit in which a coalition of states and environmental and health groups is suing the agency to strengthen its standards for ozone, a component of smog. Several industry groups also sued EPA to push for weaker ozone limits.

The Bush EPA last March tightened its air pollution standards for ozone to 75 parts per billion (ppb), replacing the former standard of 84 ppb. But critics blasted the administration for ignoring EPA's Clean Air Scientific Advisory Committee, which recommended that the agency ratchet down the primary ozone standard to 70 ppb or lower.

The health standard is supposed to establish the amount of ground-level ozone that an average person can breathe over eight hours without risking health problems.

Environmentalists also accused the Bush White House of intervening to prevent EPA from establishing a tighter secondary standard to protect forests, crops and wildlife, something EPA staff members and science advisers had recommended.

Meanwhile, industry petitioners argued that the lower Bush-era standards would make it tougher for states to comply and could have damaging economic effects. State compliance measures could include stricter regulations on emissions from coal-fired power plants and other industrial sources, or beefing up tailpipe emissions programs aimed at taking older cars and trucks off the road.

In its motion yesterday, EPA requested the extension to allow new agency officials to review the national air quality standards for ozone to determine whether the Bush administration's rule "should be maintained, modified or otherwise reconsidered." The agency asked for six months to inform the court how it intends to handle the rule.

According to EPA's motion, none of the petitioners in the case opposed the request to hold off on the court briefings.

'Encouraging step'

"Whether the agency decides to formally either modify the standard or undertake formal reconsideration proceedings, we don't know yet, but we think this is an encouraging step," said Earthjustice attorney David Baron, who is representing environmental groups in the lawsuit.

EPA's request came as little surprise to some environmentalists, who predicted that EPA might voluntarily review the standard after the same appeals court last month sent the Bush administration's pollution standards for airborne soot back to the agency for review ([Greenwire](#), Feb. 25).

Revising the standard to comply with science advisers' recommendations would be a fairly simple task, Baron said.

"They don't have to reinvent the wheel here," Baron said. "This is not a situation where we or the medical community is asking EPA to second-guess the scientists; it just has to essentially do what the scientists have already told them they need to do."

Still, some industry groups are hopeful that EPA will relax its standard.

"We want it to match what the science dictated," said Amy Chai, staff counsel for the National Association of Home Builders, which sued the agency over last year's rule. "We felt that the current ozone standard goes beyond that."

But that seems unlikely, even though cities are already struggling to meet the current ozone standard, said industry attorney Jeff Holmstead, who served as EPA's clean air chief under former President George W. Bush.

"Clearly, the environmental community is an important constituency for the Obama administration," Holmstead said. "Given that fact and the strong statements from [the Clean Air Scientific Advisory Committee], you would have to suspect that they will be looking at making

the ozone standard even more stringent when already it's at a level that will be impossible for many U.S. cities to meet."

[Click here](#) to read EPA's motion.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2138

Bob Sussman/DC/USEPA/US

To Richard Windsor

03/12/2009 08:29 AM

cc "Allyn Brooks-Lasure"

bcc

Subject Re: Review of Bush ozone Standard

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor

(b) (6) Privacy

03/11/2009 10:23:35 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 03/11/2009 10:23 PM
Subject: Re: Review of Bush ozone Standard

(b) (6) Privacy

Bob Sussman

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

From: Bob Sussman
Sent: 03/11/2009 06:57 PM EDT
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling; David Cohen; Allyn Brooks-LaSure
Subject: Review of Bush ozone Standard

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[Click here](#) to read EPA's motion.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2139

**Lisa
Heinzerling/DC/USEPA/US**
03/12/2009 08:42 AM

To Richard Windsor
cc
bcc

Subject items for virtual morning meeting

Lisa,

Here are several items I would have mentioned at our morning meeting today if we had had one:

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Let me know if you have any questions or concerns.

Lisa

01268-EPA-2140

LisaP Jackson/DC/USEPA/US
Sent by: Richard Windsor

To Bob Sussman
cc "Allyn Brooks-Lasure"

03/12/2009 09:19 AM

bcc

Subject Re: Review of Bush ozone Standard

(b) (5) Deliberative

Bob Sussman

(b) (5) Deliberative

03/12/2009 08:30:04 AM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 03/12/2009 08:30 AM
Subject: Re: Review of Bush ozone Standard

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor

(b) (6) Privacy

03/11/2009 10:23:35 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 03/11/2009 10:23 PM
Subject: Re: Review of Bush ozone Standard

(b) (6) Privacy

Bob Sussman

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

From: Bob Sussman
Sent: 03/11/2009 06:57 PM EDT
To: Richard Windsor
Cc: David McIntosh; Scott Fulton; Lisa Heinzerling; David Cohen; Allyn Brooks-LaSure
Subject: Review of Bush ozone Standard

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Revising the standard to comply with science advisers' recommendations would be a fairly simple task, Baron said.

"They don't have to reinvent the wheel here," Baron said. "This is not a situation where we or the medical community is asking EPA to second-guess the scientists; it just has to essentially do what the scientists have already told them they need to do."

Still, some industry groups are hopeful that EPA will relax its standard.

"We want it to match what the science dictated," said Amy Chai, staff counsel for the National Association of Home Builders, which sued the agency over last year's rule. "We felt that the current ozone standard goes beyond that."

But that seems unlikely, even though cities are already struggling to meet the current ozone standard, said industry attorney Jeff Holmstead, who served as EPA's clean air chief under former President George W. Bush.

"Clearly, the environmental community is an important constituency for the Obama administration," Holmstead said. "Given that fact and the strong statements from [the Clean Air Scientific Advisory Committee], you would have to suspect that they will be looking at making the ozone standard even more stringent when already it's at a level that will be impossible for many U.S. cities to meet."

[Click here](#) to read EPA's motion.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2141

**Lisa
Heinzerling/DC/USEPA/US**
03/12/2009 05:51 PM

To Richard Windsor
cc
bcc

Subject items for another virtual morning meeting

[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Have a good evening.

01268-EPA-2154

David McIntosh/DC/USEPA/US
03/14/2009 03:38 PM

To Richard Windsor
cc
bcc

Subject Re: Report on DOE Mtg on Energy Star

[Redacted] (b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 03/14/2009 03:36 PM EDT
To: David McIntosh
Subject: Re: Report on DOE Mtg on Energy Star

[Redacted] (b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 03/14/2009 03:34 PM EDT
To: Richard Windsor
Subject: Re: Report on DOE Mtg on Energy Star

[Redacted] (b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 03/14/2009 03:32 PM EDT
To: David McIntosh
Subject: Re: Report on DOE Mtg on Energy Star

[Redacted] (b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 03/14/2009 03:31 PM EDT
To: Richard Windsor
Subject: Re: Report on DOE Mtg on Energy Star

[Redacted] (b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 03/14/2009 03:29 PM EDT
To: David McIntosh
Subject: Re: Report on DOE Mtg on Energy Star

[Redacted] (b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 03/14/2009 03:27 PM EDT
To: Richard Windsor
Subject: Re: Report on DOE Mtg on Energy Star

(b) (5) Deliberative
[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 03/14/2009 03:21 PM EDT
To: David McIntosh
Subject: Re: Report on DOE Mtg on Energy Star

(b) (5) Deliberative
[Redacted]

David McIntosh

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

From: David McIntosh
Sent: 03/14/2009 03:16 PM EDT
To: windsor.richard@epa.gov
Cc: wachter.eric@epa.gov; goulding.robert@epa.gov
Subject: Re: Report on DOE Mtg on Energy Star

(b) (5) Deliberative
[Redacted]

Bob Sussman

(b) (5) Deliberative

03/13/2009 05:50:49 PM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 03/13/2009 05:50 PM
Subject: Report on DOE Mtg on Energy Star

(b) (5) Deliberative
[Redacted]

[Redacted]

(b) (5) Deliberative

A large rectangular area of the document is completely redacted with black ink. The text "(b) (5) Deliberative" is centered at the top of this redacted area.A single line of text is redacted with black ink.A block of text is redacted with black ink, consisting of two lines.A block of text is redacted with black ink, consisting of two lines.A block of text is redacted with black ink, consisting of two lines.A single line of text is redacted with black ink.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2155

Richard Windsor/DC/USEPA/US
03/14/2009 03:40 PM

To David McIntosh
cc
bcc

Subject Re: Report on DOE Mtg on Energy Star

(b) (5) Deliberative
David McIntosh

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

From: David McIntosh
Sent: 03/14/2009 03:38 PM EDT
To: Richard Windsor
Subject: Re: Report on DOE Mtg on Energy Star

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Richard Windsor

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To: windsor.richard@epa.gov
Cc: wachter.eric@epa.gov; goulding.robert@epa.gov
Subject: Re: Report on DOE Mtg on Energy Star

(b) (5) Deliberative

Bob Sussman

(b) (5) Deliberative

03/13/2009 05:50:49 PM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 03/13/2009 05:50 PM

Subject: Report on DOE Mtg on Energy Star

(b) (5) Deliberative, (b)(5) Attorney Client Privilege

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2158

Bob Sussman/DC/USEPA/US

03/15/2009 12:55 PM

To (b) (6) Privacy Richard Windsor

cc Scott Fulton, Eric Wachter

bcc

Subject Update on regulatory Agenda

Lisa -- Scott and I have been talking further with OPEI about how to package the semi-annual regulatory agenda and wanted to share some revised thinking on the best approach.

(b) (5) Deliberative, (b)(5) Attorney Client Privilege

[Redacted]

[Redacted]

[Redacted]

[Redacted]

We'll pursue this new approach unless you have concerns, in which event we'll regroup with you. Thanks.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2161

**Lisa
Heinzerling/DC/USEPA/US**
03/15/2009 10:31 PM

To David McIntosh, Scott Fulton
cc Richard Windsor
bcc

Subject Re: Mtg with Utah Delegation

(b) (5) Deliberative, (b)(5) Attorney Client Privilege

David McIntosh

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

From: David McIntosh
Sent: 03/15/2009 08:43 PM EDT
To: Scott Fulton
Cc: Lisa Heinzerling; Richard Windsor
Subject: Re: Mtg with Utah Delegation

(b) (5) Deliberative, (b)(5) Attorney Client Privilege

Scott Fulton

(b) (5) Deliberative

03/13/2009 03:34:39 PM

From: Scott Fulton/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 03/13/2009 03:34 PM
Subject: Mtg with Utah Delegation

Hi -- (b) (5) Deliberative, (b)(5) Attorney Client Privilege

(b) (5) Deliberative, (b)(5) Attorney Client Privilege

(b) (5) Deliberative, (b)(5) Attorney Client Privilege

or should we try to approach it some other way? Thoughts?

Hope you are feeling better,
Scott

----- Forwarded by Scott Fulton/DC/USEPA/US on 03/13/2009 03:11 PM -----

From: Beth Craig/DC/USEPA/US
To: fulton.scott@epa.gov
Date: 03/13/2009 12:20 PM
Subject: Fw: Mtg with Utah Delegation

----- Forwarded by Beth Craig/DC/USEPA/US on 03/13/2009 12:19 PM -----

From: Josh Lewis/DC/USEPA/US
To: Bill Harnett/RTP/USEPA/US@EPA
Cc: Beth Craig/DC/USEPA/US@EPA, "Josh Lewis" <lewis.josh@epa.gov>, "Carol Rushin" <Rushin.Carol@epamail.epa.gov>, "Callie Videtich" <videtich.callie@epa.gov>, "Don Zinger" <zinger.don@epa.gov>, Diann Frantz/DC/USEPA/US@EPA
Date: 03/12/2009 10:37 AM
Subject: Mtg with Utah Delegation

I can also be available Friday morning.

(b) (5) Deliberative



We can discuss strategy, the need for briefing materials, etc. tomorrow morning on the call.

Measure urges EPA to rezone rural Utah
By the Deseret News staff
Published: February 24, 2009

The yellow haze that is a Utah inversion doesn't cling to Deseret Peak Wilderness Area in Tooele County or sock it to Box Elder County.

With that premise in mind, a resolution urging federal regulators of air pollution to rethink Utah's proposed non-attainment areas for PM2.5 unanimously received support Monday from a Senate committee.

Sponsored by Rep. Ronda Redd Menlove, R-Garland, HCR05 calls the designation of the pollution zones "flawed" and says it unfairly besmirches Utah's reputation by creating the fictitious non-attainment areas in rural areas where pollution is not a problem.

The resolution has the support of the Utah Division of Air Quality, whose executive director Cheryl Heying said she is hopeful the resolution will nudge the Environmental Protection Agency to rethink its designations.

"Including areas that are not having problems with air quality doesn't get us to our goals any faster," she told members of the Senate Natural Resources committee.

Tom Bingham of the Utah Manufacturers Association said the proposed zones inaccurately portray rural areas of the state as having a pollution problem and the attendant regulations will be bad for business.

"It was as if EPA was under the gun and decided to take a big crayon and start drawing on a map, thinking gee, this looks good. "

Bingham said there has already been concern expressed by businesses seeking to start up operations, such as Proctor & Gamble which has plans for a plant in Box Elder County.

Tooele County representatives, Menlove said, met with EPA officials in Denver this last weekend to explain that "Tooele County is a lot different than the Wasatch Front."

Utah is in a years-long exhaustive process to come into compliance with new federal standards regarding PM2.5 or fine particulate pollution that is emitted from a variety of sources, including automobiles, industry and chimneys.

Gov. Jon Huntsman Jr. and the state air quality officials have been at odds over the list of areas that have been deemed "nonattainment zones" and are trying to negotiate reconsideration by the EPA. What particularly burns Utah officials is that because of Cache County's persistent pollution problems, one of the zones roped in Franklin County, Idaho, just over the border.

The resolution says it is unfair to hold Utah "hostage" to another state beyond its control. The inclusion of the one county in Idaho also is problematic, state officials say, because Idaho is in a different EPA region than Utah, unnecessarily complicating compliance.

Bingham said Rep. Rob Bishop, R-Utah, is working on the federal level to push for EPA's reconsideration of the zones.

Josh Lewis
USEPA/Office of Congressional and Intergovernmental Relations
phone: 202-564-2095
fax: 202-501-1550

From: Bill Harnett/RTP/USEPA/US

To: Beth Craig/DC/USEPA/US@EPA
Cc: "Josh Lewis" <lewis.josh@epa.gov>, "Carol Rushin" <Rushin.Carol@epamail.epa.gov>, "Callie Videtich" <videtich.callie@epa.gov>, "Don Zinger" <zinger.don@epa.gov>

Date: 03/11/2009 08:39 PM

Subject: Re: Mtg with Utah Delegation

ct:

I can be available anytime you wish on Friday morning.

Beth
Craig/DC/USEPA/US

To "Josh Lewis" <lewis.josh@epa.gov>, "Don Zinger" <zinger.don@epa.gov>, page.steve, Bill
Harnett/RTP/USEPA/US@EPA

03/11/2009 07:34 PM

cc "Callie Videtich" <videtich.callie@epa.gov>, "Carol Rushin" <Rushin.Carol@epamail.epa.gov>
Subje Mtg with Utah Delegation
ct

Dear Folks,

Steve T, Callie and I have been talking and thought we should check in to make sure we are on the same page. Can we confab on Friday morning on this mtg to make sure we know who from HQs will be attending the mtgs and possible documents.

Josh, do we know the scope of the mtg with the delegation yet?

(b) (5) Deliberative

? If yes, what?

Thanks, Beth

Sent by EPA Wireless E-Mail Services

01268-EPA-2167

Richard Windsor/DC/USEPA/US
03/16/2009 01:59 PM

To Allyn Brooks-LaSure
cc
bcc

Subject Re: Miami Herald: EPA is back on mission again

Yea mon.

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/16/2009 01:38 PM EDT
To: "Richard Windsor" <Windsor.richard@epa.gov>; "Bob Sussman" <sussman.bob@epa.gov>; Lisa Heinzerling; "David Mcintosh" <mcintosh.david@epa.gov>; Eric Wachter
Subject: Fw: Miami Herald: EPA is back on mission again

Our message is getting out.

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 03/16/2009 01:36 PM EDT
To: Allyn Brooks-LaSure
Subject: Miami Herald: EPA is back on mission again

EPA is back on mission again

Miami Herald

March 13, 2009

The following editorial appeared in the Miami Herald on Friday, March 13

Two years ago Congress told the Environmental Protection Agency to require major U.S. industries to measure the amount of carbon dioxide they emit each year as a step in the process of creating legislation to reduce gases that cause climate change. But the agency fought the order, claiming that the Clean Air Act doesn't give it the authority to police carbon dioxide and other heat-trapping gases. The agency also ignored a U.S. Supreme Court ruling, which said that - yes - it did too have the power to regulate these emissions.

The agency's foot-dragging on controlling carbon-dioxide emissions now appears to be over. On Tuesday the EPA announced that it will comply with Congress' 2007 statute by calling on all big industries to measure carbon-dioxide emissions by the end of this year. EPA administrator Lisa P. Jackson has indicated that the agency will be taking a far different stance on global climate change. This is good news.

Soon after Jackson was sworn in, the agency reversed course on a

controversial decision, which, coincidentally, has a Florida link. Under the Clean Air Act, California can seek waivers to impose higher air-quality standards than the federal rules to combat smog. In almost every case, the EPA has granted the waivers. But when California asked the EPA for a waiver to impose tougher regulations on vehicles' carbon-dioxide emissions a few years ago, the EPA said no. Some 15 other states, including Florida, want to adopt the California carbon-dioxide emission standards. At the moment, these plans are in limbo.

After Jackson arrived, the EPA said that it would review the California waiver request. Many believe this means the agency will ultimately grant the waiver, opening the way for the other states to impose tougher emission standards, too.

As to the requirement that U.S. industries measure their carbon-dioxide output, this is a signal that the EPA will move forward on limiting greenhouse gases. This is no easy or quick task. Writing the regulations that will limit carbon-dioxide emissions will take years and probably be bogged down by industry lawsuits.

For this reason, scientists, environmental groups and regulators want Congress to take up global-warming legislation this year. Such an important issue needs the broad discussion that Congress can provide. Curbing heat-trapping gases will affect nearly every industry, making it difficult to pass. Yet, controlling the emissions that cause global warming is such a vital issue that the country must do something about it soon.

With the EPA on board, Congress must step up, too.

01268-EPA-2175

Michael McCabe

<(b) (6) Personal Privacy

et>

03/17/2009 01:36 PM

To undisclosed-recipients:

cc

bcc

Subject Markell announces DNREC pick

FYI

Mike

McCabe & Associates

4 Normandy Drive

Chadds Ford, PA 19317

610-388-9625 (work)

(b) (6) Personal Privacy

Markell Nominates Climate Prosperity Leader to Head DNREC

*Advocates praise bold choice of "true environmental
champion"*

WILMINGTON – Following through on his commitment to fight for Delaware’s environmental health and welfare, Gov. Jack Markell announced on Tuesday he will be nominating Collin O'Mara -- a nationally recognized climate prosperity expert -- to be his administration’s Secretary of Natural Resources and Environmental Control.

If confirmed by the Senate, O'Mara will be stepping down from his position with the nearly 100,000-resident City of San Jose. He has been responsible for implementing San Jose’s Green Vision program, an ambitious plan to marry environmental sustainability with economic development in the epicenter of Silicon Valley. O'Mara's stewardship of the program is credited with attracting more than 50 clean technology companies and attracting more than 3,000 jobs.

“When I was sworn in, I took an oath to protect Delaware’s precious natural resources,” Markell said. “Nominating Collin

O'Mara lives up to that oath. I am confident that he will be a tireless advocate for Delaware's environment and a responsible steward of our resources. If confirmed, he will lead my administration's efforts to put environmental sustainability at the forefront of our public policy discussions. That work will not only improve the quality of our air, land and soil, but it will also help our economy because our environmental and economic health are intertwined. The success of one should lead to the success of the other, and Collin is a national leader in this field."

Even as our economy transitions to cleaner energy, enforcement of traditional energy and industries must be diligently pursued, Markell said, adding that "Collin will be a strong protector of our precious natural assets and will ensure DNREC fulfills its obligation to regulate polluters. His experience in making government more effective and efficient is also critical as we work with legislators to close the historic budget shortfall facing us."

O'Mara's commitment to protecting the environment has impressed advocates in Delaware and around the country. "Collin O'Mara understands the challenges climate change will be bringing to Delaware, has been a strong advocate for environmental protections and has experience in renewable energy and efficiency that will help Delaware move forward toward a more sustainable future," said Debbie Heaton, a long-time leading environmental activist in Delaware. "I think he will be a great Secretary and look forward to working with him as we address the significant environmental issues facing our state."

Before coming to San Jose in 2006, O'Mara served as the assistant director of management and budget for the City of

Syracuse (NY), where he saved taxpayers millions of dollars by better tracking public expenditures and services. After graduating from Dartmouth, O'Mara was named a Marshall Scholar and earned a Masters in Philosophy, Politics and Economics from Oxford University and a Masters of Public Administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University. He recently completed Stanford Business School's Executive Management Program in Business Strategies for Environmental Sustainability.

"Governor Markell is building a national reputation as an innovator who is willing to tackle difficult problems head-on. I am honored by the opportunity to be nominated and the chance, if confirmed, to get to work for the people of Delaware,"

O'Mara said. "As an outdoorsman I cannot wait to explore Delaware's beautiful state parks and to cast a line in one of Delaware's many lakes, ponds and streams."

San Jose Mayor Chuck Reed called O'Mara the "driving force" behind the city's Green Vision program, which established ten bold goals for job creation, renewable energy, energy efficiency, green building, recycling, water recycling and zero-emission vehicles to create a market for green products and spur green economic development.

"His balance of idealism and pragmatism has encouraged business and community leaders to look at the opportunities that environmental sustainability offers for creating economy prosperity," Reed said. "While Collin will be sorely missed, he has helped us launch this vision for future success and can do the same for the people of Delaware."

O'Mara also has experience making government more effective and more efficient, which is critical in the face of the historic challenges Delaware state government must address. While

working for the City of Syracuse, New York, O'Mara managed the SyraStat project that saved local taxpayers more than \$14 million over two years and improved the delivery of key services.

“Collin O'Mara has displayed exceptional leadership qualities. He understands the important role accountability plays in the efficient management and delivery of government services,” said Syracuse Mayor Matthew Driscoll. “I am sure he will bring that background to promoting sustainable practices and clean technology solutions. His vision, passion, intellect, and collaborative style make him a perfect choice for Secretary of Natural Resources and Environmental Control and I am confident that he will do great things for the State of Delaware.”

O'Mara's work to foster environmentally friendly economic development has won praise from a broad array of environmental advocates and members of the business community.

Margaret Bruce, U.S. Western Regional Director of The Climate Group said: “Collin O'Mara is a true environmental champion. He has a clear vision for what a sustainable world with a low-carbon economy can look like and the skill-set to help move Delaware into a national leadership position. He possesses the rare and valuable talent of seeing the world through the lens of the possible, not the established or ideological. His strong environmental and social ethos blends with a cool head, a keen mind, and a knack for problem solving [and would] serve as Secretary of Natural Resources and Environmental Control with distinction.”

Jeffrey Finkle, President and CEO of the International Economic Development Council said: “Collin O'Mara has a clear vision for

ending our dependence on foreign oil and addressing climate change in a way that will accelerate our recovery out of the current recession and strengthen the America economy for generations to come. He understands the potential for bold environmental leadership to create unparalleled job creation opportunities, new domestic wealth, an improved trade deficit, and long-term economic security.”

Bob Baugh, Executive Director of the AFL-CIO Industrial Union Council, said: “Collin O’Mara brings both vision and common sense to making environmental economic development policy a reality. His work in San Jose embraced an environmental innovation agenda that recognizes that everyone from workers with a high school education to PhD’s have something to contribute to a cleaner planet. His effort to challenge old assumptions, champion new business models and to link new manufacturing opportunities to Silicon Valley’s R&D expertise is the base for broadly shared prosperity. The Governor has made an excellent choice.”

01268-EPA-2176

Richard
Windsor/DC/USEPA/US
03/17/2009 01:51 PM

To Michael McCabe
cc
bcc

Subject Re: Markell announces DNREC pick

aww - was hoping for my former colleague though O'Mara's reputation precedes him

Michael McCabe

FYI Mike

03/17/2009 01:36:02 PM

From: Michael McCabe <(b) (6) Personal Privacy>
To: undisclosed-recipients;;
Date: 03/17/2009 01:36 PM
Subject: Markell announces DNREC pick

FYI

Mike

McCabe & Associates
4 Normandy Drive
Chadds Ford, PA 19317
610-388-9625 (work)

(b) (6) Personal Privacy

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*Advocates praise bold choice of "true environmental
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“When I was sworn in, I took an oath to protect Delaware’s precious natural resources,” Markell said. “Nominating Collin O’Mara lives up to that oath. I am confident that he will be a tireless advocate for Delaware’s environment and a responsible steward of our resources. If confirmed, he will lead my administration’s efforts to put environmental sustainability at the forefront of our public policy discussions. That work will not only improve the quality of our air, land and soil, but it will also help our economy because our environmental and economic health are intertwined. The success of one should lead to the success of the other, and Collin is a national leader in this field.”

Even as our economy transitions to cleaner energy, enforcement of traditional energy and industries must be diligently pursued, Markell said, adding that “Collin will be a strong protector of our precious natural assets and will ensure DNREC fulfills its obligation to regulate polluters. His experience in making government more effective and efficient is also critical as we work with legislators to close the historic budget shortfall facing us.”

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01268-EPA-2177

Richard
Windsor/DC/USEPA/US
03/17/2009 01:51 PM

To Eric Wachter, dryan
cc
bcc

Subject Fw: Markell announces DNREC pick

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/17/2009 01:51 PM -----

From: Michael McCabe <(b) (6) Personal Privacy>
To: undisclosed-recipients;;
Date: 03/17/2009 01:36 PM
Subject: Markell announces DNREC pick

FYI

Mike

McCabe & Associates
4 Normandy Drive
Chadds Ford, PA 19317
610-388-9625 (work)

(b) (6) Personal Privacy

Markell Nominates Climate Prosperity Leader to Head DNREC

*Advocates praise bold choice of "true environmental
champion"*

WILMINGTON – Following through on his commitment to fight for Delaware’s environmental health and welfare, Gov. Jack Markell announced on Tuesday he will be nominating Collin O'Mara -- a nationally recognized climate prosperity expert -- to be his administration’s Secretary of Natural Resources and Environmental Control.

If confirmed by the Senate, O'Mara will be stepping down from his position with the nearly 100,000-resident City of San Jose. He has been responsible for implementing San Jose’s Green Vision program, an ambitious plan to marry environmental sustainability with economic development in the epicenter of Silicon Valley. O'Mara's stewardship of the program is credited

with attracting more than 50 clean technology companies and attracting more than 3,000 jobs.

“When I was sworn in, I took an oath to protect Delaware’s precious natural resources,” Markell said. “Nominating Collin O’Mara lives up to that oath. I am confident that he will be a tireless advocate for Delaware’s environment and a responsible steward of our resources. If confirmed, he will lead my administration’s efforts to put environmental sustainability at the forefront of our public policy discussions. That work will not only improve the quality of our air, land and soil, but it will also help our economy because our environmental and economic health are intertwined. The success of one should lead to the success of the other, and Collin is a national leader in this field.”

Even as our economy transitions to cleaner energy, enforcement of traditional energy and industries must be diligently pursued, Markell said, adding that “Collin will be a strong protector of our precious natural assets and will ensure DNREC fulfills its obligation to regulate polluters. His experience in making government more effective and efficient is also critical as we work with legislators to close the historic budget shortfall facing us.”

O’Mara’s commitment to protecting the environment has impressed advocates in Delaware and around the country. "Collin O'Mara understands the challenges climate change will be bringing to Delaware, has been a strong advocate for environmental protections and has experience in renewable energy and efficiency that will help Delaware move forward toward a more sustainable future," said Debbie Heaton, a long-time leading environmental activist in Delaware. "I think he will be a great Secretary and look forward to working with

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Before coming to San Jose in 2006, O'Mara served as the assistant director of management and budget for the City of Syracuse (NY), where he saved taxpayers millions of dollars by better tracking public expenditures and services. After graduating from Dartmouth, O'Mara was named a Marshall Scholar and earned a Masters in Philosophy, Politics and Economics from Oxford University and a Masters of Public Administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University. He recently completed Stanford Business School's Executive Management Program in Business Strategies for Environmental Sustainability.

"Governor Markell is building a national reputation as an innovator who is willing to tackle difficult problems head-on. I am honored by the opportunity to be nominated and the chance, if confirmed, to get to work for the people of Delaware,"

O'Mara said. "As an outdoorsman I cannot wait to explore Delaware's beautiful state parks and to cast a line in one of Delaware's many lakes, ponds and streams."

San Jose Mayor Chuck Reed called O'Mara the "driving force" behind the city's Green Vision program, which established ten bold goals for job creation, renewable energy, energy efficiency, green building, recycling, water recycling and zero-emission vehicles to create a market for green products and spur green economic development.

"His balance of idealism and pragmatism has encouraged business and community leaders to look at the opportunities that environmental sustainability offers for creating economy prosperity," Reed said. "While Collin will be sorely missed, he has helped us launch this vision for future success and can do

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O’Mara also has experience making government more effective and more efficient, which is critical in the face of the historic challenges Delaware state government must address. While working for the City of Syracuse, New York, O’Mara managed the SyraStat project that saved local taxpayers more than \$14 million over two years and improved the delivery of key services.

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01268-EPA-2178

Richard
Windsor/DC/USEPA/US
03/17/2009 02:04 PM

To (b) (6) Privacy
cc
bcc

Subject Fw: Markell announces DNREC pick

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/17/2009 02:04 PM -----

From: Michael McCabe <(b) (6) Personal Privacy>
To: undisclosed-recipients;;
Date: 03/17/2009 01:36 PM
Subject: Markell announces DNREC pick

FYI

Mike

McCabe & Associates
4 Normandy Drive
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01268-EPA-2182

Richard Windsor/DC/USEPA/US
03/18/2009 10:36 AM

To David Cohen
cc
bcc
Subject Re: congrats

(b) (5) Deliberative [Redacted]

David Cohen

(b) (5) Deliberative [Redacted]

03/18/2009 06:41:18 AM

From: David Cohen/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 03/18/2009 06:41 AM
Subject: congrats

(b) (5) Deliberative, (b) (6) Personal Privacy [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-2192

Richard Windsor/DC/USEPA/US
03/20/2009 03:06 PM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: WSJ response.

All that and a bag of chips. Perfect.

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/20/2009 03:02 PM EDT
To: Richard Windsor
Cc: David Cohen
Subject: WSJ response.

Below is a response Dave wrote that strikes back at the WSJ. I like it. Take a look.

MABL.

It's the oldest scam that polluters run. You are offered a choice: your job or your health. You can work at a dirty facility awash in toxic fumes and chemicals. Or you can live in a clean community because there will be no plant – and no employment opportunities. You decide.

But it's a false choice. And Americans know it. It's a form of environmental blackmail. Americans demand both good jobs and protection for their health. And they are increasingly appreciative these days that green enterprises are creating thousands of good jobs – with thousands more to come.

Fortunately, there aren't many people left who really think that we must pick between our economic welfare and our physical well-being and that of our families. But Naomi Schaeffer Riley, the WSJ's deputy editor for Taste, might be the exception. In a recent opinion piece, she significantly advanced that old pro-pollution ploy.

Her opinion essay of March 19 informed readers that polluting industries are – and you can't make this up – actually good for our health. How is that possible? According in part to Ms. Riley, when people are employed by a polluting company they might at least receive health benefits (presumably to help defray the medical expenses caused by exposure to toxic substances).

But that's not where Ms. Riley's view ends: if folks have jobs, she notes, they also can buy air conditioners, which will negate any health threats from

climate change or air pollution.

It gets worse. Ms. Riley also directs her message of jobs trumping health concerns toward poor people of color and anyone living in underserved communities. Her specific advice to them is don't hesitate -- seek work at businesses which pose potentially grave health risks.

I would say that despite her curious title, her opinion piece is not a display of Taste. It's a view, frankly, that should more aptly be titled -- the Audacity of Dopes. It is not surprising that the same greed that gave us Bernie Madoff and out of control executive bonuses also views human health as being expendable in the name of profits.

I have my own message for anyone who thinks that way. The U.S. Environmental Protection Agency is back on the job. We are working for cleaner water, air and land. We are working to protect your health and your family's health. We are enforcing your legal protections where you work, where you play and where your children learn. And under the leadership of this Administration, we are also working hard to see economic growth again. And those two goals -- economic growth and the protection of our air, water and land -- are hardly in conflict. In fact, they are working together hand in hand. Green programs produce good jobs. Our economic future hinges in large measure on developing clean, alternative energy sources.

Never let anyone tell you that the price for finding work is putting your health at risk

01268-EPA-2193

**Lisa
Heinzerling/DC/USEPA/US**
03/20/2009 05:28 PM

To Richard Windsor
cc
bcc

Subject Fw: Sent to OPEI and Approved to go to OMB (3/20/2009) :
SAN 5335 Proposal for Endangerment Finding for
Greenhouse Gases under the CAA

hooray!!

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 03/20/2009 05:27 PM -----

From: Mariana Cubeddu/DC/USEPA/US
To: Rona Birnbaum/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Dina
Kruger/DC/USEPA/US@EPA, Ben DeAngelo/DC/USEPA/US@EPA
Cc: Louise Wise/DC/USEPA/US@EPA, Lesley Schaaff/DC/USEPA/US@EPA, Nicole
Owens/DC/USEPA/US@EPA, Ken Munis/DC/USEPA/US@EPA, Paul
Balsarak/DC/USEPA/US@EPA
Date: 03/20/2009 05:22 PM
Subject: Sent to OPEI and Approved to go to OMB (3/20/2009) : SAN 5335 Proposal for Endangerment
Finding for Greenhouse Gases under the CAA

This proposed action was submitted via ROCIS.

ROCIS - EO Review Package - Windows Internet Explorer provided by EPA

https://www.rocis.gov/rocis/do/AgencyEOReviewPackage

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EO Review Package was submitted at 05:17:08 PM EST on 03/20/2009

RIN: 2060-ZA14 (200904)	Agency/Sub Agency: 2060 EPA/AR
Stage of Rulemaking: Proposed Rule Stage	Submitted By: Mariana Cubeddu
Title: Proposal for Endangerment Finding for Greenhouse Gases under the Clean Air Act	

EO Package 2060-ZA14

Unfunded Mandates
Undetermined

Major
Undetermined

Priority Category
Other Significant

Legal Authority
Not Yet Determined

CFR Citation
Not Yet Determined

Legal Deadline

Action	Source	Date
None	None	

Overall Description of Deadline

Abstract

EPA must use the statutory criteria laid out under Section 202 of the CAA to determine whether or not to issue a proposed endangerment determination.

Next Timetable Action

Action Description	Date

Action Description
No associated records found

Regulatory Flexibility Analysis Required



Mariana Cubeddu
Office of Policy, Economics and Innovation
Regulatory Management Division
(202) 564-6566
(202) 564-0965 (fax)
cubeddu.mariana@epa.gov

01268-EPA-2200

Richard Windsor/DC/USEPA/US
03/23/2009 01:38 PM

To Allyn Brooks-LaSure, Lisa Heinzerling, David McIntosh, Bob Sussman
cc
bcc

Subject Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/23/2009 01:36 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 03/23/2009 01:20 PM
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

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01268-EPA-2202

David
McIntosh/DC/USEPA/US
03/23/2009 01:46 PM

To Richard Windsor
cc Allyn Brooks-LaSure, Bob Sussman, Lisa Heinzerling
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

[Redacted]

Richard Windsor

(b) (5) Deliberative

03/23/2009 01:37:59 PM

From: Richard Windsor/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/23/2009 01:37 PM
Subject: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/23/2009 01:36 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
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Subject: Google Alert - lisa jackson epa

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01268-EPA-2203

**Lisa
Heinzerling/DC/USEPA/US**
03/23/2009 01:48 PM

To David McIntosh
cc Allyn Brooks-LaSure, Bob Sussman, Richard Windsor
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

David McIntosh (b) (5) Deliberative 03/23/2009 01:46:06 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 03/23/2009 01:46 PM
Subject: Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

[Redacted]

Richard Windsor (b) (5) Deliberative 03/23/2009 01:37:59 PM

From: Richard Windsor/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/23/2009 01:37 PM
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(b) (5) Deliberative

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01268-EPA-2204

Richard Windsor/DC/USEPA/US
03/23/2009 01:53 PM

To David McIntosh
cc Allyn Brooks-LaSure, Bob Sussman, Lisa Heinzerling
bcc

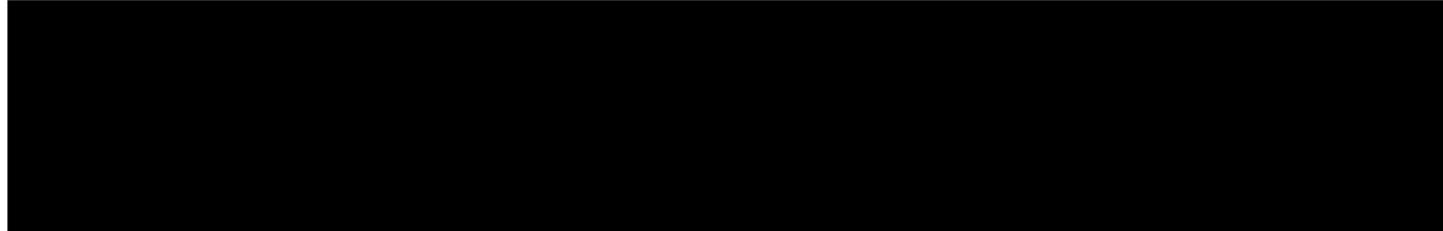
Subject Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative
David McIntosh

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

From: David McIntosh
Sent: 03/23/2009 01:46 PM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: Re: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative



Richard Windsor (b) (5) Deliberative 03/23/2009 01:37:59 PM

From: Richard Windsor/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/23/2009 01:37 PM
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Richard Windsor/DC/USEPA/US
03/23/2009 01:54 PM

To Allyn Brooks-LaSure, David McIntosh
cc Bob Sussman, Lisa Heinzerling
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

[Redacted] (b) (5) Deliberative

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/23/2009 01:52 PM EDT
To: David McIntosh
Cc: Bob Sussman; Lisa Heinzerling; Richard Windsor
Subject: Re: Fw: Google Alert - lisa jackson epa

[Redacted] (b) (5) Deliberative

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs
U.S. Environmental Protection Agency | Office of Public Affairs
Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

David McIntosh [Redacted] (b) (5) Deliberative 03/23/2009 01:46:10 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 03/23/2009 01:46 PM
Subject: Re: Fw: Google Alert - lisa jackson epa

[Redacted] (b) (5) Deliberative

[Redacted]

Richard Windsor [Redacted] (b) (5) Deliberative 03/23/2009 01:37:59 PM

From: Richard Windsor/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/23/2009 01:37 PM
Subject: Fw: Google Alert - lisa jackson epa

(b) (5) Deliberative

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/23/2009 01:36 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 03/23/2009 01:20 PM
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[EPA: Global Warming Threatens Public Health, Welfare](#)

Washington Post - United States

Several congressional Democrats had urged **EPA** administrator **Lisa P. Jackson** to move ahead with an endangerment finding on the grounds that it was ...

[See all stories on this topic](#)

[EPA's New Moves: GHG Reporting Rulemaking And Possible Regulation](#)

Mondaq News Alerts (registration) - London,UK

EPA Administrator **Lisa Jackson** told the Wall Street Journal last week that the **EPA** could make a determination on the endangerment issue as early as April 2, ...

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01268-EPA-2208

Richard Windsor/DC/USEPA/US
03/23/2009 10:27 PM

To David Cohen
cc
bcc

Subject Re: check it out

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/23/2009 09:56 PM EDT
To: Richard Windsor
Subject: check it out

JUST LOOKED AGAIN AT THE POST'S WEBSITE. JULIET'S STORY ON ENDANGERMENT HAS BEEN ASSIGNED IT'S PLACEMENT IN TOMORROW'S PAPER.

GOT A GUESS WHERE?

A1.

HOWEVER,

(b) (5) Deliberative

EPA Presses Obama To Regulate Warming Under Clean Air Act

By Juliet Eilperin
Washington Post Staff Writer
Tuesday, March 24, 2009; A01

The Environmental Protection Agency's new leadership, in a step toward confronting global warming, submitted a finding that will force the White House to decide whether to limit greenhouse gas emissions under the nearly 40-year-old Clean Air Act.

Under that law, EPA's conclusion -- that such emissions are pollutants that endanger the public's health and welfare -- could trigger a broad regulatory process affecting much of the U.S. economy as well as the nation's future environmental trajectory. The agency's finding, which was sent to the White House Office of Management and Budget without fanfare on Friday, also reversed one of the Bush administration's landmark decisions on climate change, and it indicated anew that President Obama's appointees will push to address the issue of warming despite the potential political costs.

In 2007, the Supreme Court instructed the Bush administration to determine whether greenhouse gases should be regulated under the Clean Air Act, but last July, then-EPA Administrator Stephen L. Johnson announced that the agency would instead seek months of public comment on the threat posed by global-warming pollution.

Interest groups and experts across the ideological spectrum described the EPA's proposal yesterday as groundbreaking. But while environmentalists called it overdue and essential to curbing dangerous climate change, business representatives warned that it could hobble the nation's economic recovery.

"This is historic news," said Frank O'Donnell, who heads the environmental watchdog group Clean Air Watch. "It will set the stage for the first-ever national limits on global-warming pollution. And it is likely to help light a fire under Congress to get moving."

But William L. Kovacs, vice president of environment, technology and regulatory affairs at the U.S. Chamber of Commerce, said an effort to regulate greenhouse gases based on the EPA's scientific finding "will be devastating to the economy."

"By moving forward with the endangerment finding on greenhouse gases, EPA is putting in motion a set of decisions that may have far-reaching unintended consequences," he said. "Specifically, once the finding is made, no matter how limited, some environmental groups will sue to make sure it is applied to all aspects of the Clean Air Act."

The White House emphasized that the administration is simply fulfilling its legal obligations and will still press for a legislative solution to the question of curbing carbon dioxide and other greenhouse gases.

"The president has made clear that to combat climate change, his strong preference is for Congress to pass energy security legislation that includes a cap on greenhouse gas emissions," said White House spokesman Ben LaBolt. "The Supreme Court ruled that the EPA must review whether greenhouse gas emissions pose a threat to public health or welfare, and this is simply the next step in what will be a long process that engages stakeholders and the public."

OMB spokesman Kenneth Baer did not give a specific timeline for when the White House will decide on how to proceed.

Johnson's action came in rejection of his scientific and technical staff's recommendation. In December 2007, the EPA staff wrote the White House to urge that the agency be allowed to make the finding that global warming threatens human health and welfare, but senior White House officials rejected that proposal on the grounds that the Clean Air Act was not the best way to deal with climate-change issues.

Since then, however, federal officials have provided additional rationales for such a finding. Last month, Howard Frumkin, who directs the Centers for Disease Control and Prevention's National Center for Environmental Health, testified before a Senate committee that the CDC "considers climate change a serious public health concern" that could accelerate illnesses and deaths stemming from heat waves, air pollution, and food- and water-borne illnesses.

But even those who support cutting greenhouse gases warn that doing so under the Clean Air Act could be complicated. "This would be a regulatory maze far exceeding anything we've seen

before," said David Schoenbrod, a professor of environmental law at the New York Law School.

While the EPA's finding is not final, experts steeped in the Clean Air Act began debating yesterday what it would mean for utilities, vehicles, manufacturing plants and consumers. Kovacs predicted it could halt many of the projects funded under the just-passed economic recovery package. "This will mean that all infrastructure projects, including those under the president's stimulus initiative, will be subject to environmental review for greenhouse gases," he said.

EPA spokeswoman Adora Andy said in a statement that if the administration goes ahead with the proposal, it will be subject to public hearings and comment before becoming final, adding that it "does not propose any requirements on any sources of greenhouse-gas emissions" and "does not impose any new regulatory burdens on any projects, let alone those funded" under the American Recovery and Reinvestment Act.

Daniel J. Weiss, a senior fellow at the Center for American Progress, a liberal think tank, said the EPA's proposal would allow the administration to tackle climate change if Congress does not limit carbon emissions through legislation. He added that even if the EPA were forced to regulate greenhouse gases, it would target emissions from coal-fired power plants and then vehicles -- which combined account for about half of the nation's global-warming pollution -- before requiring smaller operations to apply for new emissions permits.

"The way I see it, it's, in case of legislative gridlock, break open the Clean Air Act," Weiss said. "It's a backup option, not ideal, but it's a way to make progress on emissions reductions."

01268-EPA-2209

Richard Windsor/DC/USEPA/US
03/23/2009 10:34 PM

To David Cohen
cc
bcc

Subject Re: news of the weird

Where precisely in Minnesota is she from???
David Cohen

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

From: David Cohen
Sent: 03/23/2009 10:22 PM EDT
To: Richard Windsor
Subject: news of the weird

from politico.com:

Bachmann urges "armed" revolt over climate plan

Rep. Michele Bachmann, the firebrand Minnesota conservative Republican, may have gone a bit over the rhetorical line last weekend when attacking the Obama administration's cap-and-trade proposal.

Speaking on a right-wing talk radio show in Minnesota on Saturday, Bachmann said:

"I want people in Minnesota armed and dangerous on this issue of the energy tax because we need to fight back. Thomas Jefferson told us 'having a revolution every now and then is a good thing,' and the people – we the people – are going to have to fight back hard if we're not going to lose our country. And I think this has the potential of changing the dynamic of freedom forever in the United States."

01268-EPA-2210

Richard
Windsor/DC/USEPA/US
03/24/2009 06:51 AM

To David Cohen
cc
bcc

Subject Re: it gets real. . .

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/24/2009 06:38 AM EDT
To: Richard Windsor
Subject: it gets real. . .

(b) (5) Deliberative

(b) (5) Deliberative

Regulating Carbon

EPA rules under the Clean Air Act aren't the way to do the job. But a carefully crafted tax might be.

Tuesday, March 24, 2009; A12

THE ENVIRONMENTAL Protection Agency has told the White House that global warming is endangering public health and welfare, The Post's Juliet Eilperin [reported](#) yesterday. This "finding" under the Clean Air Act may seem like a no-brainer, given the potential ill effects of climate change. But that law, enacted in 1970, was never intended to deal with greenhouse gases and is not suited to that task. The Bush administration's failure to tackle climate change directly drove states and environmental advocates to seek back-door paths to regulation. If this one goes forward, the EPA would have to regulate greenhouse gases from all sources, including cars, houses and commercial buildings. This would create what Rep. John Dingell (D-Mich.) has [called](#) "a glorious mess." Congress should avert it putting a price on carbon.

Such a market-based solution could be accomplished either through a tax or, as the Obama administration supports, by setting a cap on greenhouse gas emissions and having polluting companies pay for the right to emit. Mr. Obama's budget anticipates collecting \$645.7 billion over the next 10 years from such a cap-and-trade regime. But such a complex system would take time to develop and institute, even if Congress supports it. Laurie Williams and Allan Zabel, two EPA enforcement attorneys for more than 20 years in the agency's San Francisco office and writing as private citizens, released a [paper](#) last month advocating a "carbon fee" because, they argue, a cap-and-trade system "will not insure a competitive price advantage for clean energy

over fossil fuel energy in the near future." Rajendra Pachauri, chairman of the United Nations Intergovernmental Panel on Climate Change, supports cap-and-trade. But when we asked him whether opponents of a carbon tax were right in saying that a tax would not guarantee emissions reductions, Mr. Pachauri said no. "If you rationally design the tax, you could meet the carbon emissions reduction goals," he said, because it "should lead to a shift to other sources of energy or other technologies that reduce energy use efficiently."

Yes, we know. A carbon tax is a politically unpalatable solution for some. But it has advantages over a complex trading system and should be considered. And either a carbon fee or cap-and-trade would be far superior to bureaucratic regulation under the Clean Air Act.

Do you have a different view of this issue? Debate a member of the editorial board today at www.washingtonpost.com/opinions .

view from the times news pages today:

March 24, 2009

News Analysis

The Fight Plan for Clean Air

By [KATE GALBRAITH](#) and [FELICITY BARRINGER](#)

The [Environmental Protection Agency](#), about to declare heat-trapping gases to be dangerous pollutants, has embarked on one of the most ambitious regulatory challenges in history.

The move is likely to have a profound effect across the economic spectrum, affecting transportation, power plants, oil refineries, cement plants and other manufacturers.

It sets the agency on a collision course with carmakers, coal plants and other businesses that rely on fossil fuels, which fear that the finding will impose complex and costly rules.

But it may also help the Obama administration's efforts to push through a federal law to curb carbon dioxide emissions by drawing industry support for legislation, which many companies see as less restrictive and more flexible than being monitored by a regulatory agency. And it will lay a basis for the United States in the negotiations leading up to a global climate treaty to be signed in Copenhagen in December.

Once made final, the agency's finding will pave the way for federal regulation of carbon dioxide, methane and other heat-trapping gases linked to [global warming](#).

In practical terms, the finding would allow quick federal regulation of motor vehicle emissions of heat-trapping gases and, if further actions are taken by the E.P.A., it could open the doors for regulatory controls on power plants, oil refineries, cement plants and other factories.

On Friday, the E.P.A. sent its finding to the [Office of Management and Budget](#) for review, according to a Web site that lists pending federal rules. Once the budget office clears the finding, it can be signed by the E.P.A.'s administrator, [Lisa P. Jackson](#). There is also likely to be a public comment period on the proposed finding, but there is wide expectation that it will be put in place.

Some policy makers greeted the agency's action as the first step in a new approach to climate change.

"This finding will officially end the era of denial on global warming," Representative [Edward J. Markey](#), a Massachusetts Democrat who leads a select committee on global warming, said in a statement.

But Bill Kovacs, a specialist on global warming issues with the United States Chamber of Commerce, said that an endangerment finding would automatically provoke a tangle of regulatory requirements for businesses large and small.

If finalized, the finding by the agency could lead to a vast extension of its reach. Much is unknown about the details of what the E.P.A. is proposing, including how stringently the agency would regulate the emissions and how it would go about doing so.

But in February, Ms. Jackson indicated she was aware the agency could be stepping into a minefield by issuing such a finding. "We are poised to be specific on what we regulate and on what schedule," she said at the time. "We don't want people to spin that into a doomsday scenario."

Experts said Monday that the E.P.A.'s action would put pressure on Congress to pass federal legislation that could supplant the agency's plan or guide how it was carried out. A federal bill is preferred by many environmentalists and policy makers, as well as by industry.

John D. Walke, a senior lawyer at the [Natural Resources Defense Council](#), said he welcomed the agency's decision but hoped it would ultimately lead to federal legislation.

"For some period we may have parallel efforts of Environmental Protection Agency pursuing or even adopting regulation while the eventual main show will be in Congress," Mr. Walke said.

Still, many doubt that legislation to cap emissions can pass this year, in the midst of a recession and at a time when carbon dioxide emissions are down because production is lower.

The E.P.A.'s move is the latest in a flurry of proposals that signal its determination to break from the Bush administration, which infuriated environmentalists by sidestepping the issue of regulating heat-trapping gases.

Earlier this month, the agency proposed creating a greenhouse-gas emissions registry, which would require industries — including oil refineries and cement makers, as well as utilities and

pulp and paper manufacturers — to report how much pollution they were emitting.

The endangerment proposal is another step. In 2007, the [Supreme Court](#) ordered the E.P.A. to determine whether carbon dioxide and other heat-trapping gases qualified as pollutants under the [Clean Air Act](#). Ms. Jackson, the agency's administrator, suggested to The New York Times in February that she hoped to act on emissions of heat-trapping gases by early April, before the second anniversary of the court's ruling.

The Bush administration had stalled in complying with the court order, opting for more study of the issue, although there was wide consensus among E.P.A. experts that a determination that carbon dioxide was a danger to the public was supported by scientific research.

Asked about the E.P.A.'s move, the White House press secretary, [Robert Gibbs](#), emphasized the importance of going through Congress. "The way to deal with greenhouse gases," Mr. Gibbs said, "is to work with Congress in order to put together a plan that deals with this and creates a market for renewable energy."

There are several reasons that there is a widespread preference for a legislative "cap-and-trade" approach to regulating carbon dioxide emissions, as opposed to E.P.A. regulation.

A central reason, said Paul Bledsoe of the National Commission on Energy Policy, is that Congressional action is less subject to litigation and could not be easily overturned by a new administration.

But a deeper concern among the industry is that regulation by the E.P.A. is a blunt tool. The agency's regulatory powers have previously been applied mainly to pollutants that do damage on a regional level, like nitrogen oxide and hydrocarbons.

By contrast, carbon dioxide, methane and other heat-trapping gases that the E.P.A. proposes to regulate do harm on a global scale.

"The act does not deal well with an emission that's virtually ubiquitous and travels through the atmosphere," said Carol Raulston, a spokesman for the National Mining Association, a coal industry group.

ap story that likely will be read by most people:

AP source: EPA closer to global warming warning

By H. JOSEF HEBERT, Associated Press Writer H. Josef Hebert, Associated Press Writer

2 hrs 43 mins ago

WASHINGTON – The Environmental Protection Agency has taken the first step on the long road to regulating greenhouse gases under the Clean Air Act.

Politicians and the public, business and industry will have to weigh in along the way, but for now a proposed finding by the EPA that global warming is a threat to public health and welfare is under White House review.

The threat declaration would be the first step to regulating carbon dioxide and other greenhouse gases under the Clean Air Act and could have broad economic and environmental ramifications. It also would probably spur action by Congress to address climate change more broadly.

The White House acknowledged Monday that the EPA had transmitted its proposed finding on global warming to the Office of Management and Budget, but provided no details. It also cautioned that the Obama administration, which sees responding to climate change a top priority, nevertheless is ready to move cautiously when it comes to actually regulating greenhouse gases, preferring to have Congress act on the matter.

The Supreme Court two years ago directed the EPA to decide whether greenhouse gases, especially carbon dioxide from burning fossil fuels, pose a threat to public health and welfare because they are warming the earth. If such a finding is made, these emissions are required to be regulated under the Clean Air Act, the court said.

"I think this is just the step in that process," said White House Press Secretary Robert Gibbs, noting the Supreme Court ruling. Another White House official, speaking anonymously in deference to Gibbs, predicted "a long process" before any rules would be expected to be issued on heat-trapping emissions.

But several congressional officials, also speaking on condition of anonymity because the draft declaration had not been made public — said the transmission makes clear the EPA is moving to declare carbon dioxide and other greenhouse gases a danger to public health and welfare and views them as ripe for regulation under the Clean Air Act.

Such a finding "will officially end the era of denial on global warming," said Rep. Ed Markey, D-Mass., whose Energy and Commerce subcommittee is crafting global warming legislation. He said such an endangerment finding is long overdue because of the Bush administration's refusal to address the issue.

The EPA action "signals that the days of ignoring this pressing issue are over," said Sen. Barbara Boxer, D-Calif., whose Senate committee is working on a climate bill.

Many business leaders argue — as did President George W. Bush — that the Clean Air Act is ill-suited to deal with climate change and that regulating carbon dioxide would hamstring economic growth.

"It will require a huge cascade of (new clean air) permits" and halt a wide array of projects, from building coal plants to highway construction, including many at the heart of President Barack Obama's economic recovery plan, said Bill Kovacs, a vice president for environmental and technology issues at the U.S. Chamber of Commerce.

Abigail Dillen, an attorney for the environmental advocacy group Earthjustice, which is involved in a number of lawsuits challenging permits for new coal plants, dismissed the dire economic warnings from business groups about carbon dioxide regulation.

"It's to their interest to say the sky is falling, but it's not," she said. "The truth is we've never had to sacrifice air quality to maintain a healthy economy. The EPA has discretion to do this in a reasonable way."

An internal EPA planning document that surfaced recently suggests the agency would like to have a final endangerment finding by mid-April. But officials have made clear actual regulations are unlikely to come immediately and would involve a lengthy process with public comment.

Gibbs, when asked about the EPA document Monday, emphasized that "the president has made quite clear" that he prefers to have the climate issue addressed by Congress as part of a broad, mandatory limit on heat-trapping emissions.

But environmentalists said the significance of moving forward with the long-delayed endangerment issue should not be understated.

"This is historic news," said Frank O'Donnell, who heads Clean Air Watch, an advocacy group. "It will set the stage for the first-ever national limits on global warming pollution and is likely to help light a fire under Congress to get moving."

01268-EPA-2219

Richard Windsor/DC/USEPA/US
03/24/2009 12:58 PM

To Robert Goulding
cc
bcc

Subject Re: Something you're interested in doing?

(b) (5) Deliberative
Robert Goulding

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

From: Robert Goulding
Sent: 03/24/2009 12:39 PM EDT
To: Richard Windsor
Subject: Something you're interested in doing?

(b) (5) Deliberative

Robert Goulding
Director of Operations
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20004
(p) 202-564-4700
(f) 202-501-1450

*Please consider the environment before printing this e-mail
----- Forwarded by Robert Goulding/DC/USEPA/US on 03/24/2009 12:39 PM -----

PE OEX Control #:

Title: Invitation to The Administrator : Keynote Speaker at the American Bar Association - American Law Institute /Environmental Law Institute Climate and Law Conference

Tentative Date from to EPA Org:

RSVP By:

Description/Purpose

The Administrator has been invited to provide the keynote speech at the ABA/ALI Climate and the Law Conference on the morning of April 2nd.

Comments & Interim Notification(s):

Surrogate Offered:

Request Status: Approved Pending Rejected

Response Sent: Letter Email Phone NRN No

Request Info

Organization	Latham and Watkins LLP	Location:	Marriott at Metro Center Washington, DC
Contact Name	Robert A. Wyman, Jr.	Org.Address	355 South Grand Avenue Los Angeles, CA 90071-1560
Phone	213-891-8346		
Fax			
Email	robert.wyman@lw.com		

Vetting

<p>Vetting Orgs</p> <p> <input checked="" type="checkbox"/> OA <input checked="" type="checkbox"/> OGC <input type="checkbox"/> OW <input type="checkbox"/> Reg-06 <input type="checkbox"/> OCIR <input type="checkbox"/> OIA <input type="checkbox"/> OSWER <input type="checkbox"/> Reg-07 <input checked="" type="checkbox"/> OAR <input type="checkbox"/> OIG <input type="checkbox"/> Reg-01 <input type="checkbox"/> Reg-08 <input type="checkbox"/> OARM <input type="checkbox"/> OPA <input type="checkbox"/> Reg-02 <input type="checkbox"/> Reg-09 <input type="checkbox"/> OCFO <input type="checkbox"/> OPEI <input type="checkbox"/> Reg-03 <input type="checkbox"/> Reg-10 <input checked="" type="checkbox"/> OECA <input type="checkbox"/> OPPTS <input type="checkbox"/> Reg-04 <input type="checkbox"/> OEI <input type="checkbox"/> ORD <input type="checkbox"/> Reg-05 </p> <p>Priority Level:</p> <p>Notification List</p> <p>TO: David McIntosh/DC/USEPA/US, Bob Sussman/DC/USEPA/US, Beth Craig/DC/USEPA/US, Catherine McCabe/DC/USEPA/US, Pat Hirsch/DC/USEPA/US, Justina Fugh/DC/USEPA/US</p> <p>CC: Georgia Bednar/DC/USEPA/US, Shela Poke-Williams/DC/USEPA/US, Linda Huffman/DC/USEPA/US, Robin Spriggs/DC/USEPA/US</p>		<p style="text-align: right;">Vetting Complete? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Vetting Comment(s) (b) (5) Deliberative [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>
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Original Request

Daniel - I am writing to ask if Administrator Jackson would kindly consider delivering the keynote address at our upcoming American Bar Association-American Law Institute/Environmental Law Institute annual Climate and the Law Conference. This is the premier legal conference on climate held in the United States. We have an exceptional faculty. The conference will be held from Thursday through Friday, April 2-3, in Washington, DC. The keynote address is scheduled for Thursday morning, April 2, at 8:45 a.m.

Attached is the conference brochure. I would be happy to answer any questions.

Thank you sincerely.

Bob Wyman
 ABA-ALI/ELI Climate and the Law Conference Co-Chair.

Robert A. Wyman, Jr.

LATHAM & WATKINS^{LLP}

355 South Grand Avenue

Los Angeles, CA 90071-1560

Direct Dial: +1.213.891.8346

Fax: +1.213.891.8763

Email: robert.wyman@lw.com

www.lw.com

ALI ABA

Third Annual ALI-ABA Course of Study/Video Webcast

Global Warming: Climate Change and the Law

Cosponsored by the Environmental Law Institute (ELI)

Thursday-Friday, April 2-3, 2009

Marriott at Metro Center, Washington, D.C. and Live Video Webcast

A dynamic program featuring top federal and state officials, industry and environmental leaders, and legal experts who will discuss the practical implications of global warming and climate change.

- The rapidly changing regulatory landscape
- The legal implications of being a "polluter"
- Regional and state climate trading systems
- Renewable portfolio standards
- The outlook for federal global warming legislation and the implications of voluntary federal programs and voluntary reduction commitments
- Corporate disclosure, fiduciary duties, and insurance

Clean Water Act: Law and Regulation

Cosponsored by the ABA Section of Environment, Energy, and Resources and the Environmental Law Institute (ELI)

Thursday-Friday, April 23-24, 2009

Hilton Washington Embassy Row, Washington, D.C. and Live

Private and government attorneys discuss recent developments under the Clean Water Act and provide their expertise as to what constitutes a "waters of the United States" and a "point source" under recent court decisions and agency guidance. Other featured topics include:

- The National Pollutant Discharge Elimination System (NPDES) permit program — the "big picture" perspective and the pragmatic view of federal and state implementation
- Wet weather issues, both rural and urban
- Developments in enforcement
- E-disclosure
- Climate change
- Endocrine disrupting chemicals

www.ali-aba.org/CP052

Thursday, April 2, 2009

7:30 a.m. Registration and Networking Session

Webcast Segment A – Federal Practice Issues

8:30 a.m. **Introductory Remarks and Course Overview**
– *Mr. Wyman*

8:45 a.m. **Keynote Address** – *speaker to be confirmed*

9:15 a.m. **Federal Approaches to Climate Change**
– *Messrs. Brenner, Doniger, and Martella*

10:15 a.m. Networking Break

10:30 a.m. **Facility Permitting and Financing Issues**
– *Messrs. Carver, Feo, and Sevinsky*

11:45 a.m. Lunch Break

Webcast Segment B – Litigation and Regional Practice Issues

1:00 p.m. **Regional and State Programs** – *Messrs. Owens, Snyder, and Wyman*

2:30 p.m. Networking Break

2:45 p.m. **Climate Change Litigation: CAA, NEPA, ESA, and the Common Law** – *Messrs. Gerrard, Martel, and Pawa*

4:00 p.m. Questions and Answers

4:15 p.m. Adjournment for the Day

5:00-6:00 p.m. **Networking Reception for Faculty and Registrants** at the offices of Arnold & Porter LLP, 555 Twelfth Street, NW, Washington, D.C.

Friday, April 3, 2009

7:45 a.m. Ne

Webcast Segmen

8:15 a.m. Ke

8:45 a.m. Co
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10:15 a.m. Ne

10:30 a.m. In
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4:45 p.m. Ac

Total 60-minute hou

www.ali-aba.org

[attachment "ali-aba webcast.pdf" deleted by Richard Windsor/DC/USEPA/US]

Disposition Notes

Created by: Daniel Gerasimowicz on 03/18 at 10:32 AM
Last Modified: Robert Goulding on 03/24 at 11:42 AM

01268-EPA-2220

Richard Windsor/DC/USEPA/US
03/25/2009 06:38 AM

To David Cohen
cc
bcc
Subject Re: one more of interest

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/25/2009 06:31 AM EDT
To: Richard Windsor
Subject: one more of interest

op.ed. in the post

Hope in the Mountains

By Robert F. Kennedy Jr.
Wednesday, March 25, 2009; A15

Yesterday was a great day for the people of Appalachia and for all of America. In a bold departure from Bush-era energy policy, the Obama administration [suspended](#) a coal company's permit to dump debris from its proposed mountaintop mining operation into a West Virginia valley and stream. In addition, the administration promised to carefully review upward of 200 such permits awaiting approval by the U.S. Army Corps of Engineers.

With yesterday's action, President Obama has signaled his intention to save this region. His moratorium on these permits will allow the administration to develop a sensible long-term approach to dealing with this catastrophic method of coal extraction.

I join hundreds of Appalachia's embattled communities in applauding this news. Having flown over the coalfields of Appalachia and walked her ridges, valleys and hollows, I know that this land cannot withstand more abuse. Mountaintop-removal coal mining is the greatest environmental tragedy ever to befall our nation. This radical form of strip mining has already flattened the tops of 500 mountains, buried 2,000 miles of streams, devastated our country's oldest and most diverse temperate forests, and blighted landscapes famous for their history and beauty. Using giant earthmovers and millions of tons of explosives, coal moguls have eviscerated communities, destroyed homes, and uprooted and sickened families with coal and rock dust, and with blasting, flooding and poisoned water, all while providing far fewer jobs than does traditional underground mining.

The backlog of permit applications has been building since Appalachian groups won a federal

injunction against the worst forms of mountaintop removal in March 2007. But the floodgates opened on Feb. 13 when the U.S. Court of Appeals for the 4th Circuit in Richmond [overturned that injunction](#). Since then, the Corps has been working overtime to oblige impatient coal barons by quickly issuing the pending permits. Each such permit amounts to a death sentence for streams, mountains and communities. Taken together, these pending permits threatened to lay waste to nearly 60,000 acres of mountain landscape, destroy 400 valleys and bury more than 200 miles of streams.

The Corps already had issued a dozen permits before the White House stepped in, and coal companies have begun destroying some of these sites. The bulldozers are poised for action on the rest. Typical of these is Ison Rock Ridge, a proposed 1,230-acre mine in southwest Virginia that would blow up several peaks and threaten a half-dozen communities, including the small town of Appalachia.

In a valiant effort to hold back destruction, the Appalachia Town Council, citing its responsibility for the "health, safety, welfare, and properties" of its residents, recently passed an ordinance prohibiting coal mining within the town limits without approval from the council. But that ordinance lacks the power to override the Army Corps of Engineers' permit. And while the Obama administration order will reverse the Bush-era policies and stop the pillaging elsewhere, the town of Appalachia remains imperiled.

The White House should now enlarge its moratorium to commute Appalachia's death sentence by suspending the dozen permits already issued. The Environmental Protection Agency should then embark on a rulemaking effort to restore a critical part of the Clean Water Act that was weakened by industry henchmen recruited to powerful positions in the Bush administration. Former industry lobbyists working as agency heads and department deputies issued the so-called "fill rule" to remove 30-year-old laws barring coal companies from dumping mining waste into streams. This step cleared the way for mountaintop removal, which within a few years could flatten an area of the Appalachians the size of Delaware. This change must be reversed to restore the original intent of the Clean Water Act and prevent mining companies from using our streams and rivers as dumps.

The Obama administration's decision to suspend these permits and take a fresh look at mountaintop removal is consistent with Obama's commitment to science, justice and transparency in government and his respect for America's history and values. The people of Appalachia, Va., and the other towns across the coalfields have been praying that Barack Obama's promise of change will be kept. Thanks to yesterday's decision, hope, not mining waste, is filling the valleys and hollows of Appalachia.

The writer is chairman of the Waterkeeper Alliance and senior attorney for the Natural Resources Defense Council.

01268-EPA-2221

Richard Windsor/DC/USEPA/US
03/25/2009 06:49 AM

To David Cohen
cc
bcc

Subject Re: one more of interest

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/25/2009 06:45 AM EDT
To: Richard Windsor
Subject: Re: one more of interest

(b) (5) Deliberative

Richard Windsor

(b) (5) Deliberative

06:39:06 AM

From: Richard Windsor/DC/USEPA/US
To: David Cohen/DC/USEPA/US@EPA
Date: 03/25/2009 06:39 AM
Subject: Re: one more of interest

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/25/2009 06:31 AM EDT
To: Richard Windsor
Subject: one more of interest

op.ed. in the post

Hope in the Mountains

By Robert F. Kennedy Jr.
Wednesday, March 25, 2009; A15

Yesterday was a great day for the people of Appalachia and for all of America. In a bold departure from Bush-era energy policy, the Obama administration [suspended](#) a coal company's permit to dump debris from its proposed mountaintop mining operation into a West Virginia valley and stream. In addition, the administration promised to carefully review upward of 200 such permits awaiting approval by the U.S. Army Corps of Engineers.

With yesterday's action, President Obama has signaled his intention to save this region. His moratorium on these permits will allow the administration to develop a sensible long-term approach to dealing with this catastrophic method of coal extraction.

I join hundreds of Appalachia's embattled communities in applauding this news. Having flown over the coalfields of Appalachia and walked her ridges, valleys and hollows, I know that this land cannot withstand more abuse. Mountaintop-removal coal mining is the greatest environmental tragedy ever to befall our nation. This radical form of strip mining has already flattened the tops of 500 mountains, buried 2,000 miles of streams, devastated our country's oldest and most diverse temperate forests, and blighted landscapes famous for their history and beauty. Using giant earthmovers and millions of tons of explosives, coal moguls have eviscerated communities, destroyed homes, and uprooted and sickened families with coal and rock dust, and with blasting, flooding and poisoned water, all while providing far fewer jobs than does traditional underground mining.

The backlog of permit applications has been building since Appalachian groups won a federal injunction against the worst forms of mountaintop removal in March 2007. But the floodgates opened on Feb. 13 when the U.S. Court of Appeals for the 4th Circuit in Richmond [overturned that injunction](#). Since then, the Corps has been working overtime to oblige impatient coal barons by quickly issuing the pending permits. Each such permit amounts to a death sentence for streams, mountains and communities. Taken together, these pending permits threatened to lay waste to nearly 60,000 acres of mountain landscape, destroy 400 valleys and bury more than 200 miles of streams.

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The writer is chairman of the Waterkeeper Alliance and senior attorney for the Natural Resources Defense Council.

01268-EPA-2222

Richard Windsor/DC/USEPA/US
03/25/2009 06:56 AM

To David Cohen
cc
bcc

Subject Re: one more of interest

Good idea.
David Cohen

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

From: David Cohen
Sent: 03/25/2009 06:56 AM EDT
To: Richard Windsor
Subject: Re: one more of interest

[Redacted] (b) (5) Deliberative

Richard Windsor [Redacted] (b) (5) Deliberative 03/25/2009 06:50:04 AM

From: Richard Windsor/DC/USEPA/US
To: David Cohen/DC/USEPA/US@EPA
Date: 03/25/2009 06:50 AM
Subject: Re: one more of interest

[Redacted] (b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 03/25/2009 06:45 AM EDT
To: Richard Windsor
Subject: Re: one more of interest

[Redacted] (b) (5) Deliberative

Richard Windsor [Redacted] (b) (5) Deliberative 03/25/2009 06:39:06 AM

From: Richard Windsor/DC/USEPA/US
To: David Cohen/DC/USEPA/US@EPA
Date: 03/25/2009 06:39 AM
Subject: Re: one more of interest

[Redacted] (b) (5) Deliberative

David Cohen

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Sent: 03/25/2009 06:31 AM EDT
To: Richard Windsor
Subject: one more of interest

op.ed. in the post

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The writer is chairman of the Waterkeeper Alliance and senior attorney for the Natural Resources Defense Council.

01268-EPA-2228

**Lisa
Heinzerling/DC/USEPA/US**
03/26/2009 11:28 AM

To Richard Windsor
cc
bcc

Subject Fw: Keynote Request for Upcoming ALI-ABA/ELI Annual
Climate and the Law Conference

Lisa,

(b) (5) Deliberative, (b) (6) Personal Privacy
[Redacted]

Thanks.

Lisa

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 03/26/2009 11:13 AM -----

From: Bob Sussman/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 03/26/2009 08:28 AM
Subject: Fw: Keynote Request for Upcoming ALI-ABA/ELI Annual Climate and the Law Conference

Lisa -- would you be able to do this? (b) (5) Deliberative
[Redacted] let me
know what you think.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/26/2009 08:26 AM -----

From: "Wyman, Robert (LA)" <ROBERT.WYMAN@lw.com>
To: <sussman.robert@epa.gov>, Bob Sussman/DC/USEPA/US@EPA
Date: 03/25/2009 07:04 PM
Subject: Keynote Request for Upcoming ALI-ABA/ELI Annual Climate and the Law Conference

Bob - I am writing to ask if you would be willing to present the keynote address at next week's ALI-ABA/ELI Climate and the Law Conference. The keynote is scheduled for Thursday, April 2, from 8:45

to 9:15 a.m. at the Metro Center Marriott. As I think you know, the ALI-ABA/ELI two-day annual conference is generally considered to be the premier conference for the legal profession on climate change. We would be very honored if you would consider delivering this address. I sincerely apologize for this relatively late request. As you may be aware, we asked Administrator Jackson to deliver the keynote address, but I learned about an hour ago that she will not be able to do this.

I hope that you are faring well.

Best regards,

Bob

Robert A. Wyman, Jr.

LATHAM & WATKINS^{LLP}

355 South Grand Avenue
Los Angeles, CA 90071-1560
Direct Dial: +1.213.891.8346
Fax: +1.213.891.8763
Email: robert.wyman@lw.com
<http://www.lw.com>

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Latham & Watkins LLP

01268-EPA-2229

Richard Windsor/DC/USEPA/US
03/26/2009 12:10 PM

To Lisa Heinzerling
cc
bcc

Subject Re: Keynote Request for Upcoming ALI-ABA/ELI Annual Climate and the Law Conference

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/26/2009 11:28 AM EDT
To: Richard Windsor

Subject: Fw: Keynote Request for Upcoming ALI-ABA/ELI Annual Climate and the Law Conference
Lisa,

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

Thanks.

Lisa

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 03/26/2009 11:13 AM -----

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Date: 03/26/2009 08:28 AM
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Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/26/2009 08:26 AM -----

From: "Wyman, Robert (LA)" <ROBERT.WYMAN@lw.com>
To: <sussman.robert@epa.gov>, Bob Sussman/DC/USEPA/US@EPA
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Fax: +1.213.891.8763
Email: robert.wyman@lw.com
<http://www.lw.com>

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For more information please go to <http://www.lw.com/docs/irs.pdf>

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Latham & Watkins LLP

01268-EPA-2230

Richard Windsor/DC/USEPA/US
03/26/2009 02:15 PM

To Bob Sussman
cc Arvin Ganesan
bcc
Subject Re: MTM

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 12:57 PM EDT
To: Richard Windsor
Cc: Arvin Ganesan
Subject: MTM

COAL: Bipartisan legislation would ban mountaintop mining (03/26/2009)

Katie Howell, E&E reporter

Legislators yesterday introduced bipartisan legislation that would effectively end mountaintop coal mining in Appalachia.

Sens. Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.) introduced a bill that would amend the Clean Water Act to prevent dumping of excess waste rock, dirt and vegetation into streams and rivers during the mining process, which scrapes off the summits of mountains to expose the coal seams underneath.

The legislation claims the mining method has affected more than 1 million acres of Appalachia and buried more than 1,200 miles of headwater streams under tons of mining waste.

"My goal is to put a stop to one of the most destructive mining practices that has already destroyed some of America's most beautiful and ecologically significant regions," Cardin, chairman of the Water and Wildlife Subcommittee, said in a statement. "This legislation will put a stop to the smothering of our nation's streams and water systems and will restore the Clean Water Act to its original intent."

The legislation comes a day after U.S. EPA put a hold on permitting for mountaintop mining so it could evaluate the method's impacts on water quality and aquatic life ([E&ENews PM](#), March 24).

Environmentalists championed the new legislation.

"If passed, [the act] will protect thousands of miles of Appalachian headwaters, streams and rivers," Joan Mulhern, a senior legislative counsel at Earthjustice, said in a statement.

"Earthjustice applauds their leadership in the ongoing fight to stop mountaintop removal mining

... to end the practice of dumping coal mining wastes into waters of the U.S., and to end the dumping of other industrial wastes into the nation's waters, many of which would still be prohibited today if not for the Bush administration's actions to encourage industries to dump their solid wastes into waters."

But the coal industry remains committed to its stance that the mining method is a safe and efficient way to produce coal, touting its reclamation efforts.

In a recent report on mountaintop mining, the National Mining Association said the method produces more than 110 million tons of coal per year, producing enough energy to power more than 22 million homes.

But the senators said mountaintop mining produces less than 5 percent of the coal mined in the nation and that their legislation would not ban other methods of coal mining.

"Coal is an essential part of our energy future, but it is not necessary to destroy our mountaintops in order to have enough coal," said Alexander, a member of the Water and Wildlife Subcommittee.

The bill is similar to House [legislation](#) (H.R. 1310) reintroduced earlier this month that would prohibit valley fills from interrupting streams and waterways ([E&ENews PM](#) , March 4).

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2231

Bob Sussman/DC/USEPA/US

To Richard Windsor

03/26/2009 06:15 PM

cc Arvin Ganesan

bcc

Subject Re: MTM

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor

(b) (5) Deliberative

03/26/2009 02:15:20 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/26/2009 02:15 PM

Subject: Re: MTM

(b) (5) Deliberative

Bob Sussman

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To: Richard Windsor
Cc: Arvin Ganesan
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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2232

Bob Sussman/DC/USEPA/US

To Richard Windsor

03/26/2009 06:43 PM

cc

bcc

Subject MTM

 (b) (5) Deliberative

MINING: Army Corps reinstates controversial mountaintop permit (03/26/2009)

Katherine Boyle, E&E reporter

The Army Corps of Engineers reinstated a permit yesterday for a controversial Kentucky coal mining project hours after U.S. EPA had announced a planned review of similar projects' effects on water quality.

The move angered environmentalists, who saw EPA's announcement as a step toward further restrictions on mountaintop removal mining.

"It flies in the face of the EPA announcement that new permits are going to get a careful environmental review," said Joan Mulhern, legislative counsel for Earthjustice. "It appears the Army Corps is acting as a rogue agency."

Army Corps spokesman Doug Garman said EPA merely expressed concern about two specific projects in its announcement. Neither of those -- Central Appalachia Mining's Big Branch project in Pike County, Ky., and Highland Mining Co.'s Reylas mine in Logan County, W.Va. -- has received a permit.

EPA declined to comment on the corps' reinstatement of the Leslie County, Ky., permit. Agency spokeswoman Enesta Jones said EPA would take a close look at mountaintop removal permits. She said the agency anticipates that most of the pending permit applications will not raise environmental concerns.

The permit for the International Coal Group's Thunder Ridge mine in Leslie County was suspended in 2007 when the corps asked the company for additional information on ways to minimize debris going into streams and overall environmental impacts of the mine.

After the company provided that information last December and eliminated a valley fill and sediment pond, the corps concluded that mine discharges would not significantly damage water bodies.

Company spokesman Ira Gamm said the company has conducted a watershed-scale impact assessment and developed a procedure for minimizing debris going into streams.

Mountaintop mining involves blowing off summit ridges to expose coal seams and dumping debris into valleys, a practice EPA says is likely to pollute water and severely damage or destroy streams ([E&ENews PM](#) , March 24).

Mulhern called on EPA to prevent the Army Corps from issuing permits that could potentially harm water quality in mining areas. "The EPA has the ultimate authority under the Clean Water Act to determine what activities are permitted, and it's up to EPA now to exercise that authority and ensure that the Army Corps is adhering to Obama administration policies," she said.

EPA's announced review has sparked controversy, with industry stakeholders saying it could delay permits.

Many permits already were stalled as the Army Corps waited for a 4th U.S. Circuit Court of Appeals decision on whether more extensive environmental review is required for mountaintop mining projects.

The Richmond, Va., court determined that the corps can issue permits for mountaintop mining without the more stringent review, overturning a lower court's ruling that found the corps was not performing adequate environmental analyses before permitting mountaintop operations ([E&ENews PM](#) , Feb. 13).

Kentucky Gov. Steve Beshear (D) said this week that he was concerned about EPA's review, as well, asking the agency to clarify its announcement.

"For some time, there has been a lengthy backlog of ... permits awaiting action from the Army Corps of Engineers as a result of litigation and bureaucratic red tape," Beshear said in a statement. "Those permits should be reviewed in a timely manner, regardless of the outcome of any one application for mining."

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2233

Richard Windsor/DC/USEPA/US
03/26/2009 06:52 PM

To "Allyn Brooks-Lasure", "Bob Sussman"
cc
bcc
Subject Fw: MTM

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 06:43 PM EDT
To: Richard Windsor
Subject: MTM

(b) (5) Deliberative

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Mulhern called on EPA to prevent the Army Corps from issuing permits that could potentially harm water quality in mining areas. "The EPA has the ultimate authority under the Clean Water Act to determine what activities are permitted, and it's up to EPA now to exercise that authority and ensure that the Army Corps is adhering to Obama administration policies," she said.

EPA's announced review has sparked controversy, with industry stakeholders saying it could delay permits.

Many permits already were stalled as the Army Corps waited for a 4th U.S. Circuit Court of Appeals decision on whether more extensive environmental review is required for mountaintop mining projects.

The Richmond, Va., court determined that the corps can issue permits for mountaintop mining without the more stringent review, overturning a lower court's ruling that found the corps was not performing adequate environmental analyses before permitting mountaintop operations ([E&ENews PM](#) , Feb. 13).

Kentucky Gov. Steve Beshear (D) said this week that he was concerned about EPA's review, as well, asking the agency to clarify its announcement.

"For some time, there has been a lengthy backlog of ... permits awaiting action from the Army Corps of Engineers as a result of litigation and bureaucratic red tape," Beshear said in a statement. "Those permits should be reviewed in a timely manner, regardless of the outcome of any one application for mining."

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2234

Richard
Windsor/DC/USEPA/US
03/26/2009 06:54 PM

To "Allyn Brooks-Lasure"
cc
bcc

Subject Fw: MTM

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 06:43 PM EDT
To: Richard Windsor
Subject: MTM

(b) (5) Deliberative

MINING: Army Corps reinstates controversial mountaintop permit (03/26/2009)

Katherine Boyle, E&E reporter

The Army Corps of Engineers reinstated a permit yesterday for a controversial Kentucky coal mining project hours after U.S. EPA had announced a planned review of similar projects' effects on water quality.

The move angered environmentalists, who saw EPA's announcement as a step toward further restrictions on mountaintop removal mining.

"It flies in the face of the EPA announcement that new permits are going to get a careful environmental review," said Joan Mulhern, legislative counsel for Earthjustice. "It appears the Army Corps is acting as a rogue agency."

Army Corps spokesman Doug Garman said EPA merely expressed concern about two specific projects in its announcement. Neither of those -- Central Appalachia Mining's Big Branch project in Pike County, Ky., and Highland Mining Co.'s Reylas mine in Logan County, W.Va. -- has received a permit.

EPA declined to comment on the corps' reinstatement of the Leslie County, Ky., permit. Agency spokeswoman Enesta Jones said EPA would take a close look at mountaintop removal permits. She said the agency anticipates that most of the pending permit applications will not raise environmental concerns.

The permit for the International Coal Group's Thunder Ridge mine in Leslie County was suspended in 2007 when the corps asked the company for additional information on ways to

minimize debris going into streams and overall environmental impacts of the mine.

After the company provided that information last December and eliminated a valley fill and sediment pond, the corps concluded that mine discharges would not significantly damage water bodies.

Company spokesman Ira Gamm said the company has conducted a watershed-scale impact assessment and developed a procedure for minimizing debris going into streams.

Mountaintop mining involves blowing off summit ridges to expose coal seams and dumping debris into valleys, a practice EPA says is likely to pollute water and severely damage or destroy streams ([E&ENews PM](#) , March 24).

Mulhern called on EPA to prevent the Army Corps from issuing permits that could potentially harm water quality in mining areas. "The EPA has the ultimate authority under the Clean Water Act to determine what activities are permitted, and it's up to EPA now to exercise that authority and ensure that the Army Corps is adhering to Obama administration policies," she said.

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2235

Bob Sussman/DC/USEPA/US To Richard Windsor
03/26/2009 07:05 PM cc
bcc
Subject Fw: MTM

Wanted to make sure you saw this.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/26/2009 07:04 PM -----

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/26/2009 06:15 PM
Subject: Re: MTM

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor

(b) (5) Deliberative

03/26/2009 02:15:20 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/26/2009 02:15 PM
Subject: Re: MTM

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 12:57 PM EDT
To: Richard Windsor
Cc: Arvin Ganesan
Subject: MTM

COAL: Bipartisan legislation would ban mountaintop mining (03/26/2009)

Katie Howell, E&E reporter

Legislators yesterday introduced bipartisan legislation that would effectively end mountaintop coal mining in Appalachia.

Sens. Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.) introduced a bill that would amend the Clean Water Act to prevent dumping of excess waste rock, dirt and vegetation into streams and rivers during the mining process, which scrapes off the summits of mountains to expose the coal seams underneath.

The legislation claims the mining method has affected more than 1 million acres of Appalachia and buried more than 1,200 miles of headwater streams under tons of mining waste.

"My goal is to put a stop to one of the most destructive mining practices that has already destroyed some of America's most beautiful and ecologically significant regions," Cardin, chairman of the Water and Wildlife Subcommittee, said in a statement. "This legislation will put a stop to the smothering of our nation's streams and water systems and will restore the Clean Water Act to its original intent."

The legislation comes a day after U.S. EPA put a hold on permitting for mountaintop mining so it could evaluate the method's impacts on water quality and aquatic life ([E&ENews PM](#)), March

24).

Environmentalists championed the new legislation.

"If passed, [the act] will protect thousands of miles of Appalachian headwaters, streams and rivers," Joan Mulhern, a senior legislative counsel at Earthjustice, said in a statement.

"Earthjustice applauds their leadership in the ongoing fight to stop mountaintop removal mining ... to end the practice of dumping coal mining wastes into waters of the U.S., and to end the dumping of other industrial wastes into the nation's waters, many of which would still be prohibited today if not for the Bush administration's actions to encourage industries to dump their solid wastes into waters."

But the coal industry remains committed to its stance that the mining method is a safe and efficient way to produce coal, touting its reclamation efforts.

In a recent report on mountaintop mining, the National Mining Association said the method produces more than 110 million tons of coal per year, producing enough energy to power more than 22 million homes.

But the senators said mountaintop mining produces less than 5 percent of the coal mined in the nation and that their legislation would not ban other methods of coal mining.

"Coal is an essential part of our energy future, but it is not necessary to destroy our mountaintops in order to have enough coal," said Alexander, a member of the Water and Wildlife Subcommittee.

The bill is similar to House [legislation](#) (H.R. 1310) reintroduced earlier this month that would prohibit valley fills from interrupting streams and waterways ([E&ENews PM](#) , March 4).

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2236

Richard Windsor/DC/USEPA/US
03/26/2009 07:39 PM

To Bob Sussman
cc
bcc
Subject Re: MTM

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 07:05 PM EDT
To: Richard Windsor
Subject: Fw: MTM

Wanted to make sure you saw this.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

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To: Richard Windsor/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/26/2009 06:15 PM
Subject: Re: MTM

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman
 Senior Policy Counsel to the Administrator
 Office of the Administrator
 US Environmental Protection Agency

Richard Windsor (b) (5) Deliberative |... 03/26/2009 02:15:20 PM

From: Richard Windsor/DC/USEPA/US
 To: Bob Sussman/DC/USEPA/US@EPA
 Cc: Arvin Ganesan/DC/USEPA/US@EPA
 Date: 03/26/2009 02:15 PM
 Subject: Re: MTM

(b) (5) Deliberative

[Redacted]

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 12:57 PM EDT
To: Richard Windsor
Cc: Arvin Ganesan
Subject: MTM

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2237

Bob Sussman/DC/USEPA/US To Richard Windsor
03/26/2009 07:44 PM cc
bcc
Subject Re: MTM

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor **(b) (5) Deliberative** 03/26/2009 07:39:10 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Date: 03/26/2009 07:39 PM
Subject: Re: MTM

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 03/26/2009 07:05 PM EDT
To: Richard Windsor
Subject: Fw: MTM

Wanted to make sure you saw this.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/26/2009 07:04 PM -----

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To: Richard Windsor/DC/USEPA/US@EPA
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Date: 03/26/2009 06:15 PM
Subject: Re: MTM

(b) (5) Deliberative

[Redacted]

[Redacted]

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

Let's talk strategy when you're back on Monday.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor We need to make sure they have the l... 03/26/2009 02:15:20 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/26/2009 02:15 PM
Subject: Re: MTM

(b) (5) Deliberative
[Redacted]

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2238

Richard Windsor/DC/USEPA/US
03/27/2009 05:50 AM

To "Gina McCarthy", "Gina McCarthy"
cc
bcc

Subject Fw: editorial: today's post

Weird (and disappointing) that they didn't mention The Climate Registry, right?

David Cohen

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

From: David Cohen
Sent: 03/27/2009 04:29 AM EDT
To: Richard Windsor
Subject: editorial: today's post

The First Green Step

Fighting global warming starts with a greenhouse gas registry.

Friday, March 27, 2009; A16

THE LACK of concrete data on which facilities were emitting greenhouse gases and how much they were spewing into the atmosphere led to a major flaw in the European Union's cap-and-trade system: the over-allocation of pollution permits to industry. This mistake led to the collapse of the carbon market. Thanks to action taken by the Environmental Protection Agency this month, the United States will not make the same mistake.

EPA Administrator Lisa P. Jackson [issued](#) a proposal to establish a greenhouse gas registry. This is the first step in a process that will lead to the development, discussion and implementation of a program that will tabulate the amount of carbon dioxide, methane and other gases from about 13,000 large industrial facilities that emit more than 25,000 metric tons or more a year each. The EPA estimates this would cover 85 to 90 percent of all greenhouse gas emissions in the United States. The plan, required by Congress but ignored by President George W. Bush, must be in place by June 26.

Collecting this data would also be the first step in devising a cap-and-trade system that President Obama wants to use to reduce greenhouse gas emissions by about 83 percent below 2005 levels by 2050. He wants to auction 100 percent of the pollution permits to generate \$650 billion over the next 10 years. But there's one small wrinkle in this. The first report from the EPA would be submitted in 2011 for emissions in 2010. Mr. Obama's budget plan submitted to Congress anticipates the cap-and-trade system being in place by 2012. In short, there's a question as to whether there will be enough data on which to base the carbon caps.

The administration should consider ramping up voluntary greenhouse gas inventory plans already underway such as the Climate Leaders program at the EPA and the Energy Department's Voluntary Reporting of Greenhouse Gases Program. This would bolster the effort to get as much solid information as possible. And it would help to ensure that the United States avoided making Europe's mistakes.

01268-EPA-2244

Richard Windsor/DC/USEPA/US
03/27/2009 01:06 PM

To Allyn Brooks-LaSure, Craig Hooks, Scott Fulton
cc "Allyn Brooks-LaSure"
bcc
Subject Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Cool. We doing a release? Encouraging other energy and env agencies to do same?
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/27/2009 01:02 PM EDT
To: Richard Windsor; Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

By the way - our website will be "dark" for earth hour. Meaning, folks will visit EPA.gov and see a black splash page, with a link to the fully-functioning site.

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Richard Windsor

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

From: Richard Windsor
Sent: 03/27/2009 01:00 PM EDT
To: Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>
Subject: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Folks are turning off their lights to heirghten awareness of energy use and climate change. Can we participate on those EPA campuses that have programmable lights ? Tx.

01268-EPA-2245

Richard Windsor/DC/USEPA/US
03/27/2009 01:36 PM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Tx

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/27/2009 01:27 PM EDT
To: Richard Windsor

Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

No. The website going dark is symbolic but doesn't save any energy. We have included that message in some of our blogger outreach.

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Richard Windsor

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

From: Richard Windsor
Sent: 03/27/2009 01:06 PM EDT
To: Allyn Brooks-LaSure; Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

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Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/27/2009 01:02 PM EDT
To: Richard Windsor; Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

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MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Richard Windsor

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

From: Richard Windsor
Sent: 03/27/2009 01:00 PM EDT
To: Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>

Subject: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour
Folks are turning off their lights to heighten awareness of energy use and climate change. Can we participate on those EPA campuses that have programmable lights ? Tx.

01268-EPA-2246

Richard Windsor/DC/USEPA/US
03/27/2009 01:37 PM

To Craig Hooks
cc
bcc

Subject Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Tx.

Craig Hooks

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

From: Craig Hooks
Sent: 03/27/2009 01:24 PM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>; Scott Fulton
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour
There are a few other things that we do in conjunction with this. I have staff pulling together some bullets. I will have that for your shortly. Thx.

Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600

Richard Windsor	Cool. We doing a release? Encouragi...	03/27/2009 01:06:39 PM
-----------------	--	------------------------

From: Richard Windsor/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>
Date: 03/27/2009 01:06 PM
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Cool. We doing a release? Encouraging other energy and env agencies to do same?

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 03/27/2009 01:02 PM EDT
To: Richard Windsor; Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>
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MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415

Richard Windsor

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

From: Richard Windsor

Sent: 03/27/2009 01:00 PM EDT

To: Craig Hooks; Scott Fulton

Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>

Subject: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

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01268-EPA-2247

**Lisa
Heinzerling/DC/USEPA/US**
03/27/2009 02:56 PM

To "Richard Windsor"
cc
bcc

Subject Fw: California Air Chief Says EPA Will Adopt Auto GHG
Rules As National Standard

(b) (5) Deliberative

Margo Oge

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

From: Margo Oge
Sent: 03/27/2009 02:49 PM EDT
To: Lisa Heinzerling
Subject: Fw: California Air Chief Says EPA Will Adopt Auto GHG Rules As
National Standard

Paul Argyropoulos

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

From: Paul Argyropoulos
Sent: 03/27/2009 02:34 PM EDT
To: france.chet@epa.gov; Christopher Grundler; John Hannon; John
Weihrauch; simon.karl@epa.gov; stewart.lori@epa.gov; Margo Oge; Maureen
Delaney; machiele.paul@epa.gov; Robert Larson; Roland Dubois;
dunham.sarah@epa.gov
Subject: California Air Chief Says EPA Will Adopt Auto GHG Rules As
National Standard
I'm sure you've seen this but just in case.....

[California Air Chief Says EPA Will Adopt Auto GHG Rules As National Standard](#)

California Air Resources Board (CARB) Chairwoman Mary Nichols says she believes EPA will adopt her state's emission regulations for vehicles as a national standard, according to prepared remarks she delivered in [a keynote address](#) at a March 23 conference on climate change in Paris, France. In addition to expressing confidence that EPA will soon grant California a Clean Air Act waiver to implement its GHG rules for vehicles, Nichols said she "strongly believes" EPA "will adopt California's greenhouse gas standard as the national standard." Nichols' delivered her remarks at the "Climate Change Policy: Insights from the U.S. and Europe" conference in Paris, sponsored by the France-Stanford Center for Interdisciplinary Studies and the French-American Foundation.

Paul N. Argyropoulos
Senior Policy Advisor
Office of Transportation & Air Quality
US Environmental Protection Agency
Office Phone: 1-202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Website: www.epa.gov/otaq

01268-EPA-2248

Richard Windsor/DC/USEPA/US
03/27/2009 03:00 PM

To "Allyn Brooks-Lasure"
cc
bcc

Subject Fw: California Air Chief Says EPA Will Adopt Auto GHG Rules As National Standard

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/27/2009 02:56 PM EDT
To: Richard Windsor
Subject: Fw: California Air Chief Says EPA Will Adopt Auto GHG Rules As National Standard

(b) (5) Deliberative

Margo Oge

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

From: Margo Oge
Sent: 03/27/2009 02:49 PM EDT
To: Lisa Heinzerling
Subject: Fw: California Air Chief Says EPA Will Adopt Auto GHG Rules As National Standard

Paul Argyropoulos

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

From: Paul Argyropoulos
Sent: 03/27/2009 02:34 PM EDT
To: france.chet@epa.gov; Christopher Grundler; John Hannon; John Weihrauch; simon.karl@epa.gov; stewart.lori@epa.gov; Margo Oge; Maureen Delaney; machiele.paul@epa.gov; Robert Larson; Roland Dubois; dunham.sarah@epa.gov
Subject: California Air Chief Says EPA Will Adopt Auto GHG Rules As National Standard

I'm sure you've seen this but just in case.....

[California Air Chief Says EPA Will Adopt Auto GHG Rules As National Standard](#)

California Air Resources Board (CARB) Chairwoman Mary Nichols says she believes EPA will adopt her state's emission regulations for vehicles as a national standard, according to prepared remarks she delivered in [a keynote address](#) at a March 23 conference on climate change in Paris, France. In addition to expressing confidence that EPA will soon grant California a Clean Air Act waiver to implement its GHG rules for vehicles, Nichols said she "strongly believes" EPA "will adopt California's greenhouse gas standard as the national standard." Nichols' delivered her remarks at the "Climate Change Policy: Insights from the U.S. and Europe" conference in Paris, sponsored by the France-Stanford Center for Interdisciplinary Studies and the French-American Foundation.

Paul N. Argyropoulos
Senior Policy Advisor
Office of Transportation & Air Quality
US Environmental Protection Agency
Office Phone: 1-202-564-1123
Mobile: 202-577-9354
Email: argyropoulos.paul@epa.gov
Website: www.epa.gov/otaq

01268-EPA-2270

Bob Sussman/DC/USEPA/US

To Richard Windsor

04/01/2009 07:07 PM

cc Allyn Brooks-LaSure, Arvin Ganesan

bcc

Subject Fw: WVa MTM Meeting today

[REDACTED] (b) (5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/01/2009 06:51 PM -----

From: Gregory Peck/DC/USEPA/US
To: Mike Shapiro/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Suzanne Schwartz/DC/USEPA/US@EPA
Date: 04/01/2009 05:59 PM
Subject: WVa Meeting today

Statement from GOV. MANCHIN

ABOUT TODAY'S MEETING WITH EPA OFFICIALS

CHARLESTON, W.Va. - Gov. Joe Manchin and state Department of Environmental Protection leaders today met with officials from the Environmental Protection Agency and the U.S. Army Corps of Engineers to discuss issues related to last week's letters from the EPA that brought into question permits issued for certain types of mining:

"We had a great meeting and I appreciate the personal attention from the EPA, the Corps of Engineers and their commitment to come back and meet with the companies involved with the permits in question.

"There are differences in opinion on how their most recent correspondence may affect mining and other industries, however, I continue to believe there's a balance to be achieved and we have started the dialogue to work toward that agreement. I remain positive we can work together to address the EPA's issues with the permits.

"As a result of our discussions today, the EPA will return within two weeks to meet with our DEP officers, the Corps and the companies in question to focus on a permit decision."

- Gov. Joe Manchin

#

(b) (5) Deliberative

[Redacted]

[Redacted]

(b) (5) Deliberative



Greg

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

01268-EPA-2323

**Lisa
Heinzerling/DC/USEPA/US**
04/15/2009 09:59 PM

To Richard Windsor
cc
bcc
Subject Re: briefing

I will (I'm sorry to say) be late for tomorrow's morning meeting. [REDACTED] (b) (6) Privacy I'll be there as early as I can.
Richard Windsor

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

From: Richard Windsor
Sent: 04/15/2009 09:53 PM EDT
To: Arvin Ganesan
Cc: Lisa Heinzerling
Subject: Re: briefing

I think we can decide on timing tomorrow morning at the morning mtg that will meet your needs. Lj
Arvin Ganesan

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

From: Arvin Ganesan
Sent: 04/15/2009 08:04 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: briefing

Hi Lisa,

[REDACTED] (b) (5) Deliberative

[REDACTED]

[REDACTED]

Thoughts?

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

01268-EPA-2325

Richard Windsor/DC/USEPA/US
04/15/2009 10:01 PM

To Lisa Heinzerling
cc
bcc
Subject Re: briefing

Aww. Cool.
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/15/2009 09:59 PM EDT
To: Richard Windsor
Subject: Re: briefing

I will (I'm sorry to say) be late for tomorrow's morning meeting. [REDACTED] (b) (6) Privacy I'll be there as early as I can.
Richard Windsor

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

From: Richard Windsor
Sent: 04/15/2009 09:53 PM EDT
To: Arvin Ganesan
Cc: Lisa Heinzerling
Subject: Re: briefing

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Arvin Ganesan

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

From: Arvin Ganesan
Sent: 04/15/2009 08:04 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: briefing

Hi Lisa,

[REDACTED] (b) (5) Deliberative

[REDACTED]

[REDACTED]

Thoughts?

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs

United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

01268-EPA-2335

Bob Sussman/DC/USEPA/US

04/16/2009 06:59 PM

To Richard Windsor, Marcia Mulkey, Lisa Heinzerling, Arvin Ganesan, David McIntosh, Scott Fulton

cc

bcc

Subject Fw: EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

(b) (5) Deliberative.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/16/2009 06:57 PM -----

From: "Walke, John" <jwalke@nrdc.org>
To: undisclosed-recipients;;
Date: 04/16/2009 06:30 PM
Subject: EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

InsideEPA.com - Thursday, April 16, 2009

EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

Environmentalists and some EPA staff are urging agency Administrator Lisa Jackson to downgrade the lead role the agency's Office of Policy, Economics & Innovation (OPEI) plays in coordinating regulatory and other policy reviews with the White House and instead return the program offices to their lead coordinating role.

The OPEI critics, who claim the office has played a major deregulatory role during the internal review process, say Jackson should revoke an April 2001 memo <http://insideepa.com/secure/data_extra/dir_09/epa2009_0650.pdf> from then-EPA Administrator Christine Todd Whitman that appointed OPEI as the coordinator for the internal approval process for rules ready for review by the White House Office of Management & Budget (OMB).

Whitman's issuance of the memo was "like putting two foxes in the same hen house," says one environmentalist who supports revoking the Whitman memo. Some economists within OPEI "are cut from the same cloth as OMB and are skeptical of much of EPA's mission. . . . So these anti-regulatory economists get two whacks at the piñata," the source adds.

But some agency officials -- including staff and managers -- are concerned about possible plans to downgrade the office's role, saying it serves an important coordinating function. One source concerned about the move adds that it appears to be under consideration without discussion.

However, if EPA seeks to makes changes to the office that result in changed job functions it will likely have to negotiate with labor unions as part of a

contract, a process that could force discussion of the issue.

Both supporters and critics of the move say that Jackson's recent decision <http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=3132009_blogscaling> to quickly halt OPEI's Performance Track program -- which provided incentives including reduced inspection priority to facilities that committed to voluntary pollution reduction plans -- may signal a broader desire to reorganize the policy office.

The move is being considered as the Obama administration considers revisions to Executive Order (E.O.) 12866, which governs White House review of agency rules. The comment period on the revisions closed March 31.

Many EPA staff have already indicated they favor raising the economic threshold <http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=3312009_blogomb> for OMB reviewing agency regulations, from \$100 million to \$250 million. But it is not clear whether the agency formally recommended such a move.

It is also unknown whether Jackson has rescinded the Whitman memo to reign in the role of OPEI, which is run out of the Office of the Administrator. EPA has made no public announcements about a possible policy office reorganization, and there are no updates on the agency's OPEI Web site, Jackson's page, or elsewhere that indicate the memo has been rescinded or is under review.

Jackson's spokeswoman declined to comment for this article but the administrator has in the past downplayed the need for a major overhaul of EPA. In a Feb. 27 interview <http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=2272009_jackson> with Inside EPA and other news organizations, she said that "in general" she is not a fan of reorganizations. "They take a lot of time, they're very disruptive when we have so much to do."

During the Bush administration, OPEI took on an elevated role in reviewing agency regulations. In addition to the Whitman memo, the office's role was further bolstered by 2007 amendments to E.O. 12866, which formalized the office's role in the regulatory review process. The amendment says unless specifically authorized by the head of an agency, "no rulemaking shall commence nor be included on the plan without the approval of the agency's regulatory policy office," which in the case of EPA is OPEI.

OPEI was also responsible for carrying out E.O. 13211 -- a 2001 executive order -- mandating that EPA and other agencies assess the energy impacts of regulatory decisions.

But the environmentalist, EPA staff and others say that the Obama EPA should swiftly restore the agency's air, waste, water and other program offices to the role of lead liaison with OMB on the rulemakings they develop. The policy office "interferes with EPA's core work," one agency source says.

The environmentalist adds, "I would very much welcome [revoking the memo] because the agency's experts that are responsible for carrying out statutes and protecting the environment reside in the program offices. OPEI has always had a different agenda that is more aligned with OMB and deregulatory forces within industry."

A second EPA source says that the policy office's role should be reduced in the new administration, adding, "Our big problem is that everything the agency is doing has to be approved by OMB and OPEI first."

In Whitman's memo, the former administrator said that elevating the policy office "will produce better informed decisions and ensure that the nation's environmental protection system produces the best outcomes at an acceptable cost. Appropriate scientific, economic and policy analyses must be planned at early stages in the regulatory development process so that senior agency decision makers understand the benefits and costs of policy options from which to choose."

But critics charge that the memo has given OPEI significant authority to override EPA program offices on rulemakings and say the office is sometimes seen as an obstacle to strict rules.

Bush OPEI officials took steps to try and further boost the office's role in rule reviews, including an effort in 2007 by former OPEI head Brian Mannix to restructure the office <http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=6282007_efforts> to create new divisions overseeing voluntary programs and performance measurement approaches, which were priorities for Bush administration officials but have prompted concerns from some Democrats and activists.

The proposal -- which was ultimately abandoned -- also raised concerns among EPA staff, who feared it would have increased their workload and management scrutiny, which could delay an agreement on a final restructuring plan, according to an agency source familiar with the proposal.

Revoking the memo would "restore the program offices and their experts on law and science to being the ones that deal directly with OMB and negotiate over rules. They are involved in the current process but [OPEI's authority] adds a layer of skeptical review and ability to influence rules," the environmentalist says.

EPA's American Federation of Government Employees union in a Nov. 7 white paper <http://insideepa.com/secure/data_extra/dir_08/epa2008_1785.pdf> for then-President-elect Barack Obama urged the incoming administration to rescind E.O. 12866, "take OMB out of the role of 'gatekeeper' for environmental regulations, and restore EPA's lead programmatic, regulatory and scientific role in addressing global climate change." The union cited a Bush EPA advance notice on regulating greenhouse gases as a key example of OMB's influence, saying it was only finalized after extensive policy office and other agencies rased "complaints" and insisted on cuts to the notice.

According to a document added April 13 to OMB's docket on the executive order, top EPA officials met late last month with OMB to discuss changes to E.O. 12866, including Jackson advisor and former EPA Deputy Administrator Robert Sussman as well as top OPEI officials Louise Wise, Alexander Cristofaro, Leslie Schaaf and Nicole Owens. -- Anthony Lacey

4162009_downgrade

01268-EPA-2336

Richard Windsor/DC/USEPA/US
04/16/2009 07:17 PM

To Bob Sussman
cc
bcc

Subject Re: EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

(b) (5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 04/16/2009 06:59 PM EDT
To: Richard Windsor; Marcia Mulkey; Lisa Heinzerling; Arvin Ganesan; David McIntosh; Scott Fulton
Subject: Fw: EPA Urged To Downgrade Policy Office's Role In Regulatory Reviews

(b) (5) Deliberative. .

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

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From: "Walke, John" <jwalke@nrdc.org>
To: undisclosed-recipients;;
Date: 04/16/2009 06:30 PM
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Whitman's issuance of the memo was "like putting two foxes in the same hen house," says one environmentalist who supports revoking the Whitman memo. Some economists within OPEI "are cut from the same cloth as OMB and are skeptical

of much of EPA's mission. . . . So these anti-regulatory economists get two whacks at the piñata," the source adds.

But some agency officials -- including staff and managers -- are concerned about possible plans to downgrade the office's role, saying it serves an important coordinating function. One source concerned about the move adds that it appears to be under consideration without discussion.

However, if EPA seeks to make changes to the office that result in changed job functions it will likely have to negotiate with labor unions as part of a contract, a process that could force discussion of the issue.

Both supporters and critics of the move say that Jackson's recent decision <http://insideepa.com/secure/docnum.asp?f=epa_2001.ask&docnum=3132009_blogscaling> to quickly halt OPEI's Performance Track program -- which provided incentives including reduced inspection priority to facilities that committed to voluntary pollution reduction plans -- may signal a broader desire to reorganize the policy office.

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OPEI was also responsible for carrying out E.O. 13211 -- a 2001 executive order -- mandating that EPA and other agencies assess the energy impacts of regulatory decisions.

But the environmentalist, EPA staff and others say that the Obama EPA should swiftly restore the agency's air, waste, water and other program offices to the role of lead liaison with OMB on the rulemakings they develop. The policy office "interferes with EPA's core work," one agency source says.

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4162009_downgrade

01268-EPA-2339

Richard Windsor/DC/USEPA/US
04/16/2009 07:29 PM

To Bob Sussman, Allyn Brooks-LaSure, Eric Wachter
cc Scott Fulton, Arvin Ganesan, David McIntosh
bcc
Subject Re: TVA Consent Order on Coal Ash Cleanup

(b) (5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 04/16/2009 07:20 PM EDT
To: Richard Windsor; Allyn Brooks-LaSure; Eric Wachter
Cc: Scott Fulton; Arvin Ganesan; David McIntosh
Subject: TVA Consent Order on Coal Ash Cleanup

(b) (5) Deliberative

[Redacted]

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2340

Bob Sussman/DC/USEPA/US
04/16/2009 07:31 PM

To Richard Windsor
cc
bcc

Subject Re: TVA Consent Order on Coal Ash Cleanup

(b) (5) Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor **(b) (5) Deliberative** -... 04/16/2009 07:29:40 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 04/16/2009 07:29 PM
Subject: Re: TVA Consent Order on Coal Ash Cleanup

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 04/16/2009 07:20 PM EDT
To: Richard Windsor; Allyn Brooks-LaSure; Eric Wachter
Cc: Scott Fulton; Arvin Ganesan; David McIntosh
Subject: TVA Consent Order on Coal Ash Cleanup

(b) (5) Deliberative

[Redacted]

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2343

Richard Windsor/DC/USEPA/US
04/17/2009 02:29 PM

To "Jackson, Kenneth (b) (6) Personal Privacy"
cc
bcc

Subject Re: EPA Made History Today

No!

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

From: "Jackson, Kenneth (b) (6) Personal Privacy" [(b) (6) Personal Privacy]
Sent: 04/17/2009 02:22 PM AST
To: Richard Windsor
Subject: RE: EPA Made History Today

(b) (6) Personal Privacy

Ken Jackson
(b) (6) Personal Privacy

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

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]
Sent: Friday, April 17, 2009 12:18 PM
To: Jackson, Kenneth (b) (6) Personal Privacy; (b) (6) Personal Privacy
Subject: Fw: EPA Made History Today

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/17/2009 12:16 PM -----

From: Message from the Administrator
To: All EPA Employees
Date: 04/17/2009 12:14 PM
Subject: EPA Made History Today

Visit the Agency's Intranet for More Information
(Embedded image moved to file: pic27196.gif)
All Hands Email-Archive

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.

(Embedded image moved to file: pic29033.jpg)

Colleagues:

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben

DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

This message w/attachments (message) may be privileged, confidential or proprietary, and if you are not an intended recipient, please notify the sender, do not use or share it and delete it. Unless specifically indicated, this message is not an offer to sell or a solicitation of any investment products or other financial product or service, an official confirmation of any transaction, or an official statement of Merrill Lynch. Subject to applicable law, Merrill Lynch may monitor, review and retain e-communications (EC) traveling through its networks/systems. The laws of the country of each sender/recipient may impact the handling of EC, and EC may be archived, supervised and produced in countries other than the country in which you are located. This message cannot be guaranteed to be secure or error-free. References to "Merrill Lynch" are references to any company in the Merrill Lynch & Co., Inc. group of companies, which are wholly-owned by Bank of America Corporation. Securities and Insurance Products: * Are Not FDIC Insured * Are Not Bank Guaranteed * May Lose Value * Are Not a Bank Deposit * Are Not a Condition to Any Banking Service or Activity * Are Not Insured by Any Federal Government Agency. Attachments that are part of this E-communication may have additional important disclosures and disclaimers, which you should read. This message is subject to terms available at the following link: http://www.ml.com/e-communications_terms/. By messaging with Merrill Lynch you consent to the foregoing.

01268-EPA-2346

Richard Windsor/DC/USEPA/US
04/20/2009 06:31 AM

To "Allyn Brooks-Lasure", "Michael Moats"
cc "Eric Wachter"
bcc

Subject Fw: A washingtonpost.com article from:
Windsor.richard@EPA.gov

OK - we didn't get a photo in the slide show but we did get a much cooler mention than some others...

From: Richard Windsor
Sent: 04/20/2009 06:29 AM AST
To: Richard Windsor
Subject: A washingtonpost.com article from: Windsor.richard@EPA.gov

This page was sent to you by: Windsor.richard@EPA.gov

Talking a Green Streak

By J. Freedom du Lac

Earth Day on the Mall slogan: Climate change we can believe in!

Do you love D.C.? Get the insider's guide to where to stay, what to do and where to eat.
Go to www.washingtonpost.com/gog for your guide to D.C. now.
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01268-EPA-2347

Richard Windsor/DC/USEPA/US
04/20/2009 10:51 AM

To Eric Wachter
cc
bcc

Subject Re: Thank you

Reply - Thanks David. You all did the heavy lifting but it is an honor to be on the team. Lisa Eric Wachter

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

From: Eric Wachter
Sent: 04/20/2009 10:31 AM EDT
To: Richard Windsor
Subject: Fw: Thank you

Message Information

Date 04/17/2009 06:53 PM04/20/2009 10:51:20 AM
From "Doniger, David" <ddoniger@nrdc.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Thank you

Message Body

Lisa,

My personal thanks for the job just done. I greatly appreciate your firm and fast action on the endangerment determination. After 10 years of work, a sweet moment. We've done our best today to reinforce your messages.

Take the rest of the day off.

David

David D. Doniger
Policy Director, Climate Center
Natural Resources Defense Council
1200 New York Ave., NW
Washington, DC 20005
Phone: (202) 289-2403
NRDC Cell: (202) 321-3435
Personal Cell: (202) 445-9023
Fax: (202) 789-0859
ddoniger@nrdc.org
on the web at www.nrdc.org
read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

01268-EPA-2348

Bob Sussman/DC/USEPA/US

To Richard Windsor

04/21/2009 05:28 PM

cc Arvin Ganesan, Diane Thompson, Eric Wachter

bcc

Subject Fw: From theCharleston Gazette on MTM

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

WVDEP’s Huffman goes off on Obama EPA

by Ken Ward Jr.



Eriki Peterson over at West Virginia Public Broadcasting [had an interest](#) in Joe Manchin’s Department of Environmental Protection Secretary, Rance Huffman’s criticism of the Obama administration’s move to take a closer look at mountaintop removal by the Army Corps of Engineers.

Among other things, Huffman said:

“We are the environmental regulators here in West Virginia. We

*line here. We are the ones responsible for protecting the environment. We have a **and robust regulatory** program that is basically being challenged."*

Let me first say that I get along fine with Randy. Unlike many of his predecessors, Randy answers my questions, and is generally about as patient as I could expect from a DEP official. By and large, there are lots of really good and hard-working people at DEP who want to make West Virginia a better place to live and work.

But wow. Methinks Randy protests too much ... let's look at some of what he said in this piece ...

– "... *primacy for regulating surface mining in West Virginia belongs to the state and not the federal government.*"

Yes. Under the surface mining act, West Virginia has primacy to enforce the Surface Mining Control and Reclamation Act. **But**, those aren't the permits EPA is looking at. It's a fill permit proposed to be issued by the federal Army Corps of Engineers under the Clean Water Act. West Virginia's DEP does **not** have primacy for those permits. An EPA administration considered was giving state agencies primacy under Section 105.

– "**Mainly** what we're concerned about as regulators is the ability to develop land and fill need valley fills if you're going to have a viable post mining economy. You need flat land you need to have valley fills, and one of our biggest concerns is that EPA is reducing the number of valley fills in Appalachia."

Since when is DEP's primary job supposed to be focused on the ability to develop land? Silly me ... I thought it was to protect the environment.

– "... [EPA's] objection letters to these permits kind of came out of the blue and caught us off guard. Were DEP officials not paying attention during the election? Then-candidate Barack Obama made it clear he was concerned about mountaintop removal and that it should be stopped. While Obama never said exactly what he would do about it, the fact that EPA has gotten more involved should not have surprised anyone at all."

– "*We have a very rigorous and robust regulatory program ...*"

Come now. Remember first that mountaintop removal got out of control because DEP failed to do its job, by failing to enforce the approximate original contour reclamation and post-mining land development rules already on the books.

And, as I've written before, the state under former Gov. Cecil Underwood backtracked in and take a closer look at valley fills when it insisted on passing a greatly weakened bill."

Today, the state is doing the same thing again, having passed the Stalling Senate bill hardly a word against it from DEP. Truth be told, this legislation is patterned

already tried to do: Give coal operators more and more time to avoid actual pollution standards for a chemical that has pushed at least one West Virginia a major toxic event."

DEP's standard line on mountaintop removal goes something like this: Sure years ago. But we've learned a lot and beefed up our program. We are tougher than any state in the country.

But you have to wonder ...

If that's true, why did it take EPA and the Justice Department to come in and spend million for *thousands of water pollution violations* across the state?

Well, that's because the folks at DEP for four or five years simply shoved "discharge reports," or DMRs, that companies file into a drawer somewhere, not bothering to check.

Massey and other companies were complying with their pollution permit limits.

And let's not forget, DEP has repeatedly missed legislative deadlines to come up with a plan to deal with coal slurry injected underground is pollution water supplies and making people sick.

Or, the fact that it took a federal court order for DEP to even consider beginning to comply with water pollution limits at the abandoned mine sites it controls under the program.

DEP also proposed legislation this year that doesn't get nearly as much support as said was needed to fix the finances of the Special Rec program.

And recently, the federal Office of Surface Mining Reclamation and Enforcement is having problems with the way DEP polices coal-slurry impoundments, which is one of the most important jobs.

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

01268-EPA-2359

Richard Windsor/DC/USEPA/US
04/23/2009 10:55 AM

To Allyn Brooks-LaSure
cc
bcc

Subject Re: Press avail

Ok

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 04/23/2009 06:55 AM EDT
To: "Richard Windsor" <Windsor.richard@epa.gov>
Subject: Re: Press avail

Amendment - time of tomorrow's presser would be around 10:45. Room permitting.

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 04/23/2009 06:43 AM EDT
To: "Richard Windsor" <Windsor.richard@epa.gov>
Subject: Press avail

Today - [REDACTED] (b) (5) Deliberative

[REDACTED] (b) (5) Deliberative

Are you comfortable with both?

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415

01268-EPA-2362

Richard Windsor/DC/USEPA/US
04/24/2009 04:28 AM

To "Lisa Home"
cc
bcc

Subject Fw: Google Alert - lisa jackson epa

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 04/24/2009 12:40 AM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[Reckless 'Endangerment'](#)

Wall Street Journal - USA

The **EPA** took the highly unusual step of not accompanying its endangerment finding with actual proposed regulations. For now, **EPA** Administrator **Lisa Jackson** ...

[See all stories on this topic](#)

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01268-EPA-2376

David
McIntosh/DC/USEPA/US
04/28/2009 12:48 PM

To "Richard Windsor"
cc
bcc

Subject Fw: Specter statement

(b) (5) Deliberative

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

From: "Herzog, Antonia" [aherzog@nrdc.org]
Sent: 04/28/2009 12:42 PM AST
To: David McIntosh
Subject: Specter statement

(b) (5) Deliberative

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

April 28, 2009

Statement by Senator Arlen Specter

I have been a Republican since 1966. I have been working extremely hard for the Party, for its candidates and for the ideals of a Republican Party whose tent is big enough to welcome diverse points of view. While I have been comfortable being a Republican, my Party has not defined who I am. I have taken each issue one at a time and have exercised independent judgment to do what I thought was best for Pennsylvania and the nation.

Since my election in 1980, as part of the Reagan Big Tent, the Republican Party has moved far to the right. Last year, more than 200,000 Republicans in Pennsylvania changed their registration to become Democrats. I now find my political philosophy more in line with Democrats than Republicans.

When I supported the stimulus package, I knew that it would not be popular with the Republican Party. But, I saw the stimulus as necessary to lessen the risk of a far more serious recession than we are now experiencing.

Since then, I have traveled the State, talked to Republican leaders and office-holders and my supporters and I have carefully examined public opinion. It has become clear to me that the stimulus vote caused a schism which makes our differences irreconcilable. On this state of the record, I am unwilling to have my twenty-nine year Senate record judged by the Pennsylvania Republican primary electorate. I have not represented the Republican Party. I have represented the people of Pennsylvania.

I have decided to run for re-election in 2010 in the Democratic primary.

I am ready, willing and anxious to take on all comers and have my candidacy for re-election determined in a general election.

I deeply regret that I will be disappointing many friends and supporters. I can understand their disappointment. I am also disappointed that so many in the Party I have worked for for more than four decades do not want me to be their candidate. It is very painful on both sides. I thank specially Senators McConnell and Cornyn for their forbearance.

I am not making this decision because there are no important and interesting opportunities outside the Senate. I take on this complicated run for re-election because I am deeply concerned about the future of our country and I believe I have a significant contribution to make on many of the key issues of the day, especially medical research. NIH funding has saved or lengthened thousands of lives, including mine, and much more needs to be done. And my seniority is very important to continue to bring important projects vital to Pennsylvania's economy.

I am taking this action now because there are fewer than thirteen months to the 2010 Pennsylvania Primary and there is much to be done in preparation for that election. Upon request, I will return campaign contributions contributed during this cycle.

While each member of the Senate caucuses with his Party, what each of us hopes to accomplish is distinct from his party affiliation. The American people do not care which Party solves the problems confronting our nation. And no Senator, no matter how loyal he is to his Party, should or would put party loyalty above his duty to the state and nation.

My change in party affiliation does not mean that I will be a party-line voter any more for the Democrats that I have been for the Republicans. Unlike Senator Jeffords' switch which changed party control, I will not be an automatic 60th vote for cloture. For example, my position on Employees Free Choice (Card Check) will not change.

Whatever my party affiliation, I will continue to be guided by President Kennedy's statement that sometimes Party asks too much. When it does, I will continue my independent voting and follow my conscience on what I think is best for Pennsylvania and America.

01268-EPA-2380

Richard Windsor/DC/USEPA/US
04/29/2009 03:00 PM

To Eric Wachter
cc
bcc
Subject Re: Congrats!

Reply-

(b) (6) Personal Privacy

Eric Wachter

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

From: Eric Wachter
Sent: 04/29/2009 12:41 PM EDT
To: Richard Windsor
Subject: Fw: Congrats!

Message Information

Date 04/29/2009 11:41 AM04/29/2009 03:00:05 PM
From "Collins, Nick" (b) (6) Personal Privacy
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Congrats!

Message Body

(b) (6) Personal Privacy

OEX Processing Information

Processed Date:

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PO Office

Category:

Message Count

01268-EPA-2381

**Lisa
Heinzerling/DC/USEPA/US**
04/29/2009 04:09 PM

To Richard Windsor
cc
bcc
Subject meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy
[Redacted]

[Redacted]

[Redacted]

01268-EPA-2383

Richard Windsor/DC/USEPA/US
04/29/2009 05:05 PM

To Lisa Heinzerling
cc
bcc

Subject Re: meetings tomorrow

[REDACTED] (b) (5) Deliberative, (b) (6) Personal Privacy

[REDACTED]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 04:09 PM EDT
To: Richard Windsor
Subject: meetings tomorrow

[REDACTED] (b) (5) Deliberative, (b) (6) Personal Privacy

[REDACTED]

[REDACTED]

01268-EPA-2384

**Lisa
Heinzerling/DC/USEPA/US**
04/29/2009 05:11 PM

To Richard Windsor
cc
bcc

Subject Re: meetings tomorrow

Right - thanks.

there's only a 7:00 call for my level - we got a call-in number for it
Richard Windsor

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

From: Richard Windsor
Sent: 04/29/2009 05:05 PM EDT
To: Lisa Heinzerling
Subject: Re: meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 04:09 PM EDT
To: Richard Windsor
Subject: meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy

01268-EPA-2385

Richard Windsor/DC/USEPA/US
04/29/2009 05:25 PM

To Lisa Heinzerling
cc "Eric Wachter"
bcc

Subject Re: meetings tomorrow

Its not for me?

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 05:11 PM EDT
To: Richard Windsor
Subject: Re: meetings tomorrow

Right - thanks.

there's only a 7:00 call for my level - we got a call-in number for it
Richard Windsor

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

From: Richard Windsor
Sent: 04/29/2009 05:05 PM EDT
To: Lisa Heinzerling
Subject: Re: meetings tomorrow

[Redacted] (b) (5) Deliberative, (b) (6) Personal Privacy [Redacted]

[Redacted]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 04:09 PM EDT
To: Richard Windsor
Subject: meetings tomorrow

[Redacted] (b) (5) Deliberative, (b) (6) Personal Privacy [Redacted]

[Redacted]

[Redacted]

01268-EPA-2386

**Lisa
Heinzerling/DC/USEPA/US**
04/29/2009 06:46 PM

To Richard Windsor
cc
bcc

Subject Re: meetings tomorrow

I think you have a mtg and we staff have a call. I saw an email from Eric W on your mtg but don't know the details.

Richard Windsor

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

From: Richard Windsor
Sent: 04/29/2009 05:25 PM EDT
To: Lisa Heinzerling
Cc: "Eric Wachter" <wachter.eric@epa.gov>
Subject: Re: meetings tomorrow

Its not for me?

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 05:11 PM EDT
To: Richard Windsor
Subject: Re: meetings tomorrow

Right - thanks.

there's only a 7:00 call for my level - we got a call-in number for it

Richard Windsor

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

From: Richard Windsor
Sent: 04/29/2009 05:05 PM EDT
To: Lisa Heinzerling
Subject: Re: meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 04:09 PM EDT
To: Richard Windsor
Subject: meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

01268-EPA-2387

Richard Windsor/DC/USEPA/US
04/29/2009 06:48 PM

To Lisa Heinzerling
cc "Eric Wachter"
bcc

Subject Re: meetings tomorrow

Sorry. I just arrived home!
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 06:46 PM EDT
To: Richard Windsor
Subject: Re: meetings tomorrow

I think you have a mtg and we staff have a call. I saw an email from Eric W on your mtg but don't know the details.

Richard Windsor

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

From: Richard Windsor
Sent: 04/29/2009 05:25 PM EDT
To: Lisa Heinzerling
Cc: "Eric Wachter" <wachter.eric@epa.gov>
Subject: Re: meetings tomorrow

Its not for me?

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 05:11 PM EDT
To: Richard Windsor
Subject: Re: meetings tomorrow

Right - thanks.

there's only a 7:00 call for my level - we got a call-in number for it

Richard Windsor

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

From: Richard Windsor
Sent: 04/29/2009 05:05 PM EDT
To: Lisa Heinzerling
Subject: Re: meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

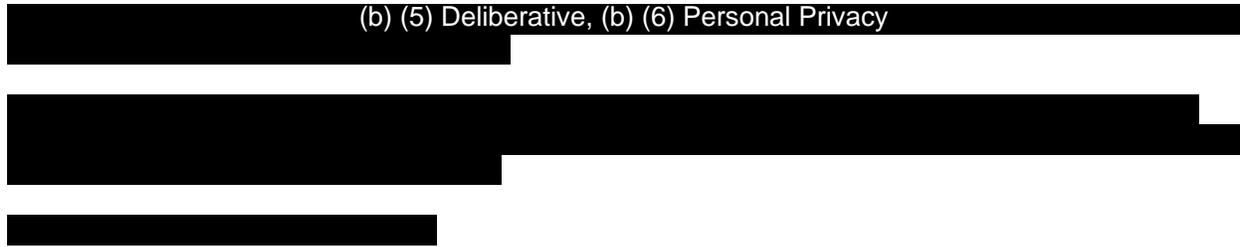
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/29/2009 04:09 PM EDT
To: Richard Windsor
Subject: meetings tomorrow

(b) (5) Deliberative, (b) (6) Personal Privacy

(b) (5) Deliberative, (b) (6) Personal Privacy

The page contains three large black rectangular redaction boxes. The first box is at the top, covering the text "(b) (5) Deliberative, (b) (6) Personal Privacy". The second box is below it, covering a larger portion of the page. The third box is at the bottom left, covering a smaller portion of the page.

01268-EPA-2395

**Lisa
Heinzerling/DC/USEPA/US**
04/30/2009 08:03 PM

To Richard Windsor
cc
bcc

Subject am still here, so in case you try to call ...

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-2396

Richard Windsor/DC/USEPA/US
05/01/2009 07:37 AM

To Lisa Heinzerling
cc
bcc

Subject Re: am still here, so in case you try to call ...

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/30/2009 08:03 PM EDT
To: Richard Windsor
Subject: am still here, so in case you try to call ...

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-2398

Richard
Windsor/DC/USEPA/US
05/01/2009 10:16 AM

To Lisa Heinzerling
cc
bcc

Subject Re: am still here, so in case you try to call ...

(b) (5) Deliberative

Proposal by Island Nations Aims to Solve 1/3 of Climate Change Problem Under Ozone Treaty (*Insciences Organisation*)

Published on 1 May 2009, 02:53 Last Update: 2 hour(s) ago by [Insciences](#)

Categories: [HFCs](#) | [Hydrofluorocarbons](#) | [Climate](#) | [Atmospheric Science](#) |

Washington, D.C., April 30, 2009 – Two island states, the Federated States of Micronesia (FSM) and Mauritius, filed a joint proposal today to amend the Montreal Protocol to phase down a chemical that could otherwise represent one third of total climate emissions by 2040.

The chemicals are hydrofluorocarbons (HFCs), and while they currently make up only 2% of global climate emissions, their production and consumption for use in refrigeration and air conditioning equipment is growing so fast that they will produce up to 11 billion tonnes of CO₂-equivalent emissions per year by 2040.

“We can solve one third of the climate problem with a treaty that always succeeds,” said Durwood Zaelke, President of the Institute for Governance & Sustainable Development, a policy advocacy group in Washington D.C. and Geneva. “It shouldn’t take a prolonged debate to

decide that this is a good idea, and we congratulate the island states for leading the way. This is the third year in a row Micronesia and Mauritius have teamed up to strengthen the Montreal Protocol to do more for climate protection.”

“Continuing to emit these super greenhouse gases is irresponsible when we have climate and ozone-friendly alternatives available,” said Ambassador Masao Nakayama, Permanent Representative of FSM to the United Nations. “Strengthening the Montreal Protocol can help save island countries like ours from extinction.” Nakayama added that “Micronesia and Mauritius, along with countless other islands and low-lying coastal regions, are already experiencing impacts from rising seas and are vulnerable to abrupt climate changes without aggressive reductions in greenhouse gases and other climate forcing aerosols like black carbon.” Ironically, while UNFCCC delegates were meeting in Poznan last year, islands of Micronesia were inundated by historically unprecedented oceanic wave actions that devastated homes and poisoned food crops with salt water. The damages are still being assessed, but are certainly in the range of many millions. “This is no longer simply a matter of scientific prediction,” said Nakayama. “It is happening now.”

HFCs, which do not affect the ozone layer, were introduced under the Montreal Protocol to replace ozone-depleting CFCs and HCFCs. In 2007, the Parties to the Montreal Protocol accelerated the phase-out of HCFCs to protect both the ozone layer and the climate system. This will result in avoided emissions of up to 16 billion tonnes of CO₂-equivalent by 2040.

UNEP Executive Director Achim Steiner hailed the historic 2007 decision as, “perhaps the most important breakthrough in an environmental negotiation process for at least five or six years. . .” FSM and Mauritius were among several developing countries that led the campaign to accelerate the phase-out, and also submitted a joint proposal last year that the Parties adopted to avoid still more climate emissions by recovering and destroying “banks” of chemicals in discarded

products, equipment and stockpiles. Their current proposal also calls for an amendment to address banks which, if managed quickly and properly, would result in up to 6 billion tonnes of CO₂-equivalent in avoided emissions by 2015, with the possibility of avoiding an additional 14 billion tonnes thereafter.

Targeting HFCs for fast reductions can produce critical climate benefits within decades, due to the relatively short atmospheric lifetime of these chemicals. “Even the most aggressive cuts in CO₂ emissions will not produce significant cooling for at least 1,000 years,” said Zaelke. “CO₂ reductions are absolutely essential, but in order to avoid abrupt and irreversible climate changes which could potentially occur in the next decade, we also need to reduce non-CO₂ forcers like HFCs, black carbon, methane, and tropospheric ozone.” Reducing emissions from these short-term climate forcers will not only save island nations from melting ice sheets and rising sea-levels, but will also protect melting Himalayan glaciers which provide water for billions of people in Asia.

With over two decades of experience and a track record of phasing out 97% of almost 100 chemicals, the Montreal Protocol is the ideal treaty to take effective action on HFCs. “The Montreal Protocol is a rare treaty that has always done its job brilliantly and on schedule,” Zaelke continued. “If we put HFCs in the Montreal Protocol, we can count on the treaty to do what it always does—succeed quickly and cost-effectively,” Nakayama added.

The U.S. Special Climate Envoy Todd Stern recently noted the potential for the ozone treaty to serve as a model for climate mitigation, highlighting the Montreal Protocol ozone treaty as one of the ‘building blocks’ for climate change.

“The Montreal Protocol is the most successful environmental treaty that we have, and one of the

reasons for its success is its vision: not a series of short-term stopgaps, but a pathway to the elimination of ozone depleting substances over the course of many decades,” Stern remarked. “We can and should do the same when it comes to addressing greenhouse gas emissions.”

Congressmen Henry Waxman and Ed Markey wrote the Obama Administration on April 3, 2009, urging them to propose a similar amendment:

“We are writing to encourage the Administration to offer an amendment to the Montreal Protocol this year to regulate the production and consumption of hydrofluorocarbons (HFCs), which are extremely potent greenhouse gases. To prevent catastrophic climate change, the United States and countries around the world will need to take a variety of steps. Although we strongly support a comprehensive international agreement on climate change, we believe that adding HFCs to the existing Montreal Protocol would be a sensible, cost-effective method of addressing a small but growing piece of the problem.”

Today, Senators John Kerry and Barbara Boxer sent their own letter to the Administration in support of an HFC amendment:

“By providing the Montreal Protocol with the authority to regulate HFCs, regulation of these gases could begin as soon as next year – significantly faster than any regulation of these potent greenhouse gases could occur under the UN Framework Convention on Climate Change. . . We believe that the U.S. should seize this opportunity to achieve a significant, short-term impact on global emissions of greenhouse gases.”

The U.S. EPA and U.S. State Department are leading a review process on such an amendment,

with the May 4 deadline for filing fast-approaching.

Contact: Alex Viets, IGSD: (213) 321-0911, aviets@igsd.org

Source: IGSD, [Institute for Governance & Sustainable Development](#)

Lisa Heinzerling

(b) (5) Deliberative

04/30/2009 08:04:01 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 04/30/2009 08:04 PM
Subject: am still here, so in case you try to call ...

(b) (5) Deliberative, (b) (6) Personal Privacy

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-2403

Richard Windsor/DC/USEPA/US
05/05/2009 06:04 PM

To David McIntosh
cc Lisa Heinzerling
bcc
Subject Re: Warming, energy bill going straight to full committee -- Waxman

Got it. Tx.
David McIntosh

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

From: David McIntosh
Sent: 05/05/2009 06:01 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: Re: Warming, energy bill going straight to full committee -- Waxman

Waxman

(b) (5) Deliberative

Richard Windsor (b) (5) Deliberative 05/05/2009 05:53:52 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/05/2009 05:53 PM
Subject: Re: Warming, energy bill going straight to full committee -- Waxman

(b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 05/05/2009 05:24 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: Warming, energy bill going straight to full committee -- Waxman

CLIMATE: Warming, energy bill going straight to full committee -- Waxman (05/05/2009)

Darren Samuelsohn, E&E senior reporter

House Energy and Commerce Chairman Henry Waxman (D-Calif.) said today that he will bypass regular order on a major climate change and energy bill and mark up the legislation before the entire 59-member panel.

The change in plans means the Energy and Environment Subcommittee will not mark up the bill as previously scheduled. Waxman and subcommittee Chairman Ed Markey (D-Mass.) planned to

hold a subcommittee markup beginning last week, but ongoing intra-party negotiations have yet to produce a new draft bill.

The full committee markup will not begin until next week at the earliest, Waxman told reporters this afternoon. The lawmaker plans to report the bill by the Memorial Day recess.

Democrats on the Energy and Commerce Committee have been working for several months to reach agreement on a sweeping overhaul to U.S. energy and climate policy. So far, they have struggled to reach consensus as about a dozen moderate and conservative lawmakers from the South, Rust Belt and Intermountain West resist the aggressive path that Waxman and Markey set out in a 648-page draft proposal.

Waxman and Markey are now in talks with the moderate Democrats on a range of issues, including emission limits, the use of offsets to ease industrial compliance costs, allocation of valuable allowances and the structure of a nationwide renewable electricity standard. Committee Democrats met with President Obama at the White House today and said they are making progress.

"We are exchanging concepts and where we reach agreement, we're working on language," said Rep. Rick Boucher (D-Va.), a lead negotiator for the moderate Democrats.

Rep. G.K. Butterfield (D-N.C.) said Democratic talks had picked up in recent days, and he predicted a proposal from committee leaders to the wavering moderates within days, if not hours. "I discern some movement," Butterfield said.

The upbeat prognosis for the House climate talks came shortly after a roughly 90-minute White House meeting with Obama and Vice President Joe Biden. According to several lawmakers at the session, Obama urged the Democrats to reach consensus on the issue by Memorial Day so that the committee can turn its attention to health care reform in June.

"He didn't want to see this slip by the wayside," said Rep. Mike Doyle (D-Pa.). "He wants us to keep working."

Democrats said Obama was well briefed on the details and complexities of the climate issue. "He has mastered the details," Boucher said.

Yet, they also said the president wants the committee members to work through the sticking points themselves. "He wants us to try to work out our bill, and he's giving us a lot of latitude to do that," Waxman said.

Because of their regional diversity, Obama also suggested that Democrats on the Energy and Commerce Committee could help propel the entire issue forward -- including through the Senate -- if they can strike a deal among themselves.

"If we can reach agreement with the coal sector, with the steel, with the auto sector, with the refining sector on our committee, which is very representative of the Congress as a whole, then

we believe that'll be a template for passage in the Senate, as well," Markey said. "Because the agreements we'll reach will be the very same agreements that those industry leaders ... will be able to represent to senators are the basis for passage of legislation that they can support."

Obama addressed a key sticking point in negotiations, telling the Democrats that he is open to giving away some of the emission credits for free to industry, a clear shift from last year's presidential campaign and the administration's budget proposal in favor of a complete auction of the allowances.

"I wouldn't say it's contrary," Waxman said. "He wants us to get to a point where we're going to have an auction, and eventually we will get to an auction."

Any free credits, Waxman added, would not undercut the goals of the legislation.

"It's going to require during that transition period of decades for the Congress to deal with the cost to consumers, and the cost to different industries and the development of the new technologies," he said. "We're trying to be mindful of the regional concerns and the ratepayers, particularly the consumers."

01268-EPA-2407

**Lisa
Heinzerling/DC/USEPA/US**
05/07/2009 08:33 AM

To Arvin Ganesan
cc Allyn Brooks-LaSure, David McIntosh, Diane Thompson,
Richard Windsor
bcc
Subject Re: EPA Nominee Suggests New CO2 Rules May Expose
Small Emitters (Wall Street Journal)

(b) (5) Deliberative

Arvin Ganesan (b) (5) Deliberative 05/07/2009 08:29:07 AM

From: Arvin Ganesan/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 05/07/2009 08:29 AM
Subject: Re: EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (Wall Street Journal)

(b) (5) Deliberative

[Redacted]

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

David McIntosh (b) (5) Deliberative 05/07/2009 08:20:14 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/07/2009 08:20 AM
Subject: EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (Wall Street Journal)

(b) (5) Deliberative

EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (*Wall Street Journal*)

MAY 6, 2009, 6:13 P.M. ET

By **IAN TALLEY**

WASHINGTON -- New federal greenhouse gas emission regulation could expose a raft of smaller emitters to litigation, a nominee for a key post in the Environmental Protection Agency told lawmakers Thursday.

The potential for smaller emitters to be regulated under the Clean Air Act is one reason why business groups warn that EPA regulation of greenhouse gases could create a cascade of legal and regulatory challenges across a much broader array of sectors. The Obama administration has said that isn't their intent.

Regina McCarthy, nominated to be EPA's Director of Air and Radiation, told lawmakers that even while the government has flexibility in setting the threshold of emitting facilities to be regulated, she acknowledges the risk of lawsuits to challenge those levels for smaller emitters. Ms. McCarthy's office is responsible for drafting federal emission rules.

Sen. John Barrasso (R., Wyo.) has put a hold on Ms. McCarthy's nomination in part because of her responses on the greenhouse gas issue.

Under the Obama administration, the EPA is moving forward to declare greenhouse gas emissions a danger to public health and welfare, which will trigger new rules once finalized. The EPA says that only around 13,000 of the largest emitters, such as refiners, smelters and cement plants would likely be regulated.

Many legal experts say that based on clear Clean Air Act statutes, however, regulations could be applied to any facility that emits more than 100-250 tons a year, including hospitals, schools and farms. Taken in aggregate, farm animals are major greenhouse gas sources because of methane and nitrous oxide emissions from flatulence, belching and manure. Buildings often emit greenhouse gases from internal heating or cooling units.

"It is a myth ... EPA will regulate cows, Dunkin Donuts, Pizza Huts, your lawnmower and baby bottles," EPA Administrator Lisa Jackson said earlier this year, dismissing concerns raised by groups such as the Chamber and the National Association of Manufacturers.

But in responses to a senator's questioning, Ms. McCarthy acknowledged that legal suits could be brought against small emitters.

Asked how she would protect smaller sources against suits, Ms. McCarthy said she would talk with the litigants: "I will request that I be informed if any such notice is filed with regards to a small source, and I will follow-up with the potential litigants."

Bill Kovacs, the head of environment and regulatory affairs at the U.S. Chamber of Commerce said, "There's no way she can talk to the litigants and control them." By the Chamber's estimate, there are 1.5 million facilities -- such as large office buildings that have their own boilers -- that produce over the 250-ton limit.

Kassie Siegel, director of the Center for Biological Diversity's Climate Law Institute, says her group is prepared to sue for regulation of smaller emitters if the EPA stops at simply large emitters.

01268-EPA-2408

Richard Windsor/DC/USEPA/US
05/07/2009 08:35 AM

To Arvin Ganesan, David McIntosh
cc Diane Thompson, Lisa Heinzerling, Allyn Brooks-LaSure
bcc
Subject Re: EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (Wall Street Journal)

(b) (5) Deliberative

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 05/07/2009 08:29 AM EDT
To: David McIntosh
Cc: Diane Thompson; Lisa Heinzerling; Richard Windsor; Allyn Brooks-LaSure
Subject: Re: EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (Wall Street Journal)

(b) (5) Deliberative

[Redacted]

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

David McIntosh (b) (5) Deliberative 05/07/2009 08:20:14 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/07/2009 08:20 AM
Subject: EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (Wall Street Journal)

(b) (5) Deliberative

EPA Nominee Suggests New CO2 Rules May Expose Small Emitters (Wall Street Journal)

MAY 6, 2009, 6:13 P.M. ET

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WASHINGTON -- New federal greenhouse gas emission regulation could expose a raft of smaller emitters to litigation, a nominee for a key post in the Environmental Protection Agency told lawmakers Thursday.

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Under the Obama administration, the EPA is moving forward to declare greenhouse gas emissions a danger to public health and welfare, which will trigger new rules once finalized. The EPA says that only around 13,000 of the largest emitters, such as refiners, smelters and cement plants would likely be regulated.

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Kassie Siegel, director of the Center for Biological Diversity's Climate Law Institute, says her group is prepared to sue for regulation of smaller emitters if the EPA stops at simply large emitters.

01268-EPA-2409

Richard Windsor/DC/USEPA/US
05/07/2009 03:26 PM

To "Bob Sussman", "David McIntosh", "Diane Thompson"
cc
bcc

Subject Fw: Google Alert - lisa jackson epa

Fyi only.

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 05/07/2009 05:30 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[Secret EPA study: Big cancer risks from coal-ash ponds](#)

Charleston Gazette - Charleston, WV, USA

It's sure to put more pressure on **EPA Administrator Lisa Jackson**, who has promised to deal with coal ash, but has lots of things on her plate. ...

[See all stories on this topic](#)

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01268-EPA-2410

**David
McIntosh/DC/USEPA/US**
05/07/2009 05:35 PM

To Richard Windsor, Diane Thompson, Arvin Ganesan, Scott
Fulton

cc

bcc

Subject Chairman Dicks ...

[REDACTED]

(b) (5) Del

01268-EPA-2411

Richard Windsor/DC/USEPA/US
05/07/2009 07:58 PM

To David McIntosh
cc
bcc
Subject Re: Chairman Dicks ...

Hallelujah!
David McIntosh

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

From: David McIntosh
Sent: 05/07/2009 05:35 PM EDT
To: Richard Windsor; Diane Thompson; Arvin Ganesan; Scott Fulton
Subject: Chairman Dicks ...

[REDACTED]

(b) (5) Del

01268-EPA-2412

Richard Windsor/DC/USEPA/US
05/08/2009 07:02 AM

To Allyn Brooks-LaSure
cc
bcc

Subject Re: This is the face

(b) (6) Privacy

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 05/07/2009 06:56 PM EDT
To: Richard Windsor
Cc: Eric Wachter
Subject: This is the face

[attachment "EPA-Budget-creates-jobs-protects-climate[1].jpg" deleted by Richard Windsor/DC/USEPA/US]

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

01268-EPA-2415

**Lisa
Heinzerling/DC/USEPA/US**
05/12/2009 12:04 PM

To David McIntosh
cc Allyn Brooks-LaSure, Arvin Ganesan, Richard Windsor
bcc
Subject Re: the document Barrasso was waving around at the hearing

(b) (5) Deliberative

David McIntosh It's a 9-page OMB comment on the draf... 05/12/2009 11:58:29 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/12/2009 11:58 AM
Subject: the document Barrasso was waving around at the hearing

It's a 9-page OMB comment on the draft proposed endangerment finding, pulled from the publicly-available docket. It's attached, and the EPW minority's press release about it is pasted immediately below. On the Regulations.gov website, it's described as "First (1st) Round of Office of Management and Budget (OMB) Comments to USEPA on the Proposed Findings." It doesn't have a date. I can't tell if it is from this Administration or the last one.

May 12, 2009

Posted by: Matt Dempsey (202) 224-9797 Matt_Dempsey@epw.senate.gov

In Case You Missed It...

OMB Memo: Serious Economic Impact Likely From EPA CO2 Rules

By Ian Talley
DOW JONES NEWSWIRES
12 May 2009

[Link to Memo](#)
[Link to Article](#)

WASHINGTON (Dow Jones)--U.S. regulation of greenhouse gases such as carbon dioxide "is likely to have serious economic consequences" for businesses small and large across the economy, a White House memo warned the Environmental Protection Agency earlier this year.

The nine-page document also undermines the EPA's reasoning for a proposed finding that greenhouse gases are a danger to public health and welfare, a trigger for new rules.

The memo, an amalgamation of government agencies' comments sent from the Office of Management and Budget to the EPA, is in stark contrast to the official position presented by President Barack Obama and his Cabinet officials. It is likely to give critics of greenhouse-gas regulation ammunition in their political salvos against the administration.

Cabinet officials, including the president's climate-change czar, Carol Browner, have said the administration would prefer Congress create greenhouse-gas regulations through legislation, and not through the EPA's Clean Air Act authority.

But the White House has given the EPA the green light to move ahead with regulation under the Clean Air Act, a move deemed by some analysts as political leverage to push Congress to act because of the bluntness of the report.

According to government records, the document was submitted by the OMB as comment on the EPA's April 15 proposed finding that greenhouse gases are a danger to public health and welfare, a key trigger for regulation of gases emitted from cars, power plants, and potentially any number of other sources, including lawn mowers, snowmobiles and hospitals.

While business groups have warned about the potential for a cascade of regulation and litigation, the EPA has said that greenhouse-gas rules would only be for large emitters.

The memo - marked as "Deliberative-Attorney Client Privilege" - doesn't have a date or a named author. But an OMB spokesman confirmed it was prepared by Obama administration staff as part of the inter-agency review process of the proposed endangerment finding.

"It's a conglomeration of counsel we've received from various agencies...and it's not indicative of an OMB or administration-wide position," an OMB official said.

OMB spokesman Tom Gavin said, "It's up to the EPA now to consider the various suggestions that were part of the interagency review and make some decisions on which direction they want to move."

The position outlined in the memo is at odds with other White House documents on the proposed endangerment rule, which appear to affirm the EPA's decision to move ahead with the endangerment finding.

"Making the decision to regulate CO2 under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities," the OMB document reads.

"The finding should also acknowledge the EPA has not undertaken a systemic risk analysis or cost-benefit analysis," it reads.

The head of the U.S. Chamber of Commerce's environment and regulatory affairs, William Kovacs, said the memo "confirms almost everything we've been saying on the spillover effects of regulating greenhouse gases." He said

OMB legal brief exposes the administration and the EPA to litigation if it finalizes the endangerment finding and begins to regulate greenhouse gases under the Clean Air Act, particularly because it was drafted during the deliberation process.

Although an official within the EPA's Climate Change Division said the agency "considers everything we receive," an EPA spokeswoman couldn't immediately comment on the extent to which the memo influenced the drafting of the proposed rule.

Earlier this year, EPA chief Lisa Jackson dismissed concerns raised by groups such as the Chamber and the National Association of Manufacturers, saying, "It is a myth...[that] EPA will regulate cows, Dunkin' Donuts, Huts, your lawn mower and baby bottles."

The White House legal brief starts by questioning the link between the EPA's scientific technical endangerment proposal and the EPA's political summary. Jackson said in the endangerment summary that "scientific findings of a totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified..."

"The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about the basic facts surrounding [greenhouse gases] seem to stretch the precautionary principle to providing regulation in the face of unprecedented uncertainty," the memo reads.

For example, the memo notes, the EPA endangerment technical document points out there are several areas where essential behaviors of greenhouse gases are "not well determined" and "not well understood."

The OMB memo questions with concern the adequacy of the EPA finding that the gases are a harm to the public when there is "no demonstrated direct health effects," and the scientific data on which the agency relies are "almost exclusively from non-EPA sources."

Based on the "dramatically expanded precautionary principle," the EPA would be petitioned to find endangerment and regulate many other alleged "pollutants," including electro-magnetic fields, noise, and salts called perchlorates.

The memo also warns that the endangerment finding, if finalized by the administration, could make agencies vulnerable to litigation alleging inadequate environmental permitting reviews, adding that the proposal could unintentionally trigger a cascade of regulations.

The administration last week avoided requiring permitting reviews that would need to consider the impact of greenhouse gases when it decided not to revoke a Bush administration rule on polar bears. Although the Interior Secretary said greenhouse gases were the primary cause of the bear's loss of sea-ice habitat, the animal's listing as a threatened species couldn't be used to prevent oil refineries and coal-power plants from being built.

###

[attachment "EPA-HQ-OAR-2009-0171-0124.pdf" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-2417

Richard Windsor/DC/USEPA/US
05/12/2009 05:40 PM

To David McIntosh
cc Lisa Heinzerling, Arvin Ganesan, "Allyn Brooks-Lasure"
bcc

Subject Re: more evidence that you did very well on your feet today - your quotes appear toward the end

Tx. Agree - giod article. Not like the nonsense from Dow Lohnes/WSJ.
David McIntosh

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

From: David McIntosh
Sent: 05/12/2009 05:20 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling; Arvin Ganesan
Subject: more evidence that you did very well on your feet today - your quotes appear toward the end

CLIMATE: White House memo faults EPA on endangerment proposal (05/12/2009)

Robin Bravender, E&E reporter

U.S. EPA ignored likely economic consequences and failed to provide enough scientific evidence for a proposed finding that greenhouse gases endanger human health and welfare, according to a White House memo sent to the agency.

The EPA proposal failed to undertake a systematic risk analysis or cost-benefit analysis, says an internal [memo](#) from the White House Office of Management and Budget, the Cabinet-level office tasked with reviewing regulations.

OMB's nine-page, unsigned document, "Deliberative -- Attorney Client Privilege," was sent to EPA on April 22, five days after the agency released the 133-page proposed "endangerment finding" in response to a 2007 Supreme Court decision ordering EPA to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act ([Greenwire](#) , April 17).

The OMB memo warns: "Making the decision to regulate CO2 under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities."

As Republicans on Capitol Hill began citing the memo as a reason to oppose EPA efforts on climate, OMB Director Peter Orszag issued a statement saying the document "simply collated and collected disparate comments from various agencies" and that those comments "were not necessarily internally consistent" and "do not necessarily represent the views of either OMB or the Administration."

He added, "The bottom line is that OMB would have not concluded review, which allows the finding to move forward, if we had concerns about whether EPA's finding was consistent with

either the law or the underlying science."

Republicans and industry groups said the memo bolstered their argument that EPA regulations would have dire consequences for small sources of greenhouse gas emissions. "The disclosure of this OMB memo suggests that a political decision was made to put special interests ahead of middle-class families and small businesses struggling in this recession," said House Republican Leader John Boehner (Ohio).

Sen. John Barrasso (R-Wyo.), who has repeatedly voiced the concern that regulating greenhouse gases under the Clean Air Act would result in costly regulations for small sources, cited the OMB memo in a Senate hearing today.

"This misuse of the Clean Air Act will be a trigger for overwhelming regulation and lawsuits based on gases emitted from cars, schools, hospitals and small businesses," he said in a statement. "This will affect any number of other sources, including lawn mowers, snowmobiles and farms."

Barrasso has placed a "hold" on Gina McCarthy, Obama's nominee to serve as EPA air administrator, based on concerns about how the EPA plans to move forward with carbon regulations.

"There's a nine-page White House memo that says they're not using science, they're using politics," he said in an interview. "And until I get through that memo and see where we need to go from there, get some more questions answered, I'm not at all comfortable with releasing the hold."

EPA Administrator Lisa Jackson responded to Barrasso's accusations at a hearing held by the Senate Environment and Public Works Committee.

"The Supreme Court ruled two years ago EPA owed the American people a determination on whether greenhouse gases as a whole or individually were endangering health and welfare," Jackson said. "It's an analysis done before I took office. We did review it. It went through interagency review. The document is obviously deliberative, so it's people's opinions."

Jackson also noted that the endangerment finding is not regulatory and said EPA understands the economic costs of regulating greenhouse gases and would not target small businesses. "The best way to address [climate change] is a gradual move to a market-based program like cap and trade," she said. "With respect to EPA's regulatory authority if the endangerment finding is finalized, we may have the authority to regulate greenhouse gas emissions; we would be judicious, we would be deliberative, we would follow science, and we would follow the law."

Sen. Barbara Boxer (D-Calif.), the EPW chairwoman, said the memo offers further evidence that climate legislation from Congress is the best way to tackle greenhouse gas emissions.

The memo is not an indication that some administration officials do not want to see action on climate change, she said. "I think what it indicates is that EPA action alone -- which they really

will have to take because of the court order -- would not be the right way to go," she added.

"The OMB is responding to the endangerment finding and what it would mean," Boxer said.
"They're not responding to a bill."

[Click here](#) to read the memo.

Reporter Katherine Boyle contributed.

01268-EPA-2419

Richard Windsor/DC/USEPA/US
05/13/2009 08:39 AM

To "Gina McCarthy", "Gina McCarthy"
cc
bcc

Subject Fw: latest on your nomination

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 05/13/2009 08:17 AM EDT
To: Richard Windsor
Subject: Fw: latest on your nomination

see below.

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 05/13/2009 08:18 AM -----

From: Arvin Ganesan/DC/USEPA/US
To: gina.mccarthy@ct.gov
Date: 05/13/2009 08:17 AM
Subject: latest on your nomination

Gina, see below for the latest.

EPA Air Nominee Poised For Senate Vote After GOP Senator Offers Support

Sen. Lamar Alexander (R-TN) is vowing to support the stalled nomination of EPA air office nominee Regina McCarthy, which could give Senate environment committee Chairwoman Barbara Boxer (D-CA) the 60th vote she needs to move a pending motion to consider the nomination and overcome Sen. John Barrasso's (R-WY) hold on the nominee.

Alexander told reporters May 12 that he would support the nomination on the floor, a statement consistent with his past comments that while he may disagree with some of President Obama's nominees' positions, he believes the president is entitled to his picks.

McCarthy's nomination to head EPA's Office of Air & Radiation passed the Senate environment committee April 23 but Barrasso's hold -- which he placed on the nominee over his concerns about the impact of possible Clean Air Act greenhouse gas (GHG) rules on small emission sources --

prevents it receiving full Senate consideration. With Alexander and 59 Democrats, Boxer would have the 60 votes she needs to allow the full Senate to consider McCarthy's nomination.

Boxer May 12 told reporters that she is "trying to work with" Barrasso to end his hold. "But if it becomes necessary we will" push for a vote, Boxer said.

Boxer separately told *Inside EPA* May 12 that she will be discussing a possible motion to move the nomination with Senate Majority Leader Harry Reid (D-NV). "It's a shame that we have to do it but yes, I will be discussing this," with Reid, she said.

Reid's spokesman says, "We are working to get an agreement to consider [McCarthy's] nomination and hope to be able to do so soon."

While Democrats have the votes to consider -- and likely approve -- the nomination, Barrasso is signaling that he has no plans to lift his hold anytime soon, and in fact may be becoming more emboldened to keep it in place due to his concerns about GHG rules.

At a May 12 Senate environment panel hearing on EPA's proposed fiscal year 2010 budget, Barrasso asked EPA Administrator Lisa Jackson a number of questions on the possible adverse impact of air act climate rules. After leaving the hearing, Barrasso told *Inside EPA* , "This hearing today with what I've heard from Lisa Jackson didn't give me any additional comfort level with any of the people [at EPA], so the hold continues."

In her interview with *Inside EPA* , Boxer said that she hopes to swiftly approve McCarthy's nomination "because this is a very important job that she is going to have and I believe support for her will be overwhelming. What's so intriguing is the 'party of no' rearing its head once again. This is a woman who is a Republican, she's worked for Republicans, this should be a slam dunk."

EPA Administrator Lisa Jackson also expressed hope for a speedy confirmation for McCarthy but noted that the delay has not undermined agency work. "Strategically we've made a decision that we're not going to hold up the work [of the air office] for the nominee. Gina is extraordinarily competent and I look forward to her confirmation but the work that we have to do can't wait," she told *Inside EPA* May 12. --
Anthony Lacey

Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

01268-EPA-2420

Michelle DePass
<(b) (6) Personal Privacy>
05/13/2009 03:38 PM

To Richard Windsor
cc Eric Wachter
bcc

Subject Fw: EPA Media Alert (HQ): EPA Administrator Jackson Will
Join Congressional Delegation to Netherlands

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

--- On Wed, 5/13/09, U.S. EPA <usaepa@govdelivery.com> wrote:

From: U.S. EPA <usaepa@govdelivery.com>
Subject: EPA Media Alert (HQ): EPA Administrator Jackson Will Join Congressional Delegation to Netherlands
To: (b) (6) Personal Privacy
Date: Wednesday, May 13, 2009, 12:00 PM

U.S. Environmental Protection Agency (EPA)

EPA Administrator Jackson Will Join Congressional Delegation to Netherlands

Administrator to join Congressional leaders touring world-class water management and flood protection system

Contact: Brendan Gilfillan, 202-564-2081 / gilfillan.brendan@epa.gov

(Washington, DC – May 13, 2009) U.S. EPA Administrator Lisa P. Jackson is scheduled to join a

Congressional delegation to the Netherlands from May 26-28. Administrator Jackson, a New Orleans native, will join U.S. Senator Mary Landrieu, members of Congress, state and local officials and others on a three day tour of the Netherlands ' comprehensive flood control system. EPA does work through several programs, such as smart growth and wetlands preservation, that focuses on flood mitigation.

Members of the media that are interested in covering this trip should immediately contact Senator Landrieu's Communications Director, Stephanie Allen at Stephanie_Allen@landrieu.senate.gov to begin logistical preparations.

WHO: EPA Administrator Lisa P. Jackson, U.S. Senator Mary Landrieu, members of Congress, state and local officials

WHAT: Congressional Delegation to the Netherlands .

WHEN: Tuesday, May 26 – Thursday, May 28

Tuesday, May 26, 2009
Amsterdam: Site visit and briefings.

Wednesday, May 27, 2009
The Hague : Briefings

Thursday, May 28, 2009
Rotterdam : Site visits and briefings.

R133

Note: If a link above doesn't work, please copy and paste the URL into a browser.

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This service is provided to you at no charge by [U.S. Environmental Protection Agency](#).

01268-EPA-2421

Richard Windsor/DC/USEPA/US
05/13/2009 03:40 PM

To Michelle DePass
cc
bcc

Subject Re: Fw: EPA Media Alert (HQ): EPA Administrator Jackson Will Join Congressional Delegation to Netherlands

(b) (5) Deliberative

Michelle DePass

(b) (5) Deliberative

05/13/2009 03:38:14 PM

From: Michelle DePass <(b) (6) Personal Privacy>
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Eric Wachter/DC/USEPA/US@EPA
Date: 05/13/2009 03:38 PM
Subject: Fw: EPA Media Alert (HQ): EPA Administrator Jackson Will Join Congressional Delegation to Netherlands

(b) (5) Deliberative

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

--- On Wed, 5/13/09, U.S. EPA <usaepa@govdelivery.com> wrote:

From: U.S. EPA <usaepa@govdelivery.com>

Subject: EPA Media Alert (HQ): EPA Administrator Jackson Will Join Congressional Delegation to Netherlands

To: (b) (6) Personal Privacy

Date: Wednesday, May 13, 2009, 12:00 PM

U.S. Environmental Protection Agency (EPA)

EPA Administrator Jackson Will Join Congressional Delegation to Netherlands

Administrator to join Congressional leaders touring world-class water management and flood protection system

Contact: Brendan Gilfillan, 202-564-2081 / 4355 / gilfillan.brendan@epa.gov

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WHO: EPA Administrator Lisa P. Jackson, U.S. Senator Mary Landrieu, members of Congress, state and local officials

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Amsterdam: Site visit and briefings.

Wednesday, May 27, 2009
The Hague : Briefings

Thursday, May 28, 2009
Rotterdam : Site visits and briefings.

R133

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01268-EPA-2422

Richard Windsor/DC/USEPA/US
05/14/2009 06:41 AM

To "Allyn Brooks-Lasure"
cc
bcc

Subject Fw: Google Alert - lisa jackson epa

Alrighty then.

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 05/14/2009 03:57 AM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google Blogs Alert for: **lisa jackson epa**

[African American Environmentalist Association: **Lisa P. Jackson ...**](#)

By Norris McDonald

We are big fans of the new **EPA** Administrator **Lisa P. Jackson**. We've had a chance to look her over from her confirmation hearing to recent budget and stimulus package hearings. And our verdict is in: **Lisa P. Jackson** is not only super ...

[African American Environmentalist... - http://aaenvironment.blogspot.com/](http://aaenvironment.blogspot.com/)

[Above Average Jane: PA Students Among **EPA** Winners](#)

By AboveAvgJane

(Washington, D.C. – May 13, 2009) **EPA** Administrator **Lisa P. Jackson** will recognize young people from across the country at the 2008 President's Environmental Youth Awards (PEYA) ceremony today. These students have made outstanding ...

[Above Average Jane - http://aboveavgjane.blogspot.com/](http://aboveavgjane.blogspot.com/)

[ON THE RIGHT "Illegitimi Non Carborundum!": Senator Barrasso Asks ...](#)

By Steve Manning

Senator Barrasso Asks **Lisa Jackson** About "Smoking Gun" OMB Memo ... the administration's view but rather the opinion of a single undisclosed federal agency, according to AP. The **EPA** ruled for the first time on April that greenhouse gases are a threat to public health and welfare. This could lead to the regulation of those gases, which are blamed for climate change. I wonder where this intellectually honest attorney is now working! Posted by Steve Manning at 5/13/2009 ...

[ON THE RIGHT "Illegitimi Non... - http://rendevouswithdestiny.blogspot.com/](http://rendevouswithdestiny.blogspot.com/)

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[Manage](#) your alerts.

01268-EPA-2424

Richard Windsor/DC/USEPA/US
05/14/2009 07:08 PM

To Katharine Gage
cc
bcc

Subject Re: Briefing Material for FRIDAY, MAY 15th

Tx Kate. Daily Show in the bag!
Katharine Gage

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

From: Katharine Gage
Sent: 05/14/2009 06:32 PM EDT
To: Eric Wachter; Richard Windsor; Robert Goulding; Diane Thompson
Cc: Megan Cryan; Brendan Gilfillan; Daniel Gerasimowicz
Subject: Briefing Material for FRIDAY, MAY 15th

Hi All

Please see attached the briefing material for the following events TOMORROW, FRIDAY MAY 15th. A copy of the schedule is below;

1. LIVE Phone Interview with WNYC "The Takeaway with John Hockenberry and Todd Zwillich
2. Taped Phone Interview with The Environment Report
3. Phone Interview with Scoop 44

Kate Gage
Director of Scheduling
EPA - Office of the Administrator
P. 202-564-2856 | F. 202-501-1470
gage.katharine@epa.gov

[attachment "5-15-09 WNYC.doc" deleted by Richard Windsor/DC/USEPA/US]
[attachment "5-15-09 The Environment Report.doc" deleted by Richard Windsor/DC/USEPA/US]
[attachment "5-15-09 Scoop 44.doc" deleted by Richard Windsor/DC/USEPA/US]

*** do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule
Friday, May 15, 2009**

06:45 AM - 07:17 AM By Phone

Interview: WNYC "The Takeaway" with John Hockenberry and Todd Zwillich
Ct: Brendan Gilfillan (Office: 202-564-2081/Cell: (b) (6) Personal Privacy)

Call in #: (b) (6) Personal Privacy

The Administrator will call in to 1-(b) (6) Personal Privacy at 6:45 a.m. to test the line, then dial back in for the interview at 7:00 a.m.

The topics include:

- Endangerment finding/potential regulation of greenhouse gases
- Cap and Trade legislation
- Other plans/priorities for EPA

08:45 AM - 09:15 AM By Phone

Daily Briefing
The Administrator will call in to 202-564-4700

03:00 PM - 03:15 PM By Phone

Interview with The Environment Report
Ct: Brendan Gilfillan (Office: 202-564-2081/Cell: (b) (6) Personal Privacy)

The Administrator should call Brendan at 202-564-2081 a few minutes before 3:00 p.m. to be connected to the interviewer

The topics include:

- Endangerment finding/potential regulation of greenhouse gases
- Cap and Trade legislation
- Other plans/priorities for EPA

03:30 PM - 04:00 PM By Phone

Personnel
Subj: Bob Perciasepe

Ct: Bob Perciasepe, 1-(b) (6) Personal Privacy

The Administrator will call Mr. Perciasepe on 1-(b) (6) Personal Privacy

04:00 PM - 04:15 PM By Phone

Phone Interview with Scoop 44
Ct: Brendan Gilfillan (Office: 202-564-2081 Cell: (b) (6) Personal Privacy)

The Administrator should call Brendan at 202-564-2081 at 4:00 p.m. to be connected to the interviewer

01268-EPA-2425

**Lisa
Heinzerling/DC/USEPA/US**
05/14/2009 07:16 PM

To "Richard Windsor"
cc
bcc
Subject Morning mtg

Unfortunately, I'm going to miss the morning meeting tomorrow because there is a deputies-level mtg on the intl climate negotiations. Sorry!

01268-EPA-2426

Richard Windsor/DC/USEPA/US
05/14/2009 07:17 PM

To Lisa Heinzerling
cc
bcc
Subject Re: Morning mtg

No worries. Tx.
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 05/14/2009 07:16 PM EDT
To: Richard Windsor
Subject: Morning mtg

Unfortunately, I'm going to miss the morning meeting tomorrow because there is a deputies-level mtg on the intl climate negotiations. Sorry!

01268-EPA-2427

**Katharine
Gage/DC/USEPA/US**
05/14/2009 07:55 PM

To Richard Windsor
cc
bcc

Subject Re: Briefing Material for FRIDAY, MAY 15th

Congratulations!
Richard Windsor

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

From: Richard Windsor
Sent: 05/14/2009 07:08 PM EDT
To: Katharine Gage
Subject: Re: Briefing Material for FRIDAY, MAY 15th

Tx Kate. Daily Show in the bag!
Katharine Gage

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

From: Katharine Gage
Sent: 05/14/2009 06:32 PM EDT
To: Eric Wachter; Richard Windsor; Robert Goulding; Diane Thompson
Cc: Megan Cryan; Brendan Gilfillan; Daniel Gerasimowicz
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Kate Gage
Director of Scheduling
EPA - Office of the Administrator
P. 202-564-2856 | F. 202-501-1470
gage.katharine@epa.gov

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**EPA Administrator
Lisa P. Jackson
Schedule**

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 The Administrator will call in to 202-564-4700

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 Subj: Bob Perciasepe

Ct: Bob Perciasepe, 1-(b) (6) Personal Privacy

The Administrator will call Mr. Perciasepe on 1-(b) (6) Personal Privacy

04:00 PM - 04:15 PM By Phone Phone Interview with Scoop 44
 Ct: Brendan Gilfillan (Office: 202-564-2081 Cell: (b) (6) Personal Privacy)

The Administrator should call Brendan at 202-564-2081 at 4:00 p.m. to be connected to the interviewer

01268-EPA-2428

Richard Windsor/DC/USEPA/US
05/15/2009 06:31 AM

To "Lisa Home"
cc
bcc

Subject Fw: Briefing Material for FRIDAY, MAY 15th

Katharine Gage

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

From: Katharine Gage
Sent: 05/14/2009 07:55 PM EDT
To: Richard Windsor
Subject: Re: Briefing Material for FRIDAY, MAY 15th

Congratulations!
Richard Windsor

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

From: Richard Windsor
Sent: 05/14/2009 07:08 PM EDT
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Subject: Re: Briefing Material for FRIDAY, MAY 15th

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<hr/>		
03:30 PM - 04:00 PM	By Phone	<p>Personnel Subj: Bob Perciasepe</p> <p>Ct: Bob Perciasepe, 1-(b) (6) Personal Privacy</p> <p>The Administrator will call Mr. Perciasepe on 1-(b) (6) Personal Privacy</p>
<hr/>		
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*** 05/14/2009 06:03:15 PM ***

01268-EPA-2430

David
McIntosh/DC/USEPA/US
05/15/2009 08:01 AM

To Richard Windsor
cc Lisa Heinzerling
bcc

Subject Allowance allocation in revised Waxman-Markey bill

This now looks similar to the allowance allocation in last year's Senate bill.

Proposed Allowance Allocation

Chairman Henry A. Waxman and Chairman Edward J. Markey
May 14, 2009

Emission allowances will be allocated to accomplish three primary goals: (1) to protect consumers from energy price increases; (2) to assist industry in the transition to a clean energy economy; and (3) to spur energy efficiency and the development and deployment of clean energy technology. A small amount of allowances will be allocated to prevent deforestation and support national and international adaptation efforts and for other purposes.

Consumer Protection

Protection from Electricity Price Increases: The electricity sector will receive 35% of the allowances, representing 90% of current utility emissions. Local electric distribution companies, whose rates are regulated by the states, will receive 30% of the allowances, which they must use to protect consumers from electricity price increases. Merchant coal and long-term power purchase agreements will receive 5% of the allowances. These allowances will be distributed according to a formula recommended by the utility industry and will phase out over a five-year period from 2026 through 2030.

Protection from Natural Gas Price Increases: Local natural gas distribution companies, whose rates are regulated by the states, will receive 9% of allowances, which they must use to protect consumers from natural gas price increases. These allowances will phase out over a five-year period from 2026 through 2030.

Protection from Home Heating Oil Price Increases: States will receive 1.5% of allowances for programs to benefit users of home heating oil and propane. These allowances will phase out over a five-year period from 2026 through 2030.

Protection of Low- and Moderate-Income Households: 15% of allowances will be auctioned each year and the proceeds of these allowances will be distributed to low- and moderate-income families to protect them from other energy cost increases. These allowances will be distributed through tax credits, direct payments, and electronic benefit payments and will not phase out.

Transition Assistance for Industry

Protection for Energy-Intensive, Trade-Exposed Industries: Pursuant to the Inslee-Doyle program, energy-intensive, trade-exposed industries will receive allowances to cover their increased costs from the global warming protection program. The number of allowances set aside for this program will equal 15% of the allowances in 2014 and then decrease based on the percent reductions in the emissions targets. These allowances will phase out after 2025 unless the President decides the program is still needed.

Protection for Domestic Energy Production: Oil refiners will receive 2% of allowances starting in 2014 and ending in 2026.

Energy Efficiency and Clean Energy Technology

Investments in Carbon Capture and Sequestration: 2% of allowances from 2014 through 2017 and 5% of allowances in 2018 and subsequent years will be allocated to help electric utilities cover the costs

of installing and operating carbon capture and sequestration technologies.

Investments in Renewable Energy and Energy Efficiency: States will receive 10% of allowances from 2012 through 2015; 7.5% of allowances in 2016 and 2017; 6.5% of allowances from 2018 through 2021; and 5% of allowances thereafter for investments in renewable energy and energy efficiency. (The 5% of allowances from 2022 through 2025 will include some future year allowances.)

Investments in Advanced Automobile Technology: 3% of allowances through 2017 and 1% from 2018 through 2025 will be allocated for investments in electric vehicles and other advanced automobile technology and deployment.

Investments in Research and Development: 1% of allowances will be allocated to "Clean Energy Innovation Centers" at research universities and institutions for applied research and development on clean energy technologies.

Other Public Purposes

Supplemental Reductions from Preventing Tropical Deforestation: 5% of allowances will be allocated from 2012 through 2025 to prevent tropical deforestation and build capacity to generate international deforestation offsets. By 2020, this program will achieve additional emission reductions equivalent to 10% of U.S. emissions in 2005. From 2026 through 2030, 3% of allowances will be allocated to this program. In 2031 and thereafter, 2% will be allocated to this program.

Domestic Adaptation: From 2012 through 2021, 2% of allowances will be allocated for domestic adaptation purposes. The amount of allowances allocated for domestic adaptation will increase to 4% from 2022 through 2026 and to 8% in 2027 and thereafter. Half of these allowances will be used for wildlife and natural resource protection and half for other domestic adaptation purposes, including public health.

International Adaptation and Clean Technology Transfer: From 2012 through 2021, 2% of allowances will be allocated for international adaptation and clean technology transfer. The amount of allowances allocated for these purposes will increase to 4% from 2022 through 2026 and to 8% in 2027 and thereafter. Half of these allowances will be used for adaptation and half for clean technology transfer.

Worker Assistance and Job Training: 0.5% of allowances will be allocated for worker assistance and job training from 2012 through 2021. This amount will increase to 1% thereafter.

Unallocated Allowances

Some of the unallocated allowances will be auctioned to ensure budget neutrality. The remainder will be used for consumer protection.

01268-EPA-2431

Richard Windsor/DC/USEPA/US
05/15/2009 08:13 AM

To David McIntosh
cc Lisa Heinzerling
bcc

Subject Re: Allowance allocation in revised Waxman-Markey bill

2 Q.Q. -

1 - (b) (5) Deliberative



Lj
David McIntosh

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

From: David McIntosh
Sent: 05/15/2009 08:01 AM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: Allowance allocation in revised Waxman-Markey bill

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01268-EPA-2432

David
McIntosh/DC/USEPA/US
05/15/2009 08:16 AM

To Richard Windsor
cc Lisa Heinzerling
bcc

Subject Re: Allowance allocation in revised Waxman-Markey bill

(b) (5) Deliberative
[Redacted]

Richard Windsor (b) (5) Deliberative 05/15/2009 08:13:42 AM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/15/2009 08:13 AM
Subject: Re: Allowance allocation in revised Waxman-Markey bill

2 Q.Q. -

(b) (5) Deliberative
[Redacted]

Lj

David McIntosh

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

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01268-EPA-2433

**Katharine
Gage/DC/USEPA/US**
05/15/2009 03:09 PM

To Diane Thompson, Richard Windsor, Eric Wachter, Robert
Goulding
cc
bcc

Subject UPDATED: Friday, May 15, 2009 Schedule for Lisa P.
Jackson

Please note: Nancy Sutley has requested a call at 4:30pm with the Administrator. She is currently planning to call (b) (6) Personal Privacy, Please advise if she should use a different number or try a different time.

Thank you- see updated schedule below.

Kate Gage
Director of Scheduling
EPA - Office of the Administrator
P. 202-564-2856 | F. 202-501-1470
gage.katharine@epa.gov

----- Forwarded by Katharine Gage/DC/USEPA/US on 05/15/2009 03:08 PM -----

*** do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule
Friday, May 15, 2009**

06:45 AM - 07:17 AM	By Phone	<p>Interview: WNYC "The Takeaway" with John Hockenberry and Todd Zwillich Ct: Brendan Gilfillan (Office: 202-564-2081/Cell: (b) (6) Personal Privacy)</p> <p>Call in #: (b) (6) Personal Privacy</p> <p>The Administrator will call in to 1- (b) (6) Personal Privacy at 6:45a.m. to test the line, then dial back in for the interview at 7:00a.m.</p> <p>The topics include: - Endangerment finding/potential regulation of greenhouse gases - Cap and Trade legislation - Other plans/priorities for EPA</p>
<hr/>		
08:45 AM - 09:15 AM	By Phone	<p>Daily Briefing The Administrator will call in to 202-564-4700</p>
<hr/>		
10:15 AM - 10:30 AM	By Phone	<p>Call with Congressman Dicks Ct: Alexa (b) (6) Personal Privacy</p> <p>The Congressman will call the Administrator on her cell phone</p>
<hr/>		
12:30 PM - 01:00 PM	By Phone	<p>Personnel Subj: Bob Perciasepe</p> <p>Ct: Bob Perciasepe, 1- (b) (6) Personal Privacy</p>

The Administrator will call Mr. Perciasepe on 1 (b) (6) Personal Privacy

03:00 PM - 03:15 PM By Phone

Interview with The Environment Report
Ct: Brendan Gilfillan (Office: 202-564-2081/Cell: (b) (6) Personal Privacy)

The Administrator should call Brendan at 202-564-2081 a few minutes before 3:00 p m. to be connected to the interviewer

The topics include:
Endangerment finding/potential regulation of greenhouse gases
Cap and Trade legislation
Other plans/priorities for EPA

04:00 PM - 04:15 PM By Phone

Phone Interview with Scoop 44
Ct: Brendan Gilfillan (Office: 202-564-2081 Cell: (b) (6) Personal Privacy)

Phoner – YOU should call Brendan 202-564-2081 at 4:00p m. – he will connect you to the interviewer

04:30 PM - 05:00 PM Out of Office

Sutley Call-in
Nancy Sutley will call (b) (6) Personal Privacy

*** 05/15/2009 03:08:14 PM ***

01268-EPA-2434

Richard Windsor/DC/USEPA/US
05/15/2009 03:16 PM

To Katharine Gage
cc
bcc

Subject Re: UPDATED: Friday, May 15, 2009 Schedule for Lisa P. Jackson

Please ask her to call (b) (6) Personal Privacy at 430. Tx.
Katharine Gage

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

From: Katharine Gage
Sent: 05/15/2009 03:09 PM EDT
To: Diane Thompson; Richard Windsor; Eric Wachter; Robert Goulding
Subject: UPDATED: Friday, May 15, 2009 Schedule for Lisa P. Jackson

Please note: Nancy Sutley has requested a call at 4:30pm with the Administrator. She is currently planning to call (b) (6) Personal Privacy Please advise if she should use a different number or try a different time.

Thank you- see updated schedule below.

Kate Gage
Director of Scheduling
EPA - Office of the Administrator
P. 202-564-2856 | F. 202-501-1470
gage.katharine@epa.gov

----- Forwarded by Katharine Gage/DC/USEPA/US on 05/15/2009 03:08 PM -----
*** do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule
Friday, May 15, 2009**

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Daily Briefing

AM The Administrator will call in to 202-564-4700

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Call with Congressman Dicks
Ct: Alexa (b) (6) Personal Privacy

The Congressman will call the Administrator on her cell phone

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Personnel
Subj: Bob Perciasepe

Ct: Bob Perciasepe, 1 (b) (6) Personal Privacy

The Administrator will call Mr. Perciasepe on 1 (b) (6) Personal Privacy

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04:30 PM - 05:00 PM Out of Office
Sutley Call-in
Nancy Sutley will call (b) (6) Personal Privacy

*** 05/15/2009 03:08:14 PM ***

01268-EPA-2435

Katharine Gage/DC/USEPA/US
05/15/2009 03:28 PM

To Richard Windsor
cc
bcc

Subject Re: UPDATED: Friday, May 15, 2009 Schedule for Lisa P. Jackson

Will do.

Richard Windsor Please ask her to call (b) (6) Personal Privacy a... 05/15/2009 03:17:17 PM

From: Richard Windsor/DC/USEPA/US
To: Katharine Gage/DC/USEPA/US@EPA
Date: 05/15/2009 03:17 PM
Subject: Re: UPDATED: Friday, May 15, 2009 Schedule for Lisa P. Jackson

Please ask her to call (b) (6) Personal Privacy at 430. Tx.

Katharine Gage

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

From: Katharine Gage
Sent: 05/15/2009 03:09 PM EDT
To: Diane Thompson; Richard Windsor; Eric Wachter; Robert Goulding
Subject: UPDATED: Friday, May 15, 2009 Schedule for Lisa P. Jackson

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P. 202-564-2856 | F. 202-501-1470
gage.katharine@epa.gov

----- Forwarded by Katharine Gage/DC/USEPA/US on 05/15/2009 03:08 PM -----
*** do not copy or forward this information ***

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Lisa P. Jackson
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		Phoner – YOU should call Brendan 202-564-2081 at 4:00p m. – he will connect you to the interviewer

04:30 PM - 05:00 PM	Out of Office	Sutley Call-in Nancy Sutley will call (b) (6) Personal Privacy
---------------------	---------------	---

*** 05/15/2009 03:08:14 PM ***

01268-EPA-2436

David McIntosh/DC/USEPA/US
05/15/2009 06:27 PM

To Richard Windsor, Lisa Heinzerling
cc
bcc
Subject Sensenbrenner (R-WI) resolution of inquiry on endangerment finding

FYI, see below. This resolution has been introduced and referred to the Energy and Commerce Committee.

(b) (5) Deliberative

[Redacted block]

wanted to give you an initial heads up. I'll circle back once I know more.

HRES 446 IH

111th CONGRESS
1st Session
H. RES. 446

Of inquiry requesting the President and directing the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget to provide certain documents to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare.

**IN THE HOUSE OF REPRESENTATIVES
May 14, 2009**

Mr. SENSENBRENNER submitted the following resolution; which was referred to the Committee on Energy and Commerce

RESOLUTION

Of inquiry requesting the President and directing the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget to provide certain documents to the House of Representatives relating to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare.

Resolved, That the President is requested and the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget are directed to furnish the House of Representatives, not later than 14 days after the adoption of this resolution, all documents, including telephone and electronic mail records, logs and calendars, and records of internal discussions in the possession of the Administrator of the Environmental Protection Agency or the Director of the Office of Management and Budget, relating to the following:

- (1) The untitled, undated memo marked `Deliberative--Attorney Client Privilege', which begins `The NPRM fails to articulate the process by which the Administrator came to the conclusion on p. 30'.
- (2) Interagency comments or documents related to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare.

- (3) Cost benefit or systematic risk analysis related to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare.
- (4) Scientific evidence or opinion that demonstrates health effects of greenhouse gases.

01268-EPA-2437

Richard Windsor/DC/USEPA/US
05/15/2009 06:36 PM

To David McIntosh
cc
bcc

Subject Re: Sensenbrenner (R-WI) resolution of inquiry on endangerment finding

K. Tx.
David McIntosh

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

From: David McIntosh
Sent: 05/15/2009 06:27 PM EDT
To: Richard Windsor; Lisa Heinzerling
Subject: Sensenbrenner (R-WI) resolution of inquiry on endangerment

finding

FYI, see below. (b) (5) Deliberative

[Redacted block of text]

wanted to give you an initial heads up. I'll circle back once I know more.

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111th CONGRESS
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- (3) Cost benefit or systematic risk analysis related to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare.
- (4) Scientific evidence or opinion that demonstrates health effects of greenhouse gases.

01268-EPA-2446

Bob Sussman/DC/USEPA/US
05/17/2009 11:12 AM

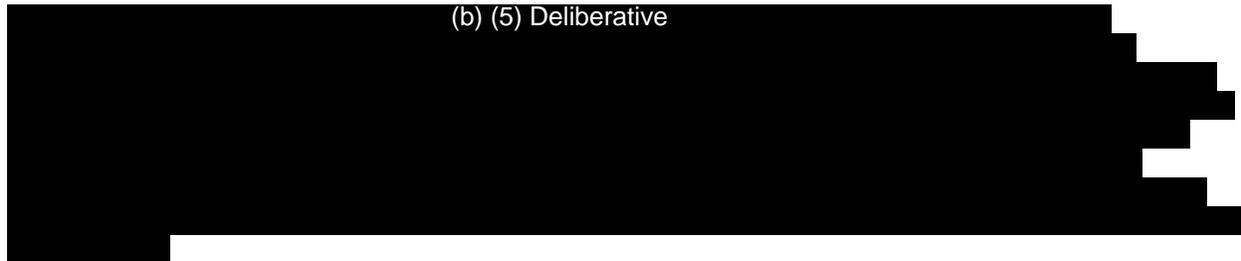
To Richard Windsor, Diane Thompson, Arvin Ganesan, Scott
Fulton, Allyn Brooks-LaSure

cc

bcc

Subject Friday's Flare-up on MTM -- BNA STORY

(b) (5) Deliberative



Mining

EPA Approves 42 Surface Mining Permits, Raises Concerns Over Six Other Projects

The Environmental Protection Agency has signed off on 42 permit applications filed with the U.S. Army Corps of Engineers for surface coal mining projects and raised environmental concerns about six others in West Virginia, Ohio, and Kentucky.

EPA spokeswoman Adora Andy said May 15 that six projects of the initial 48 permits the agency reviewed will not proceed unless adverse environmental impacts are further reduced.

EPA "continues to conduct a detailed and rigorous review of all pending Clean Water Act permits for mines in the Appalachian coalfields," Andy said.

She said EPA decided not to provide additional comments to the corps on the remaining 42 permits after consideration of the nature and extent of project impacts. Twenty-eight of these projects have two or fewer valley fills. Eleven have no valley fills at all. None have more than six, Andy said.

The EPA action comes amid concern from coal-state interests that EPA may be slowing down corps approval of permits, while environmental groups are pressing the agency to do more to protect streams from the waste from mountaintop removal mining.

Rep. Nick Rahall (D-W.Va.) initially disclosed the EPA actions at a May 15 news conference to address the perception that the agency had placed a moratorium on permits.

Under the Clean Water Act, the corps issues permits for the mining operations, but EPA first reviews the permit applications.

No Moratorium in Effect

"It is unfortunate that when EPA once again began reviewing proposed coal mining permits earlier this year, alarmists claimed that a moratorium on permit issuance was being proposed," Rahall said. "That was not the case then, and it is not the case now." (56 DEN A-14, 3/26/09)

The environmental group Earthjustice criticized EPA for failing to limit mountaintop removal mining despite concerns over impacts to water quality in Appalachia.

"EPA has claimed that it will follow the law and science, but announcing they have no concerns about 42 pending mountaintop removal mining permits is a sign that they are following neither," Joan Mulhern, senior legislative counsel with Earthjustice, said in a statement.

"We have asked the agency to explain the difference between the mines they have approved and the few where they have raised concerns. So far, we have not seen any such information. There is no scientific study that we are aware of that finds that there is any mountaintop removal that is not harmful."

Sierra Club Executive Director Carl Pope, said May 15 "the reported approval of a wave of new mountaintop removal coal mines would represent a leap in the wrong direction.

White House Asked to Intervene

"Because EPA is apparently unwilling to intervene," Pope said, "it is now imperative that the White House Council on Environmental Quality take immediate action to stop the bulldozers."

The White House should take swift action to fix a flawed "fill" rule that enables this type of mining, Pope said.

Andy said that EPA understands that none of the projects it has signed off on would permanently impact high value streams that flow year round.

"By contrast, EPA has opposed six permits because they all would result in significant adverse impacts to high value streams, involve large numbers of valley fills, and impact watersheds with extensive previous mining impacts," she said.

Andy said the six projects EPA objected to are: Alex Energy, Republic No. 1; Central Appalachian Mining, Big Branch; Jeffco Resources, North Barnesville; Kimble Clay & Limestone, Hunt; CONSOL of Ky., Peg Fork; and Highland Mining, Reylas.

"We will continue to follow the law and use the best science as we quickly and thoroughly evaluate over 150 pending applications to reduce harmful environmental impacts," Andy said.

No 'Moving Target.'

Rahall said permit reviews must be conducted in a process that is transparent, coordinated, and expeditious. Regulatory stability is vitally important to the coal industry, which "cannot comply with a moving target," he said.

The congressman said some of the proposed permits are "nationwide permits," for which the U.S. District Court for the Southern District of West Virginia has issued an injunction blocking the corps from issuing.

Nationwide permits are general permits that are less restrictive than the individual permits most large mountaintop removal coal mining operations seek, Rahall noted.

He vowed he will "continue to closely monitor this situation."

By Linda Roeder

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

01268-EPA-2451

David
McIntosh/DC/USEPA/US
05/17/2009 02:57 PM

To windsor.richard
cc brooks-lasure.allyn
bcc

Subject Fw: 1st half of POTUS weekly address was on Waxman
energy process

From: David McIntosh (b) (6) Personal Privacy
Sent: 05/17/2009 11:55 AM MST
To: David McIntosh
Subject: 1st half of POTUS weekly address on Waxman climate process

THE WHITE HOUSE

Office of the Press Secretary

EMBARGOED UNTIL 6:00 AM ET,

SATURDAY, May 16, 2009

**WEEKLY ADDRESS: President Obama Says Progress on Clean Energy and Healthcare Reform Will Lay
New Foundation**

WASHINGTON – This week, President Barack Obama praised individuals representing different perspectives for coming together to address the challenges of building a clean energy economy, reforming the healthcare system and laying a new foundation for the long-term strength of our economy. Utility companies and corporate leaders are working with environmental advocates and labor leaders to find a way to reduce dependence on foreign oil, to fight climate change, and to create millions of new jobs in America. Recently, past critics and advocates of healthcare reform sat down with the President to work on reducing the healthcare costs by \$2 trillion in the next decade and saving families \$2,500 in the coming years.

The full audio of the address is [HERE](#). The video can be viewed online at www.whitehouse.gov.

**Remarks of President Barack Obama
Weekly Address
Saturday, May 16, 2009**

Good morning. Over the past few months, as we have put in place a plan to speed our economic recovery, I have spoken repeatedly of the need to lay a new foundation for lasting prosperity; a foundation that will support good jobs and rising incomes; a foundation for economic growth where we no longer rely on excessive debt and reckless risk – but instead on skilled workers and sound investments to lead the world in the industries of the 21st century.

Two pillars of this new foundation are clean energy and health care. And while there remains a great deal of difficult work ahead, I am heartened by what we have seen these past few days: a willingness of those with different points of view and disparate interests to come together around common goals – to embrace a shared sense of responsibility and make historic progress.

Chairman Henry Waxman and members of the Energy and Commerce Committee brought together stakeholders from all corners of the country – and every sector of our economy – to reach an historic agreement on comprehensive energy legislation. It's another promising sign of progress, as longtime opponents are sitting together, at the same table, to help solve one of America's most serious challenges.

For the first time, utility companies and corporate leaders are joining, not opposing, environmental advocates and labor leaders to create a new system of clean energy initiatives that will help unleash a new era of growth and prosperity.

It's a plan that will finally reduce our dangerous dependence on foreign oil and cap the carbon pollution that threatens our health and our climate. Most important, it's a plan that will trigger the creation of millions of new jobs for Americans, who will produce the wind turbines and solar panels and develop the alternative fuels to power the future. Because this we know: the nation that leads in 21st century clean energy is the nation that will lead the 21st century global economy. America can and must be that nation - and this agreement is a major step toward this goal.

But we know that our families, our economy, and our nation itself will not succeed in the 21st century if we continue to be held down by the weight of rapidly rising health care costs and a broken health care system. That's why I met with representatives of insurance and drug companies, doctors and hospitals, and labor unions who are pledging to do their part to reduce health care costs. These are some of the groups who have been among the fiercest critics of past comprehensive health care reform plans. But today they too are recognizing that we must act. Our businesses will not be able to compete; our families will not be able to save or spend; our budgets will remain unsustainable unless we get health care costs under control.

These groups have pledged to do their part to reduce the annual health care spending growth rate by 1.5 percentage points. Coupled with comprehensive reform, their efforts could help to save our nation more than \$2 trillion in the next ten years - and save hardworking families \$2,500 each in the coming years.

This week, I also invited Speaker of House Nancy Pelosi, Majority Leader Steny Hoyer, and other congressional leaders to the White House to discuss comprehensive health reform legislation. The House is working to pass a bill by the end of July - before they head out for their August recess. That's the kind of urgency and determination we need to achieve comprehensive reform by the end of this year. And the reductions in spending the health care community has pledged will help make this reform possible.

I have always believed that it is better to talk than not to talk; that it is far more productive to reach over a divide than to shake your fist across it. This has been an alien notion in Washington for far too long, but we are seeing that the ways of Washington are beginning to change. For the calling of this moment is too loud and too urgent to ignore. Our success as a nation - the future of our children and grandchildren - depends upon our willingness to cast aside old arguments, overcome stubborn divisions, and march forward as one people and one nation.

This is how progress has always been made. This is how a new foundation will be built. We cannot assume that interests will always align, or that fragile partnerships will not fray. There will be setbacks. There will be difficult days. But we are off to a good start. And I am confident that we will - in the weeks, months, and years ahead - build on what we have already achieved and lay this foundation which will not only bring about prosperity for this generation, but for generations to come.

Thanks so much.

01268-EPA-2458

**Lisa
Heinzerling/DC/USEPA/US**
05/18/2009 07:35 AM

To Allyn Brooks-LaSure, Richard Windsor
cc Diane Thompson
bcc
Subject Re: draft cafe standards op-ed

(b) (5) Deliberative

(b) (5) Deliberative
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 05/18/2009 07:29 AM EDT
To: Lisa Heinzerling; Richard Windsor
Cc: Diane Thompson
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

MABL.

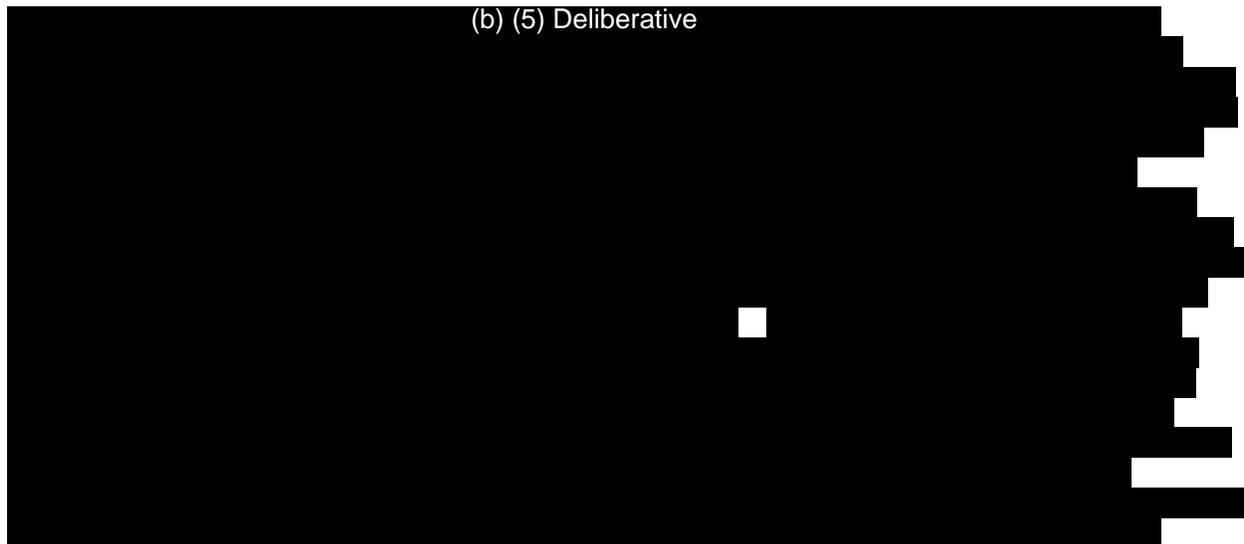
M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 05/18/2009 02:52 AM EDT
To: Lisa Heinzerling; Richard Windsor
Cc: Diane Thompson
Subject: Re: draft cafe standards op-ed

I have not been able to access Lotus Notes. So, I have included where I believe we are below - along with several minimal comments. See y'all later this morning.

(b) (5) Deliberative



(b) (5) Deliberative



MABL.

M. Allyn Brooks-LaSure
 U.S. Environmental Protection Agency
 Cell: 202-631-0415
 Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 05/17/2009 03:40 PM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Diane Thompson
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

Richard Windsor

(b) (5) Deliberative

05/17/2009 03:32:59 PM

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 05/17/2009 03:32 PM
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 05/17/2009 03:28 PM EDT
To: Diane Thompson
Cc: Allyn Brooks-LaSure; Richard Windsor
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

(b) (5) Deliberative

[Redacted]

Diane Thompson Lisa, Thanks for this. (b) (5) Deliberative 05/17/2009 03:13:44 PM

From: Diane Thompson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 05/17/2009 03:13 PM
Subject: Re: draft cafe standards op-ed

Lisa,
Thanks for this. (b) (5) Deliberative

[Redacted]

Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

Lisa Heinzerling Please see my suggested edits, highli... 05/17/2009 02:43:27 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 05/17/2009 02:43 PM
Subject: Re: draft cafe standards op-ed

Please see my suggested edits, highlighted in yellow below.

Richard Windsor I offer a few first blush comments in C... 05/16/2009 08:53:27 PM

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Cc: "Adora Andy" <andy.adora@epa.gov>, "Scott Fulton" <fulton.scott@epa.gov>
Date: 05/16/2009 08:53 PM
Subject: Re: draft cafe standards op-ed

I offer a few first blush comments in CAPS below. I offer them now and then will wait to allow Diane's process to run. Tx all.

(b) (5) Deliberative

[Redacted]

(b) (5) Deliberative



01268-EPA-2459

**Lisa
Heinzerling/DC/USEPA/US**
05/18/2009 07:36 AM

To Allyn Brooks-LaSure, Richard Windsor
cc Diane Thompson
bcc
Subject Re: draft cafe standards op-ed

(b) (5) Deliberative
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 05/18/2009 07:29 AM EDT
To: Lisa Heinzerling; Richard Windsor
Cc: Diane Thompson
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 05/18/2009 02:52 AM EDT
To: Lisa Heinzerling; Richard Windsor
Cc: Diane Thompson
Subject: Re: draft cafe standards op-ed

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(b) (5) Deliberative
[Large redacted area]

(b) (5) Deliberative

[Redacted]

MABL.

 M. Allyn Brooks-LaSure
 U.S. Environmental Protection Agency
 Cell: 202-631-0415
 Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 05/17/2009 03:40 PM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Diane Thompson
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

Richard Windsor	(b) (5) Deliberative	05/17/2009 03:32:59 PM
-----------------	----------------------	------------------------

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 05/17/2009 03:32 PM
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 05/17/2009 03:28 PM EDT
To: Diane Thompson
Cc: Allyn Brooks-LaSure; Richard Windsor
Subject: Re: draft cafe standards op-ed

(b) (5) Deliberative

(b) (5) Deliberative

Diane Thompson Lisa, Thanks for this. (b) (5) Deliberative 05/17/2009 03:13:44 PM

From: Diane Thompson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 05/17/2009 03:13 PM
Subject: Re: draft cafe standards op-ed

Lisa,
Thanks for this. (b) (5) Deliberative
Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

Lisa Heinzerling Please see my suggested edits, highli... 05/17/2009 02:43:27 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 05/17/2009 02:43 PM
Subject: Re: draft cafe standards op-ed

Please see my suggested edits, highlighted in yellow below.

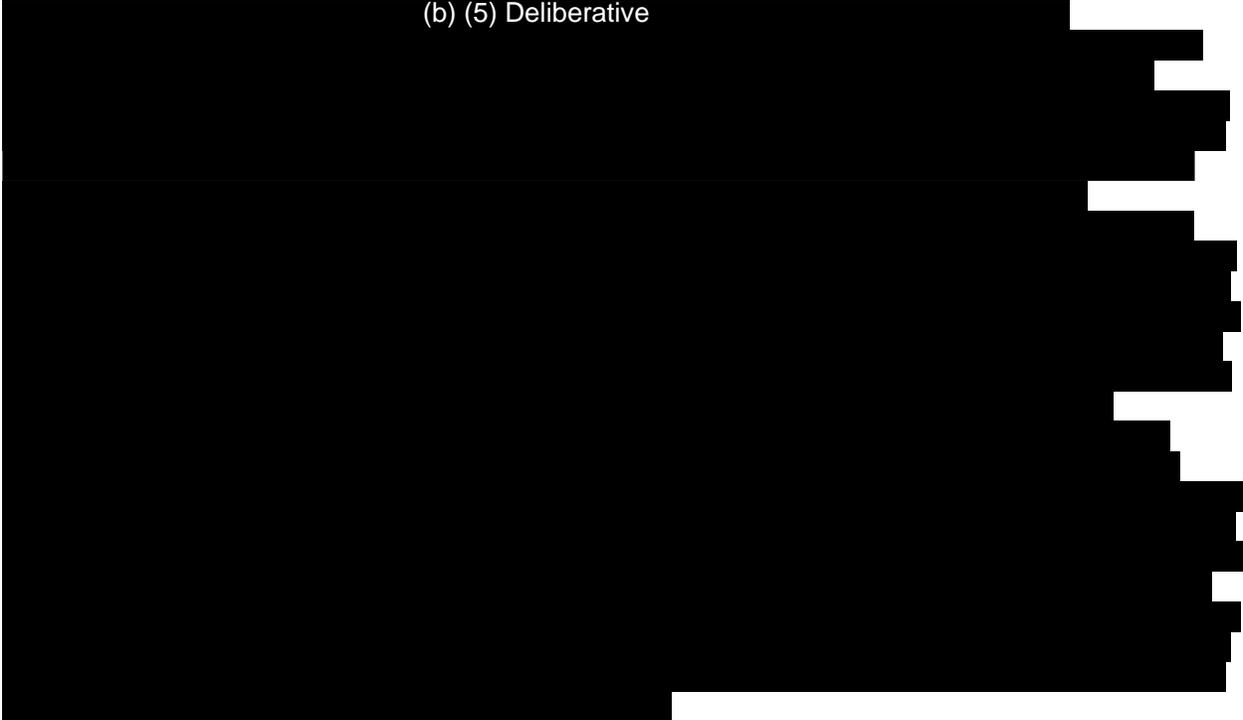
Richard Windsor I offer a few first blush comments in C... 05/16/2009 08:53:27 PM

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>
Cc: "Adora Andy" <andy.adora@epa.gov>, "Scott Fulton" <fulton.scott@epa.gov>
Date: 05/16/2009 08:53 PM
Subject: Re: draft cafe standards op-ed

I offer a few first blush comments in CAPS below. I offer them now and then will wait to allow Diane's process to run. Tx all.

(b) (5) Deliberative

(b) (5) Deliberative



01268-EPA-2461

Richard
Windsor/DC/USEPA/US
05/18/2009 03:30 PM

To Robert Goulding
cc
bcc

Subject Re: Fw: MACRUC conference - June 21-4

(b) (5) Deliberative

Where is it?

Robert Goulding

(b) (5) Deliberative

05/18/2009 02:31:16 PM

From: Robert Goulding/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/18/2009 02:31 PM
Subject: Fw: MACRUC conference - June 21-4

(b) (5) Deliberative

Robert Goulding
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20460
(p) 202-564-0473 - (f) 202-501-1450

*Please consider the environment before printing this e-mail

----- Forwarded by Robert Goulding/DC/USEPA/US on 05/18/2009 02:28 PM -----

From: "Fox, Jeanne" <Jeanne.Fox@bpu.state.nj.us>
To: "Goulding.Robert@epa.gov" <'Goulding.Robert@epa.gov'>
Date: 05/05/2009 05:01 PM
Subject: Re: MACRUC conference - June 21-4

Rob,

I am following up with you regarding the possibility of someone from EPA speaking at this year's MACRUC conference in place of Lisa. I have attached the conference agenda for your reference. Please feel free to call me if you have any questions. My cell is (b) (6) Personal Privacy

Jeanne

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

From: Fox, Jeanne
Sent: Thursday, April 09, 2009 1:34 PM
To: 'Goulding.Robert@epa.gov'
Subject: FW: MACRUC conference - June 21-4

Rob, I have been asked to ask could one of Lisa's top people come in her place. I'll resend the relevant info. There is a federal panel on Stimulus money. But if we can get one of her top guys, we'd have them keynote.

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

From: Goulding.Robert@epamail.epa.gov [mailto:Goulding.Robert@epamail.epa.gov]
]
Sent: Wednesday, April 08, 2009 5:11 PM
To: Fox, Jeanne
Subject: MACRUC conference - June 21-4

(b) (6) Personal Privacy



Robert Goulding
Director of Operations
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20004
(p) 202-564-4700
(f) 202-501-1450

*Please consider the environment before printing this e-mail
[attachment "MACRUC_agenda.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-2462

**Robert
Goulding/DC/USEPA/US**
05/18/2009 04:08 PM

To Richard Windsor
cc
bcc

Subject Re: Fw: MACRUC conference - June 21-4

Hershey, PA.

Robert Goulding
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20460
(p) 202-564-0473 - (f) 202-501-1450

*Please consider the environment before printing this e-mail

Richard Windsor (b) (5) Deliberative 05/18/2009 03:30:52 PM

From: Richard Windsor/DC/USEPA/US
To: Robert Goulding/DC/USEPA/US@EPA
Date: 05/18/2009 03:30 PM
Subject: Re: Fw: MACRUC conference - June 21-4

(b) (5) Deliberative
. Where is it?

Robert Goulding (b) (5) Deliberative 05/18/2009 02:31:16 PM

From: Robert Goulding/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/18/2009 02:31 PM
Subject: Fw: MACRUC conference - June 21-4

(b) (5) Deliberative

Robert Goulding
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20460
(p) 202-564-0473 - (f) 202-501-1450

*Please consider the environment before printing this e-mail

----- Forwarded by Robert Goulding/DC/USEPA/US on 05/18/2009 02:28 PM -----

From: "Fox, Jeanne" <Jeanne.Fox@bpu.state.nj.us>
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Sent: Wednesday, April 08, 2009 5:11 PM
To: Fox, Jeanne
Subject: MACRUC conference - June 21-4

(b) (6) Personal Privacy

[REDACTED]

Robert Goulding
Director of Operations
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20004
(p) 202-564-4700
(f) 202-501-1450

*Please consider the environment before printing this e-mail
[attachment "MACRUC_agenda.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-2482

Richard Windsor/DC/USEPA/US
05/25/2009 01:00 PM

To Bob Sussman, Diane Thompson, Scott Fulton
cc Eric Wachter
bcc
Subject Re: New Thinking on the FY 11 Budget

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thx, Lj
Bob Sussman

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

From: Bob Sussman
Sent: 05/24/2009 11:25 AM EDT
To: Richard Windsor; Diane Thompson; Scott Fulton
Cc: Eric Wachter
Subject: New Thinking on the FY 11 Budget

Lisa -- I wanted to follow-up on our brief discussion of the budget process on Friday and bring Diane and Scott into the loop to be sure we capture their thoughts on next steps.

(b) (5) Deliberative

(b) (5) Deliberative



Looking for guidance, Lisa, and reactions and suggestions from Diane and Scott.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/24/2009 10:12 AM -----

From: Budget and Planning Box
To: Assistant Administrators, General Counsel, Inspector General, RA, Ray Spears/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Eric

Wachter/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Deputy Associate Administrators, DAA, Barbara Finazzo/R2/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, Carol Rushin/R8/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Ira Leighton/R1/USEPA/US@EPA, Jane Diamond/R9/USEPA/US@EPA, Jim Newsom/R3/USEPA/US, Laura Yoshii/R9/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Lynda Carroll/R6/USEPA/US@EPA, Martha Cuppy/R7/USEPA/US@EPA, Michelle Pirzadeh/R10/USEPA/US@EPA, Mike Gearheard/R10/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Stephen Perkins/R1/USEPA/US@EPA, Walter Kovalick/R5/USEPA/US@EPA, William Rice/RGAD/R7/USEPA/US@EPA, Mike Gaydosh/R8/USEPA/US@EPA, ARA, OCFO-SBO, OCFO-Regional Planning Staff and Headquarters Contacts, bloom.david@epa.gov, terris.carol@epa.gov, Rita Smith/DC/USEPA/US@EPA, Phillip Juengst/DC/USEPA/US@EPA, Maria Williams/DC/USEPA/US@EPA, Laura Palmer/DC/USEPA/US@EPA, Khanh Nguyen/DC/USEPA/US@EPA, Diane Kelty/DC/USEPA/US@EPA, Maria Gomez-Taylor/DC/USEPA/US@EPA, Pamala List/DC/USEPA/US@EPA, OCFO-RPROS, Pamela Luttner/DC/USEPA/US@EPA

Date: 05/21/2009 06:00 PM

Subject: [REDACTED]

Attached is guidance on identifying [REDACTED] (b) (5) Deliberative

[REDACTED]

[REDACTED]

[attachment "Memo_05_21_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "Memo_04_17_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY 2011 Budget Target Attachment 2.xls" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY.2011.LP.Attachment.3.xls" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-2483

Bob Sussman/DC/USEPA/US

05/25/2009 02:03 PM

To Richard Windsor, Diane Thompson, Scott Fulton

cc Eric Wachter

bcc

Subject Re: New Thinking on the FY 11 Budget

This is helpful input. Thanks for laying down some markers. While you're gone the three of us will put our heads together to build on your ideas. We'll also need to start a conversation with sally and folks like Bob p and Mike m. We don't have much time.

Richard Windsor

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

From: Richard Windsor

Sent: 05/25/2009 01:00 PM EDT

To: Bob Sussman; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: Re: New Thinking on the FY 11 Budget

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thx, Lj
Bob Sussman

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

From: Bob Sussman

Sent: 05/24/2009 11:25 AM EDT

To: Richard Windsor; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: New Thinking on the FY 11 Budget

Lisa -- I wanted to follow-up on our brief discussion of the budget process on Friday and bring Diane and Scott into the loop to be sure we capture their thoughts on next steps.

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Looking for guidance, Lisa, and reactions and suggestions from Diane and Scott.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/24/2009 10:12 AM -----

From: Budget and Planning Box
To: Assistant Administrators, General Counsel, Inspector General, RA, Ray Spears/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Deputy Associate Administrators, DAA, Barbara Finazzo/R2/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, Carol Rushin/R8/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Ira Leighton/R1/USEPA/US@EPA, Jane Diamond/R9/USEPA/US@EPA, Jim Newsom/R3/USEPA/US, Laura Yoshii/R9/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Lynda Carroll/R6/USEPA/US@EPA, Martha Cuppy/R7/USEPA/US@EPA, Michelle Pirzadeh/R10/USEPA/US@EPA, Mike Gearheard/R10/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Stephen Perkins/R1/USEPA/US@EPA, Walter Kovalick/R5/USEPA/US@EPA, William Rice/RGAD/R7/USEPA/US@EPA, Mike Gaydosh/R8/USEPA/US@EPA, ARA, OCFO-SBO, OCFO-Regional Planning Staff and Headquarters Contacts, bloom.david@epa.gov, terris.carol@epa.gov, Rita Smith/DC/USEPA/US@EPA, Phillip Juengst/DC/USEPA/US@EPA, Maria Williams/DC/USEPA/US@EPA, Laura Palmer/DC/USEPA/US@EPA, Khanh Nguyen/DC/USEPA/US@EPA, Diane Kelty/DC/USEPA/US@EPA, Maria Gomez-Taylor/DC/USEPA/US@EPA, Pamala List/DC/USEPA/US@EPA, OCFO-RPROS, Pamela Luttner/DC/USEPA/US@EPA
Date: 05/21/2009 06:00 PM
Subject: (b) (5) Deliberative

Attached is guidance on identifying (b) (5) Deliberative

[Redacted]

[Redacted]

[attachment "Memo_05_21_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]
[attachment "Memo_04_17_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY 2011 Budget Target Attachment 2.xls" deleted by Richard Windsor/DC/USEPA/US]
[attachment "FY.2011.LP.Attachment.3.xls" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-2504

Richard Windsor/DC/USEPA/US
06/01/2009 02:28 PM

To Diane Thompson
cc
bcc

Subject Re: Lugar ltr for autopen

Waiting for plane. Do you want me to call?
Diane Thompson

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

From: Diane Thompson
Sent: 06/01/2009 02:27 PM EDT
To: Richard Windsor
Subject: Re: Lugar ltr for autopen

got it, thanks and have a good trip. DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

Richard Windsor

(b) (5) Deliberative

06/01/2009 02:23:47 PM

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 02:23 PM
Subject: Re: Lugar ltr for autopen

(b) (5) Deliberative

[Redacted]

Diane Thompson

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

From: Diane Thompson
Sent: 06/01/2009 02:01 PM EDT
To: Richard Windsor
Subject: Fw: Lugar ltr for autopen

(b) (5) Deliberative

Thought you would want to see it--Lisa H cleared. Let me know if you have edits.

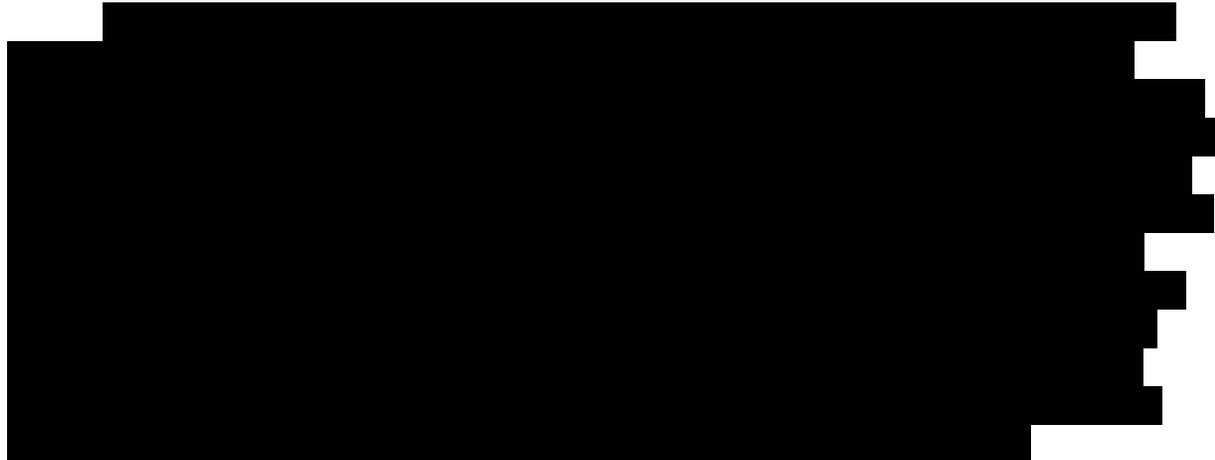
The Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

Dear Senator Lugar:

(b) (5) Deliberative



(b) (5) Deliberative



Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Lisa P. Jackson

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 01:58 PM -----

From: Stephanie Washington/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 12:47 PM
Subject: Fw: Lugar word doc

FYI

Stephanie Washington
Assistant to the Chief of Staff
(202) 564-1048
washington.stephanie@epa.gov

----- Forwarded by Stephanie Washington/DC/USEPA/US on 06/01/2009 12:45 PM -----

From: KevinJ Bailey/DC/USEPA/US
To: Stephanie Washington/DC/USEPA/US@EPA
Date: 06/01/2009 12:44 PM
Subject: Lugar word doc

Stephanie-

Here you go.

[attachment "AL-09-000-7002_Lugar.doc" deleted by Richard Windsor/DC/USEPA/US]

Kevin J. Bailey
Special Assistant
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
office: 202.564.2998