

01268-EPA-2940

**David
McIntosh/DC/USEPA/US**
10/08/2009 05:25 PM

To Adora Andy, Richard Windsor, Seth Oster, Allyn
Brooks-LaSure, Bob Sussman, Lisa Heinzerling
cc
bcc

Subject Re: HEADS UP: TALLEY STORY POSTED

(b) (5) Deliberative

Adora Andy

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

From: Adora Andy
Sent: 10/08/2009 05:01 PM EDT
To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; David
McIntosh; Lisa Heinzerling
Subject: HEADS UP: TALLEY STORY POSTED

(b) (5) Deliberative

By Ian Talley

Of DOW JONES NEWSWIRES

WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency warned Royal Dutch Shell PLC (RDSA) last month that air permits, such as ones required for its major Alaskan oil project, were at risk under a Republican lawmaker's plan to curb the agency's powers.

The issue involves an amendment to an agency funding bill sponsored by Sen. Lisa Murkowski, R-Alaska. The proposal is intended to block the EPA from crafting new greenhouse gases regulations for power plants and refineries, running counter to Obama administration policies.

Murkowski, the ranking member of the Senate Energy and Natural Resources Committee, has now requested EPA Administrator Lisa Jackson to probe the affair.

Soon after the first draft of Murkowski's amendment was inked, a senior EPA official for congressional affairs called Shell. The oil giant is awaiting EPA approval of air permits to proceed with a multi-billion dollar exploration project in the senator's home state. It was the sole oil company called.

David McIntosh, an EPA Associate Administrator for congressional relations, said EPA believed approval of Murkowski's amendment might result in "unintended consequences" for Royal Dutch Shell's air permit applications.

For Shell, the stakes would be significant. The firm is awaiting EPA approval of air permits to drill in the Chukchi and Beaufort Seas regions. The international oil company paid more than \$2 billion to the U.S. government for the leases. Any delay in the permit process could force the firm to cancel its expensive drilling program, stalling potential development.

McIntosh also shared EPA's concerns with the Auto Alliance, an industry trade association.

"Senator Murkowski's amendment, both in draft and final form, would have had serious and, in our view, negative consequences for U.S. business and the economy," EPA spokeswoman Adora Andy said in an emailed statement.

"As a matter of due diligence, before sharing EPA's analysis with members of Congress, Mr. McIntosh reached out to representatives in the affected business community and asked them to let the agency know if they found any flaws in EPA's conclusions, which they did not," Andy said.

Murkowski's amendment to the EPA's annual spending bill failed last month after Democrats blocked it from a floor vote. But Murkowski has vowed to try again.

The Senator Thursday penned a hand-delivered letter to Administrator Jackson, asking for a complete list of all individuals and businesses contacted by EPA staff. EPA's Andy told Dow Jones Newswires the congressional relations office only contacted Shell and the Auto Alliance.

"These unsolicited contacts with entities regulated by the EPA are particularly concerning, not only because your staff failed to reply to my explicit request for a discussion of the amendment itself, but also because I strongly disagree with your agency's assessment of the impact that amendment would have had," Murkowski said in the letter.

Shane Karr, the Auto Alliance's head of government affairs, said his group saw no errors in the EPA's concerns about the Murkowski amendment. If the EPA doesn't issue new emissions rules, more than a dozen states will be able to establish their own strict rules, creating a regulatory headache for the auto industry.

Shell said it originally expected the air permits to be approved in September, but the EPA has extended its public comment period for another month. Based on the lease costs and government resource estimates, Shell's programs could yield a major boom for the Alaskan economy.

"EPA called to explain their interpretation of the Murkowski amendment, which we shared with Senator Murkowski's staff," said Bill Tanner, Shell's senior press officer.

Tanner characterized EPA's warning as routine: "It's part of the day-to-day activities that occur as we analyze legislation."

The Murkowski amendment underwent changes following MacIntosh's call to Shell, which the EPA said fixed the potential air permit problem. However, it created a new problem for the auto industry.

The EPA said the revised Murkowski amendment would prevent the agency from issuing any new regulations for greenhouse gases, stationary or mobile. That would have given states such as California the ability to write their own new emissions laws, a problem for automakers who want a single national standard.

Concerned that Congress won't draft climate legislation to regulate and cut greenhouse gases on EPA's schedule, the Obama Administration has committed to using its executive authority under the Clean Air Act to control such emissions.

Many fear use of the act for greenhouse gases - which the authors say was not intended - would be a regulatory bludgeon compared to more finely crafted Congressional legislation, and could have a negative impact on the economy. Lawmakers say the EPA is threatening to use its authority to pressure Congress into action.

The day after Sen. Murkowski failed to get her amendment attached to the EPA appropriations bill, the agency proposed new rules to regulate major stationary emitters such as power plants, refineries and metal smelters.

By Ian Talley, Dow Jones Newswires; (202) 862 9285; **(b) (6) Personal Privacy**
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01268-EPA-2941

Richard Windsor/DC/USEPA/US
10/08/2009 05:53 PM

To David McIntosh, Adora Andy, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Lisa Heinzerling
cc
bcc

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Yup

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01268-EPA-2942

Richard Windsor/DC/USEPA/US
10/11/2009 09:04 AM

To David McIntosh
cc
bcc

Subject Re: NYTimes Op-Ed by Senators Graham and Kerry

Yup. Just read it. Border tax, nukes, and price collar.
David McIntosh

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

From: David McIntosh
Sent: 10/11/2009 09:03 AM EDT
To: Richard Windsor
Cc: Diane Thompson; Seth Oster
Subject: NYTimes Op-Ed by Senators Graham and Kerry

October 11, 2009

Op-Ed Contributors

Yes We Can (Pass Climate Change Legislation)

By JOHN KERRY and LINDSEY GRAHAM

Washington

CONVENTIONAL wisdom suggests that the prospect of Congress passing a comprehensive climate change bill soon is rapidly approaching zero. The divisions in our country on how to deal with climate change are deep. Many Democrats insist on tough new standards for curtailing the carbon emissions that cause global warming. Many Republicans remain concerned about the cost to Americans relative to the environmental benefit and are adamant about breaking our addiction to foreign sources of oil.

However, we refuse to accept the argument that the United States cannot lead the world in addressing global climate change. We are also convinced that we have found both a framework for climate legislation to pass Congress and the blueprint for a clean-energy future that will revitalize our economy, protect current jobs and create new ones, safeguard our national security and reduce pollution.

Our partnership represents a fresh attempt to find consensus that adheres to our core principles and leads to both a climate change solution and energy independence. It begins now, not months from now — with a road to 60 votes in the Senate.

It's true that we come from different parts of the country and represent different constituencies and that we supported different presidential candidates in 2008. We even have different accents. But we speak with one voice in saying that the best way to make America stronger is to work together to address an urgent crisis facing the world.

This process requires honest give-and-take and genuine bipartisanship. In that spirit, we have come together to put forward proposals that address legitimate concerns among Democrats and Republicans and the other constituencies with stakes in this legislation. We're looking for a new beginning, informed by the work of our colleagues and legislation that is already before Congress.

First, we agree that climate change is real and threatens our economy and national security. That is why we are advocating aggressive reductions in our emissions of the carbon gases that cause climate change. We will minimize the impact on major emitters through a market-based system that will provide both flexibility and time for big polluters to come into compliance without hindering global competitiveness or driving more jobs overseas.

Second, while we invest in renewable energy sources like wind and solar, we must also take advantage of nuclear power, our single largest contributor of emissions-free power. Nuclear power needs to be a core component of electricity generation if we are to meet our emission reduction targets. We need to jettison cumbersome regulations that have stalled the construction of nuclear plants in favor of a streamlined permit system that maintains vigorous safeguards while allowing utilities to secure financing for more plants. We must also do more to encourage serious investment in research and development to find solutions to our nuclear waste problem.

Third, climate change legislation is an opportunity to get serious about breaking our dependence on foreign oil. For too long, we have ignored potential energy sources off our coasts and underground. Even as we increase renewable electricity generation, we must recognize that for the foreseeable future we will continue to burn fossil fuels. To meet our environmental goals, we must do this as cleanly as possible. The United States should aim to become the Saudi Arabia of clean coal. For this reason, we need to provide new financial incentives for companies that develop carbon capture and sequestration technology.

In addition, we are committed to seeking compromise on additional onshore and offshore oil and gas exploration — work that was started by a bipartisan group in the Senate last Congress. Any exploration must be conducted in an environmentally sensitive manner and protect the rights and interests of our coastal states.

Fourth, we cannot sacrifice another job to competitors overseas. China and India are among the many countries investing heavily in clean-energy technologies that will produce millions of jobs. There is no reason we should surrender our marketplace to countries that do not accept environmental standards. For this reason, we should consider a border tax on items produced in countries that avoid these standards. This is consistent with our obligations under the World Trade Organization and creates strong incentives for other countries to adopt tough environmental protections.

Finally, we will develop a mechanism to protect businesses — and ultimately consumers — from increases in energy prices. The central element is the establishment of a floor and a ceiling for the cost of emission allowances. This will also safeguard important industries while they make the investments necessary to join the clean-energy era. We recognize there will be short-term

transition costs associated with any climate change legislation, costs that can be eased. But we also believe strongly that the long-term gain will be enormous.

Even climate change skeptics should recognize that reducing our dependence on foreign oil and increasing our energy efficiency strengthens our national security. Both of us served in the military. We know that sending nearly \$800 million a day to sometimes-hostile oil-producing countries threatens our security. In the same way, many scientists warn that failing to reduce greenhouse gas emissions will lead to global instability and poverty that could put our nation at risk.

Failure to act comes with another cost. If Congress does not pass legislation dealing with climate change, the administration will use the Environmental Protection Agency to impose new regulations. Imposed regulations are likely to be tougher and they certainly will not include the job protections and investment incentives we are proposing.

The message to those who have stalled for years is clear: killing a Senate bill is not success; indeed, given the threat of agency regulation, those who have been content to make the legislative process grind to a halt would later come running to Congress in a panic to secure the kinds of incentives and investments we can pass today. Industry needs the certainty that comes with Congressional action.

We are confident that a legitimate bipartisan effort can put America back in the lead again and can empower our negotiators to sit down at the table in Copenhagen in December and insist that the rest of the world join us in producing a new international agreement on global warming. That way, we will pass on to future generations a strong economy, a clean environment and an energy-independent nation.

John Kerry is a Democratic senator from Massachusetts. Lindsey Graham is a Republican senator from South Carolina.

01268-EPA-2945

Bob Sussman/DC/USEPA/US

10/13/2009 02:03 PM

To Richard Windsor

cc Bob Perciasepe, Seth Oster, Arvin Ganesan, Scott Fulton
bcc

Subject Fw: Dunkard Creek Press

More on the Dunkard Creek fish kill.

(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 10/13/2009 02:02 PM -----

From: Gregory Peck/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Suzanne Schwartz/DC/USEPA/US@EPA, Kevin Minoli
Date: 10/13/2009 01:10 PM
Subject: Dunkard Creek Press

September 26, 2009

30-mile fish kill at Dunkard Creek

**DEP delayed action on pollution problems over the last decade
Three weeks ago, fish started dying in Dunkard Creek, a scenic
stream that winds along the West Virginia-Pennsylvania border in
Monongalia County.**

By [Ken Ward Jr.](#)
Staff writer

Advertiser

CHARLESTON, W.Va. -- Three weeks ago, fish started dying in Dunkard Creek, a scenic stream that winds along the West Virginia-Pennsylvania border in

Monongalia County.

Muskie, smallmouth bass and flathead catfish turned up dead. So did mussels, minnows and salamanders. Just about all of the aquatic life was wiped out for 30 miles.

"It was awful," said Lou Reynolds, a biologist who surveyed the damage for the U.S. Environmental Protection Agency. "This has just been a massive event."

West Virginia environmental regulators, along with federal officials and their counterparts in Pennsylvania, have struggled to figure out what happened.

First, they looked at pollution discharged by a CONSOL Energy underground mine upstream. Then, they investigated rumors that oil and gas drillers had illegally dumped salty wastewater into the stream. Now, they're focused on non-native algae as a possible cause.

"It's been a very frustrating effort," said Randy Huffman, secretary of the West Virginia Department of Environmental Protection.

But Dunkard Creek was having problems long before fish started going belly up.

Since at least 2002, the DEP has listed Dunkard Creek and several tributaries as "biologically impaired." At least two major coal discharges have consistently violated water quality limits -- sometimes discharging five or six times the legal standards -- for years.

Environmental groups say that DEP officials have been far from aggressive in trying to remedy the problems.

At least three times in the last decade, the DEP gave CONSOL Energy time extensions to stop violating its permit limits for chloride, a pollutant believed connected to the fish kill.

And earlier this year, the DEP issued a proposed cleanup plan that included no remedy for a growing problem and potential fish kill culprit: The stream's high level of conductivity, which is also linked to CONSOL's discharges.

Betty Wiley, president of the Dunkard Creek Watershed Association, said her group would like to see EPA take over the fish kill probe and any cleanup plans from the West Virginia DEP.

"They have more resources and they have the best resources," Wiley said. "And based on past experience, we don't entirely trust the DEP."

Salty water in a freshwater stream

From its headwaters northwest of Morgantown, Dunkard Creek crisscrosses the West Virginia-Pennsylvania border several times before it empties into the Monongahela River not far from Point Marion, Pa.

Dead fish first started showing up not far from Wana, where a W.Va. 7 bridge

crosses the stream.

But even before then, a West Virginia Division of Natural Resources biologist had reported increases in the streams conductivity in late August. A U.S. Fish and Wildlife Service official noted a mussel kill about a week later, according to internal government records.

Reynolds, the EPA biologist, visited the stream on Sept. 9, after hearing reports of a "total kill" in the stream. He reviewed data, consulted with state officials and wrote up his preliminary thoughts in a field memo that was accidentally made public.

"At this time, all indications are that the outfall from [CONSOL's] Blacksville No. 2 Mine is the likely culprit of this kill," Reynolds wrote in the Sept. 14 memo. "The high amount of chloride in that waste stream is certainly toxic to aquatic organisms and the kill could very well be solely due to the high amount of TDS in this outfall."

TDS stands for total dissolved solids, which are various salts -- such as chlorides and sulfates -- that are dissolved in water. All of these things can be dangerous to aquatic life.

Conductivity, or ionic strength, is the ability of the water to conduct an electrical charge, and it is a good measure of the TDS and the salts in a stream.

Initially, West Virginia environmental officials agreed with Reynolds that Blacksville No. 2 was to blame. Then, they found dead fish upstream from the mine's pollution discharge outlet.

But not far upstream from Blacksville, CONSOL also discharges pollution from the acid mine drainage treatment plant at its Loveridge Mine. The new dead fish were discovered between the Loveridge site, at the community of St. Leo, and Blacksville.

And for years, Loveridge has had the same pollution problem as Blacksville No. 2: Failure to meet state water quality standards for chlorides.

The Blacksville No. 2 and Loveridge discharges are part of a collection of sites CONSOL operates in the Monongahela River watershed between Fairmont and Morgantown. In this region, old underground mines are filling up with tainted water. CONSOL pumps out those mines to try to avoid blowouts of polluted water, and it pumps water out of its active mines to protect miners from floods. CONSOL discharges the pumped water to area streams, treating it first for acid mine drainage.

Water quality experts in the region worry about the looming problem of those old mines filling with acid-laden water, especially about what would happen if CONSOL stopped pumping and treating.

CONSOL's current treatment is far from perfect. It doesn't do anything, for example, about the excess chloride discharges.

In 2002, DEP officials cited the company for those problems. But then, the agency made a deal to give the company more time to fix its violations.

In 2005, CONSOL tried to resolve the issue for good, by seeking a variance from state water quality limits. Company officials argued the costs to get the chlorides out of its discharge were too high. The DEP denied that request, but granted more extensions. Most recently, CONSOL was given until 2013 to stop its violations.

"Right now, there is no cost-effective technology to simply treat for these dissolved salts," said Tom Hoffman, a vice president and media spokesman for Pittsburgh-based CONSOL.

Company officials have proposed a variety of solutions, from expensive "reverse osmosis" treatment to building dozens of miles of pipes to pump the polluted water directly into the Monongahela River, where it might more easily be diluted to harmless concentrations.

Derek Teaney, a lawyer with the Appalachian Center for the Economy and the Environment, warned DEP in September 2008 the agency's latest compliance extension was allowing CONSOL to "game the system."

"It is likely that the permittees could install pollution control equipment to reduce their chloride discharges to the regulatory limits in well less than five years," Teaney wrote. "The time for compliance under a compliance schedule, however, is to be 'as soon as possible,' not 'as soon as the permittee's preferred treatment is possible.'"

Golden-brown algae

Was the disaster avoidable? Were there problems that regulators could have moved faster to address? And did those problems contribute to the huge fish kill?

Under the federal Clean Water Act, state regulators are supposed to put together lists of their most polluted streams and devise plans to clean them up. But like state officials across the country, West Virginia's DEP never did -- until environmental groups took them to court to force action. Under a decade-old legal settlement, DEP and EPA have been writing these cleanup plans, called Total Maximum Daily Loads, or TMDLs, for streams across the state.

Since at least 2002, DEP has listed Dunkard Creek and several tributaries as "biologically impaired" because of increased conductivity.

But in a draft TMDL published in March, DEP officials declined to do anything about the problem.

DEP concluded that, "because available information is insufficient to address biological impairment attributed to ionic toxicity," the agency proposed no action on the problem.

Teaney, the environmental group lawyer, objected.

In an April 3 letter to DEP, Teaney noted that a plan to fix Dunkard Creek would help deal with drinking water problems downstream in western Pennsylvania.

Last fall, Pennsylvania towns near the West Virginia border noticed unpleasant tastes and odors in the drinking water they draw from the Monongahela River. Officials have pointed to the untreated discharge of oil and gas drilling wastewater as one cause.

Regulators in Pennsylvania have complained that West Virginia isn't doing enough to deal with that issue. But Huffman, the West Virginia DEP director, noted that one potential major culprit -- a CONSOL coalbed methane operation that pumped its wastewater underground -- is located in Greene County, Pa., and was originally approved by the federal EPA.

West Virginia officials have also acknowledged that Dunkard Creek's pollution is a big part of the Monongahela's problem. They just haven't done anything about it -- yet.

Huffman said that would change. He said he wouldn't approve CONSOL's plan to just pump the chloride-laden water from Blacksville and Loveridge over into the Mon River.

"[That plan] was brought to me, and I said it doesn't make any sense," Huffman said last week. "It moves the chlorides around and gets them to the standard that we're looking for, but it doesn't get any chlorides out of the water."

Late last week, Huffman and his staff announced they believe a non-native algae is the cause of the fish kill. They explained that the golden-brown algae was likely encouraged to grow because of Dunkard Creek's high chloride levels.

But Tom Clarke, director of the DEP Division of Mining and Reclamation, said his agency wants to withhold any further actions on CONSOL's discharge problems until it understands more clearly the factors behind the fish kill.

"Until we know the cause and whether CONSOL is part of what we need to deal with, we wouldn't move forward," Clarke said.

All of that comes too late for folks like Betty Wiley. The retired West Virginia University employee now lives in Westover. But she grew up along Dunkard Creek. Her mom still lives along the stream, and Wiley is volunteer president of the local watershed association.

"We were in the creek all the time every summer," Wiley recalled last week. "So I have a real strong attachment to the creek.

"It was an ecosystem, and now it's all dead," she said. "It's an environmental disaster is what it is."

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

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In 2005, CONSOL tried to resolve the issue for good, by seeking a variance from state water quality limits. Company officials argued the costs to get the chlorides

out of its discharge were too high. The DEP denied that request, but granted more extensions. Most recently, CONSOL was given until 2013 to stop its violations.

"Right now, there is no cost-effective technology to simply treat for these dissolved salts," said Tom Hoffman, a vice president and media spokesman for Pittsburgh-based CONSOL.

Company officials have proposed a variety of solutions, from expensive "reverse osmosis" treatment to building dozens of miles of pipes to pump the polluted water directly into the Monongahela River, where it might more easily be diluted to harmless concentrations.

Derek Teaney, a lawyer with the Appalachian Center for the Economy and the Environment, warned DEP in September 2008 the agency's latest compliance extension was allowing CONSOL to "game the system."

"It is likely that the permittees could install pollution control equipment to reduce their chloride discharges to the regulatory limits in well less than five years," Teaney wrote. "The time for compliance under a compliance schedule, however, is to be 'as soon as possible,' not 'as soon as the permittee's preferred treatment is possible.'"

Golden-brown algae

Was the disaster avoidable? Were there problems that regulators could have moved faster to address? And did those problems contribute to the huge fish kill?

Under the federal Clean Water Act, state regulators are supposed to put together lists of their most polluted streams and devise plans to clean them up. But like state officials across the country, West Virginia's DEP never did -- until environmental groups took them to court to force action. Under a decade-old legal settlement, DEP and EPA have been writing these cleanup plans, called Total Maximum Daily Loads, or TMDLs, for streams across the state.

Since at least 2002, DEP has listed Dunkard Creek and several tributaries as "biologically impaired" because of increased conductivity.

But in a draft TMDL published in March, DEP officials declined to do anything about the problem.

DEP concluded that, "because available information is insufficient to address biological impairment attributed to ionic toxicity," the agency proposed no action on the problem.

Teaney, the environmental group lawyer, objected.

In an April 3 letter to DEP, Teaney noted that a plan to fix Dunkard Creek would help deal with drinking water problems downstream in western Pennsylvania.

Last fall, Pennsylvania towns near the West Virginia border noticed unpleasant tastes and odors in the drinking water they draw from the Monongahela River.

Officials have pointed to the untreated discharge of oil and gas drilling wastewater as one cause.

Regulators in Pennsylvania have complained that West Virginia isn't doing enough to deal with that issue. But Huffman, the West Virginia DEP director, noted that one potential major culprit -- a CONSOL coalbed methane operation that pumped its wastewater underground -- is located in Greene County, Pa., and was originally approved by the federal EPA.

West Virginia officials have also acknowledged that Dunkard Creek's pollution is a big part of the Monongahela's problem. They just haven't done anything about it -- yet.

Huffman said that would change. He said he wouldn't approve CONSOL's plan to just pump the chloride-laden water from Blacksville and Loveridge over into the Mon River.

"[That plan] was brought to me, and I said it doesn't make any sense," Huffman said last week. "It moves the chlorides around and gets them to the standard that we're looking for, but it doesn't get any chlorides out of the water."

Late last week, Huffman and his staff announced they believe a non-native algae is the cause of the fish kill. They explained that the golden-brown algae was likely encouraged to grow because of Dunkard Creek's high chloride levels.

But Tom Clarke, director of the DEP Division of Mining and Reclamation, said his agency wants to withhold any further actions on CONSOL's discharge problems until it understands more clearly the factors behind the fish kill.

"Until we know the cause and whether CONSOL is part of what we need to deal with, we wouldn't move forward," Clarke said.

All of that comes too late for folks like Betty Wiley. The retired West Virginia University employee now lives in Westover. But she grew up along Dunkard Creek. Her mom still lives along the stream, and Wiley is volunteer president of the local watershed association.

"We were in the creek all the time every summer," Wiley recalled last week. "So I have a real strong attachment to the creek.

"It was an ecosystem, and now it's all dead," she said. "It's an environmental disaster is what it is."

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

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

202-564-5778

01268-EPA-2946

Richard Windsor/DC/USEPA/US
10/14/2009 01:44 PM

To Adora Andy
cc
bcc

Subject Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

Hahahaha
Adora Andy

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

From: Adora Andy
Sent: 10/14/2009 01:16 PM EDT
To: Richard Windsor; Bob Sussman; Seth Oster; Allyn Brooks-LaSure; Lisa Heinzerling; David McIntosh; Gina McCarthy; Diane Thompson; Bob Perciasepe
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Stephanie Owens; Arvin Ganesan
Subject: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute
NEW YORK TIMES
October 14, 2009

Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

By ROBIN BRAVENDER of [Greenwire](#)

Climate scientists are refuting claims that raw data used in critical climate change reports has been destroyed, rendering the reports and policies based on those reports unreliable.

The Competitive Enterprise Institute, a free-market advocacy group, is arguing that U.S. EPA's climate policies rely on raw data that have been destroyed and are therefore unreliable. The nonprofit group -- a staunch critic of U.S. EPA's efforts to regulate greenhouse gases -- [petitioned](#) (pdf) the agency last week to reopen the public comment period on its proposed "endangerment finding" because the data set had been lost ([E&ENews PM](#), Oct. 9).

But climate scientists familiar with the data insist that the reports are based on sound science and that the data in question was altered as part of standard operating procedure to ensure consistency across reporting stations.

At issue is raw data from the Climatic Research Unit at the University of East Anglia in Norwich, England, including surface temperature averages from weather stations around the world. The data was used in assessments by the Intergovernmental Panel on Climate Change, reports that EPA has used in turn to formulate its climate policies.

Citing a statement on the research unit's Web site, CEI blasted the research unit for the "suspicious destruction of its original data." According to CRU's Web site, "Data storage availability in the 1980s meant that we were not able to keep the multiple sources for some sites,

only the station series after adjustment for homogeneity issues. We, therefore, do not hold the original raw data but only the value-added (i.e. quality controlled and homogenized) data."

Phil Jones, director of the Climatic Research Unit, said that the vast majority of the station data was not altered at all, and the small amount that was changed was adjusted for consistency.

The research unit has deleted less than 5 percent of its original station data from its database because the stations had several discontinuities or were affected by urbanization trends, Jones said.

"When you're looking at climate data, you don't want stations that are showing urban warming trends," Jones said, "so we've taken them out." Most of the stations for which data was removed are located in areas where there were already dense monitoring networks, he added. "We rarely removed a station in a data-sparse region of the world."

Refuting CEI's claims of data-destruction, Jones said, "We haven't destroyed anything. The data is still there -- you can still get these stations from the [NOAA] National Climatic Data Center."

Tom Karl, director of the National Oceanic and Atmospheric Administration's National Climatic Data Center in Asheville, N.C., noted that the conclusions of the IPCC reports are based on several data sets in addition to the CRU, including data from NOAA, NASA and the United Kingdom Met Office. Each of those data sets basically show identical multi-decadal trends, Karl said.

Still, CEI's general counsel Sam Kazman remains skeptical of the IPCC's conclusions. The fact that the report relies on several data sets "doesn't really answer the issue," he said.

CEI and Cato Institute senior fellow Patrick Michaels argued that the "destruction of [CRU's] raw data violates basic scientific norms regarding reproducibility, which are especially important in climatology."

Ben Santer, a climate scientist at Lawrence Livermore National Laboratory, dismissed that argument. "Raw data were not secretly destroyed to avoid efforts by other scientists to replicate the CRU and Hadley Centre-based estimates of global-scale changes in near-surface temperature," he wrote in comments to the advocacy group Climate Science Watch.

Santer said CRU's major findings were replicated by other groups, including the NOAA climatic data center, the NASA Goddard Institute for Space Studies, and also in Russia.

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For more news on energy and the environment, visit www.greenwire.com.

Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs

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andy.adora@epa.gov

01268-EPA-2947

Richard Windsor/DC/USEPA/US
10/14/2009 01:53 PM

To Adora Andy
cc
bcc

Subject Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

L-O-V-E

Adora Andy

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

From: Adora Andy
Sent: 10/14/2009 01:52 PM EDT
To: Richard Windsor
Subject: Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute
Don't you love it?!
Richard Windsor

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

From: Richard Windsor
Sent: 10/14/2009 01:44 PM EDT
To: Adora Andy
Subject: Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute
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Adora Andy

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NEW YORK TIMES
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01268-EPA-2949

Bob Sussman/DC/USEPA/US

10/15/2009 01:31 PM

To "Lisa P. Jackson", "Gina McCarthy"

cc

bcc

Subject Fw: fyi: in case you missed this

(b) (5) Deliberative

David Cohen

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

From: David Cohen**Sent:** 10/15/2009 01:17 PM EDT**To:** David Gray; Seth Oster; Bob Sussman**Subject:** fyi: in case you missed this**Texas Heavy Industries Worry About EPA Crackdown****Texas oil, chemical industries worry EPA crackdown on pollution permits could get costly****By JOHN McFARLAND****The Associated Press****DALLAS**

For 15 years, environmentalists have complained that state regulations have allowed the powerful oil and chemical industries to skirt Clean Air Act standards in Texas, the nation's foremost producer of industrial air pollution.

But the Environmental Protection Agency last month scrapped several aspects of the state's air-pollution permitting program, including "flexible" permits that have allowed about 140 plants and refineries to exceed toxic emissions limits in the short term as long as they complied to overall federal averages in the long term.

Federal regulators say the move, set to take effect next year, is designed to cut toxic emissions and bring Texas in line with the Clean Air Act. And environmental groups say it will help improve the state's ecology and the health of Texans and those living nearby.

Industry groups, however, warn that getting rid of the state program in favor of more rigid standards will hurt industries crucial to the Texas economy, and that the costs of compliance may hit consumers.

"If there is a cost associated with it, it is very likely that it could cost the consumer more," said Debbie Hastings, vice president for environmental affairs for the Texas

Oil And Gas Association, whose members provide about 25 percent of the nation's gasoline supply and include industry giants including Exxon Mobil Corp. and ConocoPhillips.

It's too early to know precisely how the rules will change or how much it will cost, but there's worry in the heavy industries that billow tons of toxins but employ thousands of people and pay billions in state and local taxes. Texas has more oil refineries and chemical plants than any other state, and the permit ruling comes as Gov. Rick Perry and industry officials are railing against a climate bill pending in Congress.

Plants could be forced to spend millions of dollars to upgrade pollution control equipment. Industry groups say that in turn could jack up the prices of gas, tires, carpet, upholstery and other products that pass through Texas factories.

"The prices have to keep up with the cost of doing business," said Mike Meroney, a spokesman for Texas Chemical Council, which represents about 80 companies with 200 sites that produce the state's leading export. "Every site's different — it could be very, very costly."

States are required to enforce the Clean Air Act, but they're given some flexibility in how to do it. The EPA approved Texas' major clean-air permitting plan in 1992, and the state has since submitted more than 30 regulatory changes.

The EPA issued its ruling last month as a result of a lawsuit settlement that forced the agency to approve or disapprove aspects of the Texas permitting process, agency spokesman Dave Bary said. The EPA said no other state offered polluters such flexibility, and cited problems with the permit program's enforcement, monitoring and record keeping, among other reasons.

The EPA held its first meeting last week with the Texas Commission on Environmental Quality, which issues the permits, to work on getting the program into compliance. The commission's executive director, Mark Vickery, said the state permit rules have helped cut down on pollution and said the agency would work with the EPA to resolve the problems. The agencies are working through a 60-day comment period before the rules become final next year.

Fadel Gheit, an analyst with Oppenheimer & Co. in New York, said the permitting problem is just one more bit of bad news for industries that are already struggling.

Several major oil companies are coming off second-quarter profit declines of more than 50 percent, although the oil industry posted record gains in 2008.

"It's bad, but how bad is the question?" Gheit said. "The outlook couldn't be more grim, and yet the government finds a way to kick them when they're down."

Bary, the EPA spokesman, said there's no way to know exactly how much cleaner the air would have been under federally approved permits.

But Neil Carman, an air specialist with the Lone Star Chapter of the Sierra Club who spent years as an industrial plant inspector with the Texas Commission on Environmental Quality, said he's certain ending the program will cut emissions. He said it will prove costly to the companies, but not as costly as treating long-term health problems caused by toxic emissions.

Al Armendariz, a chemical engineering professor at Southern Methodist University who is an expert on air pollution and an environmental advocate, said smaller and older facilities could face hefty costs, but major companies won't feel a thing.

"They'll say, 'Look, if we have to spend half a million dollars to re-permit, big deal.' They probably spend more than that on toiletries for those facilities," he said, noting that even multimillion-dollar expenses would be a "one-time capital blip" for major companies. Armendariz also said he doubts industry claims that consumers could feel any pain.

The oil and gas industry provides about 190,000 Texas jobs and paid about \$10 billion in state and local taxes and royalties last year, according to the oil and gas association, which represents almost every producer and refiner in the state. The chemical industry employs about 74,000 Texans and last year paid \$1 billion in state and local taxes.

The chemical industry is the top air polluter in the state, producing about 16,000 tons of toxic emissions, according to the most recent EPA toxic release inventory in 2007. Oil ranked third, behind power plants, with about 4,500 tons.

Both groups and state regulators say flexible permits have helped, and point to reductions of cancer-causing chemical benzene and ground-level ozone levels in the Houston area that's home to the bulk of the state's oil refineries and chemical plants.

But Carman said it's silly to be content with the progress because Texas is still so polluted.

"That's like somebody going before a judge and saying, 'Your Honor, I know I've had a DWI problem, but I brought it down from 50 DWI's a year ago to 30 now,'" said Carman, who like other environmentalists has long derided the permitting process as a rubber stamp in an industry-friendly state. "That's just not enough, especially when you're talking about things that cause cancer."

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01268-EPA-2950

Richard Windsor/DC/USEPA/US
10/15/2009 01:34 PM

To Bob Sussman, Gina McCarthy
cc
bcc

Subject Re: fyi: in case you missed this

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 10/15/2009 01:31 PM EDT
To: Richard Windsor; Gina McCarthy
Subject: Fw: fyi: in case you missed this

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 10/15/2009 01:17 PM EDT
To: David Gray; Seth Oster; Bob Sussman
Subject: fyi: in case you missed this

Texas Heavy Industries Worry About EPA Crackdown

Texas oil, chemical industries worry EPA crackdown on pollution permits could get costly

By JOHN McFARLAND

The Associated Press

DALLAS

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Plants could be forced to spend millions of dollars to upgrade pollution control equipment. Industry groups say that in turn could jack up the prices of gas, tires, carpet, upholstery and other products that pass through Texas factories.

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01268-EPA-2951

Bob Sussman/DC/USEPA/US

To Richard Windsor, Gina McCarthy

10/15/2009 01:38 PM

cc

bcc

Subject Re: fyi: in case you missed this

We are trying to schedule a mtg but scheduling is challenging.
Richard Windsor

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

From: Richard Windsor
Sent: 10/15/2009 01:34 PM EDT
To: Bob Sussman; Gina McCarthy
Subject: Re: fyi: in case you missed this

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 10/15/2009 01:31 PM EDT
To: Richard Windsor; Gina McCarthy
Subject: Fw: fyi: in case you missed this

(b) (5) Deliberative

David Cohen

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To: David Gray; Seth Oster; Bob Sussman
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The Associated Press

DALLAS

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Both groups and state regulators say flexible permits have helped, and point to reductions of cancer-causing chemical benzene and ground-level ozone levels in the Houston area that's home to the bulk of the state's oil refineries and chemical plants.

But Carman said it's silly to be content with the progress because Texas is still so polluted.

"That's like somebody going before a judge and saying, 'Your Honor, I know I've had a DWI problem, but I brought it down from 50 DWI's a year ago to 30 now,'" said Carman, who like other environmentalists has long derided the permitting process as a rubber stamp in an industry-friendly state. "That's just not enough, especially when you're talking about things that cause cancer."

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01268-EPA-2952

Richard Windsor/DC/USEPA/US
10/15/2009 01:39 PM

To Bob Sussman, Gina McCarthy
cc
bcc

Subject Re: fyi: in case you missed this

Its a good article.
Bob Sussman

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

From: Bob Sussman
Sent: 10/15/2009 01:31 PM EDT
To: Richard Windsor; Gina McCarthy
Subject: Fw: fyi: in case you missed this

(b) (5) Deliberative

David Cohen

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

From: David Cohen
Sent: 10/15/2009 01:17 PM EDT
To: David Gray; Seth Oster; Bob Sussman
Subject: fyi: in case you missed this

Texas Heavy Industries Worry About EPA Crackdown
Texas oil, chemical industries worry EPA crackdown on pollution permits could get costly
By JOHN McFARLAND
The Associated Press

DALLAS

For 15 years, environmentalists have complained that state regulations have allowed the powerful oil and chemical industries to skirt Clean Air Act standards in Texas, the nation's foremost producer of industrial air pollution.

But the Environmental Protection Agency last month scrapped several aspects of the state's air-pollution permitting program, including "flexible" permits that have allowed about 140 plants and refineries to exceed toxic emissions limits in the short term as long as they complied to overall federal averages in the long term.

Federal regulators say the move, set to take effect next year, is designed to cut toxic emissions and bring Texas in line with the Clean Air Act. And environmental groups say it will help improve the state's ecology and the health of Texans and those living nearby.

Industry groups, however, warn that getting rid of the state program in favor of more rigid standards will hurt industries crucial to the Texas economy, and that the costs of compliance may hit consumers.

"If there is a cost associated with it, it is very likely that it could cost the consumer more," said Debbie Hastings, vice president for environmental affairs for the Texas Oil And Gas Association, whose members provide about 25 percent of the nation's gasoline supply and include industry giants including Exxon Mobil Corp. and ConocoPhillips.

It's too early to know precisely how the rules will change or how much it will cost, but there's worry in the heavy industries that billow tons of toxins but employ thousands of people and pay billions in state and local taxes. Texas has more oil refineries and chemical plants than any other state, and the permit ruling comes as Gov. Rick Perry and industry officials are railing against a climate bill pending in Congress.

Plants could be forced to spend millions of dollars to upgrade pollution control equipment. Industry groups say that in turn could jack up the prices of gas, tires, carpet, upholstery and other products that pass through Texas factories.

"The prices have to keep up with the cost of doing business," said Mike Meroney, a spokesman for Texas Chemical Council, which represents about 80 companies with 200 sites that produce the state's leading export. "Every site's different — it could be very, very costly."

States are required to enforce the Clean Air Act, but they're given some flexibility in how to do it. The EPA approved Texas' major clean-air permitting plan in 1992, and the state has since submitted more than 30 regulatory changes.

The EPA issued its ruling last month as a result of a lawsuit settlement that forced the agency to approve or disapprove aspects of the Texas permitting process, agency spokesman Dave Bary said. The EPA said no other state offered polluters such flexibility, and cited problems with the permit program's enforcement, monitoring and record keeping, among other reasons.

The EPA held its first meeting last week with the Texas Commission on Environmental Quality, which issues the permits, to work on getting the program

into compliance. The commission's executive director, Mark Vickery, said the state permit rules have helped cut down on pollution and said the agency would work with the EPA to resolve the problems. The agencies are working through a 60-day comment period before the rules become final next year.

Fadel Gheit, an analyst with Oppenheimer & Co. in New York, said the permitting problem is just one more bit of bad news for industries that are already struggling. Several major oil companies are coming off second-quarter profit declines of more than 50 percent, although the oil industry posted record gains in 2008.

"It's bad, but how bad is the question?" Gheit said. "The outlook couldn't be more grim, and yet the government finds a way to kick them when they're down."

Bary, the EPA spokesman, said there's no way to know exactly how much cleaner the air would have been under federally approved permits.

But Neil Carman, an air specialist with the Lone Star Chapter of the Sierra Club who spent years as an industrial plant inspector with the Texas Commission on Environmental Quality, said he's certain ending the program will cut emissions. He said it will prove costly to the companies, but not as costly as treating long-term health problems caused by toxic emissions.

Al Armendariz, a chemical engineering professor at Southern Methodist University who is an expert on air pollution and an environmental advocate, said smaller and older facilities could face hefty costs, but major companies won't feel a thing.

"They'll say, 'Look, if we have to spend half a million dollars to re-permit, big deal.' They probably spend more than that on toiletries for those facilities," he said, noting that even multimillion-dollar expenses would be a "one-time capital blip" for major companies. Armendariz also said he doubts industry claims that consumers could feel any pain.

The oil and gas industry provides about 190,000 Texas jobs and paid about \$10 billion in state and local taxes and royalties last year, according to the oil and gas association, which represents almost every producer and refiner in the state. The chemical industry employs about 74,000 Texans and last year paid \$1 billion in state and local taxes.

The chemical industry is the top air polluter in the state, producing about 16,000

tons of toxic emissions, according to the most recent EPA toxic release inventory in 2007. Oil ranked third, behind power plants, with about 4,500 tons.

Both groups and state regulators say flexible permits have helped, and point to reductions of cancer-causing chemical benzene and ground-level ozone levels in the Houston area that's home to the bulk of the state's oil refineries and chemical plants.

But Carman said it's silly to be content with the progress because Texas is still so polluted.

"That's like somebody going before a judge and saying, 'Your Honor, I know I've had a DWI problem, but I brought it down from 50 DWI's a year ago to 30 now,'" said Carman, who like other environmentalists has long derided the permitting process as a rubber stamp in an industry-friendly state. "That's just not enough, especially when you're talking about things that cause cancer."

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01268-EPA-2956

Bob Sussman/DC/USEPA/US

10/16/2009 09:53 AM

To Richard Windsor

cc Arvin Ganesan, Diane Thompson, Seth Oster

bcc

Subject Fw: Gazette Story

(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 10/16/2009 09:48 AM -----

From: Gregory Peck/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 10/16/2009 09:46 AM
Subject: Gazette Story

EPA makes deal to protect UMW jobs at Hobet

by Ken Ward Jr.



If you missed it in [today's Gazette](#), the U.S. Environmental Protection Agency has reached a deal with Patriot Coal's Hobet Mining subsidiary that could protect hundreds of United Mine Workers jobs at the sprawling Hobet 21 mountaintop removal complex along the Boone-Lincoln corridor in West Virginia.

Randy Huffman, secretary of the state Department of Environmental Protection, told

“agreement in principle” during a meeting Thursday in Charleston with EPA official regional office in Philadelphia.

As my story mentioned, details are sketchy, but Huffman said the agreement appears being impacted by mining in half.

Huffman described his meeting with EPA as “good and informative” and said:

*I think EPA is starting to get a better handle on what they want. It's not a v
down coal mining.*

I've written before about the situation at Hobet 21, where Patriot Coal has been seek
“Hobet 45” extension of one of the largest mountaintop removal complexes in Cent
The EPA-Patriot deal was revealed at the same time that EPA Administrator Lisa P.
agency's actions on mountaintop removal to West Virginia members of Congress du
Among other things, Jackson said EPA is determined to ensure that mine operators c
minimize the impacts of large-scale surface coal mining in Appalachia:

*What we're seeing with the science here is that as these watersheds have m
them, frankly, we see water quality impacts. We believe that over time tha
problem, not a smaller problem. What really has to happen is rolling up th
these instances.*

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-2957

Richard Windsor/DC/USEPA/US
10/16/2009 10:25 AM

To Bob Sussman
cc Arvin Ganesan, Diane Thompson, Seth Oster
bcc
Subject Re: Gazette Story

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 10/16/2009 09:53 AM EDT
To: Richard Windsor
Cc: Arvin Ganesan; Diane Thompson; Seth Oster
Subject: Fw: Gazette Story

(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 10/16/2009 09:48 AM -----

From: Gregory Peck/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
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Randy Huffman, secretary of the state Department of Environmental Protection, told the *Charleston Gazette-Mail* of the "agreement in principle" during a meeting Thursday in Charleston with EPA officials from the agency's regional office in Philadelphia.

As my story mentioned, details are sketchy, but Huffman said the agreement appears to be for the state to be being impacted by mining in half.

Huffman described his meeting with EPA as "good and informative" and said:

I think EPA is starting to get a better handle on what they want. I don't think they are going to attempt to shut down coal mining.

[I've written before](#) about the situation at Hobet 21, where Patriot Coal has been seeking a "Hobet 45" extension of one of the largest mountaintop removal complexes in Central West Virginia. The EPA-Patriot deal was revealed at the same time that EPA Administrator Lisa P. Jackson announced the agency's actions on mountaintop removal to West Virginia members of Congress during a hearing in Washington. Among other things, Jackson said EPA is determined to ensure that mine operators do what they can to minimize the impacts of large-scale surface coal mining in Appalachia:

What we're seeing with the science here is that as these watersheds are being removed, the valley fills in them, frankly, we see water quality impacts. We believe that this is going to be a larger problem, not a smaller problem. What really needs to be done is rolling up the sleeves to minimize in these instances.

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1200 Pennsylvania Avenue, N.W.
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202-564-5778

01268-EPA-2984

Richard
Windsor/DC/USEPA/US
10/22/2009 09:17 PM

To Arvin Ganesan
cc
bcc

Subject Re: inside EPA article on NAS review of formaldehyde

(b) (5) Deliberative

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 10/22/2009 09:50 AM EDT
To: Richard Windsor; Bob Sussman; Diane Thompson
Subject: inside EPA article on NAS review of formaldehyde

(b) (5) Deliberative

Industry Touts Bush EPA Vows To Bolster NAS Formaldehyde Review

Industry officials backing calls for a National Academy of Sciences (NAS) review of EPA's formaldehyde risk assessment are citing Bush EPA commitments to submit the assessment for review, arguing that the past vows undermine the Obama EPA's refusal to seek NAS review over concerns it would delay the assessment.

However, former Bush EPA Office of Research & Development (ORD) George Gray -- an advocate for NAS review of the assessment -- in [an Oct. 20 letter](#) to Sen. David Vitter (R-LA) urges the lawmaker to lift his hold blocking a vote on Paul Anastas' nomination to be ORD head. Vitter put the hold in place until he gets EPA to commit to an NAS review, but Gray argues "it's more important for EPA and ORD to have some senior science leadership."

Gray in an interview says another former assistant agency administrator is crafting a similar letter, but would not divulge the name. The decision by the Bush EPA official to argue that having Anastas confirmed is more important than the NAS review could provide a counterpoint to industry's latest push on the issue.

In a range of documents provided by industry to *Inside EPA*, Bush administration officials -- including Gray -- repeatedly committed to asking NAS to review the agency's formaldehyde risk assessment. The documents show that EPA as recently as January was drafting documents in order to seek the academy's input on the toxicity of formaldehyde, a move advocated at the time by the federal Consumer Product Safety Commission (CPSC).

The documents -- including *Federal Register* notices and letters from Bush EPA officials to lawmakers -- show clear agency intent to seek NAS review that it must follow through with, industry argues.

But the Obama EPA is refusing to seek NAS review, prompting Vitter to put his hold on Anastas' nomination until EPA agrees to the review, a hold that former Bush ORD head Gray says should be lifted.

Gray in his Oct. 20 letter to Vitter writes the nominee is an "excellent" choice and adds that, "I am confident that he will seek out the best, most objective advice for ORD and really use that review to enhance and improve the agency's scientific knowledge."

In an Oct. 21 interview with *Inside EPA*, Gray said formaldehyde is "an important issue . . . but it's more important for EPA and ORD to have some senior science leadership." He said formaldehyde "is important to the whole federal government but I just can't believe that having Paul Anastas is not the best for the agency." He said issues including climate change, energy and toxics require a Senate-confirmed official to lead at ORD.

EPA opposes Vitter's request for an NAS review because they want to avoid the precedent of delaying a major risk assessment after EPA Administrator Lisa Jackson earlier this year unveiled reforms intended to speed reviews of EPA risk studies, which are used to set regulatory standards. An NAS review could take 18 months or longer and delay EPA's release of the assessment, a knowledgeable source has said.

But Vitter says NAS review is vital to ensure a comprehensive review of the cancer and non-cancer toxic endpoints of the substance. "We don't think EPA has the science policy expertise to adequately address the critical endpoints that will drive non-cancer exposure numbers," according to a recent Vitter response to answers provided by Anastas.

Vitter's spokesman said following receipt of Gray's letter that the senator's position "hasn't changed as of this time as he does not feel he is asking for too much from EPA."

Formaldehyde is a concern in the senator's home state, where many residents of New Orleans are still living in trailers -- provided by the Federal Emergency Management Agency (FEMA) after the 2005 hurricanes -- that contain high levels of the chemical. "Federal and state regulators need more information for their decision making and industry

needs better information for enhanced product stewardship," the response says.

Industry also supports NAS review of the substance to address what they say is uncertainty in EPA's study, fearing that without review, the agency could adopt an unnecessarily stringent risk value. To bolster their case, industry is circulating a number of documents that show top Bush EPA officials were working on asking the NAS for review of the formaldehyde assessment. In a Dec. 3, 2008 [Federal Register notice](#), the agency wrote that it "intends to commission [NAS] to conduct a comprehensive review of the available scientific data on formaldehyde. The agency believes that this additional analysis and advice will further strengthen the scientific basis of its understanding of formaldehyde risks."

And Bush ORD head George Gray wrote in a [Dec. 1 letter](#) to Rep. Mark Souder (R-IN) that the agency would "proceed with the development of a charge to move the [NAS study] forward as soon as possible."

The documents also include a [Jan. 13 letter](#) from top agency assessment official Peter Preuss -- who is still working at EPA -- responding to a CPSC request to pursue NAS review. EPA has "started to draft documents to seek input on formaldehyde toxicity from [NAS]," according to the letter.

Vitter and proponents of an NAS review of the assessment say EPA's long-held promises to commission it show the agency is at fault for delays, not them. "Sen. Vitter started working with a bipartisan group over a year ago to have [NAS] weigh in. The CPSC and the EPA endorsed that path forward last year. Now this new EPA -- which scuttled the plan -- wants to complain about delay? Were it not for them, the NAS would be well into their work, maybe even almost finished," said Vitter's spokesman.

"There is a broad coalition of folks asking for NAS study of formaldehyde to make sure that the science is accurate and from an independent and respected institute," according to one informed source, who also points to a [June 2008 letter](#) by a bipartisan group of lawmakers calling for NAS review.

Republican Sens. Johnny Isakson (GA), Christopher "Kit" Bond (MO), John Cornyn (TX) and Vitter also urged EPA to commission the study in a [September 2008 letter](#), and former CPSC chief Nancy Nord in a November 2008 letter to EPA also endorsed the idea of EPA pursuing NAS review.

An EPA spokesperson says the formaldehyde assessment has begun internal review and in the next few months the agency will begin inter-agency science consultation. "This will be followed by rigorous independent, external peer review by a panel of recognized national and international scientific experts, as well as an opportunity for public review and comment." EPA believes that directly involving NAS "at this juncture will cause an unacceptable delay of more than two years in completion of EPA's formaldehyde assessment." -- *Jonathan Strong*

ARVIN R. GANESAN
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(p) 202.564.5200
(f) 202.501.1519

01268-EPA-2986

Bob Sussman/DC/USEPA/US

To Chuck Fox

10/26/2009 08:30 AM

cc Bob Perciasepe, Tom Wall, Peter Silva, Mike Shapiro,
Richard Windsor

bcc

Subject State Comments on CB Report

(b) (5) Deliberative

Chesapeake Bay**Agency Proposals for Obama Bay Order
Draw Concerns From Four Bay States, D.C.**

Federal agency ideas for ramping up Chesapeake Bay restoration efforts have elicited mixed reviews from officials in the four bay states to comment on the ideas so far.

Environmental Protection Agency Administrator Lisa Jackson proposed Sept. 10 that the six states sharing the Chesapeake Bay watershed bear strict accountability for reaching pollution reduction targets, with consequences for failing to reduce water pollution from point and nonpoint sources ([174 DEN A-16, 9/11/09](#)).

Jackson and two cabinet secretaries issued seven draft proposals, the first step in creation of a bay restoration plan that must be completed by May 12, 2010, under Sec. 202 of President Obama's Executive Order No. 13,508. The second step—a revised policy and draft strategy—is due Nov. 9.

In letters EPA released Oct. 20, state officials in Delaware, Maryland, Pennsylvania, and Virginia all praised the federal government's new and unprecedented focus on bay restoration. But the officials also expressed concerns, with each official opposing sweeping new federal regulations and urging changes in the Sept. 10 drafts.

The bay watershed stretches across more than 64,000 square miles, encompassing parts of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia, and the entire District of Columbia.

Virginia Gov. Tim Kaine (D) wrote that "while it is possible that additional regulations may be warranted in certain instances, it is crucial that any new or expanded federal oversight *enhance* — not inhibit—state programs that are currently working well."

Any federal regulatory changes must leave room for innovation and flexibility, he said. If federal regulation is deemed necessary, each state should have the option of showing that state-level programs, existing or enhanced, will achieve the desired results, Kaine said.

EPA, States Partnership

Maryland Department of Natural Resources Secretary John R. Griffin urged EPA to "involve the states as full partners in these next and most important phases of work," a viewpoint expressed in every comment letter.

Each of the letters touts certain state approaches to bay restoration as highly effective.

Katherine F. Bunting-Howarth, director of Delaware's Division of Water Resources, said that unlike the approach proposed by EPA, the state's combination of regulatory and nonregulatory approaches "will prove most successful in Delaware."

The Virginia and Pennsylvania letters tout their respective nutrient trading programs and recommend them as models for any watershed-wide program.

Meanwhile, both the Maryland and Virginia letters suggested that their stormwater control programs are the best available.

EPA Stormwater Proposal Draws Fire

The EPA draft policy proposal would require states to reduce stormwater runoff from suburbs, urban areas, and for the first time, farms and newly developing communities.

Bunting-Howarth said it would be inappropriate to apply the proposed municipal separate storm sewer system to all high-growth areas regardless of such efforts' technical feasibility and communities' financial resources. "Affordability questions will arise with this and many recommendations in these times," she said.

Pennsylvania's letter, written by three advisers to Department of Environmental Protection

Secretary John Hanger, also faults the EPA proposal, suggesting that the harmfulness of stormwater runoff varies with topography and other factors.

A total of 1,189 localities are in the state's portion of the Chesapeake Bay watershed, and "only local municipalities currently have all the powers necessary" for comprehensive stormwater and land use decisions, the letter said, adding later that Pennsylvania lawmakers are unlikely to enact any measures targeting only the portion of the state in the watershed.

All four letters recommended that federal facilities in the watershed be held to stormwater runoff control rules at least as rigorous as EPA's rules for the states. One of the letters suggested that the states be given authority to enforce the stormwater rules at federal facilities.

Pennsylvania recommended softening a proposal that would put all state wetland and watershed conservation programs under federal Clean Water Act jurisdiction. It stated that "the whole recommendation should be rewritten" to specify that EPA and the state should collaborate on conservation issues and jointly consider whether Clean Water Act coverage is warranted.

Meanwhile, Virginia's Kaine asked EPA to make clear in its next policy draft just what financial penalties would be assessed if a state failed to meet its biennial pollution reduction goals from all sources.

The EPA plan envisions biennial pollution reduction milestones, beginning in 2014. If a state failed to achieve 5 percent of the pollution reduction specified in a two-year period, how much of its EPA funding would be lost? "Ten percent? Twenty percent? Fifty percent?" Kaine asked.

Big Federal Investment Needed

Pennsylvania's letter pointed out that all parties agree that reducing nutrients and sediment is the top priority for the bay. It said that "all the mechanisms to accomplish this are in place. It comes down to having the necessary resources, manpower, funding, and shareholder cooperation."

Each of the letters called for the federal government to sharply increase its funding of bay restoration activities. "Quite frankly, the resources do not exist, nor will they exist, solely at the state level, to fully restore the Chesapeake Bay and rivers," Kaine said. He urged the federal agencies to make clear in their proposals the need for billions of dollars in federal assistance. "While we support more federal involvement, it must come with increased federal investment," wrote Maryland's Griffin. He said the state wants to avoid a repeat of the No Child Left Behind program, which brought "new federal standards and requirements without commitment of special resources."

District of Columbia Urges More Rules

The District of Columbia also commented on the draft. However, unlike officials in the four states, Diane M. Davis, Chesapeake Bay coordinator in the District Department of the Environment, generally urged EPA to expand its regulatory focus.

For example, Davis called on EPA to require retrofitting of existing developments to control stormwater runoff. She also recommended that EPA specify how will it work to reduce contaminants, including endocrine disruptors and polycyclic aromatic hydrocarbons from coal-tar pavement sealants.

The Blue Plains wastewater treatment plant in the District, serving the nation's capital and its Maryland and Virginia suburbs, is by far the largest single source of nutrients in the watershed, according to several of the state letters, which urged EPA to focus attention on the facility.

Davis concurred, but she also noted that the oldest sections of the city are served by a combined sewer-stormwater system that sometimes sends untreated sewage into the Potomac and Anacostia rivers. The cost of separating the combined sewer overflow system and upgrading Blue Plains to limits-of-technology wastewater treatment will total many billions of dollars, she said.

Davis faulted the policy drafts for providing little guidance on controlling development to protect forests and farms. The Maryland letter also pointed this out and suggested that the state's Smart Growth program would be a good model for the watershed.

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

01268-EPA-2987

David
McIntosh/DC/USEPA/US
10/26/2009 08:32 AM

To Richard Windsor
cc Diane Thompson
bcc
Subject one supplemental Q & A

(b) (5) Deliberative

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Climate Legislation Would Cost U.S. Jobs, CBO's Elmendorf Says

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By Daniel Whitten

Oct. 14 (Bloomberg) -- Legislation to curb carbon dioxide emissions would cause job losses while the economy transitions to clean energy sources, the director of the Congressional Budget Office said today.

A measure that passed the House in June would lead to "significant shifts" in employment from industries with heavy emissions, such as oil refineries and coal-fired power plants, to low-carbon businesses, [Douglas Elmendorf](#) told the Senate Energy and Natural Resources Committee today. The job losses may harm regions that rely most heavily on energy sources such as coal, he said.

"The net effect of that we think would likely be some decline in employment during the transition because labor markets do not move that fluidly," Elmendorf said during today's hearing.

The legislation passed by the House would reduce emissions 17 percent from 2005 levels by 2020 by limiting carbon-dioxide pollution and establishing a market for the trading of pollution permits.

"Reductions in employment that occur rapidly in particular geographic areas or industries could lead to significant reductions in the lifetime earnings of some affected workers," Elmendorf said.

Senator **Sam Brownback**, a Kansas Republican, said the measure would cause "a massive market manipulation here on a grand scale that has significant impacts particularly on the Midwest and the South."

There would be a "likelihood of us to lose a lot of jobs, a lot of businesses," Brownback said.

Senator **Barbara Boxer**, a California Democrat and head of the Senate Environment and Public Works Committee, said her panel will start hearings Oct. 27 on a bill to cut U.S. greenhouse gases using a cap-and-trade system.

Elmendorf said that House climate-change legislation would reduce U.S. gross domestic product by 1 percent to 3.5 percent from what it would otherwise have been by 2050. At the same time, he said failing to cut carbon emissions could result in the loss of the equivalent of about 5 percent of U.S. output by 2100 because of damaging effects of global warming.

To contact the reporter on this story: **Daniel Whitten** in Washington at dwhitten2@bloomberg.net

Last Updated: October 14, 2009 18:22 EDT

01268-EPA-2988

Richard Windsor/DC/USEPA/US
10/26/2009 08:37 AM

To David McIntosh
cc
bcc
Subject Re: one supplemental Q & A

K
David McIntosh

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

From: David McIntosh
Sent: 10/26/2009 08:32 AM EDT
To: Richard Windsor
Cc: Diane Thompson
Subject: one supplemental Q & A

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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To contact the reporter on this story: **Daniel Whitten** in Washington at dwhitten2@bloomberg.net

Last Updated: October 14, 2009 18:22 EDT

01268-EPA-2992

Richard Windsor/DC/USEPA/US
10/26/2009 06:24 PM

To Adora Andy, Bob Sussman, Peter Silva, Diane Thompson, Bob Perciasepe, Seth Oster, Allyn Brooks-LaSure, Arvin Ganesan, David McIntosh
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Stephanie Owens
bcc
Subject Re: CHARLESTON GAZETTE: EPA CHIEF CREATES BACKLASH

(b) (5) Deliberative

Adora Andy

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

From: Adora Andy
Sent: 10/26/2009 04:16 PM EDT
To: Richard Windsor; Bob Sussman; Peter Silva; Diane Thompson; Bob Perciasepe; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; David McIntosh
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Stephanie Owens
Subject: CHARLESTON GAZETTE: EPA CHIEF CREATES BACKLASH

CHARLESTON GAZETTE/OPINION PAGE

October 26, 2009

Robert Rupp: EPA chief creates backlash

While not yet a household name, Lisa Jackson, head of the EPA, has ignited a firestorm of controversy in West Virginia.

In Jackson's first few months as director, she has transformed the EPA by overturning approval for a coal power plant and placing a series of West Virginia surface mining permits on hold.

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And uncertainty about the industry has increased in the past year. Both of last year's presidential nominees signaled strong reservations about coal. Earlier this year, the House of Representatives passed a cap-and-trade bill that was opposed by all three members of congressional delegation and criticized by both West Virginia senators.

That bill will not pass this year, but its proposal signifies the growing national concern over carbon based energy.

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Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

01268-EPA-3001

Richard Windsor/DC/USEPA/US
10/27/2009 03:12 PM

To Adora Andy, "David McIntosh"
cc
bcc

Subject Re: DOW JONES: TALLEY'S STORY

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

Adora Andy

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

From: Adora Andy
Sent: 10/27/2009 02:58 PM EDT
To: Richard Windsor; David McIntosh; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; Diane Thompson; Bob Perciasepe; Gina McCarthy
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Arvin Ganesan
Subject: DOW JONES: TALLEY'S STORY

(b) (5) Deliberative

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¶ By Ian Talley
¶ Of DOW JONES NEWSWIRES

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¶ WASHINGTON (Dow Jones)--The head of the U.S. Environmental Protection Agency told Senate lawmakers Tuesday that she may want Congress to preserve some authorities under the Clean Air Act to regulate greenhouse gases even if a climate bill is passed.

¶ Some legislators say that in order for a climate bill to get the votes necessary to be approved by the full Senate, a climate bill will have to preempt EPA authority.

¶ But Administrator Lisa Jackson told the Environment and Public Works Committee that the agency may still need powers to regulate emissions such as carbon dioxide beyond what is in climate legislation.

.
¶ -By Ian Talley, Dow Jones Newswires, 202-862-9285;
¶ ian.talley@dowjones.com

.
-0-

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

From: Andy.Adora@epamail.epa.gov [mailto:Andy.Adora@epamail.epa.gov]
Sent: Tuesday, October 27, 2009 2:35 PM
To: Talley, Ian
Subject: Re: That's not what she said

No, she was simply making the obvious point that the New Source Review provisions of the Clean Air Act are designed to avoid hotspots of conventional air pollutants whose inhalation or ingestion directly harms human health, so that is an existing Clean Air Act program that one would want to retain at least for conventional air pollutants even in the presence of a legislated greenhouse-gas cap-and-trade system.

Adora Andy
Press Secretary

U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

From: "Talley, Ian" <Ian.Talley@dowjones.com>
To: Adora Andy/DC/USEPA/US@EPA
Date: 10/27/2009 01:59 PM
Subject: Re: That's not what she said

Ok thanks...one thing that confuses me was her discussion of new source review. I thought she was talking about still maintaining authority to require best available technology for all hazardous pollutants including GHG if they are declared such.

Ian Talley
Dow Jones Newswires
1025 Connecticut Ave. NW, Suite 800
Washington, DC 20036
Ph: 202-862-9285
Mb: 202-631-5794
Ian.talley@dowjones.com

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

From: Andy.Adora@epamail.epa.gov <Andy.Adora@epamail.epa.gov>
To: Talley, Ian
Sent: Tue Oct 27 13:04:05 2009
Subject: Re: That's not what she said

Two examples: (1) Clean Air Act requirements for non-GHG emissions from sources that are subject to the bill's GHG emissions cap; (2) tailpipe GHG emissions standards for cars, trucks, etc., like the rule proposed earlier this year

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

From: "Talley, Ian" [Ian.Talley@dowjones.com]
Sent: 10/27/2009 12:54 PM AST
To: Adora Andy
Subject: Re: That's not what she said

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Ian Talley
Dow Jones Newswires
1025 Connecticut Ave. NW, Suite 800
Washington, DC 20036
Ph: 202-862-9285
Mb: 202-631-5794
Ian.talley@dowjones.com

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

From: Andy.Adora@epamail.epa.gov <Andy.Adora@epamail.epa.gov>
To: Talley, Ian
Sent: Tue Oct 27 12:34:18 2009
Subject: That's not what she said

She said she wants to work with this Committee and the full Senate on the question. She made three points "for consideration." But then before concluding she reiterated that she is definitely open to discussion on the question.

01268-EPA-3002

David McIntosh/DC/USEPA/US
10/27/2009 03:18 PM

To Richard Windsor, Adora Andy, "David McIntosh"
cc
bcc

Subject Re: DOW JONES: TALLEY'S STORY

[Redacted] (b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 10/27/2009 03:12 PM EDT
To: Adora Andy; "David McIntosh" <mcintosh.david@epa.gov>
Subject: Re: DOW JONES: TALLEY'S STORY

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01268-EPA-3005

Richard Windsor/DC/USEPA/US
10/27/2009 06:38 PM

To "Adora Andy", "Seth Oster"
cc
bcc

Subject Fw: Google Alert - lisa jackson epa

(b) (6) Personal Privacy

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 10/27/2009 10:35 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[EPA: May Want CO2 Clean Air Act Power With Climate Bill](#)

Wall Street Journal

But Administrator **Lisa Jackson** told the Environment and Public Works Committee that the agency may still need powers to regulate emissions such as carbon ...

[See all stories on this topic](#)

[Is EPA jumping gun on climate bill?](#)

Politico

EPA Administrator **Lisa Jackson** told the committee that the administration would rather cut emissions through legislation than executive rule-making. ...

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01268-EPA-3010

Michelle
DePass/DC/USEPA/US
10/29/2009 07:17 PM

To "EPA"
cc "Diane Thompson"
bcc
Subject Indonesia

Lisa,

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

[Redacted]

[Redacted]

Happy to discuss anytime tomorrow.
Sorry I could not get back for the reception.
Thanks!
Md

01268-EPA-3019

Bob Sussman/DC/USEPA/US

To "Lisa P. Jackson", "Arvin Ganesan", "Seth Oster"

11/02/2009 12:35 PM

cc

bcc

Subject Fw: BZR

Gregory Peck

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

From: Gregory Peck**Sent:** 11/02/2009 12:27 PM EST**To:** Bob Sussman**Subject:** BZR

Alliance release, it just went out.

November 2, 2009

Contact: Dana Kuhnline, The Alliance for Appalachia, (304) 546 8473,
Dana@TheAllianceForAppalachia.org

DEPARTMENT OF THE INTERIOR DELAYS ACTION ON STREAM BUFFER ZONE

Delay on controversial Bush-era rule puts communities further at risk

CHARLESTON, W.Va. -Members of citizen groups working to end mountaintop removal coal mining are gravely concerned regarding an announcement Friday from the Department of the Interior on the controversial Stream Buffer Zone rule change.

The Department of the Interior has announced they will delay at least a year to propose a new Stream Buffer Zone rule; during this time more Appalachian mountains and streams will be lost forever. The Stream Buffer Zone rule prevents mining waste from being dumped within 100 feet of a mountain stream, which protects communities and wildlife from the damages caused by stream pollution and destruction. Delay from the DOI could leave streams unprotected until 2011.

This is the most recent step in the history of the controversial Stream Buffer Zone rule. The rule change was proposed by the Bush Administration and contested for years. Despite tens of thousands of comments against the rule change, the Bush administration pushed the rule through in the 11th hour of the administration.

In April 2009, DOI Secretary Salazar requested that the Stream Buffer Zone Rule change be vacated; this decision was applauded by groups working to protect Appalachian streams and communities. This recent decision by the Department of the Interior appears to run counter to the Department's earlier actions and statements, including those outlined in a June inter-agency Memorandum of Understanding.

Citizen groups are asking for the DOI to follow prevailing science which has consistently found that burying headwater streams is destructive to human and wildlife populations. Over 2,000 miles of streams have been destroyed by mountaintop removal coal mining.

Members of The Alliance for Appalachia are calling for the Obama

Administration to rescind this decision, to act swiftly for a new rule that would protect streams, and to enforce existing laws for stream protection.

"We have lost over a million acres to mountaintop removal. We need to stop this destruction today so we can begin building a better, healthier future - with safe green jobs in renewable energy," said former coal miner Chuck Nelson of West Virginia.

###

Bill Price, Sierra Club EJ Program
922 Quarrier Street, Suite 304
Charleston, WV 25311
Cell 304-389-8822
Fax 304-342-3182

7

01268-EPA-3028

Richard Windsor/DC/USEPA/US
11/04/2009 05:38 PM

To David McIntosh
cc
bcc
Subject [REDACTED] (b) (5) Deliberative

Tx

David McIntosh

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

From: David McIntosh
Sent: 11/04/2009 05:26 PM EST
To: Richard Windsor
Subject: [REDACTED] (b) (5) Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 11/04/2009 05:25 PM -----

From: David McIntosh/DC/USEPA/US
To: Bill Irving/DC/USEPA/US@EPA
Cc: Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA
Date: 11/04/2009 05:25 PM
Subject: please take a quick look

[REDACTED] (b) (5) Deliberative

[attachment "document_pm_04.pdf" deleted by Richard Windsor/DC/USEPA/US]

CLIMATE: Stabenow floats new offset proposal (11/04/2009)

Allison Winter, E&E reporter

Sen. Debbie Stabenow (D-Mich.) unveiled a long-awaited climate proposal today that would expand offset programs for farms and forestry.

Stabenow's [bill](#), widely circulated today among environmental groups, would alter and expand some of the proposals to create incentives to reduce greenhouse gas emissions for manufacturing and agriculture.

It is expected to be "marker" legislation that indicates the direction Stabenow and other Midwestern and Western lawmakers would like the climate bill to take. Co-sponsors include the powerful Finance Chairman Max Baucus (D-Mont.) and Sens. Amy Klobuchar (D-Minn.), Sherrod Brown (D-Ohio), Tom Harkin (D-Iowa) and Mark Begich (D-Alaska).

The proposal comes as the path remains unclear for the climate bill from Sens. John Kerry (D-Mass.) and Barbara Boxer (D-Calif.). The Environment and Public Works Committee remains unable to mark up that bill this week due to a Republican boycott.

The agriculture and forestry language included in Boxer's bill was thought to be placeholder language until Stabenow, Agriculture Chairman Blanche Lincoln (D-Ark.) and other lawmakers with a more vested interest in agriculture weigh in.

Lincoln has said she plans to hold hearings on agriculture and climate issues, and she, Klobuchar and Stabenow have said they would work together to shape the farm and forestry sections of the Senate bill.

Stabenow's proposal won early praise today from some environmental and forestry groups, including the American Forest Foundation, Trust for Public Land and Environmental Defense Fund.

The proposal addresses many of the concerns raised by farm and forestry groups. It would give the Agriculture Department primary authority over domestic agriculture and forestry projects. It also sets projects that the agencies must include in their list of projects that can be used for offsets -- including reforestation, forest management and harvested wood products.

It would change the way the legislation deals with projects from "early actors," who started carbon sequestration projects on their land before development of a climate bill. The bill would give credits to projects dating back to Jan. 1, 2001, as long as they were registered under certain approved programs. Other projects must have commenced after Jan. 1, 2009, to be considered for "additional" carbon sequestration.

The bill also includes brand-new language that would allow landowners to enter into short-term contracts that could be bundled together to create a permanent offset.

01268-EPA-3030

**Bob
Perciasepe/DC/USEPA/US**
11/04/2009 09:59 PM

To Richard Windsor, Lisa Heinzerling
cc
bcc
Subject Article on social cost of carbon

Hi:

(b) (5) Deliberative

Bob Perciasepe
US EPA
Office of the Administrator
1200 Pennsylvania Ave., ARN
(o)202 564 2410
(c) (b) (6) Personal Privacy

From Climate Wire

ECONOMICS: Obama administration weighs the costs of doing nothing (11/04/2009)

Jessica Leber, E&E reporter

Economists have sparred for years over what price tag to put on the societal danger of carbon dioxide emissions. Now the Obama administration is quietly struggling to reach its own conclusion.

The answer promises to weigh heavily on a slew of future regulations that directly and indirectly combat climate change.

"This has huge potential. So many decisions the government makes have an influence on greenhouse gas emissions," said Michael Livermore, executive director of the Institute for Policy Integrity (IPI) at the New York University School of Law.

So what exactly is it worth to stop the spewing of a single ton of carbon? How much should society pay to, bit by bit, stave off drought in the southwestern United States or rising seas on the Atlantic Seaboard?

No one will ever have the one right answer. Disagreements have touched on everything from climate science and risk psychology to societal ethics and the interest rates of government bonds.

The ultimate cost, scientists and economists have found, essentially turns on how people value their future, and more controversially, their grandchildren's future. That decision, they say, plays a major role in setting the emissions cuts the world is willing to make.

As a result, more than 200 published estimates of the long-term bill of damages wrought by a ton of carbon run the gamut from less than nothing to several hundred dollars, according to one recent review.

The Obama administration is running an interagency work group, headed by the White House Office of Management and Budget (OMB), tasked with figuring out an answer.

A Reagan legacy

Oddly, the group's first public airing of the debate came in an obscure rule about soda vending machines.

In it, officials put a temporary placeholder -- a range of \$5 to \$55 a ton -- that will be up for grabs as they decide on an ultimate verdict. In September, the values surfaced as part of a major joint U.S. EPA and Transportation Department proposal to increase motor vehicle fuel efficiency and set the first greenhouse gas emissions limits.

September's fuel efficiency standards, for example, could have ranged anywhere from 15 to 70 miles per gallon, depending on the carbon benefit value chosen within their range, according to Gary Yohe, a climate economist at Wesleyan University. Eventually, DOT decided on 35.5 miles per gallon by 2016.

EPA estimated it would be worth \$20 to avoid belching 1 ton of tailpipe emissions into the atmosphere -- a value Livermore called a lowball estimate within an already conservative range. Other economists say the price tag to society is far higher. A survey of 144 top climate economists, set for release by IPI today, found that many believed the costs to be about \$50 or \$60 a ton, though the answers varied widely.

The eventual value could decide the carbon cuts gained by future federal regulations. It could also justify tightening other regulations, like air pollution standards at power plants, that have the side effect of cutting carbon emissions.

Former President Reagan first required all federal agencies to weigh the overall costs and benefits of potential regulations and create a balance sheet to guide their decisions. The relative influence of these dollars-and-cents analyses varied by agency administration. President Clinton formally solidified the prominent role of economic reviews today.

Experts say the cost-benefit studies have been particularly fraught in the context of environmental regulations, where the full monetary benefits of saving an endangered species or reducing asthma deaths are harder -- some even say impossible -- to pin down.

Climate legislation: a \$1.5 trillion benefit?

During the George W. Bush presidency, environmentalists accused the administration of justifying lax standards using a scale weighted to the cost side of the equation.

That's where the so-called "social cost of carbon" enters the scene.

Until recently, agencies did not gauge the climate benefits of their rules. That was true even if the regulation would directly slash emissions, like a fuel economy standard imposed on light-duty trucks in 2007. If the Transportation Department had weighed carbon, a tighter miles-per-gallon requirement might have been justified, economists said.

Eventually, in fact, a court forced the agency to redo its analysis. Since then, a smattering of different rules have taken haphazard stabs at a number. The Obama administration formed the interagency group to come to a coordinated decision.

Despite the interim task force numbers, however, EPA notably declined to insert a dollar estimate of the benefits of the House and Senate climate bills when it number-crunched the costs for Congress.

Some advocates argue that such an effort might help Democrats combat the barrage of criticism over the bills' overall price tags. But other experts worry that it's too soon for fledgling attempts to price the full costs of climate inaction in the context of such major economywide legislation.

"Any one number you put out is a slow moving target for anybody that wants to shoot at it," said Yohe.

Livermore, meanwhile, is calling for EPA to analyze the benefits of the bill, a task NYU carried out in a recent report. The analysis estimated, using the interagency group's numbers, about a \$1.5 trillion benefit of the House-passed bill over the next four decades.

Using the wider range of carbon emissions values, however, the benefits ranged anywhere from \$383 billion to \$5.5 trillion.

'Science, economics and ethics'

The debate over costs and benefits comes as President Obama's team prepares a promised executive order to overhaul the regulatory review process. But with Cass Sunstein, a staunch advocate of cost-benefit reviews, as Obama's point man on the issue at OMB, experts say a significantly diminished emphasis is unlikely.

For climate change, cost-benefit analysis will matter less if Congress dictates emissions targets in a cap-and-trade plan instead of leaving EPA to regulate on its own. But still, experts say, these balance sheets will frame many details of the bill, especially where agencies have discretion to

set technology standards and efficiency targets.

That still leaves the administration to haggle out a price tag. "Economists will argue about this until they are blue in the face," said Frank Ackerman, a senior economist at Tufts University.

The arguments, according to the administration, raise an avalanche of "serious questions of science, economics and ethics." Even some climate economists say answering these questions might be an exercise in futility.

"You can't really quantify the social costs of carbon with any degree of confidence. You can get just about any number you want to, depending on the assumptions you use. That's why EPA struggles so much," said Yohe.

EPA and DOT, in their vehicle rule, say the number hinges on four assumptions: future economic growth rates, scientific assessments of the Earth's response to rising emissions, economic modeling procedures, and -- most significantly -- choices about how to value the future.

But some climate risks inherently defy dollar figures, said Stephen Seidel, a policy analyst at the Pew Center on Global Climate Change. These might include the destruction of a native Alaskan village, the extinction of an endangered species, or the threat to U.S. national security if droughts destabilize other nations, for example.

Putting a price tag on the grand kids

Most estimates of the costs of inaction, the task force work emphasizes, entirely miss these consequences.

Some economists, such as Tufts University's Ackerman, have moral qualms about any efforts to put them in. "One impossible question leads to another. This is true for all cost-benefit analysis. But for climate change, it is worse ... you have the same impossibility, but on a larger scale," he said. Instead, he would like to see cost-benefit analysis thrown out the window as a way to guide climate policies.

Unlike with most U.S. government regulations, the benefits of preventing climate change are spread out across the globe and across many generations.

So far, the administration has decided to value the benefits of carbon reduction on the global scale -- a departure from most previous cost-benefit practices. That action increases the benefit estimates by more than 10 times.

Another major oversight is that economic models may not properly value the consequences of a climate catastrophe. Harvard University economist Martin Weitzman argued that dollar value estimates must also include insurance policies for these unlikely, but devastating, risks.

The most difficult issue is how much to weigh future benefits and costs against money spent

today. Typical economic wisdom would frown on investment to mitigate climate change if more overall wealth would be created by depositing that same money in a bank or investing it in a bond.

The choice of what market rate to use as a basis for comparison has the biggest influence on pricing climate change. Unlike most other policies, climate policies are somewhat unique because the group that bears the costs will not have to see the worst damages.

Some say the rate should be close to zero, making the world's future grandchildren count nearly as much as their grandparents do today. Others want it as high as 7 percent, effectively meaning society would rather create more wealth for future generations while also letting them deal with the major impacts of climate change. EPA and DOT chose a middle ground of 3 and 5 percent, though many climate economists are pushing for even lower values.

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01268-EPA-3031

**Lisa
Heinzerling/DC/USEPA/US**
11/05/2009 06:43 AM

To Bob Perciasepe, Richard Windsor
cc
bcc
Subject Re: Article on social cost of carbon

Bob,

(b) (5) Deliberative

[Redacted]

Best,
Lisa

Bob Perciasepe

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

From: Bob Perciasepe
Sent: 11/04/2009 09:59 PM EST
To: Richard Windsor; Lisa Heinzerling
Subject: Article on social cost of carbon

Hi:

(b) (5) Deliberative
[Redacted]

Bob Perciasepe
US EPA
Office of the Administrator
1200 Pennsylvania Ave., ARN
(o)202 564 2410
(c) (b) (6) Personal Privacy

From Climate Wire

ECONOMICS: Obama administration weighs the costs of doing nothing (11/04/2009)

Jessica Leber, E&E reporter

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The answer promises to weigh heavily on a slew of future regulations that directly and indirectly combat climate change.

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No one will ever have the one right answer. Disagreements have touched on everything from climate science and risk psychology to societal ethics and the interest rates of government bonds.

The ultimate cost, scientists and economists have found, essentially turns on how people value their future, and more controversially, their grandchildren's future. That decision, they say, plays a major role in setting the emissions cuts the world is willing to make.

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The Obama administration is running an interagency work group, headed by the White House Office of Management and Budget (OMB), tasked with figuring out an answer.

A Reagan legacy

Oddly, the group's first public airing of the debate came in an obscure rule about soda vending machines.

In it, officials put a temporary placeholder -- a range of \$5 to \$55 a ton -- that will be up for grabs as they decide on an ultimate verdict. In September, the values surfaced as part of a major joint U.S. EPA and Transportation Department proposal to increase motor vehicle fuel efficiency and set the first greenhouse gas emissions limits.

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Former President Reagan first required all federal agencies to weigh the overall costs and benefits of potential regulations and create a balance sheet to guide their decisions. The relative influence of these dollars-and-cents analyses varied by agency administration. President Clinton formally solidified the prominent role of economic reviews today.

Experts say the cost-benefit studies have been particularly fraught in the context of environmental regulations, where the full monetary benefits of saving an endangered species or reducing asthma deaths are harder -- some even say impossible -- to pin down.

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01268-EPA-3032

**Bob
Perciasepe/DC/USEPA/US**
11/05/2009 07:09 AM

To Lisa Heinzerling, Richard Windsor
cc
bcc

Subject Re: Article on social cost of carbon

Thanks Lisa

(b) (5) Deliberative

[Redacted]

[Redacted]

Bob Perciasepe
Office of the Administrator
(o) 202 564 2410
(c) (b) (6) Personal Privacy
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 11/05/2009 06:43 AM EST
To: Bob Perciasepe; Richard Windsor
Subject: Re: Article on social cost of carbon

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(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

Best,
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Bob Perciasepe

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01268-EPA-3033

**Lisa
Heinzerling/DC/USEPA/US**
11/05/2009 07:24 AM

To Bob Perciasepe, Richard Windsor
cc
bcc
Subject Re: Article on social cost of carbon

I agree. When can we - you, Gina, me, limited staff - meet?

Bob Perciasepe

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

From: Bob Perciasepe
Sent: 11/05/2009 07:09 AM EST
To: Lisa Heinzerling; Richard Windsor
Subject: Re: Article on social cost of carbon

Thanks Lisa

(b) (5) Deliberative
[Redacted]

Bob Perciasepe
Office of the Administrator
(o) 202 564 2410
(c) (b) (6) Personal Privacy
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 11/05/2009 06:43 AM EST
To: Bob Perciasepe; Richard Windsor
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(b) (5) Deliberative
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Office of the Administrator
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01268-EPA-3036

Bob Sussman/DC/USEPA/US

11/05/2009 09:33 AM

To Richard Windsor, Seth Oster, Diane Thompson

cc Cynthia Giles-AA

bcc

Subject Fw: Join Thousands Taking Action Today for Coal River Mtn;
See

More on Coal Mountain (Bee Tree mine) and the need for action by Administration.

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 11/05/2009 09:30 AM -----

From: Gregory Peck/DC/USEPA/US
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>
Cc: "Kevin Minoli" <Minoli.Kevin@epamail.epa.gov>
Date: 11/05/2009 08:18 AM
Subject: Fw: Join Thousands Taking Action Today for Coal River Mtn; See

Gregory E. Peck
Chief of Staff
Office of Water
U.S. E.P.A.

From: "Joe Lovett" [jlovett@appalachian-center.org]
Sent: 11/05/2009 07:56 AM EST
To: Gregory Peck
Subject: FW: Join Thousands Taking Action Today for Coal River Mtn; See

From: OVEC - Vivian Stockman [mailto:vivian@ohvec.org]
Sent: Thursday, November 05, 2009 6:27 AM
To: Joe Lovett
Subject: Join Thousands Taking Action Today for Coal River Mtn; See



November 5 2009

Alert Archive

OVEC Action Alert

Ohio Valley Environmental Coalition



- **For Coal River Mountain: Please Contact the Obama Administration Today**
- ***Coal Country* : See the Movie in Charleston this Weekend; Attend a House Party; Still Time to Host a House Party; Watch on Planet Green**

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Coal River Mountain could be a wind farm that provides 85,000 households with electricity, 700 long-term green jobs, gives back \$1.7 million in annual county taxes and stands as a model for clean energy across the region. Or it can be a 6,000-acre dirty energy wasteland.

The fate of Coal River Mountain is up to us. Contact the Obama Administration today. Ask them to immediately stop the blasting on Coal River Mountain and preserve our nation's clean energy resources. Everything you need to take action is **here**.



In the foreground, Kayford Mountain, being blasted away. In the background, Coal River Mountain. Photo by Vivian Stockman. Flyover courtesy SouthWings.org.



In center of the photo, a cleared area where blasting has begun on Coal River Mountain, right beside the massive Brushy Fork coal slurry dam. Right now, there's still plenty of Coal River Mountain left to build the wind farm. The mountain must stay at its full elevation -- to capture the wind potential needed for the wind farm. Please take action today!
Photo by Vivian Stockman. Flyover courtesy SouthWings.org.

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For those of you who missed the deadline to register to host a house party, OVEC has several house party packets. Contact the office at 304-522-0246 to obtain your kit, but call today, please. First come, first served.

You can also catch *Coal Country* on **Planet Green**: November 14 at 8 p.m. ET, November

15 at 12 p.m. ET, November 19 at 11 p.m. ET, and November 20 at 3 p.m. ET.

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01268-EPA-3037

Richard Windsor/DC/USEPA/US
11/05/2009 09:41 AM

To Bob Sussman
cc
bcc

Subject Re: Join Thousands Taking Action Today for Coal River Mtn;
See

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 11/05/2009 09:33 AM EST
To: Richard Windsor; Seth Oster; Diane Thompson
Cc: Cynthia Giles-AA
Subject: Fw: Join Thousands Taking Action Today for Coal River Mtn; See More on Coal Mountain (Bee Tree mine) and the need for action by Administration.

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 11/05/2009 09:30 AM -----

From: Gregory Peck/DC/USEPA/US
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>
Cc: "Kevin Minoli" <Minoli.Kevin@epamail.epa.gov>
Date: 11/05/2009 08:18 AM
Subject: Fw: Join Thousands Taking Action Today for Coal River Mtn; See

Gregory E. Peck
Chief of Staff
Office of Water
U.S. E.P.A.

From: "Joe Lovett" [jlovett@appalachian-center.org]
Sent: 11/05/2009 07:56 AM EST
To: Gregory Peck
Subject: FW: Join Thousands Taking Action Today for Coal River Mtn; See

From: OVEC - Vivian Stockman [mailto:vivian@ohvec.org]

Sent: Thursday, November 05, 2009 6:27 AM

To: Joe Lovett

Subject: Join Thousands Taking Action Today for Coal River Mtn; See



**November 5
2009**

OVEC Action Alert **Ohio Valley Environmental Coalition**



[Alert Archive](#)

- [For Coal River Mountain: Please Contact the Obama Administration Today](#)

- [Coal Country : See the Movie in Charleston this Weekend; Attend a House Party; Still Time to Host a House Party; Watch on Planet Green](#)

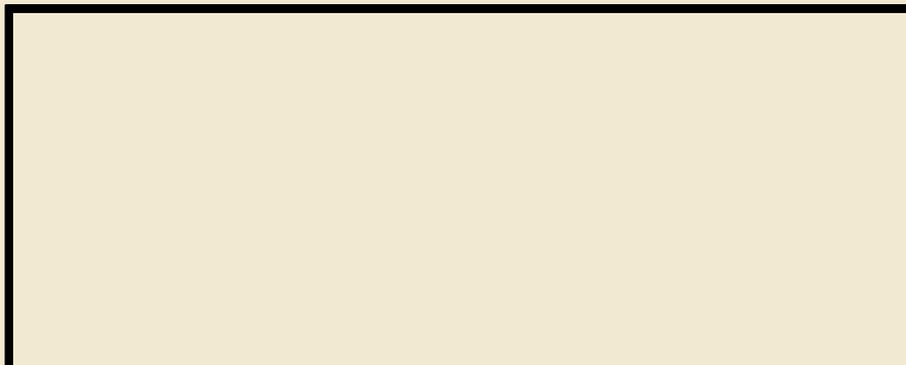
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01268-EPA-3045

Richard Windsor/DC/USEPA/US
11/06/2009 04:25 PM

To Michael Moats
cc
bcc

Subject Re: Quote for the EO Draft strategy release

Perfect. Tx.
Michael Moats

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

From: Michael Moats
Sent: 11/06/2009 04:02 PM EST
To: Richard Windsor
Cc: Brendan Gilfillan
Subject: Quote for the EO Draft strategy release

(b) (5) Deliberative

RELEASE:

NEWS RELEASE

FOR IMMEDIATE RELEASE

CONTACT: Travis Loop
November 9, 2009
loop.travis@epa.gov

410-267-5758,

(b) (5) Deliberative

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

###

Michael Moats
Speechwriter
US EPA | Office of the Administrator
Office: 202-564-1687
Mobile: (b) (6) Personal Privacy

01268-EPA-3072

Bob Sussman/DC/USEPA/US

11/12/2009 10:03 PM

To Adora Andy, Richard Windsor, Bob Perciasepe, Diane Thompson, Allyn Brooks-LaSure, Seth Oster, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats
bcc

Subject Re: WSJ/KIM STRASSEL: THE EPA'S PARANOID STYLE

(b) (5) Deliberative

Adora Andy

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

From: Adora Andy**Sent:** 11/12/2009 07:31 PM EST**To:** Richard Windsor; Bob Sussman; Bob Perciasepe; Diane Thompson; Allyn Brooks-LaSure; Seth Oster; David McIntosh; Arvin Ganesan; Gina McCarthy; Lisa Heinzerling**Cc:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats**Subject:** WSJ/KIM STRASSEL: THE EPA'S PARANOID STYLE

The EPA's Paranoid Style

Employee arguments against cap-and-trade legislation aren't welcome.

By KIMBERLEY A. STRASSEL



Give the Environmental Protection Agency credit: At least it practices equal opportunity censorship of its employees.

Dr. Alan Carlin, a 37-year agency veteran, was muzzled earlier this spring. Dr. Carlin offered a report poking holes in the science underlying the theory of manmade global warming. His superior, Al McGartland, complained the paper did "not help the legal or policy case" for Team Obama's decision to regulate carbon, told him to "move on to other issues," and forbade him from discussing it outside the office.

Now come Laurie Williams and Allan Zabel, married, and each with more than 20 years tenure at the EPA. They too are dismayed by Democrats' approach to climate, though for different reasons. Dedicated environmentalists, they created a 10-minute YouTube video arguing Congress's convoluted cap-and-trade bill was a "big lie" that is too weak. They instead propose imposing taxes, lots of them, on fossil fuels.

Their views aren't new. Earlier this year the duo sent a letter to Congress making the same case. The video has been out for some time, and the pair got clearance from the EPA before they ran it. Mr. Zabel in the opening notes that "nothing in this video is intended to represent the views of EPA or the Obama Administration." It wasn't until the couple ran a high-profile op-ed in the Washington Post in October that the agency nerved out.

A few days after the op-ed, Ms. Williams and Mr. Zabel were contacted by an EPA ethics official telling them to remove the video or face "disciplinary action." EPA says the clearance was subject to "ethics guidelines," which it claims the couple violated. The agency said the video could go back up if it was altered to remove a picture of an EPA building, and to delete mentions of their EPA employment. In particular, Mr. Zabel was not to say that he'd worked on cap-and-trade issues.

Meet the Obama EPA, and its new suppressing, paranoid style. It was the president who once ripped the Bush administration for silencing scientific critics,

and it was EPA Administrator Lisa Jackson who began her tenure promising the agency would operate like a "fishbowl." But that was before EPA realized how vastly unpopular is its plan to usurp Congress and regulate the economy on its own, based on its bizarre finding that CO2 is a danger to health.

Faced with unhappy members of Congress, dissenting employees, an opposition business community, and a backlash on the science, Mrs. Jackson is no longer a fan of open government. The goal now is to rush the agency regulations through as quickly as possible, squashing threatening dissent and deflecting troublesome questions.

Reps. Jim Sensenbrenner and Darrell Issa recently put out a report documenting the EPA's slippery handling of its carbon rule, in which it truncated the process and dismissed contrary views. The Chamber of Commerce has been waiting all year for a response to its request for a hearing into the science underlying the regulation. Not a peep.

Alaska Sen. Lisa Murkowski in September requested a discussion with the agency about carbon regulation and legislation. That discussion has yet to happen.

Louisiana Sen. David Vitter recently quizzed Mrs. Jackson about a provision in Congress's climate legislation that would give the president awesome power over energy regulation. Mrs. Jackson said it was a "premature" discussion. "The EPA is playing dirty to get green," says Rep. Sensenbrenner. "The agency can't be allowed to silence its scientists just because what they say threatens to delay its political

agenda."

There is a legitimate debate over what right administrations have to clamp down on rebel staffers, yet the EPA's stomp on dissenting views appears unprecedented. Dr. Carlin says he's been treated "relatively well" since the blow-up. Yet he has been forbidden from working on climate or attending climate seminars. When asked how this compares to previous administrations, Mr. Carlin says that years ago he actually believed the science was "correct"—a position that put him at odds with the Bush administration.

Mr. Carlin knew one of his top supervisors back then disagreed with him. "At no time did he say don't work on it, don't express these views which are contrary to mine. And he in effect allowed me to work on climate change for five years. . . . I had no problems until March of this current year."

The problem for the EPA is that the Williams-Zabel dust-up is growing, and underlining the gap between the agency's transparency rhetoric and reality. The very media and activists who ran hit jobs on Mr. Carlin are, of course, now furious the agency is quieting card-carrying environmentalists. Public Employees for Environmental Responsibility, a left-leaning outfit that represents scientists has latched on to the Williams-Zabel video, is lamenting that "EPA is abusing ethics rules to gag two conscientious employees" and promising to assist with any litigation.

If the EPA were so proud of this power grab, it ought

to be eager to have a discussion, right?
Write to kim@wsj.com

Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

01268-EPA-3073

**Lisa
Heinzerling/DC/USEPA/US**
11/13/2009 08:17 AM

To Seth Oster
cc Adora Andy, "Allyn Brooks-LaSure", "Scott Fulton", "Lisa
Heinzerling", "Bob Perciasepe", "Diane Thompson", "Lisa
Jackson"
bcc

Subject Re: Fw: Latest News From InsideEPA.com

There is nothing new in this story. It even has the same quotes as a previous story.

I welcome everyone's guidance, however.

Seth Oster Lisa H -- good morning. See the story i... 11/13/2009 07:28:02 AM

From: Seth Oster/DC/USEPA/US
To: "Lisa Heinzerling" <Heinzerling.lisa@epa.gov>
Cc: "Lisa Jackson" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, Adora Andy/DC/USEPA/US, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>
Date: 11/13/2009 07:28 AM
Subject: Fw: Latest News From InsideEPA.com

Lisa H -- good morning.

See the story in "Inside EPA" below on your planned reorg. (b) (5) Deliberative

[Redacted]

Seth

From: "InsideEPA.com" [epa-alerts@iwppnews.com]
Sent: 11/13/2009 05:19 AM EST
To: Seth Oster
Subject: Latest News From InsideEPA.com



Latest News - 11/13/2009

[EPA Eyes Limiting Retroactive Application Of Wage Rules For FY10 Water Funds](#)
EPA is expected in the next week to issue guidance to states on implementing wage requirements for

water infrastructure projects that Congress set in the agency's fiscal year 2010 budget, requiring that projects pay workers prevailing local wages, but limiting retroactive application of the wage requirements.

[Agency Faces Dilemma Regulating Waste Tires Burned As Fuel](#)

EPA is grappling with revising a proposal for regulating waste tires used as fuel, facing a difficult political dilemma in trying to comply with an appeals court ruling while satisfying competing demands by facilities that burn the tires, solid waste haulers, state officials and environmentalists.

[EPA Claims Industry Seeking To 'Derail' Ozone NAAQS Reconsideration](#)

EPA claims industry is trying to derail the agency's reconsideration of a stricter Bush-era ozone national ambient air quality standard (NAAQS) by asking a federal appeals court to proceed with briefing in a lawsuit challenging the standard, saying EPA lacks authority to keep the stricter standard in effect during the reconsideration.

[EPA Creating Framework For Human Health Data Pesticide Assessments](#)

EPA is developing a new framework to provide guidance on how to incorporate epidemiological studies and incident data, especially information that may not match animal model data, into agency pesticide risk assessments as part of a high-profile series of meetings on the controversial herbicide atrazine.

[EPA Seeks Industry Input On Ending 'Minimum Risk' Pesticide Waiver](#)

EPA is seeking small business officials to join a new panel on assessing the impact on industry of ending an exemption for some minimum risk personal insect repellents, due to concern that some exempted products may not perform effectively and to ensure adequate protection against insect-borne disease such as West Nile Virus.

[EPA Reorganization Plan Sparks Fears of Policy Office Budget Cuts](#)

EPA is pushing ahead with a contentious plan to reorganize its Office of Policy, Economics & Innovation (OPEI) in what a top official calls a time of constrained resources, prompting concern that the agency may seek to cut OPEI's budget and possibly diminish the role of voluntary programs within EPA.

[Midwest Climate Program Advances Model Rule For Cap-And-Trade](#)

A panel of Midwest state officials and other key stakeholders are advancing a draft model rule for a regional greenhouse gas (GHG) cap-and-trade program, an effort that sources say is driven in part by a desire among Midwest officials to influence federal climate change proposals moving through Congress.

The Inside Story

[Targeting TVA](#)

Environmentalists are challenging a recently-approved Clean Water Act (CWA) effluent discharge permit for the Tennessee Valley Authority's (TVA) Kingston Fossil Plant, claiming it allows unacceptable levels of mercury and other pollutants into nearby rivers, in activists' latest effort to block issuance of such permits before EPA issues discharge limits in 2012 or sooner.

[Meeting On The Mountain\(top\)](#)

West Virginia's political leaders are concerned they do not know how EPA plans to review 79 Clean Water Act (CWA) permits for mountaintop mining projects and are seeking a meeting with White House officials to answer their questions.

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01268-EPA-3074

Richard
Windsor/DC/USEPA/US
11/13/2009 03:11 PM

To Seth Oster
cc
bcc

Subject Re: Greenwire: If air chief loves a brawl, she's come to the right place

(b) (5) Deliberative

Seth Oster

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

From: Seth Oster
Sent: 11/13/2009 02:15 PM EST
To: "Lisa Jackson" <windsor.richard@epa.gov>
Cc: "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>
Subject: Fw: Greenwire: If air chief loves a brawl, she's come to the right place

(b) (5) Deliberative

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 11/13/2009 01:36 PM EST
To: Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara; Michael Moats
Subject: Greenwire: If air chief loves a brawl, she's come to the right place

EPA: If air chief loves a brawl, she's come to the right place (11/13/2009)

Robin Bravender, E&E reporter

U.S. EPA air chief Gina McCarthy has a thick Boston accent, a shock of cropped white hair and a penchant for a good fight.

"I cannot shy away from controversy," she told a panel of EPA advisers recently. "I don't know if it's my Irish blood, but I love it. I love disagreements. I love the democratic process. If I'm in a room where everybody agrees, I start to nod off."

That is lucky for McCarthy, 55, whose job as the nation's top air regulator has her in what may be the world's hottest spot: the center of a political free-for-all over climate regulation and other air pollution policies.

As President Obama's nominee for the air office post, McCarthy got a whiff of how contentious her new job could be before she was even confirmed by the Senate. Republican Sen. John Barrasso of Wyoming stalled the vote on her confirmation for nearly a month last spring to protest EPA's movement toward using the Clean Air Act to regulate greenhouse gases. Barrasso's "hold" prevented McCarthy from being present at the White House Rose Garden in May when Obama announced the first-ever national greenhouse gas emissions standard on cars and truck in

May.

"I was at home awaiting confirmation, really ticked off that it was my opportunity to meet the president, and I was not in that garden," she said.

"So much got done before I got here. I finally called up [EPA Administrator] Lisa Jackson, and I said, 'If you don't get these people off my back, I'm never coming there, because you are making all these commitments and dumping them on my lap, and I'm supposed to implement them. I'm supposed to at least get the pleasure of the announcement.'"

McCarthy quickly made up for lost time when she finally moved in June into her fifth-floor office at EPA headquarters, the Ariel Rios Building on Pennsylvania Avenue.

McCarthy and her staff quickly rolled out several climate policies in response to the Supreme Court's 2007 *Massachusetts v. EPA* decision, which gave the agency the authority to regulate greenhouse gases as air pollutants.

Environmentalists have hailed the proposals, which they say were long overdue, while conservative lawmakers and many industry groups have accused EPA of attempting to impose new regulations that would cripple a struggling economy.

But McCarthy, a veteran regulator and a pioneer in a Northeastern regional program to curb global warming emissions, has taken criticism and praise in stride.

"Even if there's controversy, I'm going to make the decision, and people are going to be happy in one instance and unhappy in the next," she said in an interview. "But that's the job I've been given and the job I'm going to embrace."

'I definitely challenge people'

McCarthy has a long to-do list.

At the top of the list are redoing a series of Bush-era rules that were tossed out in court, pioneering a national program to curb greenhouse gas emissions and keeping pace with federal deadlines for pollution programs -- deadlines the agency has consistently failed to meet in the past.

To have a shot at getting it all done, she will need the loyalty of EPA's career staffers, many of whom were disenchanted with the Bush administration's controversial air policies.

"What a breath of fresh air," said an EPA air employee who was not authorized to speak to the press and spoke on background. "She comes to us with much greater knowledge than most of the people that have been in that position recently."

The employee continued, "The most obvious difference is that she takes seriously the mission of the agency to protect public health and the environment. That is her agenda -- it's not to

minimize the burden on industry, it's to protect people and the environment, and that makes all the difference in the world."

Diane Chisnall Joy, assistant director of the Connecticut Department of Environmental Protection's Bureau of Outdoor Recreation, called McCarthy -- who had led the state DEP -- a leader who values the opinions of her staff and works tirelessly. "She was always there to support the work that we did and never, ever failed to thank us," she said.

McCarthy admits she's "somewhat demanding" of her staff.

"I definitely challenge people," she said. "But hopefully, I am working harder than anybody else, and so people won't resent the fact that I want them to work hard, as well."

Working 12-hour days is not unusual for her. She typically arrives at the office around 8 a.m. When her husband is in town, she gets up early to walk their two dogs -- Tyson, a golden retriever, and Emma, whom she describes as a "little, poopy dog" her daughter handed off when she went to college. Tyson, who would chew on the family's ears when she was a puppy, was named after the ear-biting heavyweight boxer Mike Tyson.

McCarthy usually leaves the office around 8 or 9 p.m. She goes home to the Pentagon City neighborhood of Arlington, Va., eats dinner and starts plugging away to make sure she's caught up on her e-mails, she said.

She finds it remarkable that her boss, Jackson, is just as work-obsessed as she is. "I will e-mail her at 11 o'clock at night, and at 11:01 I'll get an answer," McCarthy said.

McCarthy's staff can also expect to get those late-night notes.

"I've told them that they must stop returning my e-mails at 2 in the morning, because it creeps me out," she said.

New England roots

McCarthy grew up in Canton, just outside of Boston, in a working-class Irish Catholic family.

She still lives in Canton and has found it hard to tear herself away from her native Massachusetts, no matter where her work takes her.

McCarthy studied social anthropology as an undergraduate at the University of Massachusetts, Boston. She went to Tufts University for graduate work, receiving joint degrees in science and environmental health engineering and planning and policy. McCarthy spent 25 years working on environmental issues in her home state in a variety of positions at the state and local levels. She moved to Connecticut in 2004 when Gov. Jodi Rell (R) appointed her commissioner at the state DEP. She got a studio apartment a few blocks from her office in Hartford, but she went home at least once during the week and during the weekend. "I realized," she said, "that I just wasn't gonna move."

When McCarthy took the EPA post in Washington, "for the most part, I started out going home every weekend," she said. Her husband, Kenneth McCarey, works from home as a wholesale floral salesman, so he sometimes comes to visit for stretches of several weeks.

"I like having him here, but I'm still lonely to go home," she said. The couple has three grown children -- ages 22, 23 and 25 -- who all live in the Boston area. "Every time I go home, it's an occasion for me and somewhat of an occasion for them," she said. "They like Sunday dinner."

McCarthy likes to cook for her kids when they come home. "I come from ... many generations of Irish people. We're meat and potato people, so I don't think that I'm the most creative cook, but I do love the 'Barefoot Contessa,'" she said, referring to the Food Network cooking show. "I could watch her endlessly."

But with two kids who are vegetarians and another who only eats chicken if she eats any meat, cooking can get complicated. "So for a meat and potato person, I have to get creative when my kids come," she said.

Passion for public health

You can learn a lot about McCarthy by looking at her early jobs, said Seth Kaplan, vice president for climate advocacy at the New England-based Conservation Law Foundation who worked extensively with McCarthy during her work at the state level.

She started her career in 1980 as the first full-time health agent in Canton. In 1984, she began working for the board of health in the neighboring town of Stoughton and eventually became the town's first environmental officer.

"She fundamentally has been on the ground thinking about and caring about and trying to take care of the public health of citizens," Kaplan said.

He compared her path to that of someone who started out driving a bus and ended up running the transit agency. "There's a special kind of knowledge that comes from having been the line person that I think infuses what she does."

When she was in graduate school, McCarthy gravitated toward health policy courses more than environmental work. "I've always been interested in health consequences," she said. "I see that as being the primary driver for my interest in environmental work, which is why air quality stuff as well as climate interests me tremendously -- because I see those as having really direct and very large health consequences associated with them."

In 1985, Massachusetts Gov. Michael Dukakis (D) appointed McCarthy to serve as a member of a state hazardous waste safety council responsible for reviewing and permitting hazardous waste facilities. From there, she began working her way up in the Massachusetts government, holding key environmental posts under Republican Govs. William Weld, Paul Cellucci, Jane Swift and Mitt Romney.

Reputation

McCarthy's federal appointment was met with broad acclaim from state regulators and environmentalists and with cautious optimism from many industry leaders.

As the head of Connecticut's DEP, McCarthy helped coordinate a multi-state effort to create the Regional Greenhouse Gas Initiative (RGGI), the nation's first mandatory cap-and-trade program. She also won praise for her work on the state's No Child Left Inside program, as well as her efforts to restore the Long Island Sound and Connecticut's parks and forests.

Connecticut environmentalists were sad to see her go.

"We really were disappointed and ticked off when she left," said John Calandrelli, state program director of Connecticut's Sierra Club chapter. "She's very smart, has very good, high energy. She's a spark plug."

Although her tenure in Connecticut was short, she did very well working under tight budget constraints, said Calandrelli, adding that he wouldn't mind seeing her return to resume her job at DEP someday. "We were making big progress when Gina was here," he said.

A March editorial in the *Hartford Courant* said, "There's no other way to put this: Gina McCarthy will be a big loss."

DEP under McCarthy did come under fire in 2007 after a *Courant* article accused the agency of consistently lagging on enforcement action against chronic water polluters.

"We're trying to make that turn" toward stronger enforcement, then-Commissioner McCarthy told the *Courant*, "but we have some serious backlogs to contend with."

The March editorial noted that McCarthy inherited some of those enforcement problems and called her a "pragmatist who tried to bring companies into compliance without putting them into bankruptcy."

McCarthy has a reputation for being honest and straightforward when dealing with industry.

In Connecticut, McCarthy dealt with industry "very fairly," said Eric Brown, associate counsel for the Connecticut Business and Industry Association. She's "very genuine," Brown said. "The person you sit down with is the person she is."

Mary Beth Gentleman, an industry attorney at Foley Hoag's Boston office, spent time negotiating across the table from McCarthy when she was a Massachusetts official.

"In the negotiations that I participated in with Gina, the outcome was workable, practical, somewhat painful," Gentleman said, "but she got both environmental advocates and the company I was representing -- moved us from a deadlock position to a solution."

McCarthy has shown a willingness to listen to and understand industry's legitimate concerns, said Jeff Holmstead, former EPA air chief under the George W. Bush administration and now an industry lawyer. But, he added, "I wouldn't necessarily characterize her as industry-friendly. There's no doubt she believes in fairly aggressive regulation of industry."

McCarthy doesn't see herself that way.

"I never really thought of myself as a regulator," McCarthy said. "I actually am a strong believer in markets. I really think our job is to make sure that the work we do is valued and priced in the markets appropriately. And so I am a true believer in democracy -- in having government intervene when it needs to and not when it doesn't."

01268-EPA-3083

Bob Perciasepe/DC/USEPA/US
11/16/2009 08:29 AM

To Arvin Ganesan, Bob Sussman
cc Cynthia Giles-AA, "andy adora", "Allyn Brooks-LaSure", Peter Silva, Seth Oster, "Diane Thompson", "Lisa Jackson"
bcc
Subject (b) (5) Deliberative

(b) (5) Deliberative

Bob Perciasepe
Office of the Administrator
(o)202 564 4711
(c) (b) (6) Personal Privacy

From: Arvin Ganesan
Sent: 11/16/2009 08:26 AM EST
To: Bob Sussman
Cc: Cynthia Giles-AA; "andy adora" <andy.adora@epa.gov>; Bob Perciasepe; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Peter Silva; Seth Oster; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>
Subject: (b) (5) Deliberative
(b) (5) Deliberative

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

-----Bob Sussman/DC/USEPA/US wrote: -----

To: Cynthia Giles-AA/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 11/16/2009 08:23AM
cc: "andy adora" <andy.adora@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, Peter Silva/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>
Subject: (b) (5) Deliberative

(b) (5) Deliberative

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

Cynthia Giles-AA---11/16/2009 08:09:49 AM---

(b) (5) Deliberative

From: Cynthia Giles-AA/DC/USEPA/US

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

Cc: "andy adora" <andy.adora@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, Peter Silva/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>

Date: 11/16/2009 08:09 AM

Subject: (b) (5) Deliberative

(b) (5) Deliberative

GROSS: How do I know if I'm drinking chemicals from the scrubbing process from coal-powered energy plants, if I'm drinking weed killer? How can I find that out?

Mr. DUHIGG: It's really hard, and that's the key issue. And we're actually going to do one more story later this year that looks explicitly at that. So we have a law called the Safe Drinking Water Act. And what the Safe Drinking Water Act says is, it says that the water that we deliver to Terry Gross's home -and anyone else's home - has to meet a certain threshold of cleanliness. And if there is bad stuff in there, I have to tell you what's in there so that you can make an informed decision and decide not to drink it if you don't want to.

Much like the Clean Water Act has essentially kind of fallen apart in the last decade or so, the Safe Drinking Water Act, in many ways, has also stopped working in two ways, the first of which is, there's just a whole bunch of new chemicals that the Safe Drinking Water Act doesn't address at all. So there's literally thousands and thousands of chemicals that are invented every year, and there's a huge backlog of tens of thousands of chemicals that the EPA has never analyzed. So they can't say this should or shouldn't be in your drinking water supply.

But the second way that the Safe Drinking Water Act has fallen apart is that many, many water systems, including - I know because we've looked at it - your water system violate the Safe Drinking Water Act regularly. There's too much arsenic in the water. There's too much of these other contaminants and pollutants that are regulated, and the water system doesn't clean them out before delivering the water to you. And moreover, when they do warn you that there's bad stuff in the water, they do so in this way that it's just almost too easy for you to ignore.

I'm sure when you get your water bill, you'll see some fine print that says, we violated the Safe Drinking Water Act this way and to this measure. But it's totally

incomprehensible. For the average American, you can't figure out whether that's something you should be worried about or not worried about. And as a result, people basically don't have the information they need to make informed choices.

And so one of the things that advocates tell me is that a huge change that should occur is that the EPA should just do a much better job and water systems should do a much better job of just informing people, giving them the facts so that they can say, look, this month I'm going to use bottled water instead of tap water.

Earlier parts of the interview talk about the impact of farm waste on drinking water, and also mining and power plant discharges.

Link to full transcript:

<http://www.npr.org/templates/story/story.php?storyId=113927993>

Cynthia Giles
Assistant Administrator
U.S. EPA, Office of Enforcement and Compliance Assurance
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-2440

THIS MESSAGE IS CONFIDENTIAL and may contain legally privileged information. If you receive it in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Bob Sussman---11/16/2009 06:38:11 AM--- (b)(5) deliberative

From: Bob Sussman/DC/USEPA/US

To: Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, "Lisa Jackson" <windsor.richard@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>

Cc: Cynthia Giles-AA/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, "andy adora" <andy.adora@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>

Date: 11/16/2009 06:38 AM

Subject: (b) (5) Deliberative

(b) (5) Deliberative

Seth Oster

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

From: Seth Oster
Sent: 11/15/2009 07:59 PM EST
To: Arvin Ganesan; "Lisa Jackson" <windsor.richard@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>
Cc: Cynthia Giles-AA; Bob Perciasepe; Peter Silva; Bob Sussman; "andy adora" <andy.adora@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>
Subject: [REDACTED] (b) (5) Deliberative

[REDACTED] (b) (5) Deliberative

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 11/15/2009 07:26 PM EST
To: windsor.richard@epa.gov; thompson.diane@epa.gov
Cc: Cynthia Giles-AA; Bob Perciasepe; Peter Silva; Bob Sussman; oster.seth@epa.gov; andy.adora@epa.gov
Subject: [REDACTED] (b) (5) Deliberative

Evening,

[REDACTED] (b) (5) Deliberative

[REDACTED]

Thanks.

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

01268-EPA-3088

Richard Windsor/DC/USEPA/US
11/16/2009 06:43 PM

To Seth Oster
cc
bcc

Subject Re: Going to Copenhagen

[REDACTED] (b) (5) Deliberative

Seth Oster

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

From: Seth Oster
Sent: 11/16/2009 06:22 PM EST
To: Richard Windsor
Subject: Going to Copenhagen

[REDACTED] (b) (5) Deliberative

[REDACTED]

[REDACTED]

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

01268-EPA-3093

Bob Perciasepe/DC/USEPA/US
11/16/2009 10:32 PM

To Richard Windsor, Bob Sussman
cc Diane Thompson, Seth Oster, Brendan Gilfillan, Arvin Ganesan, Peter Silva
bcc

Subject Re: Bee tree

Thanks for the update Bob.

(b) (5) Deliberative

Our meeting this week will be important.
Bob Perciasepe
Office of the Administrator
(o)202 564 4711
(c) **(b) (6) Personal Privacy**
Richard Windsor

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

From: Richard Windsor
Sent: 11/16/2009 09:46 PM EST
To: Bob Sussman
Cc: Diane Thompson; Seth Oster; Brendan Gilfillan; Bob Perciasepe; Arvin Ganesan; Peter Silva
Subject: Re: Bee tree

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 11/16/2009 07:47 PM EST
To: Richard Windsor
Cc: Diane Thompson; Seth Oster; Brendan Gilfillan; Bob Perciasepe; Arvin Ganesan; Peter Silva
Subject: Fw: Bee tree

(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 11/16/2009 07:41 PM -----

From: Gregory Peck/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>
Date: 11/16/2009 07:24 PM
Subject: Re: Bee tree

Brendan:

(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

Brendan Gilfillan

(b) (5) Deliberative

11/16/2009 06:32:39 PM

From: Brendan Gilfillan/DC/USEPA/US
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Gregory Peck" <Peck.Gregory@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 11/16/2009 06:32 PM
Subject: Bee tree

(b) (5) Deliberative

Thanks.

- Brendan

01268-EPA-3094

Richard Windsor/DC/USEPA/US
11/16/2009 11:30 PM

To Adora Andy
cc
bcc

Subject Re: Boston Globe: Changing the climate on Capitol Hill

Love him
Adora Andy

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

From: Adora Andy
Sent: 11/16/2009 11:00 PM EST
To: "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Bob Sussman" <sussman.bob@epa.gov>; Lisa Heinzerling; Diane Thompson; Bob Perciasepe; Gina McCarthy
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats
Subject: Boston Globe: Changing the climate on Capitol Hill
Changing the climate on Capitol Hill

THE OBAMA administration announced over the weekend the official death of a binding global climate change agreement it hoped to achieve next month in Copenhagen. During Obama's meetings with leaders from Europe and the Asia-Pacific region, administration officials made it clear that it was "unrealistic" to expect any legally binding agreement to be negotiated in the next three weeks.

It is "unrealistic" because Obama remains hamstrung on climate change at home.

The very forces who scream that the Environmental Protection Agency should not regulate the activities of big business are the same ones still successfully applying a chokehold on Congress and the ability of Obama to be effective on the global stage. In a twisted version of "Think Globally, Act Locally," Big Oil, Big Coal, and the biggest representative of American industries, the US Chamber of Commerce, continue to buy paralysis.

As a result, Obama sounded defensive in remarks he made in Japan. Although he said that the United States "has taken more steps to combat climate change in 10 months than we have in our recent history by embracing the latest science, by investing in new energy, by raising efficiency standards, forging new partnerships and engaging in international climate negotiations," he tailed off in a way that was hauntingly remindful of the Bushspeak that earned the United States its retrograde image on global warming.

"America knows there is more work to do, but we are meeting our responsibility, and will continue to do so," Obama said. "All nations must accept their responsibility. Those nations, like my own, who have been the leading emitters, must have clear reduction targets. Developing countries will need to take substantial actions to curb their emissions . . . Each of us must do what we can to grow our economies without endangering our planet and we must do it together."

There is still reason to believe that Obama does not ultimately intend, as President Bush did, to use the emissions of emerging industrial giants China and India and the fossil fuel burning of developing nations as an excuse not to take leadership in a climate change pact. The most optimistic example is the way that Obama has turned loose EPA Administrator Lisa Jackson to reverse many Bush-era rulings, enforce laws that had been ignored, and pursue regulation of greenhouse gas emissions.

But energy and natural resources companies have lobbied Washington to the tune of \$300 million in the first nine months of this year, above the pace of last year's \$387 million. Oil and gas companies and electric utilities accounted for more than two-thirds of the spending. Their lobbying to keep fossil fuels burning without any care for the planet swamped the lobbying by alternative energy concerns, which so

far this year amount to \$23 million, according to the Center for Responsive Politics. The Chamber of Commerce, America's single-biggest lobbyist, spent \$35 million in the third quarter alone and \$65 million for the year, fighting meaningful climate change and health care legislation.

Senate minority leader Mitch McConnell and Oklahoma Senator James Inhofe were among the top six recipients of energy campaign contributions in 2008.

While energy companies are balancing their campaign contributions much more than during the Bush years, when as much as 75 percent of their contributions went to Republicans, they are still giving the majority of their cash to that party. Such cash allows the likes of Senator David Vitter of Louisiana to spout off, "I am a cynic about the so-called science of global warming and man's impact on it."

Until Obama shuts down business as usual against climate change at home, he will never be able to change the climate abroad.

Derrick Z. Jackson can be reached at jackson@globe.com .

01268-EPA-3095

Bob Sussman/DC/USEPA/US

To Richard Windsor

11/17/2009 08:41 AM

cc Peter Silva, Arvin Ganesan, Seth Oster, Bob Perciasepe, Diane Thompson, Adora Andy

bcc

Subject 60 day review clock

(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 11/17/2009 08:35 AM -----

From: Gregory Peck/DC/USEPA/US
To: Stan Meiburg/R4/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, frank.joyce@epa.gov, ganesan.arvin@epa.gov, mcintosh.david@epa.gov, "Gregory Peck" <peck.gregory@epa.gov>, Sarah Pallone/DC/USEPA/US@EPA, "Pete Silva" <silva.peter@epa.gov>, "Allison Wise" <wise.allison@epa.gov>, Bob Sussman/DC/USEPA/US@EPA
Date: 11/17/2009 08:28 AM
Subject: Re: Fw: FYI

(b) (5) Deliberative
[Redacted]

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

Stan Meiburg Example of KY commentary. Stan 11/16/2009 11:49:41 PM

From: Stan Meiburg/R4/USEPA/US
To: "Gregory Peck" <peck.gregory@epa.gov>, "Pete Silva" <silva.peter@epa.gov>
Cc: Adora Andy/DC/USEPA/US, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, mcintosh.david@epa.gov, frank.joyce@epa.gov, ganesan.arvin@epa.gov, "Allison Wise" <wise.allison@epa.gov>
Date: 11/16/2009 11:49 PM
Subject: Fw: FYI

Example of KY commentary.

Stan
A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA. 30303

Office: (404) 562-8357
Fax: (404) 562-9961
Cell: (404) 435-4234
Email: meiburg.stan@epa.gov

Sent using Blackberry
Tom Welborn

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

From: Tom Welborn
Sent: 11/16/2009 08:51 PM EST
To: Stan Meiburg; Jim Giattina; Scott Gordon; Beverly Banister; Carl Terry; Duncan Powell; Gregory Peck; Chris Thomas
Subject: Fw: FYI

----- Forwarded by Tom Welborn/R4/USEPA/US on 11/16/2009 08:50 PM -----

FW: FYI

Blackburn, Joseph L. \Joel to: Tom Welborn, James, William L
LRN, Townsend, James M LRL
, Lee Anne Devine 11/16/2009 11:29 AM
(Lee.Anne.Devine@usace.army.mil
)

FYI

House lawmakers urge Beshear to speak out on hold up of mining permits
by CRIS RITCHIE – Editor

2 days 23 hrs ago | 113 views | 0  | 2  |  | 

FRANKFORT – Legislators in the Kentucky House of Representatives are urging Governor Steve Beshear and the state’s Congressional delegation to speak out against the Environmental Protection Agency’s decision to subject surface coal mining permits to an enhanced review process.

In a letter to Beshear dated November 3 and signed by 20 Democratic legislators in the House, including Speaker Greg Stumbo of Prestonsburg and Rep. Fitz Steele of Hazard, the legislators note that the EPA’s agenda is simply to end the coal mining business.

“We can no longer afford to give the EPA the benefit of the doubt,” the letter reads. “Its motive is clear: to destroy coal mining in Kentucky as we know it, at the behest of a radical environmental lobby that does not have Kentucky’s best interests at heart.”

The EPA announced in September that it will hold up the issuance of more than 70 surface coal mining permit applications in central Appalachia for further review, including 49 in Kentucky, while noting that the operations in question could potentially pose a threat to local water quality.

While the move was welcomed by environmental groups, mining supporters say the hold up of permits is causing unnecessary harm to the industry and could cost jobs in one of the poorest regions in the nation.

According to the 20 legislators who signed the letter to Beshear earlier this month, the process with which the EPA will conduct the enhanced reviews of those permit applications is not publicly known, but is already negatively affecting the region's economy.

“What is known about the process is that the economic impact of EPA's actions is already being felt and, as time passes, will be even more devastating to our state,” the letter says.

The legislators go on to note that the EPA decision is “threatening tens of thousands of jobs in Kentucky” and also families that depend on low-cost electricity generated by coal fired power plants.

Kerri Richardson, Beshear's director of communications, referred questions seeking comment to a letter Beshear wrote in September urging the EPA to expedite any final decision on the permits currently on hold. In the letter, prompted by the EPA announcement to hold up 49 permits applications in Kentucky, Beshear declined to take a position on the permits themselves, but rather the manner in which they are being reviewed by the EPA.

“The issue is not whether the decision on any particular permit application is positive or negative,” Beshear wrote to EPA Administrator Lisa Jackson. “My concern is the unacceptable delay in making any decision at all, thereby preventing businesses from effective planning and management.”

Rep. Fitz Steele, who represents Perry and a portion of Harlan County, said the coal mining issue is one of vital importance for the Eastern Kentucky region in order to provide jobs, cheap electricity, and areas of development.

“If we don't develop places to put businesses, where are you going to put them?” he asked.

Also signing the letter to Beshear was Speaker Pro Tem Larry Clark, Majority Floor Leader Rocky Adkins, Majority Whip John Will Stacy, and Rep. Leslie Combs among others

01268-EPA-3096

Richard Windsor/DC/USEPA/US
11/17/2009 08:42 AM

To Bob Sussman
cc Peter Silva, Arvin Ganesan, Seth Oster, Bob Perciasepe, Diane Thompson, Adora Andy
bcc

Subject Re: 60 day review clock

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 11/17/2009 08:41 AM EST
To: Richard Windsor
Cc: Peter Silva; Arvin Ganesan; Seth Oster; Bob Perciasepe; Diane Thompson; Adora Andy
Subject: 60 day review clock

(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 11/17/2009 08:35 AM -----

From: Gregory Peck/DC/USEPA/US
To: Stan Meiburg/R4/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, frank.joyce@epa.gov, ganesan.arvin@epa.gov, mcintosh.david@epa.gov, "Gregory Peck" <peck.gregory@epa.gov>, Sarah Pallone/DC/USEPA/US@EPA, "Pete Silva" <silva.peter@epa.gov>, "Allison Wise" <wise.allison@epa.gov>, Bob Sussman/DC/USEPA/US@EPA
Date: 11/17/2009 08:28 AM
Subject: Re: Fw: FYI

(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

Stan Meiburg

Example of KY commentary. Stan

11/16/2009 11:49:41 PM

From: Stan Meiburg/R4/USEPA/US
To: "Gregory Peck" <peck.gregory@epa.gov>, "Pete Silva" <silva.peter@epa.gov>
Cc: Adora Andy/DC/USEPA/US, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, mcintosh.david@epa.gov, frank.joyce@epa.gov, ganesan.arvin@epa.gov, "Allison Wise" <wise.allison@epa.gov>
Date: 11/16/2009 11:49 PM
Subject: Fw: FYI

Example of KY commentary.

Stan
A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
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Office: (404) 562-8357
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Sent: 11/16/2009 08:51 PM EST
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Subject: Fw: FYI

----- Forwarded by Tom Welborn/R4/USEPA/US on 11/16/2009 08:50 PM -----

FW: FYI

Blackburn, Joseph L. Joel to: Tom Welborn, James, William L
LRN, Townsend, James M LRL
, Lee Anne Devine 11/16/2009 11:29 AM
(Lee.Anne.Devine@usace.army.mil
)

FYI

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by CRIS RITCHIE – Editor

2 days 23 hrs ago | 113 views | 0  | 2  |  | 

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Also signing the letter to Beshear was Speaker Pro Tem Larry Clark, Majority Floor Leader Rocky Adkins, Majority Whip John Will Stacy, and Rep. Leslie Combs among others

01268-EPA-3097

Bob Sussman/DC/USEPA/US

11/17/2009 08:59 AM

To Richard Windsor

cc Peter Silva, Arvin Ganesan, Seth Oster, Bob Perciasepe, Diane Thompson, Adora Andy

bcc

Subject Re: 60 day review clock

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor

Sent: 11/17/2009 08:42 AM EST

To: Bob Sussman

Cc: Peter Silva; Arvin Ganesan; Seth Oster; Bob Perciasepe; Diane Thompson; Adora Andy

Subject: Re: 60 day review clock

(b) (5) Deliberative

Bob Sussman

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

From: Bob Sussman

Sent: 11/17/2009 08:41 AM EST

To: Richard Windsor

Cc: Peter Silva; Arvin Ganesan; Seth Oster; Bob Perciasepe; Diane Thompson; Adora Andy

Subject: 60 day review clock

(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 11/17/2009 08:35 AM -----

From: Gregory Peck/DC/USEPA/US
To: Stan Meiburg/R4/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, frank.joyce@epa.gov, ganesan.arvin@epa.gov, mcintosh.david@epa.gov, "Gregory Peck" <peck.gregory@epa.gov>, Sarah Pallone/DC/USEPA/US@EPA, "Pete Silva" <silva.peter@epa.gov>, "Allison Wise" <wise.allison@epa.gov>, Bob Sussman/DC/USEPA/US@EPA
Date: 11/17/2009 08:28 AM
Subject: Re: Fw: FYI

(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

Stan Meiburg Example of KY commentary. Stan 11/16/2009 11:49:41 PM

From: Stan Meiburg/R4/USEPA/US
To: "Gregory Peck" <peck.gregory@epa.gov>, "Pete Silva" <silva.peter@epa.gov>
Cc: Adora Andy/DC/USEPA/US, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, mcintosh.david@epa.gov, frank.joyce@epa.gov, ganesan.arvin@epa.gov, "Allison Wise" <wise.allison@epa.gov>
Date: 11/16/2009 11:49 PM
Subject: Fw: FYI

Example of KY commentary.

Stan
A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA. 30303

Office: (404) 562-8357
Fax: (404) 562-9961
Cell: (404) 435-4234
Email: meiburg.stan@epa.gov

Sent using Blackberry
Tom Welborn

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

From: Tom Welborn
Sent: 11/16/2009 08:51 PM EST
To: Stan Meiburg; Jim Giattina; Scott Gordon; Beverly Banister; Carl Terry; Duncan Powell; Gregory Peck; Chris Thomas
Subject: Fw: FYI

----- Forwarded by Tom Welborn/R4/USEPA/US on 11/16/2009 08:50 PM -----

FW: FYI

Blackburn, Joseph L. \Joel to: Tom Welborn, James, William L
, Lee Anne Devine 11/16/2009 11:29 AM
(Lee.Anne.Devine@usace.army.mil
)

FYI

House lawmakers urge Beshear to speak out on hold up of mining permits
by CRIS RITCHIE – Editor

2 days 23 hrs ago | 113 views | 0  | 2  |  | 

FRANKFORT – Legislators in the Kentucky House of Representatives are urging Governor Steve Beshear and the state’s Congressional delegation to speak out against the Environmental Protection Agency’s decision to subject surface coal mining permits to an enhanced review process.

In a letter to Beshear dated November 3 and signed by 20 Democratic legislators in the House, including Speaker Greg Stumbo of Prestonsburg and Rep. Fitz Steele of Hazard, the legislators note that the EPA’s agenda is simply to end the coal mining business.

“We can no longer afford to give the EPA the benefit of the doubt,” the letter reads. “Its motive is clear: to destroy coal mining in Kentucky as we know it, at the behest of a radical environmental lobby that does not have Kentucky’s best interests at heart.”

The EPA announced in September that it will hold up the issuance of more than 70 surface coal mining permit applications in central Appalachia for further review, including 49 in Kentucky, while noting that the operations in question could potentially pose a threat to local water quality.

While the move was welcomed by environmental groups, mining supporters say the hold up of permits is causing unnecessary harm to the industry and could cost jobs in one of the poorest regions in the nation.

According to the 20 legislators who signed the letter to Beshear earlier this month, the process with which the EPA will conduct the enhanced reviews of those permit applications is not publicly known, but is already negatively affecting the region’s economy.

“What is known about the process is that the economic impact of EPA’s actions is already being felt and, as time passes, will be even more devastating to our state,” the letter says.

The legislators go on to note that the EPA decision is “threatening tens of thousands of jobs in Kentucky” and also families that depend on low-cost electricity generated by coal fired power plants.

Kerri Richardson, Beshear’s director of communications, referred questions seeking comment to a letter Beshear wrote in September urging the EPA to expedite any final decision on the permits currently on hold. In the letter,

prompted by the EPA announcement to hold up 49 permits applications in Kentucky, Beshear declined to take a position on the permits themselves, but rather the manner in which they are being reviewed by the EPA.

"The issue is not whether the decision on any particular permit application is positive or negative," Beshear wrote to EPA Administrator Lisa Jackson. "My concern is the unacceptable delay in making any decision at all, thereby preventing businesses from effective planning and management."

Rep. Fitz Steele, who represents Perry and a portion of Harlan County, said the coal mining issue is one of vital importance for the Eastern Kentucky region in order to provide jobs, cheap electricity, and areas of development.

"If we don't develop places to put businesses, where are you going to put them?" he asked.

Also signing the letter to Beshear was Speaker Pro Tem Larry Clark, Majority Floor Leader Rocky Adkins, Majority Whip John Will Stacy, and Rep. Leslie Combs among others

01268-EPA-3098

Bob Sussman/DC/USEPA/US

To Bob Sussman

11/17/2009 10:03 AM

cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Peter Silva, Richard Windsor, Seth Oster
bcc

Subject Re: Fw: Bee tree

(b) (5) Deliberative

[Redacted]

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

Bob Sussman (b) (5) Deliberative 11/16/2009 07:47:37 PM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA
Date: 11/16/2009 07:47 PM
Subject: Fw: Bee tree

(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 11/16/2009 07:41 PM -----

From: Gregory Peck/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>
Date: 11/16/2009 07:24 PM
Subject: Re: Bee tree

Brendan:

(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

Brendan Gilfillan

(b) (5) Deliberative

11/16/2009 06:32:39 PM

From: Brendan Gilfillan/DC/USEPA/US
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Gregory Peck" <Peck.Gregory@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 11/16/2009 06:32 PM
Subject: Bee tree

(b) (5) Deliberative

Thanks.

- Brendan

01268-EPA-3099

Richard Windsor/DC/USEPA/US
11/17/2009 10:32 AM

To Bob Sussman
cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Peter Silva, Seth Oster
bcc

Subject Re: Fw: Bee tree

(b) (5) Deliberative

Tx.
Bob Sussman

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

From: Bob Sussman
Sent: 11/17/2009 10:03 AM EST
To: Bob Sussman
Cc: Arvin Ganesan; Bob Perciasepe; Brendan Gilfillan; Diane Thompson; Peter Silva; Richard Windsor; Seth Oster
Subject: Re: Fw: Bee tree

(b) (5) Deliberative

[Redacted]

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: Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA
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Gregory E. Peck
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11/16/2009 06:32:39 PM

From: Brendan Gilfillan/DC/USEPA/US
To: "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Gregory Peck" <Peck.Gregory@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 11/16/2009 06:32 PM
Subject: Bee tree

(b) (5) Deliberative

Thanks.

- Brendan

01268-EPA-3100

Bob Sussman/DC/USEPA/US

To Seth Oster

11/18/2009 01:58 PM

cc Adora Andy, Allyn Brooks-LaSure, Brendan Gilfillan, Peter Silva, Robert Goulding, Richard Windsor
bcc

Subject Re: *HEADS UP** FINAL press release for MTM announcement

(b) (5) Deliberative

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

Seth Oster (b) (5) Deliberative 11/18/2009 01:51:23 PM

From: Seth Oster/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA
Date: 11/18/2009 01:51 PM
Subject: Re: *HEADS UP** FINAL press release for MTM announcement

(b) (5) Deliberative

(b) (5) Deliberative

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

Adora Andy Hey folks, Below is the final MTM pres... 11/18/2009 12:02:53 PM

From: Adora Andy/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 11/18/2009 12:02 PM
Subject: *HEADS UP** FINAL press release for MTM announcement

Hey folks,
Below is the final MTM press release from DOI. It goes to the public at 2:30pm ET today and to the Hill

and stakeholders at 1:30pm ET. I've cc'd folks in New Orleans so that they can make sure LPJ sees it.

(b) (5) Deliberative

Thanks,
Adora

Date: November 18, 2009
Contact: Peter Mali (202) 536-7351
Frank Quimby (202) 208-6416

Interior Strengthens Coal Mining Oversight, Announces Initiatives to Better Protect Streams in Coal Country

WASHINGTON, D.C. – The Department of the Interior is taking immediate actions to strengthen oversight of state surface coal mining programs and promulgating Federal regulations to better protect streams affected by surface coal mining operations, Interior officials announced today.

“America’s vast coal resources are a vital component of our energy future and our economy, but we have a responsibility to ensure that development is done in a way that protects public health and safety and the environment,” said Assistant Secretary for Land and Minerals Management Wilma Lewis. “We are moving as quickly as possible under the law to gather public input for a new rule, based on sound science, that will govern how companies handle fill removed from mountaintop coal seams. Until we put a new rule in place, we will work to provide certainty to coal operations and the communities that depend on coal for their livelihood, strengthen our oversight and inspections, and work to better protect streams and water quality.”

Interior’s Office of Surface Mining Reclamation and Enforcement (OSM) is publishing an advance notice of proposed rulemaking regarding the protection of streams from the adverse impacts of surface coal mining operations. The notice requests comments on alternatives for revising the current regulations, which include the stream buffer zone rule issued by the Bush Administration in December 2008.

The 2008 rule modified a 1983 rule that allowed the dumping of overburden within 100 feet of a perennial or intermittent stream only when such activities “will not cause or contribute to the violation of State or Federal water quality standards and will not adversely affect the water quantity or quality or other environmental resources of the stream.” The 2008 rule allows a surface coal mine operator to place excess material excavated by the operation into streams if the operator can show it is not reasonably possible to avoid doing so.

While the new rule is being developed, Interior is taking immediate actions to strengthen protections for streams and communities in coal country, provide regulatory certainty for industry, and bolster OSM’s oversight and enforcement activities.

“We are moving as expeditiously as possible in the rulemaking process, but we will not take shortcuts around the law or the science,” said OSM Director Joe Pizarchik. “Until we complete the new rule, we have to manage the shortcomings of the 2008 rule. OSM will establish a new practice for reviewing permits under the Surface Mining Control and Reclamation Act (SMCRA) that would improve consistency and coordination with other Federal agencies.”

Under the new practice, the review and approval of SMCRA permits must be coordinated with reviews and authorizations required under the Clean Water Act. States must confirm that mining activities in stream buffer zones will not violate state or federal water quality standards. OSM will work with the Corps of Engineers and the Environmental Protection Agency to coordinate these permitting processes and ensure effective and coordinated compliance with provisions of the Clean Water Act.

Lewis and Pizarchik also announced a number [of proposed actions](#) to improve the agency’s effectiveness in overseeing state implementation of their approved surface coal mining regulatory programs. Under these proposed actions, OSM would, for the first time since coal-producing states assumed responsibility for their regulatory programs, conduct independent inspections of operators with state-issued surface coal mining permits. OSM would also conduct more oversight inspections, place greater emphasis on reducing the off-site impacts of mining, and review more state-issued surface coal mining permits and state permitting processes in an effort to improve state permitting decisions. The new OSM oversight and enforcement policy will also include revised guidelines for conducting oversight inspections.

“Through tougher oversight and stronger enforcement of SMCRA, we are putting all hands on deck to ensure that Appalachian communities are protected,” Pizarchik added. The reforms announced today are consistent with the Obama Administration’s commitments in a June 11, 2009, Memorandum of Understanding (MOU) among the Department of the Interior, the Environmental Protection Agency, and the Army Corps of Engineers to reduce the harmful environmental consequences of Appalachian surface coal mining.

The public is invited to review and comment on the proposed rulemaking and on OSM’s proposed Oversight Improvement Actions. The advance notice of proposed rulemaking will be sent to the *Federal Register* shortly. Beginning on the date of publication, comments may be submitted using the Federal e-Rulemaking Portal at www.regulations.gov. The document has been assigned Docket ID: OSM-2009-0009.

The public is also invited to review and comment by **December 18, 2009**, on OSM’s proposed Oversight Improvement Actions, which can be accessed at (<http://www.osmre.gov/topic/Oversight/SCM/SCM.shtm>). The preferred method for submitting comments is via e-mail to Oversight@osmre.gov. Comments may also be mailed to: Administrative Record (MS 252 SIB), Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC, 20240.

[attachment "11-18-09 Coal ANPR.doc" deleted by Seth Oster/DC/USEPA/US]

01268-EPA-3101

Richard Windsor/DC/USEPA/US
11/18/2009 02:06 PM

To Seth Oster, Bob Sussman
cc Adora Andy, Allyn Brooks-LaSure, Brendan Gilfillan, Peter Silva, Robert Goulding
bcc

Subject Re: *HEADS UP** FINAL press release for MTM announcement

(b) (5) Deliberative

Seth Oster

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

From: Seth Oster
Sent: 11/18/2009 02:02 PM EST
To: Bob Sussman
Cc: Adora Andy; Allyn Brooks-LaSure; Brendan Gilfillan; Peter Silva; Richard Windsor; Robert Goulding
Subject: Re: *HEADS UP** FINAL press release for MTM announcement
Ok, thanks Bob.

(b) (5) Deliberative

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

Bob Sussman (b) (5) Deliberative 11/18/2009 01:58:37 PM

From: Bob Sussman/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 11/18/2009 01:58 PM
Subject: Re: *HEADS UP** FINAL press release for MTM announcement

(b) (5) Deliberative

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

Seth Oster

(b) (5) Deliberative

11/18/2009 01:51:23 PM

From: Seth Oster/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA
Date: 11/18/2009 01:51 PM
Subject: Re: *HEADS UP** FINAL press release for MTM announcement

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Office of Public Affairs
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(202) 564-1918
oster.seth@epa.gov

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To: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA
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Thanks,
Adora

Date: November 18, 2009
Contact: Peter
Mali (202) 536-7351
Frank Quimby (202) 208-6416

**Interior Strengthens Coal Mining Oversight,
Announces Initiatives to Better Protect Streams in**

Coal Country

WASHINGTON, D.C. – The Department of the Interior is taking immediate actions to strengthen oversight of state surface coal mining programs and promulgating Federal regulations to better protect streams affected by surface coal mining operations, Interior officials announced today.

"America's vast coal resources are a vital component of our energy future and our economy, but we have a responsibility to ensure that development is done in a way that protects public health and safety and the environment," said Assistant Secretary for Land and Minerals Management Wilma Lewis. "We are moving as quickly as possible under the law to gather public input for a new rule, based on sound science, that will govern how companies handle fill removed from mountaintop coal seams. Until we put a new rule in place, we will work to provide certainty to coal operations and the communities that depend on coal for their livelihood, strengthen our oversight and inspections, and work to better protect streams and water quality."

Interior's Office of Surface Mining Reclamation and Enforcement (OSM) is publishing an advance notice of proposed rulemaking regarding the protection of streams from the adverse impacts of surface coal mining operations. The notice requests comments on alternatives for revising the current regulations, which include the stream buffer zone rule issued by the Bush Administration in December 2008.

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While the new rule is being developed, Interior is taking immediate actions to strengthen protections for streams and communities in coal country, provide regulatory certainty for industry, and bolster OSM's oversight and enforcement activities.

"We are moving as expeditiously as possible in the rulemaking process, but we will not take shortcuts around the law or the science," said OSM Director Joe Pizarchik. "Until we complete the new rule, we have to manage the shortcomings of the 2008 rule. OSM will establish a new practice for

reviewing permits under the Surface Mining Control and Reclamation Act (SMCRA) that would improve consistency and coordination with other Federal agencies.”

Under the new practice, the review and approval of SMCRA permits must be coordinated with reviews and authorizations required under the Clean Water Act. States must confirm that mining activities in stream buffer zones will not violate state or federal water quality standards. OSM will work with the Corps of Engineers and the Environmental Protection Agency to coordinate these permitting processes and ensure effective and coordinated compliance with provisions of the Clean Water Act.

Lewis and Pizarchik also announced a number [of proposed actions](#) to improve the agency’s effectiveness in overseeing state implementation of their approved surface coal mining regulatory programs. Under these proposed actions, OSM would, for the first time since coal-producing states assumed responsibility for their regulatory programs, conduct independent inspections of operators with state-issued surface coal mining permits. OSM would also conduct more oversight inspections, place greater emphasis on reducing the off-site impacts of mining, and review more state-issued surface coal mining permits and state permitting processes in an effort to improve state permitting decisions. The new OSM oversight and enforcement policy will also include revised guidelines for conducting oversight inspections.

“Through tougher oversight and stronger enforcement of SMCRA, we are putting all hands on deck to ensure that Appalachian communities are protected,” Pizarchik added. The reforms announced today are consistent with the Obama Administration’s commitments in a June 11, 2009, Memorandum of Understanding (MOU) among the Department of the Interior, the Environmental Protection Agency, and the Army Corps of Engineers to reduce the harmful environmental consequences of Appalachian surface coal mining.

The public is invited to review and comment on the proposed rulemaking and on OSM’s proposed Oversight Improvement Actions. The advance notice of proposed rulemaking will be sent to the *Federal Register* shortly. Beginning on the date of publication, comments may be submitted using the Federal e-Rulemaking Portal at www.regulations.gov. The document has been assigned Docket ID: OSM-2009-0009.

The public is also invited to review and comment by **December 18, 2009**, on OSM’s proposed Oversight Improvement Actions, which can be accessed at (<http://www.osmre.gov/topic/Oversight/SCM/SCM.shtm>). The preferred method for submitting comments is via e-mail to Oversight@osmre.gov.

Comments may also be mailed to: Administrative Record (MS 252 SIB),
Office of Surface Mining Reclamation and Enforcement, 1951 Constitution
Avenue, NW, Washington, DC, 20240.

[attachment "11-18-09 Coal ANPR.doc" deleted by Seth Oster/DC/USEPA/US]

01268-EPA-3102

David
McIntosh/DC/USEPA/US
11/18/2009 06:28 PM

To Richard Windsor, Gina McCarthy, Seth Oster
cc
bcc

Subject "Don't finalize the tailpipe rule."

(b) (5) Deliberative

CLIMATE: Industry asks EPA to go slow on greenhouse gas regs (11/18/2009)

Robin Bravender, E&E reporter

Industry groups urged U.S. EPA today to delay using the Clean Air Act to regulate greenhouse gases and rely instead on other tools for limiting the heat-trapping emissions.

The pitch came at a public hearing on a draft rule that would require facilities that release more than 25,000 tons of greenhouse gases a year to install the best available pollution controls. The proposal would also "tailor" the Clean Air Act's permitting programs to exempt smaller sources ([E&ENews PM](#), Sept. 30).

EPA and environmentalists say the rule is necessary to shield smaller emitters from being subject to potentially burdensome regulatory requirements. EPA is expected to finalize a rule regulating tailpipe emissions of greenhouse gases by next March, which would automatically trigger permitting requirements for stationary sources.

Industry groups opposing EPA's climate regulations warned at the hearing in Arlington, Va., that the agency lacks legal authority to exempt small sources from Clean Air Act requirements and that legal challenges to the rule could have widespread unintended consequences.

Their request: Don't finalize the tailpipe rule.

"There is no fixed deadline for EPA to regulate greenhouse gases under the Clean Air Act," said Howard Feldman, director of regulatory and scientific affairs at the American Petroleum Institute.

Virtually all the benefits of the tailpipe rule can be achieved with the National Highway Traffic Safety Administration's proposal to strengthen fuel economy standards, which was proposed in conjunction with the tailpipe rule, Feldman said.

The standards would push corporate average fuel economy, or CAFE, standards to a fleetwide average of 35.5 miles per gallon by 2016 ([Greenwire](#), Sept. 15). David Friedman, director of environmental affairs for the National Petrochemical and Refiners Association, said delaying EPA's tailpipe rule would offer a way to "avoid the fundamentally flawed legal position that EPA puts forward in the tailoring rule" while obtaining 95 percent of the greenhouse gas

emission cuts projected for the tailpipe rule.

Meanwhile, Feldman said, "Congress has the opportunity to develop a meaningful, bipartisan energy and climate policy that addresses the challenges at hand without holding back our nation's economic recovery."

Environmentalists, on the other hand, said such an approach would be blatantly illegal.

EPA's proposed rules came in response to the Supreme Court's 2007 decision in *Massachusetts v. EPA*, which gave the agency the authority to regulate greenhouse gases under the Clean Air Act.

"The Supreme Court was quite clear," said Emily Figdor, federal global warming program director at Environment America.

"We've had to wait a long time to get to the point where we're seeing the science and law upheld, and this is just a really common-sense approach to starting to move forward in the fight against global warming and the move to cleaner energy," Figdor said.

The plain and simple language of the Clean Air Act requires EPA to regulate greenhouse gases as pollutants, said Carl Pope, executive director of the Sierra Club, and "it is a very good thing that the agency is now moving forward following the mandate, which the Supreme Court has given it."

More than 100 people attended today's hearing and more than 30 people had signed up to speak. EPA will hold an additional hearing on the tailoring rule tomorrow in Rosemont, Ill., where more than 40 speakers are signed up.

01268-EPA-3109

Bob Sussman/DC/USEPA/US

11/20/2009 06:46 PM

To Richard Windsor, Seth Oster, Bob Perciasepe, Adora Andy,
Diane Thompson

cc

bcc

Subject (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 11/20/2009 06:45 PM -----

From: Gregory Peck/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 11/20/2009 06:42 PM
Subject: (b) (5) Deliberative

(b) (5) Deliberative

EPA taking closer look at Coal River Mountain mining

by Ken Ward Jr.

An interesting development just in concerning [Massey Energy's Bee Tree Mine](#), the operation where environmentalists had hoped to put a wind energy facility instead of a coal mine. U.S. Environmental Protection Agency officials are investigating the Bee Tree site, where Massey is operating there without first obtaining a "dredge-and-fill" permit under Section 404 of the federal Clean Water Act. Yesterday, EPA regional officials in Philadelphia sent [this letter](#) to Massey's Marfork operations, listing a long list of information about the Bee Tree operations.

Recall that Massey [made a change in its surface mining permit from the state](#) that the state had allowed it to — at least at this point — not need a 404 permit that could face EPA scrutiny. The permit was approved by the federal Army Corps of Engineers. Massey had applied for a 404 permit application.

According to the new EPA letter, federal officials visited the site earlier this month and determined that the site does need a 404 permit. The letter cautions Massey:

The activities underway at the site do not appear to have independent utility. The Bee Tree mining project that is the subject of the Section 404 permit application. EPA is concerned that Marfork Coal Company may be committing significant resources and conducting operations in reliance on a Section 404 permit that has not been issued. The Corps has not made a determination of jurisdictional waters and we have some concern that ongoing operations could impact such waters if sufficient precautions are not exercised.

Updated: Massey General Counsel Shane Harvey tells me the company has received

it.

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-3110

Bob Sussman/DC/USEPA/US

11/21/2009 10:08 AM

To Adora Andy, "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure", Bob Perciasepe, Diane Thompson, "Bob Sussman"

cc "Brendan Gilfillan", Michael Moats

bcc

Subject Re: Canada Free Press: E.P.A and Gore seek to block passage of Senate Health Care Bill

I think jay leno is funnier than this.

Adora Andy

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

From: Adora Andy**Sent:** 11/21/2009 09:47 AM EST**To:** "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats**Subject:** Canada Free Press: E.P.A and Gore seek to block passage of Senate Health Care Bill

SATIRE

Canada Free Press

E.P.A and Gore seek to block passage of Senate Health Care Bill

By William Kevin Stoos Saturday, November 21, 2009

~~Obj~~-Satire-

In a surprising move aimed at blocking the passage of the Mother of All Bills—a fifteen pound, 2,000 page, tree-killing, polar bear orphaning, ice melting, greenhouse gas producing monstrosity called the Senate Health Care Bill (aka “Obama Universal Coverage for Health, or, O.U.C.H)—EPA Administrator Lisa Jackson and Al (The Earth’s Core is Hotter than the Sun) Gore joined as Plaintiffs in a last minute attempt to block action on the bill this weekend. And, in order to publicize their attempt to block the legislation, they enlisted the help of the most trusted name in journalism and the man who has dined with Princes, Kings and Presidents, world traveler, and Head of the Environmental News Desk of Stoos Views’ media conglomerate, Hugh Betcha.

In a hastily convened news conference at 2:30 a.m. on November 21, 2009—with only the Stoos Views reporter in attendance—the two announced that they were filing for an injunction in the United States District Court in Washington, DC seeking to not only prevent the United States Senate, led by Harry (The Jokester) Reid, from taking any further action to pass Obama Care but, specifically, to enjoin the Senate and the House, from printing any further copies of the gargantuan bill.

“Our reasons are simple,” declared Lisa Jackson, Head of the EPA, who as recently as April of 2009 announced that the EPA concluded carbon dioxide emissions ‘posed a grave threat to public health and welfare.’ “Between the House version of the bill and the Senate version of the bill, and the TARP legislation earlier this year, my agency has concluded—based on a scientific study conducted during the past three months—that nearly 16 million trees have been sacrificed in order to print the various drafts, re-writes and addenda necessary to pass these bills. Between the working copies, the semi-final copies, the final copies that each legislator, each member of their bloated staffs, and each member of the public wants, our calculations are that, by the end of Obama’s first (and last) term in 2012, this Congress will have—given its present pace, legislating and spending money like drunken sailors—killed enough trees to cover a land mass the size of Oregon.”

"If I may..." interrupted Mr. Gore, "I am, as you know, Al Gore—almost President of the United States, heh-heh, winner of the Nobel Prize and Chief Environmentalist of the World. My studies have also shown, as Ms. Jackson indicated, that Congress ranks second only to the pine beetle in its destruction of the forestlands in the western United States. Of course, it would be impractical to eliminate Congress; however, if we can stop them from wasting so much paper, and thereby save our forests, we can save the planet."

"How serious a situation is this really," inquired the ace reporter.

"Well," responded Gore, with furrowed brow, "when Congress passes so much legislation, it causes the destruction of millions of acres of trees; the trees must be cut down by the tens of millions not only to create the paper to print the monstrous bills which no one reads, but each bill necessitates the creation of billions of paper dollars necessary to fund the rampant spending that Congress engages in. My studies show that when Congress kills enough trees to deforest Oregon, this robs the planet of these trees, which formerly filtered massive quantities of carbon dioxide from the air. This in turn results in far greater quantities of CO₂ in the atmosphere, which in turn heats up the air surrounding the earth. When the air heats up, it increases global warming around our planet, the oceans rise, the ice caps melt, and polar bears are set adrift in the ocean, separated from their cubs, until they eventually drown and the cubs die, crying for their mothers, because they cannot fend for themselves. Additionally, because the ozone layer of the earth is destroyed in the process, human beings are more susceptible to skin cancer. In fact, my projections are that 5% more cases of skin cancer will occur over the next three years because of this."

"So, what is the bottom line here, Mr. Gore?" asked the reporter.

"To put it bluntly," Gore replied, "at the present rate of legislative activity, through the end of Obama's first and only term—2012—Congress will have consumed one third of our forests, killed 2,078 polar bears, caused 5 million additional skin cancer deaths, heated the atmosphere by an average of 5 degrees Fahrenheit and flooded Los Angeles, New York City and New Orleans. This must end. Therefore, we are asking the Court to enjoin the passage of any further health care legislation and thereby spare this country and the planet from an environmental disaster."

"Do you have anything to add, Ma'am?" Hugh inquired of Ms. Jackson.

"Yes. Pursuant to my authority as Head of the Environmental Protection Agency, I have added one more species to the Endangered Species List."

"Which is?"

"Americanus Taxusmaximus. The American taxpayer."

01268-EPA-3111

Richard Windsor/DC/USEPA/US
11/21/2009 10:26 AM

To Adora Andy, "Lisa Jackson", "Seth Oster", "Allyn Brooks-Lasure", Bob Perciasepe, Diane Thompson, "Bob Sussman"
cc "Brendan Gilfillan", Michael Moats
bcc
Subject Re: Canada Free Press: E.P.A and Gore seek to block passage of Senate Health Care Bill

EPA is on the job!
Adora Andy

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

From: Adora Andy
Sent: 11/21/2009 09:47 AM EST
To: "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats
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01268-EPA-3112

Richard Windsor/DC/USEPA/US
11/21/2009 02:25 PM

To Seth Oster
cc
bcc

Subject Re: WSJ - EPA Tangles With Texas in Battle Over Air Quality

I have seen it and glad you think it is a good first foray. Notably WSJ has not written on WVA. I think it means they know that fairly enforcing air and water pollution laws is a reasonable approach.

Tx.

Seth Oster

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

From: Seth Oster
Sent: 11/21/2009 02:13 PM EST
To: "Lisa Jackson" <windsor.richard@epa.gov>
Cc: Bob Sussman
Subject: Fw: WSJ - EPA Tangles With Texas in Battle Over Air Quality

You've probably seen this already but wanted to be sure. It's a very balanced piece, but I think is quite nice for EPA. It's also worth noting it's the first national story on the Texas SIP issue -- which is a bit surprising. -- but probably means this starts to get more attention. I think we're ready for it.

David Gray

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

From: David Gray
Sent: 11/21/2009 08:36 AM CST
To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Arvin Ganesan; David McIntosh
Subject: WSJ - EPA Tangles With Texas in Battle Over Air Quality

U.S. NEWS

NOVEMBER 21, 2009

EPA Tangles With Texas in Battle Over Air Quality

Agency Takes Activist Stance on Pollution, Calling Local Rules Lax; State Officials Complain

By [ANA CAMPOY](#)

A more assertive Environmental Protection Agency is demanding tougher pollution rules, drawing the ire of companies and some of the state's officials. At the heart of the dispute is an EPA threat to void some of the state's air quality regulations, which it says break federal law. The agency also is targeting oil refineries -- of which Texas has many -- that emit dangerous amounts of

[View Full Image](#)



EPA

Alfredo Armendariz, left, recently hired by the Environmental Protection Agency, has energy industry over his past research on emissions from the cement and natural-

Texas is the top carbon-dioxide-emitting state in the nation. State have built a system that simplifies the permitting process, for example emissions from entire facilities, rather than smokestack by smoke Environmental activists and city officials call the system too lax. B has produced a cleaner environment, including a 22% drop between level of ozone, which is blamed for respiratory problems. The state encourages industry to adopt greener technology.

"Our results speak louder than bureaucratic meddling," said Katherine spokeswoman for Gov. Rick Perry, a Republican.

The EPA has emerged as one of the most aggressive regulatory agencies in administration. It has moved to regulate carbon-dioxide emissions tougher limits on mercury emissions from coal- or oil-burning power dozens of permit applications for coal-mining projects in Central A concerns about water quality.

EPA Administrator Lisa Jackson has said the agency's moves will be improving public health and has pointed to the administration's success of dollars in government spending to subsidize electric vehicles and grid.

But business groups, including the U.S. Chamber of Commerce and Association, say the agency also is saddling companies with costly drive jobs outside the U.S.

The EPA this month appointed Alfredo Armendariz to head the office

and four other states. While all states must follow the same federal rules, they are allowed to develop their own implementation strategies, which are subject to federal review. Armendariz had previously called the state's regulations inadequate. Air-quality fights are especially heated in Texas. Officials in the big city of Dallas are part of the Texas Commission on Environmental Quality, which enforces federal rules that are not as strict enough. Dallas and Houston have been in violation of federal rules for years.

"The whole thing is wrong from start to finish," said state Rep. Lou Loudermilk, who represents Fort Worth and serves on the environmental regulation committee of the Texas House of Representatives. "They permit almost anything." Houston has been petitioning the federal government to toughen its rules on air emissions. In response, the EPA said last month it was withdrawing a rule at the end of the Bush administration that found the emissions posed no threat to public health. Environmentalists welcome the changes in EPA policies. "I've been waiting for this to happen," said Neil Carman, an air-quality specialist at the Southern Environmental Law Center. But companies are unhappy. [Texas Industries Inc.](#), a cement maker, is changing EPA rules when it withdrew its request for a state permit to expand its kilns, which it says would have reduced emissions.

Texas Industries is committed to clean air, said spokesman David Smith. Problems happen when the requirements go beyond that and get to a point where they create problems for companies that ultimately don't result in any net benefit. But others disagree with the company's assessment, said EPA spokesman. "There is no room for neighbors and community members to give feedback on the rules. The Texas air permitting process needs to be transparent to the public." The energy industry hasn't spoken publicly on the appointment of a new environmental engineer and an associate professor at Southern Methodist University in Dallas. He is the author of several scathing studies and memos on air pollution from the cement and natural-gas industries, and has been a consultant to environmental groups fighting the companies.

He declined to comment on EPA policy issues until he completed his current job.

The Barnett Shale Energy Education Council, a group representing environmentalists, attacked Mr. Armendariz's past reports. Recently, executives at natural-gas

Chesapeake Energy Corp. criticized Mr. Armendariz for producing misleading research.

Mr. Armendariz has said his work is based on government-issued data that are consistent with those of regional regulators.

Earlier this year, the EPA said it was seeking to invalidate the state rule, contending that it allows companies to skirt federal rules under the Clean Air Act. The agency is expected to announce a decision on certain parts of the rule this month.

"Our system is not broken," said Bryan Shaw, chairman of the Texas Air Quality Commission. "It's just misunderstood."

—Stephen Power and Ben Casselman contributed to this article.

Write to Ana Campoy at ana.campoy@dowjones.com

01268-EPA-3113

Bob Sussman/DC/USEPA/US

11/21/2009 04:23 PM

To "Lisa P. Jackson", "Seth Oster"

cc

bcc

Subject Fw: Bee Tree Press

Nice mention of EPA letter.

Gregory Peck

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

From: Gregory Peck

Sent: 11/21/2009 03:58 PM EST

To: Bob Sussman; Arvin Ganesan

Subject: Bee Tree Press

[Interior's move small step in right direction](#)

Responding to Harmful Government Inaction, Protestors Stop Blasting on Coal River Mountain

FOR

IMMEDIATE

RELEASE

11/21/09

Contact:

Zoe

Beavers

304-854-7372

Email: news@climategroundzero.org

PETTUS, W. Va. – Early this morning two concerned citizens, Dea Goblirsch and Nick Martin, locked down to a drill rig on Coal River Mountain's Bee Tree mountaintop removal site, effectively stopping blasting. Two others, Grace Williams and Laura Von Dolen, joined them in direct support, holding a banner with the message "Save Coal River Mountain".

These nonviolent protestors have taken this action to bring attention to the extreme danger facing residents of the Coal River Valley from blasting near the Brushy Fork Impoundment. They plan to stay locked down until law enforcement removes them.



The banner hanging on the drill rig two protestors are locked down to.

Resident of Rock Creek, W Va., Delbert Gunnoe, stated his concerns with the blasting, "You know when they put a blast over there, and it shakes the windows over here, at what, $\frac{3}{4}$ -a-mile distance, imagine what it does over there." Gunnoe continued, "if [the impoundment] did bust...what would be the destruction? The town of Whitesville would no longer exist."

The four are fearful of the blasting that Massey Energy began in late October. These blasts are 200 feet from the Brushy Fork Impoundment, permitted to hold nine billion gallons of toxic coal slurry. The impoundment sits atop miles of hollow, abounded underground mines, further endangering its integrity. By Massey's own estimates, roughly 998 people will die should the dam break. The emergency evacuation plan states that a 40-foot wall of sludge, cresting at 72 feet, will flow through the valley, reaching 20-foot-high about 15 miles down the road. Apart from the initial flood, the impact of this potential spill would be felt along the Coal River's 88 miles.

"The Brushy Fork Sludge Impoundment keeps residents of the Coal River Valley up at night, waiting for eight billion gallons of toxic coal slurry to come rushing towards them," said Dea Goblirsch, one of the two locked down. "I don't know how Massey executives sleep soundly at night."

Hydrologist, Dr. Rick Eades spoke of concerns about the stability of the dam as blasting occurs. He questioned "blasting where underground mines existed in the Eagle coal seam, the possibilities for adversely affecting near-surface bedrock in a way that could possibly enhance pathways for slurry to be released via the subsurface and bypass the dam."

The concern is that slurry will break into underground mine shafts and blow out through old mine openings on the side of the mountain. This potentiality for Coal River Mountain mirrors the cause of the world's largest slurry spill which occurred in Martin County, Ky. In 2000, 250 million gallons of slurry broke forth from a

2.2-billion-gallon impoundment, killing nearly all life in the Big Sandy River. Its impact reached all the way to the Ohio River, about 100 miles away.



A drill rig on a mountaintop removal site.

Earlier this week, EPA sent out a letter to Marfork Coal Co., a subsidiary of Massey Energy Co., airing concerns about the absence of a valley fill permit, and requesting an extensive amount of information concerning the mountaintop removal operation on the Bee Tree site.

In note of this, Nick Martin, currently locked down, said, "The EPA's recent action proves that the communities' concerns about this site are shared at the highest levels of government."

Matt Louis-Rosenberg, a Climate Ground Zero activist, adds, "Coal River Wind attempted to get a meeting with the governor for a year and it took people sitting in his office to get him to sit down and meet with concerned community members, just like it takes our actions up on Coal River Mountain to get the federal government to step in."

The concern showed by the EPA reflects what the residents of the Coal River Valley have known for a long time; the Brushy Fork Impoundment is putting lives in danger, and the blasting on Coal River Mountain only increases that danger. The protestors on the Bee Tree site are putting out a call to action to save Coal River Mountain and protect all those who would be impacted by a catastrophe there. This action fits into a larger fight against mountaintop removal in Appalachia.

On the whole, Gunnoe's sentiment was, "Don't like much about Obama, but he'll have one heck of a supporter if he stops mountaintop mining."

Note: More information available at <http://climategroundzero.org> .

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-3120

Bob Sussman/DC/USEPA/US

12/02/2009 02:35 PM

To Richard Windsor, Seth Oster, Arvin Ganesan

cc

bcc

Subject Fw: Robert Kennedy Jr. to attend Dec. 7 protest

More on Coal River (bee tree)

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

----- Forwarded by Gregory Peck/DC/USEPA/US on 12/02/2009 01:52 PM -----

From: Jessica Greathouse/R3/USEPA/US
To: Gregory Peck/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, Catherine Libertz/R3/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA, Jeffrey Lapp/R3/USEPA/US@EPA, John Forren/R3/USEPA/US@EPA, Tai-Ming Chang/R3/USEPA/US@EPA, Stefania Shamet/R3/USEPA/US@EPA, Samantha Beers/R3/USEPA/US
Cc: Lawrence Teller/R3/USEPA/US@EPA
Date: 12/02/2009 01:44 PM
Subject: Robert Kennedy Jr. to attend Dec. 7 protest

The Associated Press is reporting that Robert Kennedy Jr. will attend the Dec. 7 protest planned at WVDEP's Charleston headquarters. The protest is focused on blasting on Coal River Mountain and mountaintop mining in general. Reports are that more than 100 people have confirmed attendance via Facebook and other registration sites.

Jessica H. Greathouse
State and Congressional Liaison
U.S. Environmental Protection Agency
(304) 234-0275
(304) 224-3181 cell

01268-EPA-3121

Heidi Ellis/DC/USEPA/US

To Richard Windsor

12/02/2009 03:38 PM

cc

bcc

Subject THIS MAY COME UP TONIGHT

----- Forwarded by Heidi Ellis/DC/USEPA/US on 12/02/2009 03:38 PM -----

From: Daniel Gerasimowicz/DC/USEPA/US
To: Heidi Ellis/DC/USEPA/US@EPA
Date: 12/02/2009 03:14 PM
Subject: Fw: Invitation to a dinner in Copenhagen on "Energy, Climate and the MDGs" featuring Helen Clark, Monday, December 14, 2009

Hi Heidi,

This invitation just came in from Mr. Wirth, whom the Administrator will be seeing tonight at the dinner at Mr. Lovejoy's home.

I responded to Mr. Wirth to politely decline for the Administrator since she will be back from Copenhagen before the 14th and offered to check availability to have a senior staff member attend on her behalf.

Can you please forward this on to the Administrator so that she is aware in case Mr. Wirth brings this up tonight?

Thank you,
Dan

Dan Gerasimowicz
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-7314
gerasimowicz.daniel@epa.gov

----- Forwarded by Daniel Gerasimowicz/DC/USEPA/US on 12/02/2009 03:12 PM -----

From: Timothy Wirth <timothy.wirth@unfoundation.org>
To: Daniel Gerasimowicz/DC/USEPA/US@EPA
Date: 12/02/2009 02:58 PM
Subject: FW: Invitation to a dinner in Copenhagen on "Energy, Climate and the MDGs" featuring Helen Clark, Monday, December 14, 2009

From: Timothy Wirth
Sent: Wednesday, December 02, 2009 2:57 PM
To: 'jackson.lisa@epa.gov'
Subject: Invitation to a dinner in Copenhagen on "Energy, Climate and the MDGs" featuring Helen Clark, Monday, December 14, 2009

Dear Lisa:

On behalf of the United Nations Foundation, I would like to invite you to a dinner on "Energy,

Climate, and the Millennium Development Goals” featuring the Right Honorable Helen Clark, Administrator of the United Nations Development Programme (UNDP). The dinner will be held on Monday, December 14, at Søren k Restaurant in Copenhagen.

When the MDGs were adopted in 2000, they made little reference to energy or climate change. But now that these issues are central to the global development discussion, we know that access to modern energy services will be essential to reaching the MDGs, and that climate change already is constraining the ability of developing countries to meet their sustainable development goals. As we look ahead to the next five years and the MDG reporting date of 2015, certainly strategies must be developed to more thoroughly weave energy and climate into the MDGs.

UNDP is at the intersection of this emerging discussion of the MDGs, and is encouraging broader engagement of many constituencies, focusing on promoting adaptation to climate change and expanding access to environmental and energy services for the poor. We hope you can join us and help to broaden the debate and discussion.

Helen Clark became UNDP Administrator in April 2009 and is the first woman to lead the organization. She is also the Chair of the United Nations Development Group, a committee consisting of the heads of all UN funds, programs and departments working on development issues. Prior to her appointment with UNDP, she served for nine years as Prime Minister of New Zealand, engaging widely in policy development and advocacy across the international, economic, social and cultural spheres.

We hope you are able to join us for this event. The discussion will be held at Søren k Restaurant (Søren Kierkegaards Plads 1, 1221 Copenhagen K), with cocktails at 7:30 p.m. and dinner at 8:00 p.m. Please RSVP to Allison Nordberg at unfevents@unfoundation.org or 202-862-8571. We look forward to seeing you on December 14.

With best wishes,

Sincerely yours,



Timothy E. Wirth



Please join us for a dinner discussion on

Energy, Climate, and the Millennium Development Goals

with

The Right Honorable Helen Clark
Administrator, United Nations Development Programme

Monday, December 14, 2009

7:30 p.m. Cocktails

8:00 p.m. Dinner

Søren k
Søren Kierkegaards Plads 1
1221 Copenhagen K

R.S.V.P.
202-862-8571
unfevents@unfoundation.org

01268-EPA-3122

Richard Windsor/DC/USEPA/US
12/02/2009 04:35 PM

To Heidi Ellis
cc
bcc

Subject Re: THIS MAY COME UP TONIGHT

Tx

Heidi Ellis

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UNDP is at the intersection of this emerging discussion of the MDGs, and is encouraging broader engagement of many constituencies, focusing on promoting adaptation to climate change and expanding access to environmental and energy services for the poor. We hope you can join us and help to broaden the debate and discussion.

Helen Clark became UNDP Administrator in April 2009 and is the first woman to lead the organization. She is also the Chair of the United Nations Development Group, a committee consisting of the heads of all UN funds, programs and departments working on development issues. Prior to her appointment with UNDP, she served for nine years as Prime Minister of New Zealand, engaging widely in policy development and advocacy across the international, economic, social and cultural spheres.

We hope you are able to join us for this event. The discussion will be held at Søren k Restaurant (Søren Kierkegaards Plads 1, 1221 Copenhagen K), with cocktails at 7:30 p.m. and dinner at 8:00 p.m. Please RSVP to Allison Nordberg at unfevents@unfoundation.org or 202-862-8571. We look forward to seeing you on December 14.

With best wishes,

Sincerely yours,



Timothy E. Wirth



Please join us for a dinner discussion on

Energy, Climate, and the Millennium Development Goals

with

The Right Honorable Helen Clark

Administrator, United Nations Development Programme

Monday, December 14, 2009

7:30 p.m. Cocktails

8:00 p.m. Dinner

Søren k

Søren Kierkegaards Plads 1

1221 Copenhagen K

R.S.V.P.

202-862-8571

unfevents@unfoundation.org

01268-EPA-3124

**David
McIntosh/DC/USEPA/US**
12/02/2009 06:56 PM

To Richard Windsor, "Lisa Jackson"
cc
bcc

Subject Re: Reuters: UK climate expert steps aside after hacked e-mails

My pleasure. I think we have a good picture now of the various tough questions that you'll get from reporters on Monday.

Richard Windsor

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

From: Richard Windsor
Sent: 12/02/2009 06:51 PM EST
To: David McIntosh; "Lisa Jackson" <windsor.richard@epa.gov>
Subject: Re: Reuters: UK climate expert steps aside after hacked e-mails

Thanks for the help!

David McIntosh

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

From: David McIntosh
Sent: 12/02/2009 06:48 PM EST
To: windsor.richard@epa.gov
Subject: Re: Reuters: UK climate expert steps aside after hacked e-mails

Excellent quote. Well done.

Adora Andy	UK climate expert steps aside after hac...	12/02/2009 06:45:07 PM
------------	--	------------------------

From: Adora Andy/DC/USEPA/US
To: "Richard Windsor" <windsor.richard@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>
Date: 12/02/2009 06:45 PM
Subject: Reuters: UK climate expert steps aside after hacked e-mails

UK climate expert steps aside after hacked e-mails
05:23 PM EST

* University of East Anglia to investigate hacked e-mails

* Sceptics say undermines evidence of climate change

* US EPA head says flap won't stop possible regulations (Adds U.S. reaction)

LONDON, Dec 2 (Reuters) - The head of a British climate research institute has stepped aside after hacked e-mails were seized upon by sceptics as evidence that the case for global warming has been exaggerated.

Phil Jones, head of the Climatic Research Unit (CRU) at the University of East Anglia, will step aside "until the completion of an independent review," the university said in a statement.

"It is an important step to ensure that CRU can continue to operate normally," University Vice-Chancellor Professor Edward Acton said after accepting Jones' offer to stand aside.

Dubbing the affair "Climategate," some climate change sceptics have seized upon the e-mails, some of them written 13 years ago, and accused scientists at CRU of colluding to suppress data that might have undermined their arguments.

In the United States, some Republican politicians opposed to climate change legislation pounced on the controversy, calling on the U.S. Environmental Protection Agency to stop climate change regulatory efforts, which they say are based on "dubious science."

EPA Administrator Lisa Jackson responded that her agency's work "is proceeding."

"At this point I have seen nothing that indicates that scientists out there have said that they've changed their consensus" that human actions contribute to global warming, she said.

"These emails certainly may show some poor manners, maybe more ... but what we have to be constantly looking at is the science."

The Obama administration wants Congress to pass comprehensive legislation controlling greenhouse gas emissions but says it stands ready to regulate if legislative efforts fail.

'OUT OF CONTEXT'

Sceptics have pointed to phrases in the e-mails in which climate scientists talk of using a "trick" to "hide the decline" in temperatures as evidence that they adjusted data to fit their theories. CRU denies any manipulation.

Delegates meet in Copenhagen for a Dec. 7-18 talks to try to work out a new U.N. pact to address global warming.

The head of the U.N.'s Intergovernmental Panel on Climate (IPCC) Change, Rajendra Pachauri, told Reuters last week that the leaks do not affect findings in 2007 that it was more than 90 percent certain that human activities were causing climate change.

"This private communication in no way damages the credibility of the ... findings," he said, saying that all conclusions were subjected to rigorous review.

Some CRU researchers contribute to the IPCC's reports that pull together data from scientists around the world in an attempt to give a consensus view on climate change.

"Opposition groups are taking passages out of context to try to undermine public confidence in climate science," the Union of Concerned Scientists said in a statement Wednesday.

"Even without data from CRU, there is still an overwhelming body of evidence that human activity (is) triggering dangerous levels of global warming," it said. (Additional reporting by Richard Cowan in Washington; Editing by Robin Pomeroy) ((For a TAKE A LOOK about the Road to Copenhagen, click on [nSP382015]. For an overview of climate change stories, click [nCLIMATE])) (For an Interactive factbox on the Climate Change conference in Copenhagen please click on <http://uk.reuters.com/news/factbox?fj=20091111151536.js&fn=Climate%20Change%20conference%20in%20Denmark%20>)

-- For Reuters latest environment blogs click on: <http://blogs.reuters.com/environment/>
((alister.doyle@thomsonreuters.com; +47 900 87 663; Reuters Messaging:
rm://alister.doyle.reuters.com@reuters.net))

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01268-EPA-3127

Richard Windsor/DC/USEPA/US
12/03/2009 02:46 PM

To Arvin Ganesan, Diane Thompson, Bob Sussman, Peter Silva, Seth Oster
cc
bcc

Subject Re: Major MTM Op-ED by Byrd

Wow. Leadership.

What paper?
Arvin Ganesan

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

From: Arvin Ganesan

Sent: 12/03/2009 02:35 PM EST

To: Richard Windsor; Diane Thompson; Bob Sussman; Peter Silva; Seth Oster

Subject: Major MTM Op-ED by Byrd

This is a major development.

COAL MUST EMBRACE THE FUTURE

Senator Robert C. Byrd (D-W.Va.)

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Change is no stranger to the coal industry. Think of the huge changes which came with the onset of the Machine Age in the late 1800's. Mechanization has increased coal production and revenues, but also has eliminated jobs, hurting the economies of coal communities. In 1979, there were 62,500 coal miners in the Mountain State. Today there are about 22,000. In recent years, West Virginia has seen record high coal production and record low coal employment.

And change is undeniably upon the coal industry again. The increased use of mountaintop removal mining means that fewer miners are needed to meet company production goals. Meanwhile the Central Appalachian coal seams that remain to be mined are becoming thinner and more costly to mine. Mountaintop removal mining, a declining national demand for energy, rising mining costs and erratic spot market prices all add up to fewer jobs in the coal fields.

These are real problems. They affect real people. And West Virginia's elected officials are rightly concerned about jobs and the economic impact on local communities. I share those concerns. But the time has come to have an open and honest dialogue about coal's future in West Virginia.

Let's speak the truth. The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive.

Coal companies want a large stockpile of permits in their back pockets because that implies stability to potential investors. But when coal industry representatives stir up public anger toward federal regulatory agencies, it can damage the state's ability to work with those agencies to West Virginia's benefit. This, in turn, may create the perception of ineffectiveness within the industry, which can drive potential investors away.

Let's speak a little more truth here. No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America. That is a stubborn fact that vexes some in the environmental community, but it is reality.

It is also a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington. It is not a widespread method of mining, with its use confined to only three states. Most members of Congress, like most Americans, oppose the practice, and we may not yet fully understand the effects of mountaintop removal mining on the health of our citizens. West Virginians may demonstrate anger toward the Environmental Protection Agency (EPA) over mountaintop removal mining, but we risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.

Some have even suggested that coal state representatives in Washington should block any advancement of national health care reform legislation until the coal industry's demands are met by the EPA. I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible. It is a non-starter, and puts the entire state of West Virginia and the coal industry in a terrible light.

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal me out." West Virginia would be much smarter to stay at the table.

The 20 coal-producing states together hold some powerful political cards. We can have a part in shaping energy policy, but we must be honest brokers if we have any prayer of influencing coal policy on looming issues important to the future of coal like hazardous air pollutants, climate change, and federal dollars for investments in clean coal technology.

Most people understand that America cannot meet its current energy needs without coal, but there is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it. We have our work cut out for us in finding a prudent and profitable middle ground – but we will not reach it by using fear mongering,

grandstanding and outrage as a strategy. As your United States Senator, I must represent the opinions and the best interests of the entire Mountain State, not just those of coal operators and southern coalfield residents who may be strident supporters of mountaintop removal mining.

I have spent the past six months working with a group of coal state Democrats in the Senate, led by West Virginia native Senator Tom Carper (D-Del.), drafting provisions to assist the coal industry in more easily transitioning to a lower-carbon economy. These include increasing funding for clean coal projects and easing emission standards and timelines, setting aside billions of dollars for coal plants that install new technology and continue using coal. These are among the achievable ways coal can continue its major role in our national energy portfolio. It is the best way to step up to the challenge and help lead change.

The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment. Major coal-fired power plants and coal operators operating in West Virginia have wisely already embraced this reality, and are making significant investments to prepare.

The future of coal and indeed of our total energy picture lies in change and innovation. In fact, the future of American industrial power and our economic ability to compete globally depends on our ability to advance energy technology.

The greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions.

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Change has been a constant throughout the history of our coal industry. West Virginians can choose to anticipate change and adapt to it, or resist and be overrun by it. One thing is clear. The time has arrived for the people of the Mountain State to think long and hard about which course they want to choose.

###

ARVIN R. GANESAN
Deputy Associate Administrator

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(p) 202.564.5200
(f) 202.501.1519

01268-EPA-3128

Richard Windsor/DC/USEPA/US
12/03/2009 02:49 PM

To Arvin Ganesan
cc
bcc
Subject Re: Major MTM Op-ED by Byrd

Wow!
Arvin Ganesan

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

From: Arvin Ganesan
Sent: 12/03/2009 02:48 PM EST
To: Richard Windsor
Cc: Bob Sussman; Diane Thompson; Peter Silva; Seth Oster
Subject: Re: Major MTM Op-ED by Byrd

No paper yet. He just released it to all media outlets in WV.

ARVIN R. GANESAN
Deputy Associate Administrator
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(p) 202.564.5200
(f) 202.501.1519

Richard Windsor [Wow. Leadership. What paper?](#) 12/03/2009 02:46:55 PM

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 12/03/2009 02:46 PM
Subject: Re: Major MTM Op-ED by Byrd

Wow. Leadership.

What paper?

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 12/03/2009 02:35 PM EST
To: Richard Windsor; Diane Thompson; Bob Sussman; Peter Silva; Seth Oster
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01268-EPA-3130

Bob Sussman/DC/USEPA/US

12/03/2009 03:30 PM

To Richard Windsor, Arvin Ganesan, Diane Thompson, Peter Silva, Seth Oster

cc

bcc

Subject Re: Major MTM Op-ED by Byrd

Much wisdom in his words.
Richard Windsor

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

From: Richard Windsor**Sent:** 12/03/2009 02:46 PM EST**To:** Arvin Ganesan; Diane Thompson; Bob Sussman; Peter Silva; Seth Oster**Subject:** Re: Major MTM Op-ED by Byrd

Wow. Leadership.

What paper?

Arvin Ganesan

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

From: Arvin Ganesan**Sent:** 12/03/2009 02:35 PM EST**To:** Richard Windsor; Diane Thompson; Bob Sussman; Peter Silva; Seth Oster**Subject:** Major MTM Op-ED by Byrd

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(f) 202.501.1519

01268-EPA-3133

**Lawrence
Elworth/DC/USEPA/US**
12/03/2009 06:22 PM

To Richard Windsor
cc
bcc

Subject Re: idea for 2010

(b) (5) Deliberative

Richard Windsor

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

From: Richard Windsor
Sent: 12/03/2009 01:20 PM EST
To: Lawrence Elworth
Subject: Re: idea for 2010

(b) (5) Deliberative

Lawrence Elworth

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

From: Lawrence Elworth
Sent: 12/01/2009 08:34 PM EST
To: Richard Windsor
Subject: Fw: idea for 2010

(b) (5) Deliberative

Lawrence Elworth
Agricultural Counselor to the Administrator
U. S. Environmental Protection Agency
2415 Ariel Rios North
202 564-1530

----- Forwarded by Lawrence Elworth/DC/USEPA/US on 12/01/2009 08:31 PM -----

From: Lawrence Elworth/DC/USEPA/US
To: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 12/01/2009 08:31 PM
Subject: idea for 2010

(b) (5) Deliberative

Larry

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Lawrence Elworth
Agricultural Counselor to the Administrator
U. S. Environmental Protection Agency
2415 Ariel Rios North
202 564-1530

01268-EPA-3148

Richard Windsor/DC/USEPA/US
12/07/2009 07:24 AM

To Adora Andy, Gina McCarthy, Lisa Heinzerling, "Lisa Jackson", Bob Perciasepe, Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Allyn Brooks-Lasure", "Arvin Ganesan"
cc "Brendan Gilfillan", "Betsaida Alcantara", Michael Moats
bcc
Subject Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

Despite the headline, the quotes from the Chamber and EEI are reasonably modulated. That is dues, in large part, to the kind of retail day to day work many of you are doing with these groups. Nice job. Lj
Adora Andy

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

From: Adora Andy
Sent: 12/06/2009 11:22 PM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats
Subject: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs
DECEMBER 7, 2009

Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

By JEFFREY BALL and CHARLES FORELLE

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At the heart of the fight over whether U.S. emission constraints should come from the EPA or Congress is a high-stakes issue: which industries will have to foot the bill for a climate cleanup. A similar theme will play out in Copenhagen as rich countries wrangle over how much they should have to pay to help the developing world shift to cleaner technologies.

"There is no agreement without money," says Rosário Bento Pais, a top climate negotiator for the European Commission, the European Union's executive arm. "That is clear."

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Legislators are aware that polls show the public appetite for action that would raise energy prices to protect the environment has fallen precipitously amid the recession.

Congressional legislation also faces plenty of U.S. industry opposition. Under the legislation, which has been passed by the House but is now stuck in the Senate, the federal government would set a cap on the amount of greenhouse gas the economy could emit every year. The government would distribute a set number of emission permits to various industries. Companies that wanted to be able to emit more than their quota could buy extra permits from those that had figured out how to emit less.

Proponents of the cap-and-trade approach say emission-permit trading will encourage industries to find the least-expensive ways to curb greenhouse-gas output. But opponents say it will saddle key industries with high costs not borne by rivals in China or India, and potentially cost the U.S. jobs.

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-- Ian Talley and Stephen Power contributed

to this article.

01268-EPA-3149

David McIntosh/DC/USEPA/US
12/07/2009 07:26 AM

To: Richard Windsor
cc: Adora Andy, "Betsaida Alcantara", Bob Perciasepe, "Allyn Brooks-Lasure", Diane Thompson, "Arvin Ganesan", "Brendan Gilfillan", Gina McCarthy, Lisa Heinzerling, Michael Moats, "Seth Oster", "Bob Sussman", "Lisa Jackson"
bcc:
Subject: Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

And it appears that the announcement did not leak in the dailies over the weekend or this morning.

Richard Windsor	Despite the headline, the quotes from...	12/07/2009 07:24:41 AM
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From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Lisa Jackson" <windsor.richard@epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Bob Sussman" <Sussman.bob@epa.gov>, David McIntosh/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, Michael Moats/DC/USEPA/US@EPA
Date: 12/07/2009 07:24 AM
Subject: Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

Despite the headline, the quotes from the Chamber and EEL are reasonably modulated. That is dues, in large part, to the kind of retail day to day work many of you are doing with these groups. Nice job. Lj

Adora Andy

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

From: Adora Andy
Sent: 12/06/2009 11:22 PM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats
Subject: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs
DECEMBER 7, 2009

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-- Ian Talley and Stephen Power contributed

to this article.

01268-EPA-3150

**Bob
Perciasepe/DC/USEPA/US**
12/07/2009 07:37 AM

To Adora Andy
cc "Betsaida Alcantara", "Allyn Brooks-LaSure", "Arvin Ganesan", "Brendan Gilfillan", Lisa Heinzerling, "Gina McCarthy", "David McIntosh", "Michael Moats", "Seth Oster", "Bob Sussman", "Diane Thompson", "Richard Windsor"
bcc
Subject Re: WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

From Donohue -- "he noted the group supports federal legislation"

Bob Perciasepe
US EPA
Office of the Administrator
1200 Pennsylvania Ave., ARN
(o)202 564 2410
(c) (b) (6) Personal Privacy

Fr Adora Andy/DC/USEPA/US

m:

T "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>

C "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>

D at 12/06/2009 11:22 PM

e:

S WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs
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je
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DECEMBER 7, 2009

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to this article.

01268-EPA-3151

David
McIntosh/DC/USEPA/US
12/07/2009 08:10 AM

To windsor.richard
cc oster.seth
bcc

Subject Jim Hansen NYTimes op-ed trashing cap-and-trade

(b) (5) Deliberative

Cap and Fade (*New York Times*)

By JAMES HANSEN
December 7, 2009

AT the international climate talks in Copenhagen, President Obama is expected to announce that the United States wants to reduce its greenhouse gas emissions to about 17 percent below 2005 levels by 2020 and 83 percent by 2050. But at the heart of his plan is cap and trade, a market-based approach that has been widely praised but does little to slow global warming or reduce our dependence on fossil fuels. It merely allows polluters and Wall Street traders to fleece the public out of billions of dollars.

Supporters of cap and trade point to the 1990 Clean Air Act amendments that capped sulfur dioxide and nitrogen oxide emissions from coal-burning power plants — the main pollutants in acid rain — at levels below what they were in 1980. This legislation allowed power plants that reduced emissions to levels below the cap to sell the credit for these excess reductions to other utilities whose emissions were too high, thus giving plant owners a financial incentive to cut back their pollution. Sulfur emissions have been reduced by 43 percent in the two decades since. Great success? Hardly.

Because cap and trade is enforced through the selling and trading of permits, it actually perpetuates the pollution it is supposed to eliminate. If every polluter's emissions fell below the incrementally lowered cap, then the price of pollution credits would collapse and the economic rationale to keep reducing pollution would disappear.

Worse yet, polluters' lobbyists ensured that the clean air amendments allowed existing power plants to be "grandfathered," avoiding many pollution regulations. These old plants would soon be retired anyway, the utilities claimed. That's hardly been the case: Two-thirds of today's coal-fired power plants were constructed before 1975.

Cap and trade also did little to improve public health. Coal emissions are still significant contributing factors in four of the five leading causes of mortality in the United States — and mercury, arsenic and various coal pollutants also cause birth defects, asthma and other ailments. Yet cap-and-trade schemes are still being pursued in Copenhagen and Washington. (Though I head the NASA Goddard Institute for Space Studies, I'm speaking only for myself.)

To compound matters, the Congressional carbon cap would also encourage "offsets" — alternatives to emission reductions, like planting trees on degraded land or avoiding deforestation in Brazil. Caps would be raised by the offset amount, even if such offsets are imaginary or unverifiable. Stopping deforestation in one area does not reduce demand for lumber or food-growing land, so deforestation simply moves elsewhere.

Once again, lobbyists are providing the real leadership on climate change legislation. Under the proposed law, some permits to pollute would be handed out free; and much of the money actually collected from permits would be used to pay for boondoggles like "clean coal" research. The House and Senate energy bills would only assure continued coal use, making it implausible that carbon dioxide emissions would decline sharply.

If that isn't bad enough, Wall Street is poised to make billions of dollars in the "trade" part of cap-and-trade. The market for trading permits to emit carbon appears likely to be loosely regulated, to be open to speculators and to include derivatives. All the profits of this pollution trading system would be extracted from the public via increased energy prices.

There is a better alternative, one that would be more efficient and less costly than cap and trade: "fee and dividend." Under this approach, a gradually rising carbon fee would be collected at the mine or port of entry for each fossil fuel (coal, oil and gas). The fee would be uniform, a certain number of dollars per ton of carbon dioxide in the fuel. The public would not directly pay any fee, but the price of goods would rise in proportion to how much carbon-emitting fuel is used in their production.

All of the collected fees would then be distributed to the public. Prudent people would use their

dividend wisely, adjusting their lifestyle, choice of vehicle and so on. Those who do better than average in choosing less-polluting goods would receive more in the dividend than they pay in added costs.

For example, when the fee reached \$115 per ton of carbon dioxide it would add \$1 per gallon to the price of gasoline and 5 to 6 cents per kilowatt-hour to the price of electricity. Given the amount of oil, gas and coal used in the United States in 2007, that carbon fee would yield about \$600 billion per year. The resulting dividend for each adult American would be as much as \$3,000 per year. As the fee rose, tipping points would be reached at which various carbon-free energies and carbon-saving technologies would become cheaper than fossil fuels plus their fees. As time goes on, fossil fuel use would collapse.

Still need more convincing? Consider the perverse effect cap and trade has on altruistic actions. Say you decide to buy a small, high-efficiency car. That reduces your emissions, but not your country's. Instead it allows somebody else to buy a bigger S.U.V. — because the total emissions are set by the cap.

In a fee-and-dividend system, every action to reduce emissions — and to keep reducing emissions — would be rewarded. Indeed, knowing that you were saving money by buying a small car might inspire your neighbor to follow suit. Popular demand for efficient vehicles could drive gas guzzlers off the market. Such snowballing effects could speed us toward a pollution-free world.

The plans in Copenhagen and Washington have not been finalized. It is not too late to trade cap and trade for an approach that actually works.

James Hansen is the author of the forthcoming "Storms of My Grandchildren: The Truth About the Coming Climate Catastrophe and Our Last Chance to Save Humanity."

01268-EPA-3152

Richard Windsor/DC/USEPA/US
12/07/2009 08:27 AM

To David McIntosh
cc
bcc
Subject Re: Jim Hansen NYTimes op-ed trashing cap-and-trade

Got it
David McIntosh

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

From: David McIntosh
Sent: 12/07/2009 08:10 AM EST
To: windsor.richard@epa.gov
Cc: oster.seth@epa.gov
Subject: Jim Hansen NYTimes op-ed trashing cap-and-trade

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There is a better alternative, one that would be more efficient and less costly than cap and trade: "fee and dividend." Under this approach, a gradually rising carbon fee would be collected at the mine or port of entry for each fossil fuel (coal, oil and gas). The fee would be uniform, a certain number of dollars per ton of carbon dioxide in the fuel. The public would not directly pay any fee, but the price of goods would rise in proportion to how much carbon-emitting fuel is used in their production.

All of the collected fees would then be distributed to the public. Prudent people would use their dividend wisely, adjusting their lifestyle, choice of vehicle and so on. Those who do better than average in choosing less-polluting goods would receive more in the dividend than they pay in added costs.

For example, when the fee reached \$115 per ton of carbon dioxide it would add \$1 per gallon to the price of gasoline and 5 to 6 cents per kilowatt-hour to the price of electricity. Given the amount of oil, gas and coal used in the United States in 2007, that carbon fee would yield about \$600 billion per year. The resulting dividend for each adult American would be as much as \$3,000 per year. As the fee rose, tipping points would be reached at which various carbon-free energies and carbon-saving technologies would become cheaper than fossil fuels plus their fees. As time goes on, fossil fuel use would collapse.

Still need more convincing? Consider the perverse effect cap and trade has on altruistic actions. Say you decide to buy a small, high-efficiency car. That reduces your emissions, but not your country's. Instead it allows somebody else to buy a bigger S.U.V. — because the total emissions are set by the cap.

In a fee-and-dividend system, every action to reduce emissions — and to keep reducing emissions — would be rewarded. Indeed, knowing that you were saving money by buying a small car might inspire your neighbor to follow suit. Popular demand for efficient vehicles could drive gas guzzlers off the market. Such snowballing effects could speed us toward a pollution-free world.

The plans in Copenhagen and Washington have not been finalized. It is not too late to trade cap and trade for an approach that actually works.

James Hansen is the author of the forthcoming "Storms of My Grandchildren: The

Truth About the Coming Climate Catastrophe and Our Last Chance to Save Humanity."

01268-EPA-3156

Bob Sussman/DC/USEPA/US

To Shawn Garvin

12/07/2009 07:48 PM

cc Richard Windsor, Peter Silva, Bob Perciasepe

bcc

Subject Fw: Petition for withdrawl of Maryland's program

(b) (5) Deliberative

[Redacted]

[Redacted]

Chuck Fox From page one of today's Baltimore Su... 12/07/2009 02:49:03 PM

Environmental groups to ask U.S. to crack down on state enforcement

Water polluters getting off too easily, petition will say

By Timothy B. Wheeler
Baltimore Sun reporter
December 7, 2009

Environmental groups plan to ask the federal government to crack down on state environmental regulators, accusing them of going easy on sewage plants, farms and developments.

The state's Waterkeepers - a network of environmental watchdogs - are expected to file a petition today with the Environmental Protection Agency and the U.S. Department of Justice to force the federal government to take action against the state's Environmental Protection Department with "systemic failure" to carry out its legal responsibility to ride herd on water pollution piped into Maryland's rivers and the Chesapeake Bay. The groups want the federal government to take such an unusual legal step out of frustration with the way the state is handling its duties to safeguard water quality.

"The bay's in trouble, and they don't seem to have the capacity to really deal with these problems diligently," said Fred Tutman, the Patuxent River Waterkeeper. "We need better oversight to help the [state] find the willpower, the spine, the ownership of the regulatory problems it's facing."

The groups' 58-page petition, prepared by the University of Maryland's environmental law clinic, calls on the EPA to require the state to take action or take over the enforcement itself. The groups' complaint alleges a litany of shortcomings in the way state regulators handle water pollution permits for any private or public facility that is piping wastes into rivers, lakes and other surface waters. The permits typically limit the amount of pollution that can be discharged, but they don't require the facility to report any problems to the state.

Dawn Stoltzfus, an MDE spokeswoman, said in an e-mail that it was "simply unfounded and baseless to say that MDE does not have the resources to enforce the law."

Among the Waterkeepers' allegations:

- State inspectors visited only 20 percent of the more than 13,000 plants and businesses in Maryland with pollution discharge permits in the year before; plants with dozens of repeat violations, have gone uninspected for a decade or more.
- The MDE took 23 percent fewer enforcement actions in fiscal 2008 than the year before against violators of their permits; of more than 1,000 violations in the past five years, the MDE took formal action against only 27.
- Of more than 2,400 facilities that reported violations on themselves to regulators, the MDE did not penalize a single one.

With about 1,000 employees and an operating budget exceeding \$100 million, the MDE enforces dozens of state and federal laws governing air quality, hazardous wastes and even climate-warming greenhouse gas emissions. The agency has been given authority by the EPA to administer

which requires any industry, sewage plant or other facility discharging wastes into surface waters to get a permit and comply with state

Stoltzfus acknowledged that inspections are "low" and have declined even further - to just 10 percent in the past year. But she asserted the same period, with a 34 percent increase in actions against polluters and a record-high amount of fines levied.

She also released a letter to the Waterkeepers from Environment Secretary Shari T. Wilson, in which she said the agency has been strained and failed to keep up with the department's expanding workload. Staff were diverted to draft new regulations of the state's chicken and livestock is now refocusing on wastewater permits.

Even so, Wilson acknowledged, there are 16 major industrial plants and 12 major sewage plants operating on permits that have expired or are "undesirable and needs to be addressed."

"Lack of money and staffing is a significant problem, but it's not the only problem," said Eliza Smith Steinmeier, the Baltimore Harbor Waterkeeper, requiring adequate pollution controls in many of the permits it issues, jeopardizing stream quality. The group's petition contends that the state issues permits to industrial facilities without even reviewing their plans for keeping pollution from washing off their parking lots and roofs.

The state's riverkeepers and harbor keeper are part of the Waterkeeper Alliance, an international network of waterway watchdogs formed by Robert Kennedy Jr. They have sparred before with the MDE over the adequacy of individual permits and state regulations, challenging proposed rules to reduce storm-water pollution. But Steinmeier said the problems with the agency's oversight of water pollution permits are "pervasive. ... In many

Among other problems, MDE has failed to keep checking on repeat violators, the groups contend. For instance, inspectors responding to a complaint of oil running into storm drains and other problems at Cambridge Iron & Metal, a recycling business in Baltimore. A follow-up inspection in 2004 found violations corrected, but the facility has not been visited since, the Waterkeepers contend.

In another instance cited, the University of Maryland's Horn Point environmental laboratory near Cambridge reported more than 80 violations from 2004 to May of this year, but there has not been an inspection of the facility since August 1995.

Waterkeepers say they have been thwarted in their own efforts to check up on polluters by the agency's slow response to requests for more information. Moreover, the state blocks their attempt to sue polluters.

Drew Koslow, the Choptank Riverkeeper, said activists concerns about enforcement in Maryland have been long-standing, and span generations. Penalties first dropped sharply in the first term of former Democratic Gov. Parris N. Glendening, he noted, when "violators became custodians" periodically since then "like a pendulum," he said, and in some other areas, MDE now seems to be stepping up its inspections again.

Even so, other activists evidently share the Waterkeepers' concern. Richard Klein, a Baltimore area environmental consultant, said he found a lack of attention to pollution laws among 500 activists he surveyed throughout the bay watershed.

Environmental groups have called on EPA perhaps a dozen times in the past decade to revoke a state's authority to issue water pollution permits that was granted - though EPA did threaten Virginia after environmental groups complained there, prompting that state to change its law to a

That's what the Waterkeepers said they hope will happen in this case as well that the EPA will put pressure on Maryland to beef up and enforce its wastewater into the state's rivers and the bay. The federal government and states are all vowing to make greater efforts to revive the lagging attention to controlling other sources of pollution, such as runoff from farm fields and city and suburban pavement. But activists contend that attention isn't paid to what's already supposed to be under control: the wastewater coming out of factory outfalls and sewage pipes.

"I think we have a once-in-a-lifetime opportunity to bring resources and attention to the Chesapeake," said Koslow. "Without a fundamental change in the way it is administered, I don't think we stand a chance."

J. Charles Fox
Senior Advisor to the Administrator
Environmental Protection Agency
410 Severn Avenue, Ste 109
410-267-5730
410-267-5777 (f)

01268-EPA-3160

Daniel Gerasimowicz/DC/USEPA/US
12/08/2009 05:13 PM

To Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, 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, December 9, 2009 Schedule for Lisa P. Jackson

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

**Schedule for Lisa P. Jackson EPA Administrator
Wednesday, December 9, 2009**

Notes: Advance Ct: Marcus McClendon 202-590-0333

All times local to Copenhagen (+6 hours from DC time)

Drivers

AM (b) (6) Personal Privacy (b) (6) Personal Privacy
PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Shift Leaders

AM (b) (6) Personal Privacy (b) (6) Personal Privacy
PM (b) (6) Personal Privacy (b) (6) Personal Privacy

Staff Contact

Eric Wachter
202-596-0246

07:30 AM - 08:30 AM	US Embassy, Copenhagen	Meeting at US Embassy with IUS Ambassador Fulton, Danish Parliamentarians and industry representatives
09:00 AM - 09:30 AM	Bella Center Copenhagen	Meeting with Hedegaard, Danish Minister of Climate and Energy
09:50 AM - 10:10 AM	Bella Center Copenhagen	Meeting with the Director of the World Meteorological Organization
10:30 AM - 11:00 AM	Bella Center, Copenhagen	Meeting with US Labor Representatives
11:15 AM - 11:45 AM	Bella Center, Copenhagen	Meeting with first-ever accredited Youth Delegation to UN Framework Convention on Climate Change
11:45 AM - 12:15 PM	Bella Center, Copenhagen	Meeting with African Delegation
12:45 PM - 02:00 PM	Copenhagen	Taking Action at Home
02:15 PM - 02:45 PM	By Phone	Call with Diane Thompson Ct: Stephanie Washington (OA) 564-1048 The Administrator will call the Chief of Staff on (b) (6) Personal Privacy or (b) (6) Personal Privacy
03:30 PM - 04:30 PM	Bullet Room	FYI - Senior Policy Meeting

Bob Perciasepe will lead this meeting

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson, Scott Fulton, Eric Wachter, Robert Goulding, Larry Elworth (OA)
David McIntosh, Arvin Ganesan, Sarah Pallone (OCIR)
Lisa Heinzerling (OPEI)
Cynthia Giles (OECA)
Pete Silva (OW)
Steve Owens (OPPTS)
Mathy Stanislaus (OSWER)
Gina McCarthy (OAR)
Seth Oster, Allyn Brooks-LaSure (OPA)
Craig Hooks (OARM)
Barbara Bennett (OCFO)

03:40 PM - 11:44 PM Depart for
Washington

Depart for Washington

Flights:

Copenhagen - Chicago - United #9391
(leaves Copenhagen at 3:40 PM, and arrives in Chicago at 6:10 PM)

Connecting Flight

Chicago - Reagan National - United #628
(leaves Chicago at 9:04 PM, and arrives at Reagan at 11:44 PM)

*** 12/08/2009 05:09:33 PM ***

01268-EPA-3163

David McIntosh/DC/USEPA/US
12/09/2009 02:41 AM

To Richard Windsor
cc
bcc
Subject Re:

(b) (5) Deliberative

From: Richard Windsor
Sent: 12/09/2009 02:38 AM EST
To: David McIntosh
Subject: Re:

Well done! Tx David. (b)(5) deliberative Lj

From: David McIntosh
Sent: 12/09/2009 02:28 AM EST
To: windsor.richard@epa.gov
Subject: Fw:

FYI, please see below. Later in the night, we defeated the Tiahart amendment by a vote of 9 to 5.

From: "Scott, Delia" [Delia.Scott@mail.house.gov]
Sent: 12/08/2009 07:34 PM EST
To: Ed Walsh; David McIntosh

Ed and david.

I am at conference on the omnibus. Mr Tiahrt is offering an amendment that would prohibit funds in any act (including past acts) for epa to promulgate and implement the endangerment finding.

The way this works is he offers the amendment. The house conferees vote on whether or not to present to the senate conferees. If they vote no, it dies. If they vote yes, the senate votes on whether or not to accept.

I think we have the votes to defeat on our side..... But you never know. Thank god david briefed me on monday. I wrote a paper.

D

Sent using BlackBerry

01268-EPA-3165

David
McIntosh/DC/USEPA/US
12/10/2009 05:39 PM

To windsor.richard
cc
bcc

Subject Fw: Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

(b) (5) Deliberative

Adora Andy

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

From: Adora Andy
Sent: 12/10/2009 04:16 PM EST
To: Richard Windsor; Bob Sussman; Bob Perciasepe; Diane Thompson; Gina McCarthy; Lisa Heinzerling; David McIntosh; Arvin Ganesan
Cc: Seth Oster; Allyn Brooks-LaSure
Subject: Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham
FYI...

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
December 10, 2009

Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.

Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy, creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation. The passage of comprehensive energy legislation is essential to that effort.

In a demonstration of the growing consensus surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

##

01268-EPA-3166

Richard Windsor/DC/USEPA/US
12/10/2009 05:42 PM

To David McIntosh
cc
bcc

Subject Re: Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

Agreed.

David McIntosh

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

From: David McIntosh
Sent: 12/10/2009 05:39 PM EST
To: windsor.richard@epa.gov

Subject: Fw: Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

(b) (5) Deliberative
[Redacted]

Adora Andy

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

From: Adora Andy
Sent: 12/10/2009 04:16 PM EST
To: Richard Windsor; Bob Sussman; Bob Perciasepe; Diane Thompson; Gina McCarthy; Lisa Heinzerling; David McIntosh; Arvin Ganesan
Cc: Seth Oster; Allyn Brooks-LaSure

Subject: Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham
FYI...

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
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The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.

##

01268-EPA-3172

Richard Windsor/DC/USEPA/US
12/11/2009 08:34 AM

To Adora Andy
cc
bcc

Subject Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles

Yeah but it helps in strange and interesting ways. Tx.
Adora Andy

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

From: Adora Andy
Sent: 12/11/2009 08:33 AM EST
To: Richard Windsor
Subject: Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles

(b) (6) Privacy

Richard Windsor

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

From: Richard Windsor
Sent: 12/11/2009 06:29 AM EST
To: Adora Andy
Subject: Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles

Interesting

Adora Andy

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

From: Adora Andy
Sent: 12/10/2009 10:20 PM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats
Subject: WSJ Strassel: The EPA's Carbon Bomb Fizzles
OPINION: POTOMAC WATCH
DECEMBER 10, 2009, 9:31 P.M. ET

The EPA's Carbon Bomb Fizzles

The administration has given a skittish Congress another reason not to pass cap and trade.

By KIMBERLEY A. STRASSELShare:

In the high-stakes game of chicken the Obama White House has been playing with Congress over who will regulate the earth's climate, the president's team just motored into a ditch. So much for threats.

The threat the White House has been leveling at Congress is the Environmental Protection Agency's "endangerment finding," which EPA Administrator Lisa Jackson finally issued this week. The finding lays the groundwork for the EPA to regulate greenhouse gas emissions across the entire economy, on the grounds that global warming is hazardous to human health.

From the start, the Obama team has wielded the EPA action as a club, warning Congress that if it did not

come up with cap-and-trade legislation the EPA would act on its own—and in a far more blunt fashion than Congress preferred. As one anonymous administration official menaced again this week: "If [Congress doesn't] pass this legislation," the EPA is going to have to "regulate in a command-and-control way, which will probably generate even more uncertainty."

The thing about threats, though, is that at some point you have to act on them. The EPA has been sitting on its finding for months, much to the agitation of environmental groups that have been upping the pressure for action.

President Obama, having failed to get climate legislation, didn't want to show up to the Copenhagen climate talks with a big, fat nothing. So the EPA pulled the pin. In doing so, it exploded its own threat.

Far from alarm, the feeling sweeping through many quarters of the Democratic Congress is relief. Voters know cap-and-trade is Washington code for painful new energy taxes. With a recession on, the subject has become poisonous in congressional districts. Blue Dogs and swing-state senators watched in alarm as local Democrats in the recent Virginia and New Jersey elections were pounded on the issue, and lost their seats.

But now? Hurrah! It's the administration's problem! No one can say Washington isn't doing something; the EPA has it under control. The agency's move gives Congress a further excuse not to act.

"The Obama administration now owns this political hot potato," says one industry source. "If I'm [Nebraska Senator] Ben Nelson or [North Dakota Senator] Kent Conrad, why would I ever want to take it back?"

All the more so, in Congress's view, because the EPA "command and control" threat may yet prove hollow. Now that the endangerment finding has become reality, the litigation is also about to become real. Green groups pioneered the art of environmental lawsuits. It turns out the business community took careful notes.

Industry groups are gearing up for a legal onslaught; and don't underestimate their prospects. The leaked emails from the Climatic Research Unit in England alone are a gold mine for those who want to challenge the science underlying the theory of manmade global warming.

But the EPA's legal vulnerabilities go beyond that. The agency derives its authority to regulate pollutants from the Clean Air Act. To use that law to regulate greenhouse gases, the EPA has to prove those gases are harmful to human health (thus, the endangerment finding). Put another way, it must provide "science" showing that a slightly warmer earth will cause Americans injury or death. Given that most climate scientists admit that a warmer earth could provide "net benefits" to the West, this is a tall order.

Then there are the rules stemming from the finding. Not wanting to take on the political nightmare of regulating every American lawn mower, the EPA has produced a "tailoring rule" that it says allows it to focus solely on large greenhouse gas emitters. Yet the Clean Air Act—authored by Congress—clearly directs the EPA to also regulate small emitters.

This is where green groups come in. The tailoring rule "invites suits," says Sen. John Barrasso (R., Wyo.), who has emerged as a top Senate watchdog of EPA actions. Talk of business litigation aside, Mr. Barrasso sees "most of the lawsuits coming from the environmental groups" who want to force the EPA to regulate everything. The agency is going to get hit from all directions. Even if these outsiders don't win their suits, they have the ability to twist up the regulations for a while.

Bottom line: At least some congressional Democrats view this as breathing room, a further reason to not tackle a killer issue in the run-up to next year's election. Mr. Obama may emerge from Copenhagen with some sort of "deal." But his real problem is getting Congress to act, and his EPA move may have just made that job harder.

Write to kim@wsj.com

01268-EPA-3176

**David
McIntosh/DC/USEPA/US**
12/12/2009 04:20 PM

To Bob Perciasepe, Richard Windsor
cc Diane Thompson
bcc
Subject Re: Voinovich

(b) (5) Deliberative



Sincerely,
Lisa Jackson
Bob Perciasepe

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

From: Bob Perciasepe
Sent: 12/12/2009 04:04 PM EST
To: Richard Windsor; David McIntosh
Cc: Diane Thompson
Subject: Voinovich

Lisa and David.

(b) (5) Deliberative



Thoughts?

Bob Perciasepe
Office of the Administrator
(o)202 564 4711
(c) (b) (6) Personal Privacy

01268-EPA-3178

Richard Windsor/DC/USEPA/US
12/12/2009 06:41 PM

To David McIntosh, Bob Perciasepe
cc Diane Thompson
bcc
Subject Re: Voinovich

Will do.
David McIntosh

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

From: David McIntosh
Sent: 12/12/2009 04:20 PM EST
To: Bob Perciasepe; Richard Windsor
Cc: Diane Thompson
Subject: Re: Voinovich

(b) (5) Deliberative
[Redacted]

Sincerely,
Lisa Jackson
Bob Perciasepe

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

From: Bob Perciasepe
Sent: 12/12/2009 04:04 PM EST
To: Richard Windsor; David McIntosh
Cc: Diane Thompson
Subject: Voinovich

Lisa and David.

(b) (5) Deliberative
[Redacted]

Thoughts?

Bob Perciasepe
Office of the Administrator

(o)202 564 4711
(c) (b) (6) Personal Privacy

01268-EPA-3179

Richard Windsor/DC/USEPA/US
12/12/2009 06:42 PM

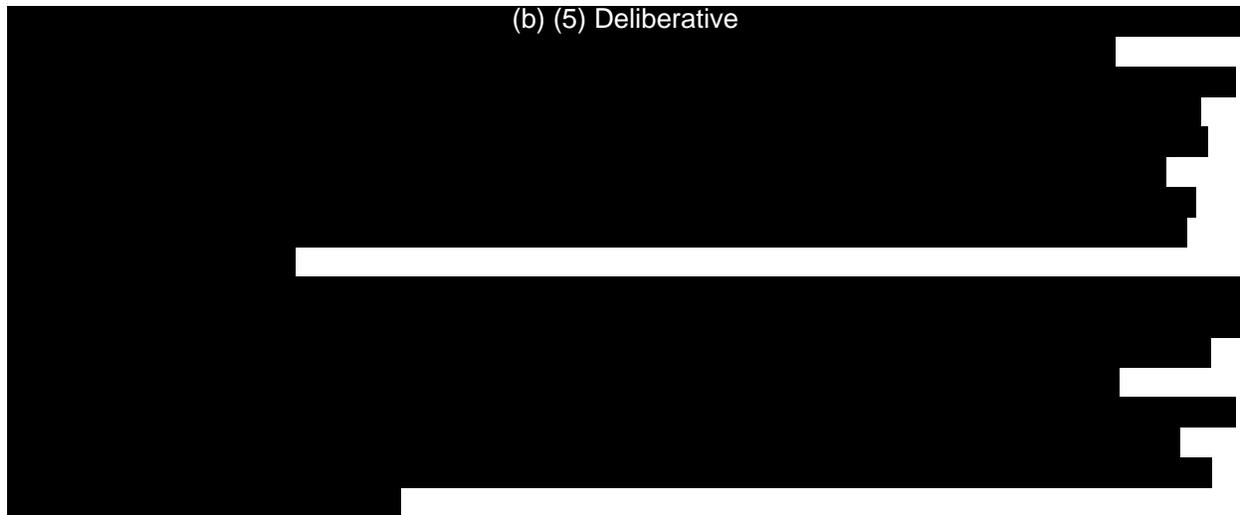
To "Aaron Dickerson", "Eric Wachter"
cc
bcc
Subject Fw: Voinovich

For Monday...
David McIntosh

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

From: David McIntosh
Sent: 12/12/2009 04:20 PM EST
To: Bob Perciasepe; Richard Windsor
Cc: Diane Thompson
Subject: Re: Voinovich

(b) (5) Deliberative



Sincerely,
Lisa Jackson
Bob Perciasepe

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

From: Bob Perciasepe
Sent: 12/12/2009 04:04 PM EST
To: Richard Windsor; David McIntosh
Cc: Diane Thompson
Subject: Voinovich

Lisa and David.

(b) (5) Deliberative



Thoughts?

Bob Perciasepe
Office of the Administrator

(o)202 564 4711
(c) (b) (6) Personal Privacy

01268-EPA-3194

David
McIntosh/DC/USEPA/US
12/14/2009 02:53 PM

To windsor.richard
cc mccarthy.gina
bcc

Subject Fw: GOP ENR: Murkowski to speak against EPA
endangerment finding

(b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 12/14/2009 02:51 PM EST
To: Brendan Gilfillan; "Seth Oster" <oster.seth@epa.gov>; Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara
Subject: Re: GOP ENR: Murkowski to speak against EPA endangerment finding

(b) (5) Deliberative

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 12/14/2009 02:33 PM EST
To: Seth Oster <oster.seth@epa.gov>; David McIntosh; Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara
Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

(b) (5) Deliberative

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 12/14/2009 02:26 PM -----

From: Adora Andy/DC/USEPA/US
To: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Date: 12/14/2009 02:15 PM
Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

From: "Robin Bravender" [rbravender@eenews.net]
Sent: 12/14/2009 02:06 PM EST
To: Adora Andy; Cathy Milbourn
Subject: FW: GOP ENR: Murkowski to speak against EPA endangerment finding

Hello, I am working on a story for this afternoon about Sen. Murkowski's resolution to veto EPA's endangerment finding. I wonder if you have a comment. My deadline is 4:30 p.m.

Thanks so much,

Robin Bravender
Reporter
Greenwire · E&E Daily · E&ENews PM
122 C St., NW, Ste. 722
Washington, D.C. 20001
202-446-0458
202-427-6277 (c)
www.eenews.net

From: Dillon, Robert (Energy) [mailto:Robert_Dillon@energy.senate.gov]
Sent: Monday, December 14, 2009 11:29 AM
Subject: GOP ENR: Murkowski to speak against EPA endangerment finding



FOR IMMEDIATE RELEASE
DECEMBER 14, 2009
224-7875

CONTACT: ROBERT DILLON (202) 224-6977
or ANNE JOHNSON (202)

Media Advisory

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, is scheduled to speak on the Senate floor at **3:30 p.m. today** in opposition to the Environmental Protection Agency's endangerment finding. Murkowski will announce her plan to introduce a disapproval resolution to veto EPA regulation of greenhouse gases under the Clean Air Act.

A copy of her floor speech will be made available immediately following her remarks.

####

*For further information, please contact Robert Dillon at 202.224.6977 or Robert_dillon@energy.senate.gov or Anne Johnson at 202.224.7875 or anne_johnson@energy.senate.gov.
Visit our website at <http://energy.senate.gov/public/>*

Robert Dillon
Senate Energy and Natural Resources Committee
Office: (202) 224 6977
Cell: (202) 285 6783
E-mail: Robert_Dillon@energy.senate.gov

[attachment "091214Media advisory.doc" deleted by David McIntosh/DC/USEPA/US]

01268-EPA-3195

Richard Windsor/DC/USEPA/US
12/14/2009 03:19 PM

To David McIntosh, "Lisa Jackson", "Gina (Sheila) McCarthy", "Michelle DePass", "vajjhala shalini"
cc
bcc

Subject Re: GOP ENR: Murkowski to speak against EPA endangerment finding

Tx

David McIntosh

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

From: David McIntosh
Sent: 12/14/2009 02:46 PM EST
To: windsor.richard@epa.gov; mccarthy.gina@epa.gov; depass.michelle@epa.gov; vajjhala.shalini@epa.gov
Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

(b) (5) Deliberative
[Redacted]

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 12/14/2009 02:33 PM EST
To: Seth Oster <oster.seth@epa.gov>; David McIntosh; Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara
Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

(b) (5) Deliberative
[Redacted]

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 12/14/2009 02:26 PM -----

From: Adora Andy/DC/USEPA/US
To: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Date: 12/14/2009 02:15 PM
Subject: Fw: GOP ENR: Murkowski to speak against EPA endangerment finding

From: "Robin Bravender" [rbravender@eenews.net]
Sent: 12/14/2009 02:06 PM EST
To: Adora Andy; Cathy Milbourn
Subject: FW: GOP ENR: Murkowski to speak against EPA endangerment finding

Hello, I am working on a story for this afternoon about Sen. Murkowski's resolution to veto EPA's endangerment finding. I wonder if you have a comment. My deadline is 4:30 p.m.

Thanks so much,

Robin Bravender
Reporter
Greenwire · E&E Daily · E&ENews PM
122 C St., NW, Ste. 722
Washington, D.C. 20001
202-446-0458
202-427-6277 (c)
www.eenews.net

From: Dillon, Robert (Energy) [mailto:Robert_Dillon@energy.senate.gov]
Sent: Monday, December 14, 2009 11:29 AM
Subject: GOP ENR: Murkowski to speak against EPA endangerment finding



FOR IMMEDIATE RELEASE
DECEMBER 14, 2009
224-7875

CONTACT: ROBERT DILLON (202) 224-6977
or ANNE JOHNSON (202)

Media Advisory

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, is scheduled to speak on the Senate floor at **3:30 p.m. today** in opposition to the Environmental Protection Agency's endangerment finding. Murkowski will announce her plan to introduce a disapproval resolution to veto EPA regulation of greenhouse gases under the Clean Air Act.

A copy of her floor speech will be made available immediately following her remarks.

####

*For further information, please contact Robert Dillon at 202.224.6977 or Robert_dillon@energy.senate.gov or Anne Johnson at 202.224.7875 or anne_johnson@energy.senate.gov.
Visit our website at <http://energy.senate.gov/public/>*

Robert Dillon
Senate Energy and Natural Resources Committee
Office: (202) 224 6977
Cell: (202) 285 6783
E-mail: Robert_Dillon@energy.senate.gov

[attachment "091214Media advisory.doc" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3196

Richard Windsor/DC/USEPA/US
12/14/2009 06:30 PM

To Eric Wachter
cc
bcc
Subject Re: A Week to Remember

Yes!
Eric Wachter

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

From: Eric Wachter
Sent: 12/14/2009 06:27 PM EST
To: Richard Windsor
Cc: Aaron Dickerson
Subject: Fw: A Week to Remember

[Redacted] (b) (6) Personal Privacy [Redacted]

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/14/2009 06:26 PM -----

Message Information

Date 12/14/2009 04:14 PM12/14/2009 06:30:06 PM
From Bettina Stokes/R10/USEPA/US
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Re: A Week to Remember

Message Body

Hello! [Redacted] (b) (6) Privacy [Redacted]

Wishing you Happy Holidays!

Bettina Stokes

Message from the Administrator [Visit the Agency's Intra...](#) 12/11/2009 11:40:23 AM
Message from the Administrator
12/11/2009 11:40 AM
To All EPA Employees
cc
Subject A Week to Remember

[Visit the Agency's Intranet for More Information](#)



[All Hands Email-Archive](#)

This message is being sent to all EPA Employees.

Please do not reply to this mass mailing.

MEMORANDUM

SUBJECT: A Week to Remember

FROM: Administrator Lisa P. Jackson

TO: All EPA Employees

Colleagues:

This week we made history.

On Monday, I signed the finalized endangerment finding on greenhouse gases, a decision that has been years in the making. The long-overdue finding cements 2009's place in history as the year when our government – and our agency – truly began addressing the challenge of greenhouse gas pollution and seizing the opportunities of clean energy reform. This achievement resulted from the hard work of so many of you within the agency – in particular, our colleagues in the Office of Air and Radiation. They worked tirelessly to prepare this finding and collect and respond to an overwhelming number of public comments received – nearly 400,000 in all. I thank all of them – and all of you – for your incredible efforts.

We are now on a path towards enduring, pragmatic solutions to reduce greenhouse gases. We've already set in motion groundbreaking initiatives like the clean cars rule – with the nation's first-ever limits on GHGs from American vehicles – and the creation of a nationwide, and what I believe will be world-leading, greenhouse gas reporting system.

These are important tools for fulfilling our responsibility to future generations and tackling climate change today. Our actions also send a clear message to the global community that the United States – with EPA leading the way – is committed to acting on the greatest environmental challenge of our time.

That message to our global partners was absolutely critical this week in my talks at the United Nations Climate Change Conference in Copenhagen. I can't tell you how proud I was to represent the United States and all of us here at EPA in the meetings I attended. The world is watching – and they are excited about the hard work you are doing. I met

with individuals, government officials and stakeholders from all around the world; I saw innovative ideas taking shape to protect our planet, and was particularly inspired by the energy and enthusiasm of the many young people in attendance.

We have much work left to do. We are off and running on our far-reaching efforts to reduce greenhouse emissions, grow the clean energy economy, and free ourselves from our dependence on foreign oil that threatens our national security and our economy. We're also moving full steam ahead to clean up our water, reform chemical management, reduce dangerous pollution in the air we breathe, and expand the conversation on environmentalism.

But I would like you to take just a moment to reflect on our accomplishments this week, and all that we have accomplished this year. Thank you so much for all of your hard work, and your commitment to protecting the health and environment of the American people.

Sincerely,
Lisa P. Jackson

OEX Processing Information

Processed Date:

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PO Office

Category:

Message Count

01268-EPA-3198

Mathy
Stanislaus/DC/USEPA/US
12/14/2009 10:50 PM

To Lisa P Jackson, Richard Windsor
cc
bcc

Subject Re: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

(b) (6) Personal Privacy

(b) (5) Deliberative

12/14/2009 09:11:36 PM

From: (b) (6) Personal Privacy
To: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 12/14/2009 09:11 PM
Subject: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Sent via BlackBerry by AT&T

From: Google Alerts <googlealerts-noreply@google.com>
Date: Tue, 15 Dec 2009 01:10:03 +0000
To: <(b) (6) Personal Privacy>
Subject: Google Alert - EPA Lisa jackson

Google News Alert for: **EPA Lisa jackson**

[EPA to spend \\$13 million to help stop Asian carp](#)

Milwaukee Journal Sentinel

"The challenge at hand requires the immediate action we're taking today," Environmental Protection Agency boss **Lisa P. Jackson** said in a news release. "EPA ...

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EPA Administrator **Lisa Jackson** announced the endangerment finding at a Dec. 7 news conference. The announcement does not impose any new requirements on ...

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Charleston Gazette (blog)

Lisa Jackson, the Obama administration's EPA administrator, has indicated her agency intends to have a proposed new rule on coal-ash disposal ready for ...

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01268-EPA-3199

Richard Windsor/DC/USEPA/US
12/14/2009 11:17 PM

To Mathy Stanislaus
cc Lisa P Jackson
bcc

Subject Re: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Mathy Stanislaus **(b) (5) Deliberative** 12/14/2009 10:50:49 PM

From: Mathy Stanislaus/DC/USEPA/US
To: Lisa P Jackson <**(b) (6) Personal Privacy**> Richard Windsor/DC/USEPA/US@EPA
Date: 12/14/2009 10:50 PM
Subject: Re: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

(b) (6) Personal Privacy **(b) (5) Deliberative** 12/14/2009 09:11:36 PM

From: **(b) (6) Personal Privacy**
To: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 12/14/2009 09:11 PM
Subject: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Sent via BlackBerry by AT&T

From: Google Alerts <googlealerts-noreply@google.com>
Date: Tue, 15 Dec 2009 01:10:03 +0000
To: <**(b) (6) Personal Privacy**>
Subject: Google Alert - EPA Lisa jackson

Google News Alert for: **EPA Lisa jackson**

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01268-EPA-3204

Mathy Stanislaus/DC/USEPA/US
12/15/2009 07:33 AM

To Richard Windsor
cc
bcc

Subject Re: Fw: Google Alert - EPA Lisa jackson

OK
Richard Windsor

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

From: Richard Windsor
Sent: 12/14/2009 11:17 PM EST
To: Mathy Stanislaus
Cc: Lisa P Jackson <(b) (6) Personal Privacy>
Subject: Re: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Mathy Stanislaus (b) (5) Deliberative 12/14/2009 10:50:49 PM

From: Mathy Stanislaus/DC/USEPA/US
To: Lisa P Jackson <(b) (6) Personal Privacy> Richard Windsor/DC/USEPA/US@EPA
Date: 12/14/2009 10:50 PM
Subject: Re: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative (b) (5) Deliberative

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

(b) (6) Personal Privacy (b) (5) Deliberative 12/14/2009 09:11:36 PM

From: (b) (6) Personal Privacy
To: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 12/14/2009 09:11 PM
Subject: Fw: Google Alert - EPA Lisa jackson

(b) (5) Deliberative

Sent via BlackBerry by AT&T

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Google News Alert for: **EPA Lisa jackson**

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01268-EPA-3205

Richard Windsor/DC/USEPA/US
12/15/2009 11:34 AM

To Allyn Brooks-LaSure
cc
bcc

Subject Re: Ummm...

:)

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure

Sent: 12/15/2009 11:02 AM EST

To: "Jackson, Lisa P." <windsor.richard@epa.gov>; "Sussman, Bob" <sussman.bob@epa.gov>; "Stanislaus, Mathy" <stanislaus.mathy@epa.gov>; Lisa Heinzerling; Bob Perciasepe; Diane Thompson; "Fulton, Scott" <fulton.scott@epa.gov>

Cc: "Oster, Seth" <Oster.Seth@epa.gov>

Subject: Ummm...

Administrator, you have your own Christmas carols...

Coal Ash Regs Are Comin' To Town

Rob Perks

Director, NRDC - Center for Advocacy Campaigns,

Washington, D.C.

Posted December 15, 2009 in Curbing Pollution , Health and the Environment , Solving Global Warming

Call it a gift or a curse, but I have a thing for song parody. I'm like the Weird Al Yankovic of environmentalists. Usually my peculiar "talent" gets displayed at the office holiday party. Who can forget my odes to coal belted out last year by NRDC's in-house carolers?

Unfortunately, I missed this year's party due to travel. But never fear, I give to you the 2009 coal carol -- ba-rumpa, bum, bum.

Coal Ash Regs Are Comin' To Town

She's making a list,

Priority: High,

Gonna find out who's wet or dry.

Coal ash regs are comin' to town!

Yes, Lisa Jackson,

Is making all haste,

EPA's cracking down, On combustion waste.

Coal ash regs are comin' to town!

She knows which landfill's leaching,

She knows which pond might break,

She knows they all lack liners,

Close 'em down, for goodness sake!

One-thirty million tons,

Ev-ery year,

Spew from coal plants, Far and near.

Coal ash regs are comin' to town!

So, you better watch out,
Coal waste fly,
A high hazard, Either wet or dry.
Coal ash regs are comin' to town!

So, don't worry about a lump of coal in your stocking. Tops on this year's wish list are new federal regulations to finally treat dirty, unsafe coal ash as hazardous waste. Just be sure to send your letter to EPA Administrator Lisa Jackson to make your holiday wish come true. Happy holidays, everyone!

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

01268-EPA-3213

Bob Sussman/DC/USEPA/US
12/17/2009 01:14 PM

To Seth Oster, Richard Windsor, Mathy Stanislaus, Diane
Thompson, Bob Perciasepe, Arvin Ganesan, David McIntosh
cc
bcc

Subject Re: Coal Ash -- Industry report on effects of possible EPA
rule

(b) (5) Deliberative

Seth Oster

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

From: Seth Oster

Sent: 12/17/2009 01:09 PM EST

To: Richard Windsor; Mathy Stanislaus; Diane Thompson; Bob Sussman; Bob
Perciasepe; Arvin Ganesan; David McIntosh

Subject: Coal Ash -- Industry report on effects of possible EPA rule

Assume others are aware of, and/or have seen this report that was cited in Inside
EPA this morning.

Seth

Draft Study Finds 'Hazardous' EPA Ash Rules Could Shutter Coal Utilities

Preliminary findings by a key electric power research organization find that between 190 and 411 coal-fired power plants could be shuttered if EPA's pending coal ash disposal rules regulate the waste as hazardous, which could boost an increasingly aggressive 11th-hour push by the utility industry to block any hazardous waste designation.

The Electric Power Research Institute (EPRI), a research organization that does not advocate for particular policy outcomes, is studying the possible impacts on coal-fired power plants if EPA designates coal ash as hazardous in its upcoming, first-time Resource Conservation & Recovery Act (RCRA) rules for the waste. Utility lobbyists fear a hazardous designation would be a "game changer" that would boost costs and cause plant closures.

EPRI's preliminary findings show a hazardous waste rule for coal ash could shutter from 190 to 411 coal-fired generation units in the Midwest, Mid-Atlantic, Texas and Southeast regions, Ken Ladwig, EPRI senior research manager, told a Dec. 10 House Energy & Commerce Committee environment panel hearing.

Additionally, Regional Transmission Organizations (RTOs) that move electricity across several states would see drops of between 4 and 19 percent in generation capacity, according to Ladwig's testimony at the hearing.

The largest RTO -- PJM Interconnection LLC which serves parts of Delaware, Illinois, Ohio, 11 other states and the District of Columbia -- would experience a 12 to 19 percent drop in generation capacity, the preliminary findings show. Texas would suffer a 7 to 14 percent loss, the RTO for the Midwest would lose between 5 and 8 percent of its capacity, and the Southeast regulated areas could face between a 4 and 9 percent drop in capacity, Ladwig said.

Ladwig was among a number of stakeholders at the hearing, where environment subcommittee Chairman Edward Markey (D-MA) urged EPA to include first-time restrictions on the beneficial reuse of coal combustion waste as part of its pending RCRA coal ash proposal, warning that some beneficial reuses of coal ash can result in heavy metals within the ash leaching out and contaminating water supplies (*see related story*).

While Ladwig cautioned that the findings are preliminary, EPRI has presented some early results to the White House Office of Management & Budget (OMB), which is reviewing EPA's coal waste proposal, expected later this month. The results focus on the specific impacts on coal-fired power plants if they were required under a hazardous waste designation to switch from "wet" coal ash disposal in surface impoundments and other ponds to dry coal ash storage, for example in a landfill. Environmentalists say EPA's rules should ban any future wet disposal of coal ash.

EPRI has also had discussions with staff in the Federal Energy Regulatory Commission's (FERC) Office of Reliability about its report and the focus of future coal ash studies. A source with the Edison Electric Institute (EEI), which represents investor-owned utilities, says FERC wants to see a final report from EPRI before taking any action, but in the meantime the energy commission is coordinating with industry including EEI to examine the potential impacts on electricity reliability in the event EPA opts to regulate coal ash as hazardous (*Inside EPA* , Dec. 11).

While EPRI's draft findings that hazardous coal waste rules could shutter more than 400 coal-fired power plants are preliminary, the power industry could

nevertheless get a boost from the findings in its opposition to EPA issuing any RCRA hazardous waste rules for coal ash.

Sources with EEI have previously said that any type of hazardous designation could be a negative “game changer” for the coal-fired power plant industry and raise the specter of power plants having to close down due to being unable to handle the massive new regulatory costs that such a designation would create.

EEI has pursued an aggressive effort to have its industry members send letters to EPA opposing hazardous waste rules for coal ash and is also engaging in last-minute lobbying with OMB, the White House Council on Environmental Quality and other key Obama administration offices to try and win their opposition to hazardous waste rules.

EPA is pursuing first-time RCRA rules for the disposal of coal waste in the wake of a massive coal ash spill at a Tennessee Valley Authority (TVA) facility in December 2008. Environmentalists argue that the spill shows that industry is inadequately handling the waste and that it highlights the dangers of wet disposal of coal ash. One informed source says that EPA may issue its proposal on Dec. 22, the first anniversary of the TVA spill.

EEI argues that EPA should adopt new federal non-hazardous waste regulations under RCRA for waste management facilities where coal ash is stored, according to EEI documents. EEI has argued that regulating coal ash as non-hazardous waste is consistent with EPA’s 2000 regulatory determination that “coal ash does not warrant regulation as a hazardous waste,” according to both EEI statements made earlier this year and sources with the trade association.

Various industry groups have also held a number of meetings with OMB in recent weeks, including the Portland Cement Association which met with OMB and EPA officials Nov. 17 to warn about negative associations a hazardous waste designation would have on coal ash, which could harm the beneficial reuse industry. Several power companies including American Electric Power, First Energy and Duke Energy have also recently met with OMB and EPA.

The informed source says there is reportedly significant opposition to EPA’s preferred approach of regulating coal ash through a hybrid approach that would designate some coal ash disposal as hazardous and other types as non-hazardous solid waste, due to concerns about costs and minimal benefits. The source says that

in addition to industry, other agencies may be raising concerns with EPA, but the agency appears hesitant to drop the hybrid plan.

EPRI is now internally reviewing a draft version of its report into how hazardous EPA waste rules for coal ash could impact power generation and grid reliability, expected for release sometime next year.

EPA is expected to declare at least some forms of coal ash, including those stored in wet impoundments, as hazardous waste subject to strict storage and handling requirements.

Once the research organization makes its report final next year it will formally submit the findings to EPA, FERC and OMB. A related ongoing EPRI report could emerge in 2010 providing an in-depth analysis of the cost of hazardous waste disposal, and wet-to-dry conversion of fly ash and bottom ash handling systems.

One of the barriers to a more detailed analysis before 2010 is uncertainty about the pending EPA regulations, Ladwig told the hearing. A more detailed analysis is a complicated undertaking that requires a specialized modeling system to assess the cost impacts from a change in regulation. For now, the report focuses on the preliminary results of how reliability would be impacted under potential EPA regulatory changes for coal-fired power plants.

Ladwig noted in his testimony that, "The magnitude of potential shutdowns in terms of lost capacity (resource adequacy) is only a partial picture of the regulatory impacts."

Ladwig added that EPRI's data is a preliminary analysis and that other metrics had not been examined, including electricity price impacts, job losses, "distributional equity (i.e., identification of who would benefit and who would bear the costs)," and secondary market impacts, such as impacts on coal mining, natural gas production and the "beneficial use markets" for coal ash, including concrete manufacturing and the construction industry. In a list of possible subjects to evaluate in the future, Ladwig also noted "transmission security impacts due to unit closures."

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency

(202) 564-1918
oster.seth@epa.gov

01268-EPA-3221

**David
McIntosh/DC/USEPA/US**

12/18/2009 09:28 AM

To windsor.richard, oster.seth, mccarthy.gina, heinzerling.lisa,
thompson.diane

cc

bcc

Subject Fw: KY IGCC

Just FYI. Paul works for one of the bigger coal front groups. I'm not under any obligation to reply to him.

----- Forwarded by David McIntosh/DC/USEPA/US on 12/18/2009 09:24 AM -----

From: "Paul Bailey" <(b) (6) Personal Privacy>
To: David McIntosh/DC/USEPA/US@EPA
Date: 12/18/2009 08:48 AM
Subject: KY IGCC

David --

I could use your help. I'm trying to prevent some of the coal producers from flipping out about the Administrator's decision to grant objections to the permit for the Cash Creek IGCC plant. They (and, of course, their lawyers) think this means that EPA is biased towards natural gas and signals that EPA will try to force the use of natural gas in lieu of coal. I've read the Administrator's response, which seems clear that considering natural gas as BACT is a strictly procedural matter. Can you think of anything else that can be said or done to allay some of their paranoia? We have an ACCCE Board call this afternoon and someone might bring up this issue.

Also, do you have time to get together for breakfast?

Thanks much,
Paul
703-560-8809

01268-EPA-3222

David
McIntosh/DC/USEPA/US
12/18/2009 10:32 AM

To heinzerling.lisa, mccarthy.gina, oster.seth, thompson.diane,
windsor.richard
cc
bcc

Subject Re: Fw: KY IGCC

(b) (5) Deliberative



David McIntosh Just FYI. Paul works for one of the big... 12/18/2009 09:28:58 AM

From: David McIntosh/DC/USEPA/US
To: windsor.richard@epa.gov, oster.seth@epa.gov, mccarthy.gina@epa.gov,
heinzerling.lisa@epa.gov, thompson.diane@epa.gov
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Paul
703-560-8809

01268-EPA-3223

Richard Windsor/DC/USEPA/US
12/18/2009 10:35 AM

To "Bob Sussman"
cc
bcc

Subject Fw: Fw: KY IGCC

David McIntosh

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

From: David McIntosh
Sent: 12/18/2009 10:32 AM EST
To: heinzerling.lisa@epa.gov; mccarthy.gina@epa.gov; oster.seth@epa.gov; thompson.diane@epa.gov; windsor.richard@epa.gov
Subject: Re: Fw: KY IGCC

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From: David McIntosh/DC/USEPA/US
To: windsor.richard@epa.gov, oster.seth@epa.gov, mccarthy.gina@epa.gov, heinzerling.lisa@epa.gov, thompson.diane@epa.gov
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Thanks much,
Paul
703-560-8809

01268-EPA-3224

David
McIntosh/DC/USEPA/US
12/18/2009 12:20 PM

To windsor.richard
cc brooks-lasure.allyn, oster.seth, thompson.diane
bcc
Subject Copenhagen materials

(b) (5) Deliberative



-David

President Obama and Chinese Premier Wen Jiabao met for 55 minutes in a room at the Bella Center, and "made progress," a White House official said. That meeting broke up a little after 1:35 p.m. Copenhagen time.

The official called the discussion "constructive," and said that the two men touched on all of the three issues which Mr. Obama raised during his speech: emissions goals from all key countries, verification mechanism, and financing.

Mr. Obama and Mr. Wen asked their negotiators to get together one-on-one after the meeting, as well as with other countries, "to see if an agreement can be reached," the White House official said.

Asked if the two had achieved a breakthrough, the official said "they took a step forward and made progress."

He said that the hope is to reach an agreement today.

Helene Cooper
The New York Times

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

December 18, 2009

REMARKS BY THE PRESIDENT
AT THE MORNING PLENARY SESSION
OF THE UNITED NATIONS CLIMATE CHANGE CONFERENCE

Bella Center
Copenhagen, Denmark

12:32 P.M. CET

THE PRESIDENT: Good morning. It is an honor for me to join this distinguished group of leaders from nations around the world. We come here in Copenhagen because climate change poses a grave and growing danger to our people. All of you would not be here unless you -- like me -- were convinced that this danger is real. This is not fiction, it is science. Unchecked, climate change will pose unacceptable risks to our security, our economies, and our planet. This much we know.

The question, then, before us is no longer the nature of the challenge -- the question is our capacity to meet it. For while the reality of climate change is not in doubt, I have to be honest, as the world watches us today, I think our ability to take collective action is in doubt right now, and it hangs in the balance.

I believe we can act boldly, and decisively, in the face of a common threat. That's why I come here today -- not to talk, but to act. (Applause.)

Now, as the world's largest economy and as the world's second largest emitter, America bears our responsibility to address climate change, and we intend to meet that responsibility. That's why we've renewed our leadership within international climate change negotiations. That's why we've worked with other nations to phase out fossil fuel subsidies. That's why we've taken bold action at home -- by making historic investments in renewable energy; by putting our people to work increasing efficiency in our homes and buildings; and by pursuing comprehensive legislation to transform to a clean energy economy.

These mitigation actions are ambitious, and we are taking them not simply to meet global responsibilities. We are convinced, as some of you may be convinced, that changing the way we produce and use energy is essential to America's economic future -- that it will create millions of new jobs, power new industries, keep us competitive, and spark new innovation. We're convinced, for our own self-interest, that the way we use energy, changing it to a more efficient fashion, is essential to our national security, because it helps to reduce our dependence on foreign oil, and helps us deal with some of the dangers posed by climate change.

So I want this plenary session to understand, America is going to continue on this course of action to mitigate our emissions and to move towards a clean energy economy, no matter what happens here in Copenhagen. We think it is good for us, as well as good for the world. But we also believe that we will all be stronger, all be safer, all be more secure if we act together. That's why it is in our mutual interest to achieve a global accord in which we agree to certain steps, and to hold each other accountable to certain commitments.

After months of talk, after two weeks of negotiations, after innumerable side meetings, bilateral meetings, endless hours of discussion among negotiators, I believe that the pieces of that accord should now be clear.

First, all major economies must put forward decisive national actions that will reduce their

emissions, and begin to turn the corner on climate change. I'm pleased that many of us have already done so. Almost all the major economies have put forward legitimate targets, significant targets, ambitious targets. And I'm confident that America will fulfill the commitments that we have made: cutting our emissions in the range of 17 percent by 2020, and by more than 80 percent by 2050 in line with final legislation.

Second, we must have a mechanism to review whether we are keeping our commitments, and exchange this information in a transparent manner. These measures need not be intrusive, or infringe upon sovereignty. They must, however, ensure that an accord is credible, and that we're living up to our obligations. Without such accountability, any agreement would be empty words on a page.

I don't know how you have an international agreement where we all are not sharing information and ensuring that we are meeting our commitments. That doesn't make sense. It would be a hollow victory.

Number three, we must have financing that helps developing countries adapt, particularly the least developed and most vulnerable countries to climate change. America will be a part of fast-start funding that will ramp up to \$10 billion by 2012. And yesterday, Secretary Hillary Clinton, my Secretary of State, made it clear that we will engage in a global effort to mobilize \$100 billion in financing by 2020, if -- and only if -- it is part of a broader accord that I have just described.

Mitigation. Transparency. Financing. It's a clear formula -- one that embraces the principle of common but differentiated responses and respective capabilities. And it adds up to a significant accord -- one that takes us farther than we have ever gone before as an international community.

I just want to say to this plenary session that we are running short on time. And at this point, the question is whether we will move forward together or split apart, whether we prefer posturing to action. I'm sure that many consider this an imperfect framework that I just described. No country will get everything that it wants. There are those developing countries that want aid with no strings attached, and no obligations with respect to transparency. They think that the most advanced nations should pay a higher price; I understand that. There are those advanced nations who think that developing countries either cannot absorb this assistance, or that will not be held accountable effectively, and that the world's fastest-growing emitters should bear a greater share of the burden.

We know the fault lines because we've been imprisoned by them for years. These international discussions have essentially taken place now for almost two decades, and we have very little to show for it other than an increased acceleration of the climate change phenomenon. The time for talk is over. This is the bottom line: We can embrace this accord, take a substantial step forward, continue to refine it and build upon its foundation. We can do that, and everyone who is in this room will be part of a historic endeavor -- one that makes life

better for our children and our grandchildren.

Or we can choose delay, falling back into the same divisions that have stood in the way of action for years. And we will be back having the same stale arguments month after month, year after year, perhaps decade after decade, all while the danger of climate change grows until it is irreversible.

Ladies and gentlemen, there is no time to waste. America has made our choice. We have charted our course. We have made our commitments. We will do what we say. Now I believe it's the time for the nations and the people of the world to come together behind a common purpose.

We are ready to get this done today -- but there has to be movement on all sides to recognize that it is better for us to act than to talk; it's better for us to choose action over inaction; the future over the past -- and with courage and faith, I believe that we can meet our responsibility to our people, and the future of our planet. Thank you very much. (Applause.)

END 12:43 P.M. CET

01268-EPA-3225

(b) (6) Personal Privacy

To Richard Windsor

12/18/2009 05:10 PM

cc

Please respond to

bcc

(b) (6) Personal Privacy

Subject Fw: Followup information....region 4

Sent via BlackBerry by AT&T

From: heidi.ellis (b) (6) Personal Privacy

Date: Mon, 23 Nov 2009 18:11:04 +0000

To: Lisa Jackson <(b) (6) Personal Privacy>

Subject: Fw: Followup information....region 4

Sent from my Verizon Wireless BlackBerry

From: "forest harper" <(b) (6) Personal Privacy>

Date: Sun, 22 Nov 2009 23:34:19 -0500

To: <heidi.ellis (b) (6) Personal Privacy>

Subject: Followup information....

Heidi,

Please pass on the following information to Mrs Jackson

She can call me on my cell to allow me to walk her through the information. (b) (6) Personal Privacy

Forest,

I can be reached at home,

(b) (6)

Thanks

Forest

(b) (6) Personal Privacy

[Redacted content]

(b) (6) Personal Privacy

[Redacted text block]

[Redacted text block]

(b) (6) Personal Privacy
[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (6) Personal Privacy

[Redacted text block]

[Redacted text block]

[Redacted text block]

(b) (6) Personal Privacy

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (6) Personal Privacy
[Redacted text block]

[Redacted text block]

[Redacted text block]

01268-EPA-3228

**Bob
Perciasepe/DC/USEPA/US**
12/19/2009 04:43 PM

To Adora Andy, Gina McCarthy, Lisa Heinzerling, "Richard Windsor", Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"
cc "Brendan Gilfillan", "Betsaida Alcantara", Michael Moats
bcc
Subject Re: TIMES-PIC: Louisiana tells EPA that it should let Congress handle greenhouse gas regulation

A thoughtful letter ?

Bob Perciasepe
Office of the Administrator
(o)202 564 4711
(c) (b) (6) Personal Privacy
Adora Andy

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

From: Adora Andy
Sent: 12/19/2009 03:06 PM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats
Subject: TIMES-PIC: Louisiana tells EPA that it should let Congress handle greenhouse gas regulation
NOLA.COM

Louisiana tells EPA that it should let Congress handle greenhouse gas regulation

By Mark Schleifstein, The Times-Picayune

December 18, 2009, 7:36PM

The state Department of Environmental Quality has demanded that the federal Environmental Protection Agency rescind its recent finding that greenhouse gases endanger present and future generations, and take no action to require industries and small businesses to reduce greenhouse gas emissions.



Instead, Congress should be allowed to address any need for new regulations, said DEQ Secretary Harold Leggett in a Tuesday letter to EPA administrator Lisa Jackson.

"The issue of global climate change resulting from the emissions of GHGs should be addressed through comprehensive federal legislation, full public debate, and American political consensus rather than through unilateral agency policy under the auspices of EPA," Leggett said in the letter.

The state is concerned that EPA already is acting unilaterally to order drastic reductions in emissions without going through its traditional rulemaking process, which could damage both the state's huge petrochemical industry and hundreds of smaller mom-and-pop businesses, said DEQ Assistant Administrator Beau Brock.

That could result in the state being tied up for years in legal challenges to the rules, he said, and a lack of certainty in what rules industry and business will be required to follow.

South Carolina's environmental agency and the governor of Texas have sent similar letters to EPA.

The Louisiana letter was announced even as President Obama was in Copenhagen, Denmark, closing the deal on an international treaty that would take the first steps to limit greenhouse gas emissions worldwide.

The U.S. Senate already is considering legislation that would create a limit or cap on the amount of greenhouse gases emitted nationally. Companies would then buy or sell permits to emit a share of the allowed emissions, mostly carbon dioxide, with the cap reduced over time.

A similar bill already has won approval in the House. Both are aimed at reducing average temperatures worldwide, which scientists say have been rising because of the man-made gases, which trap heat in the atmosphere.

Both versions have been opposed by most Republicans and most of the state's congressional delegation.

EPA issued its endangerment finding on Dec. 7 in response to a 2007 U.S. Supreme Court ruling that threw out a Bush administration finding that greenhouse gases did not pose a threat to public health, and thus did not have to be regulated.

In September, EPA also proposed new thresholds for greenhouse gas emissions from large industrial facilities that would kick in when existing permits expire or when new equipment is installed. In announcing the proposed rules, the agency said they would cover nearly 70 percent of the nation's largest stationary source greenhouse gas emitters, including power plants, refineries and cement production facilities, while shielding small businesses and farms from permitting requirements.

The Supreme Court ruling resulted from a challenge of the Bush administration's health finding by Massachusetts and other states and local governments and environmental groups. In a 5-4 decision, the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act.

The court found that "The government's own objective assessment of the relevant science and a strong consensus among qualified experts indicate that global warming threatens, inter alia, a precipitate rise in sea levels, severe and irreversible changes to natural ecosystems, a significant reduction in winter snowpack with direct and important economic consequences, and increases in the spread of disease and the ferocity of weather events."

Louisiana's own coastal restoration master plan cites 2007 Intergovernmental Panel on Climate Change findings, including its prediction that future sea level rise might be 2 to 6 millimeters a year higher than present rise rates as a result of greenhouse gases -- the equivalent of a 1 1/2-foot to 3-foot rise in sea level over 100 years -- in explaining the need for a comprehensive state restoration program.

"Coastal Louisiana will be among the first places in North America to feel the effects of global warming," according to the master plan. "Its low-lying coast will be directly impacted by rising sea level and more frequent hurricanes."

Brock said DEQ sees no conflict between that language and the state's request that EPA go slow on issuing rules to reduce the emissions causing global warming, though.

"What we're doing is asking EPA to proceed through the proper legislative channels of government," he said. "Regardless of the cause, the departments of this state are trying to combat (coastal erosion) and preserve Louisiana in multifaceted ways."

In his letter to Jackson, a New Orleans native, Leggett said there's a national security interest in assuring the financial health of the state's oil and gas industry.

"The fuel crises which nearly paralyzed the country with the Louisiana landfalls of Hurricanes Katrina, Rita, Gustav and Ike in the recent years clearly illustrated the significance of this base in Louisiana and its impact on the energy lifeline upon which America depends," Leggett wrote.

"Any environmental policy initiated without regard for its economic consequences will most certainly impact every American,"

Harold Leggett is secretary of the Louisiana Department of Environmental Quality.

He said that EPA should explain how much any new rule will cost federal, state and local governments, the regulated community and the public before it is implemented.

"Costs associated with some of EPA's recent actions on greenhouse gases, potentially place Louisiana and American jobs at grave risk and pose a detrimental effect to our state's economy during a time of recession and historic unemployment nationwide," he said.

Mark Schleifstein can be reached at mschleifstein@timespicayune.com or 504.826.3327.

01268-EPA-3230

**Mathy
Stanislaus/DC/USEPA/US**
12/21/2009 11:24 AM

To "Bob Sussman", "Seth Oster", "Adora Andy", "Richard Windsor", "Arvin Ganesan", "Mr. Allyn Brooks-LaSure"
cc
bcc

Subject Fw: Tomorrow's Washington Post

(b) (5) Deliberative

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

From: Lisa Evans [levans@earthjustice.org]
Sent: 12/21/2009 08:08 AM PST
To: Mathy Stanislaus
Subject: Tomorrow's Washington Post

Hi Mathy,

I wanted to give you the heads up that Sierra Club will be running a full-page ad in the Post tomorrow, signed by over 100 groups (including Earthjustice), which asks for national coal ash regulation (commemorating the anniversary of the TVA spill). The tone is respectful to EPA, and it's purpose is to point a finger at the problem while asking for an effective response.

If you have any concerns, please let me know.

Sincerely,
Lisa

Lisa Evans
Senior Administrative Counsel
Earthjustice
21 Ocean Ave.
Marblehead, MA 01945
T: (781) 631-4119
F: (212) 918-1556
www.earthjustice.org

*please consider the environment before printing

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01268-EPA-3231

Mathy Stanislaus/DC/USEPA/US
12/21/2009 11:39 AM

To Seth Oster, Bob Sussman, "Lisa Jackson"
cc Adora Andy
bcc

Subject Re: AP: EPA, USDA push farmers to use coal waste on fields

(b) (5) Deliberative

Seth Oster

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

From: Seth Oster
Sent: 12/21/2009 10:43 AM EST
To: Mathy Stanislaus; Bob Sussman; "Lisa Jackson" <windsor.richard@epa.gov>
Cc: Adora Andy
Subject: Fw: AP: EPA, USDA push farmers to use coal waste on fields

(b) (5) Deliberative

Seth
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 12/21/2009 10:34 AM EST
To: Mathy Stanislaus; Seth Oster; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan
Subject: AP: EPA, USDA push farmers to use coal waste on fields

EPA, USDA push farmers to use coal waste on fields

By RICK CALLAHAN (AP) - 6 hours ago

INDIANAPOLIS – The federal government is encouraging farmers to spread a chalky waste from coal-fired power plants on their fields to loosen and fertilize soil even as it considers regulating coal wastes for the first time.

The material is produced by power plant "scrubbers" that remove acid rain causing sulfur dioxide from plant emissions. A synthetic form of the mineral gypsum, it also contains mercury, arsenic, lead and other heavy metals.

The U.S. Environmental Protection Agency says those toxic metals occur in only tiny amounts that pose no threat to crops, surface water or humans. But some environmentalists say too little is known about how the material affects crops, and ultimately human health, for the government to suggest that farmers use it on their land.

"Basically this is a leap into the unknown," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "This stuff has materials in it that we're trying to prevent entering the environment from coal-fired power plants and then to turn around and smear it across ag lands raises some real questions."

With coal wastes piling up around the coal-fired plants that produce half the nation's power, the EPA and U.S. Department of Agriculture began promoting what they call the wastes' "beneficial uses" during the Bush administration.

Part of that push is to expand use of synthetic gypsum – a whitish, calcium-rich material known as flue gas desulfurization gypsum, or FGD gypsum.

The Obama administration has continued promoting FGD gypsum's use in farming even as it drafts a coal waste rule in response to a spill from a coal ash pond near Knoxville, Tenn., one year ago Tuesday. Ash and water flooded 300 acres, damaging homes and killing fish in nearby rivers. The cleanup is expected to cost about \$1 billion.

The EPA is expected to announce its proposals for regulation early next year, setting the first federal standards for storage and disposal of coal wastes.

EPA officials declined to talk about the agency's promotion of FGD gypsum before then and wouldn't say whether the draft rule would cover it.

Instead, the agency released a statement saying the heavy metals in the material are far less than the amount considered a threat to human health. Field studies have shown that mercury, the main heavy metal of concern because it can damage development of the human nervous system, doesn't accumulate in crops or run off fields in surface water at "significant" levels, it said.

"EPA believes that the use of FGD gypsum in agriculture is safe in appropriate soil and hydrogeologic conditions," the statement said.

Eric Schaeffer, executive director of the Environmental Integrity Project, which advocates for more effective enforcement of environmental laws, said he's not overly worried about FGD gypsum's use on fields because research shows it contains only tiny amounts of heavy metals. But he said federal limits on the amounts of heavy metals in FGD gypsum sold to farmers would help allay concerns.

"That would give them assurance that they've got clean FGD gypsum," he said. "The farmers don't want to get a bad batch."

Since the EPA/USDA partnership began in 2001, farmers' use of the material has more than tripled, from about 78,000 tons spread on fields in 2002 to nearly 279,000 tons last year, according to the American Coal Ash Association, a utility industry group.

About half of the 17.7 million tons of FGD gypsum produced in the U.S. last year was used to make drywall, said Thomas Adams, the association's executive director. But he said it's important to find new uses for it and other coal wastes because the nation is likely to remain reliant on coal-fired power plants for decades to come.

"If we can find safe ways to recycle those materials, we're a lot better off doing that than we are creating a whole bunch of new landfills," Adams said.

Darrell Norton, a USDA soil scientist, said a predecessor of FGD gypsum produced about 25 years ago often had high levels of heavy metals because it had been mixed with coal fly ash. But FGD gypsum has no fly ash and is "environmentally clean," he said.

FGD gypsum is widely used in the South as a less expensive alternative to mined gypsum, said Glen Harris, a soil scientist at the University of Georgia in Tifton, Ga. Farmers in states such as Georgia, Alabama and the Carolinas have long spread mined gypsum on their fields, where its calcium spurs the growth of peanuts.

Clay McDaniel, 47, who farms about 4,000 acres of peanuts and corn near the southern Georgia town of

Newton, has used synthetic gypsum on his peanut fields for more than 20 years. He and other farmers call both FGD and mined gypsum "land plaster." He said he's never worried about the safety of the synthetic version.

"If we buy a chemical that's toxic, it's got a skull and crossbones on it," he said. "But this does not come with any such warning. It's just a calcium source."

01268-EPA-3236

Richard Windsor/DC/USEPA/US
12/22/2009 08:32 AM

To Allyn Brooks-LaSure
cc
bcc

Subject Re: ACTION: memo language

Fine with me.
Lisa P. Jackson
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 12/22/2009 08:30 AM EST
To: Bob Perciasepe; "Sussman, Bob" <sussman.bob@epa.gov>; Diane Thompson; David McIntosh; Arvin Ganesan; Lisa Heinzerling
Cc: "Jackson, Lisa P." <>windsor.richard@epa.gov>; "Oster, Seth" <Oster.Seth@epa.gov>; "Moats, Michael" <moats.michael@epa.gov>
Subject: ACTION: memo language

Folks-

[Redacted] (b) (5) Deliberative [Redacted]

[Redacted]

Colleagues:

As we move into the new year, I want to thank you for making 2009 a landmark year for environmental protection. With the many challenges and opportunities we face, I couldn't be happier or prouder to be back at EPA, where I first started my environmental career, and working by your side on these critical issues.

We already have much to feel good about. Over the course of the past 12 months, we've shown America that EPA is back - once again, committed to science, transparency, and the rule of law. With the agency leading the way, our nation took its first serious actions to reduce greenhouse gases, a change that will be remembered for generations. We set out principles to ensure that chemicals in our products and our environment are safe, a critical first step in giving Americans the information and protections they deserve. We've revitalized work on the Clean Water Act and stepped up to protect national treasures like Puget Sound, Chesapeake Bay, and the Great Lakes. We've been part of the solution for American communities in these challenging economic times by creating green jobs and opportunities through the President's Recovery Act. And we're rapidly expanding the conversation on environmentalism by reaching out to people of all ages, from all backgrounds, and all walks of life.

I could go on.

From the Interagency Partnership for Sustainable Communities, to reaching one million Energy Star homes, to recently traveling to Copenhagen to represent the administration and our country at the start of the Global Climate Summit - and even being onstage with the Flaming Lips to celebrate Earth Day! This year has been a great year for the EPA, and every one of you across this agency, in every program and region, have contributed to our shared success.

This may be the end of the year, but it's just the beginning of our work together. In the year ahead, we will

continue with these and other important efforts to protect our health and our environment. You can expect to hear more about our priorities for 2010 very soon. Until then, I'm happy to close 2009 with a brief video I recorded to say thank you and best wishes for the holiday and the New Year.

[LINK]Please click here to watch the video. [/LINK]

Thank you for all that you've done to protect our health and the environment. You've made 2009 a year to remember. Seasons greetings and best wishes for 2010!

Sincerely,
Lisa P. Jackson

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

01268-EPA-3242

Richard Windsor/DC/USEPA/US
12/23/2009 10:59 AM

To Adora Andy
cc
bcc

Subject Re: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most important People in 2010

:)

Adora Andy

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

From: Adora Andy
Sent: 12/23/2009 10:59 AM EST
To: Allyn Brooks-LaSure
Cc: Brendan Gilfillan; "Fulton, Scott" <fulton.scott@epa.gov>; Arvin Ganesan; Robert Goulding; Lisa Heinzerling; David McIntosh; "Oster, Seth" <Oster.Seth@epa.gov>; Bob Perciasepe; Richard Windsor; "Sussman, Bob" <sussman.bob@epa.gov>; Diane Thompson; Eric Wachter
Subject: Re: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most important People in 2010
And Republican Governors!

Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

Allyn Brooks-LaSure	You beat out Steve Jobs and Vlad...	12/23/2009 10:46:47 AM
---------------------	-------------------------------------	------------------------

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, "Sussman, Bob" <sussman.bob@epa.gov>, "Fulton, Scott" <fulton.scott@epa.gov>, "Thompson, Diane" <Thompson.Diane@epamail.epa.gov>, "Perciasepe, Bob" <Perciasepe.Bob@epamail.epa.gov>, "McIntosh, David" <McIntosh.David@epamail.epa.gov>, "Ganesan, Arvin" <Ganesan.Arvin@epamail.epa.gov>, "Heinzerling, Lisa" <Heinzerling.Lisa@epamail.epa.gov>, "Wachter, Eric" <Wachter.Eric@epamail.epa.gov>, "Goulding, Robert" <Goulding.Robert@epamail.epa.gov>
Cc: Adora Andy/DC/USEPA/US@EPA, "Oster, Seth" <Oster.Seth@epa.gov>
Date: 12/23/2009 10:46 AM
Subject: Re: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most important People in 2010

You beat out Steve Jobs and Vladimir Putin!

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 12/23/2009 10:42 AM EST

To: Richard Windsor

Cc: Allyn Brooks-LaSure; Adora Andy

Subject: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most important People in 2010

Link here:

<http://2010.newsweek.com/top-10/people-to-watch/steven-chu-and-lisa-jackson.html>

Steven Chu and Lisa Jackson

By Newsweek

EPA Administrator [Lisa Jackson](#) is a chemical engineer, and Energy Secretary [Steven Chu](#) is a physicist with a [Nobel Prize](#), but starting in 2010 you can think of them as bad cop and good cop. With the Copenhagen climate negotiations failing to reach a legally binding treaty, and with climate legislation stalled in the Senate, this duo will lead the charge toward reducing U.S. greenhouse emissions and moving us to renewable energy.

As of Jan. 1, any facility that emits at least 25,000 metric tons of carbon dioxide annually (or its equivalent in greenhouse gases such as methane and nitrous oxide) will have to start measuring and reporting their emissions to Jackson's [EPA](#). That includes power plants, aluminum manufacturers, refineries, paper mills, and solid-waste landfills (a big source of methane). Insiders call the requirement the most "world-changing greenhouse policy" EPA has ever undertaken, since once something is counted it can be regulated.

Then, in March, using authority the [Supreme Court confirmed in 2007](#), Jackson will issue rules requiring manufacturers to reduce greenhouse emissions from cars and trucks to a fleet average of 250 grams per mile ([it's now 422](#)) [by 2016](#). Carmakers will achieve that through more hybrids and plug-in electrics, averting a projected 950 million metric tons of carbon dioxide and other greenhouse gases over the lifetime of those low-CO₂ vehicles. Finally, as early as summer, Jackson will issue rules making "major polluters"—like those subject to the greenhouse-gas reporting rule—use top-of-the-line CO₂-control technology if they want to [build a new facility or make significant changes to an existing one](#).

The regs are significant in themselves, but Jackson's real clout will be showing industry how much can be done on greenhouse emissions even without climate legislation. "This will encourage congressional action," says [Rep. Edward Markey](#), cosponsor of the [climate bill](#) that passed the House in June. "Industry's choice is no longer between legislation and no legislation, but between legislation and regulation. Congress is a stimulus-response institution, and there is nothing more stimulating than a regulatory agency preempting powers Congress thinks it should have." We'll see if the dis is enough to move a [climate bill out of the Senate](#) in 2010.

Either way, utilities and other major greenhouse polluters could find salvation in Chu (whom *Nature* just named its [Newsmaker of the Year 2009](#)). Chu's task is nothing less than revamping the energy sector in the world's largest economy, which he is doing by encouraging high-risk/high-reward research. Besides being a "public cheerleader for clean-energy research," as *Nature* calls him, he's been opening the federal purse strings. He has \$400 million to award for clean-energy research—a big, fat carrot to Jackson's stick.

01268-EPA-3246

Richard Windsor/DC/USEPA/US
12/28/2009 01:39 PM

To Eric Wachter
cc
bcc
Subject Re: Fw: Commissioner Jackson

(b) (6) Personal Privacy

Eric Wachter ----- Forwarded by Eric Wachter/DC/US... 12/23/2009 05:29:31 PM

From: Eric Wachter/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 12/23/2009 05:29 PM
Subject: Fw: Commissioner Jackson

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/23/2009 05:28 PM -----

Message Information

Date 12/22/2009 04:26 PM12/28/2009 01:39:21 PM
From **Lawrence Thornton/DC/USEPA/US**
To CN=LisaP Jackson/OU=DC/O=USEPA/C=US@EPA
cc
Subject Commissioner Jackson

Message Body

(b) (6) Personal Privacy

[Redacted]

Larry Thornton
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-----LisaP Jackson/DC/USEPA/US wrote: -----

To: Lawrence Thornton/DC/USEPA/US@EPA
From: LisaP Jackson/DC/USEPA/US
Date: 12/22/2009 03:57PM
Subject: Looking Back on a Great 2009

Colleagues:

As we move into the new year, I want to thank you for making 2009 a landmark year for environmental protection. With the many challenges and opportunities we face, I couldn't be happier or prouder to be back at EPA, where I first started my environmental career, and working by your side on these critical issues.

We already have much to feel good about. Over the course of the past 12 months, we've shown America that EPA is back – once again committed to science, transparency, and the rule of law. With the agency leading the way, our nation took its first serious actions to reduce greenhouse gases, a change that will be remembered for generations. We set out principles to ensure that chemicals in our products and our environment are safe, a critical first step in giving Americans the information and protections they deserve. We've revitalized work on the Clean Water Act and stepped up to protect national treasures like Chesapeake Bay and the Great Lakes. We've been part of the solution for American communities in these challenging economic times by creating green jobs and opportunities through the President's Recovery Act. And we're rapidly expanding the conversation on environmentalism by reaching out to people of all ages, from all backgrounds, and all walks of life.

I could go on.

From joining the Interagency Partnership for Sustainable Communities, to reaching one million Energy Star homes, to traveling to Copenhagen to represent the administration and our country at the start of the Global Climate Summit – and I don't think I'll ever forget being onstage with the Flaming Lips to celebrate Earth Day 2009! This year has been a great year for the EPA, and every one of you across this agency, in every program and region, have contributed to our shared success.

This may be the end of the year, but it's just the beginning of our work together. In the year ahead, we will continue with these and other important efforts to protect our health and our environment. You can expect to hear more about our priorities for 2010 very soon. Until then, I'm happy to close 2009 with a brief video I recorded to say thank you and best wishes for the holiday and the New Year.

[Please click here to watch the video.](#)

Thank you for all that you've done to protect our health and the environment. You've made 2009 a year to remember. Seasons greetings and best wishes for 2010!

Sincerely,
Lisa P. Jackson

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