

01268-EPA-1341

Arvin Ganesan/DC/USEPA/US

To Seth Oster, Gina McCarthy

09/15/2011 08:51 AM

cc Richard Windsor, Bob Perciasepe, Brendan Gilfillan, Joseph Goffman, Laura Vaught, Scott Fulton  
bcc

Subject Re: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

**Exemption 5 -- deliberative process**

Sent from my Blackberry Wireless Device

---

**From:** Seth Oster  
**Sent:** 09/15/2011 08:12 AM EDT  
**To:** Gina McCarthy  
**Cc:** Richard Windsor; Bob Perciasepe; Brendan Gilfillan; Joseph Goffman; Arvin Ganesan; Laura Vaught; Scott Fulton  
**Subject:** READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Gina -- read this as soon as you can.

**Exemption 5 -- deliberative process**

Something like:

Exemption 5 -- deliberative process

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency

(202) 564-191  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 09/15/2011 07:54AM -----

To: Perciasepe.Bob@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Armendariz.Al@epamail.epa.gov, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Betsaida Alcantara" <Alcantara.Betsaida@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Brendan Gilfillan/DC/USEPA/US  
Date: 09/15/2011 06:22AM  
Subject: Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Don't Blame EPA Over Luminant Woes

Loren Steffy, Houston Chronicle Business Columnist

Make no mistake, the 500 Luminant employees who will lose their jobs later this year are victims, but not of federal over-regulation.

They are pawns in the ongoing charade of Texas' deregulated electricity market, which already has left generators financially weakened and consumers worrying about blackouts.

Luminant, Texas' largest power plant operator, said it will fire the workers and close two large coal-fired power units to comply with stricter air quality standards mandated by the U.S. Environmental Protection Agency.

Dallas-based Luminant is asking a court to delay the EPA rules, issued in June, so it will have more time to comply.

Luminant joins a chorus that includes Gov. Rick Perry and that loving lapdog of polluters, the Texas Commission on Environmental Quality, in lambasting the EPA rule changes.

Meanwhile, NRG, the second-biggest generator in the state, said it expects to comply with the EPA regulations without any jobs cuts, plants closing or material financial impact.

Funny how much difference good financing and a little planning can make. After all, power generators knew that, sooner or later, stricter air standards were coming. While it does seem that six months is a short time to enact the sort of pollution controls the EPA is requiring, it's a moot point.

Buyout debt

It's unlikely Luminant has the cash to make the sort of investments it needs to reduce its coal-fired pollution. Its parent company, Energy Future Holdings, is struggling with mountains of high-priced debt from its ill-timed \$43 billion buyout by two private equity firms in 2007.

That deal resulted from an unintended consequence of deregulation that made coal a profit machine. Electricity rates are tied to natural gas, and for most of the past decade, coal enabled companies to generate more cheaply, fattening their margins.

That's why we have 19 coal-fired generating units already operating and nine more than have been granted permits by the Texas Commission on Environmental Quality.

Now, with an abundance of shale gas, prices have fallen below \$4 per million British thermal units, making coal a less profitable generating source.

But don't expect generators to switch fuels.

"They couldn't afford to switch," said Ed Hirs, a professor of energy economics at the University of Houston. "A coal plant is a sunk cost."

Hirs and a group of researchers affiliated with Yale University recently studied whether stricter pollution standards would cause generators to change from coal to natural gas. At most, the study found, 20 percent of the coal-generating capacity in the U.S. might convert.

"You're not going to see a big change over time," he said. "Clearly, there's an issue of inertia in the market."

That will disappoint environmentalists, and it will disappoint natural gas proponents, who have argued that gas is a cleaner, more economical generating fuel.

More of the same

In Texas, though, it means more of the same. Having created a system of misplaced incentives, deregulation has left us with higher prices, lower reliability and, now, more expensive and dirtier coal generation.

It's easy - and politically feasible - to blame the EPA, but the 500 jobs Luminant is cutting aren't being lost to higher air quality standards. They're simply the latest victims of deregulation's failed legacy.

Loren Steffy is the Chronicle's business columnist. His commentary appears Sundays, Wednesdays and Fridays. Contact him at [loren.steffy@chr](mailto:loren.steffy@chr)

01268-EPA-1342

**Seth Oster/DC/USEPA/US**  
09/15/2011 09:50 AM

To Gina McCarthy  
cc Richard Windsor, Bob Perciasepe, Brendan Gilfillan, Joseph Goffman, Arvin Ganesan, Laura Vaught, Scott Fulton, Al Armendariz, "Betsaida Alcantara", "David Bloomgren"  
bcc  
Subject Re: READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Exemption 5 -- deliberative process [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

**From:** Seth Oster  
**Sent:** 09/15/2011 08:12 AM EDT  
**To:** Gina McCarthy  
**Cc:** Richard Windsor; Bob Perciasepe; Brendan Gilfillan; Joseph Goffman; Arvin Ganesan; Laura Vaught; Scott Fulton  
**Subject:** READ THIS: Houston Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Gina -- read this as soon as you can.

Exemption 5 -- deliberative process [Redacted]

[Redacted]

[Redacted]

# Exemption 5 -- deliberative process

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-191  
oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 09/15/2011 07:54AM -----

To: Perciasepe.Bob@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, Armendariz.Al@epamail.epa.gov, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Betsaida Alcantara" <Alcantara.Betsaida@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Brendan Gilfillan/DC/USEPA/US  
Date: 09/15/2011 06:22AM  
Subject: Chronicle Biz columnist: Don't Blame EPA Over Luminant Woes

Don't Blame EPA Over Luminant Woes  
Loren Steffy, Houston Chronicle Business Columnist  
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Loren Steffy is the Chronicle's business columnist. His commentary appears Sundays, Wednesdays and Fridays. Contact him at [loren.steffy@chr](mailto:loren.steffy@chr)

01268-EPA-1343

**Brendan  
Gilfillan/DC/USEPA/US**  
09/15/2011 10:27 AM

To Richard Windsor  
cc  
bcc

Subject Re: E&E News: Greens, industry wait impatiently for  
upcoming GHG standards

Exemption 5 -- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 09/15/2011 09:39 AM EDT  
**To:** Betsaida Alcantara; Seth Oster; Bob Sussman; Bob Perciasepe; Diane Thompson; Brendan Gilfillan  
**Subject:** Re: E&E News: Greens, industry wait impatiently for upcoming GHG standards

Exemption 5 -- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/15/2011 09:25 AM EDT  
**To:** Richard Windsor; Seth Oster; Bob Sussman; Bob Perciasepe; Diane Thompson; Brendan Gilfillan  
**Subject:** E&E News: Greens, industry wait impatiently for upcoming GHG standards  
Greens, industry wait impatiently for upcoming GHG standards

E&E News PM

As the month draws slowly to a close, the first-ever standards to control greenhouse gas emissions from fossil-fueled power plants have been shrouded in mystery, eluding environmentalists and industry players alike.

The New Source Performance Standards (NSPS) will dictate how many tons of greenhouse gases power plants are permitted under the Clean Air Act. They are possibly the biggest test on climate change the administration will face, said Conrad Schneider, advocacy director with the Clean Air Task Force.

"Less than 20 days from a court-ordered date, we're not where we should be," said Schneider in an interview with ClimateWire. The Office of Management and Budget has yet to see the draft of the proposed NSPS from U.S. EPA, a document that should have arrived months ago, said Schneider.

NSPS standards were first defined under the Clean Air Act extension of 1970, and refer to pollution controls of air from new and existing stationary sources, given the best available current technology to clean up the pollution. EPA agreed to create the rules for the power sector as part of a settlement from a lawsuit filed by 11 states, as well as Washington, D.C., New York City, the Natural Resources Defense Council and the Environmental Defense Fund (Greenwire, Dec. 23, 2010).

But environmental and energy players are puzzled by how these greenhouse gas emissions will be curtailed. Some believe EPA will push efficiency measures through co-firing with biomass or building clean-burning coal plants. Others guess the standards will seek to incentivize carbon capture and storage -- a promising but nascent technology to siphon carbon emissions from smokestacks to be placed underground.

"Nobody is really talking about it; it's just really a mystery," said Richard Alonso, a partner in Bracewell & Giuliani's Environmental Strategies Group, whose clients represent the power sector.

"The agency is finding themselves in a black hole," added Alonso. "There's not a lot of talk; there's not a lot of dialogue."

#### Flying blind

In June, EPA extended the deadline for the standards from July 26 to Sept. 30, saying the agency needed more time to craft the rule. A final rule is set to be released May 26, 2012.

"EPA has engaged in an extensive and open public process to gather the latest and best information prior to proposing carbon pollution standards for fossil fuel-fired power plants," wrote EPA press secretary Brendan Gilfillan in an email in June. "A wide range of stakeholders have presented the agency with important input which deserves to be fully considered as the agency works to develop smart, cost-effective and protective standards" (E&ENews PM, June 13).

Not so, said Alonso.

"[EPA] is not asking industry what they need to make the rule; they haven't contacted industry in any meaningful way," he said. Despite this, Alonso doesn't see the agency postponing its decision once more. "I don't expect another delay," he said. "I think EPA is going to issue a proposal that doesn't reflect the real-life situation ... they're flying blind."

Representatives from industry groups and companies also said they had low expectations for the rules.

"Under NSPS, they have the possibility to propose almost anything," said Luke Popovich, a spokesman for the National Mining Association, adding that efficiency improvements should form the backbone of the standards.

Spokespeople for Southern Co. and American Electric Power, two of the biggest power companies in the country, said they could not comment or speculate on the rule before its publication.

#### Expectations could be disappointed

Michael Livermore, executive director at the Institute for Policy Integrity at the New York University School of Law, says EPA's behavior is not unusual for an agency. Keeping one's cards close to the vest, as he put it, helps shutter special interests out of the rulemaking process.

But it is strange, he adds, that OMB has yet to receive the rule.

"It's a little odd," said Livermore. "It's a big rule, and I would think that OMB would need some time to work on it."

Livermore expects the rule to focus on basic efficiency standards. He will be looking to see whether the proposal will offer flexibility mechanisms to individual plants -- an allowance to trade emission credits under a statewide cap-and-trade scheme, for example -- to avoid stringent penalties.

Schneider expects the proposal numbers to hover around 1,900 to 2,000 pounds of carbon dioxide per megawatt-hour. That range is not enough to reduce total greenhouse gas emissions by 80 percent from 1990 levels by 2050.

"That would be a big disappointment," said Schneider. "We would like it to be 1,000 or less."

That rate would be achievable if carbon capture and storage (CCS) could capture 50 to 65 percent of emissions. Come Sept. 30, Schneider will be looking for incentive programs for CCS. These include programs that promote enhanced oil recovery, the practice of pumping CO2 underground to loosen stubborn oil deposits in old wells.

Highly efficient plants must be emphasized over CCS, said Popovich, because the technology is still immature. Carbon capture is not yet available on a commercial scale.

"Given the dearth of technology [despite] some of the grandiose ambitions that some greens have, they should foster efficiency," he said.

David Doniger, policy director of the Climate Center at the Natural Resources Defense Council, said his organization will seek a combination of production and end-use efficiency improvement. This would mean operating at a rate of 800 pounds of CO2 per megawatt-hour for new plants, and a 15 percent reduction in emissions for existing plants.

"We've been advocating that the standard for new sources should reflect a performance from the best new plants that have been built over the past year," said Doniger, "namely, gas plants."

Natural gas plants, whose carbon emissions are lower than those of coal plants, have been steadily replacing coal-fired power. Southern Co. has seen its coal fleet drop from 70 percent to 51 percent in four years, said Stephanie Kirijan, a spokeswoman for the company.

"What EPA needs to have is a demonstrably achievable, affordable path to meet the standards," said Doniger.

01268-EPA-1344

Seth Oster/DC/USEPA/US

To "Lisa Jackson"

09/15/2011 11:10 AM

cc

bcc

Subject Fw: politico: EPA hasn't contacted greens about delay

Exemption 5 -- deliberative process it.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/15/2011 11:02 AM EDT

**To:** Seth Oster; Stephanie Owens; Avi Garbow; Bob Perciasepe; Bob Sussman

**Subject:** politico: EPA hasn't contacted greens about delay

Adding OGC and public engagement. Please let us know when you reach out to the litigants.

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 09/15/2011 11:00 AM -----

From: POLITICO Pro Whiteboard <proalerts@politicopro.com>  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 09/15/2011 10:59 AM  
Subject: EPA hasn't contacted greens about delay

9/15/11 10:56 AM EDT

The EPA hasn't contacted greens about [revising its schedule](#) for power plant climate rules, according to environmentalists involved in litigation over the new standard. "There has been no change in the settlement to date," said Natural Resources Defense Council attorney David Doniger. "Based on Jackson's comments, we expect EPA to contact us to seek a change in the schedule, but that has not happened yet. Our reaction, of course, will depend on what they propose."

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01268-EPA-1345

**Seth Oster/DC/USEPA/US**  
09/16/2011 10:09 AM

To Richard Windsor, "Lisa Jackson", Bob Perciasepe  
cc "Diane Thompson"  
bcc

Subject Re: OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

Exemption 5 -- deliberative process [Redacted]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 09/16/2011 10:05 AM EDT  
**To:** Seth Oster; "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

Exemption 5 -- deliberative process [Redacted]

Seth Oster

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

**From:** Seth Oster  
**Sent:** 09/16/2011 10:00 AM EDT  
**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe  
**Cc:** "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Fw: OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

Andra Belknap

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

**From:** Andra Belknap  
**Sent:** 09/16/2011 09:58 AM EDT  
**To:** Alisha Johnson; Betsaida Alcantara; Brendan Gilfillan; Dru Ealons; Michael Moats; Seth Oster; Shira Sternberg; Stephanie Owens; Vicki Ekstrom; David Bloomgren  
**Subject:** OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

# OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

By Ben Geman and Andrew Restuccia - 09/15/11 06:42 PM ET

**State of play:** The Environmental Protection Agency sought to quell concerns Thursday that climate change

regulations will face the same fate as an ozone rule that the White House [scuttled this month](#).

EPA Administrator Lisa Jackson said Wednesday that the agency would [miss an end-of-September deadline](#) to propose greenhouse gas standards for power plants, but insisted the rules are still on track.

She [told San Francisco radio station KQED](#) on Thursday that the agency will “absolutely” continue moving ahead with the standards. EPA officials say they will announce a new schedule shortly.

EPA is seeking to rebut the notion that the delay stems from White House or other influences outside the agency. Jackson told KQED that the delay was “not at all” a political decision, while spokeswoman Betsaida Alcantara told E2 that “we are very much committed to proposing the standards.”

The delay comes as greenhouse gas regulations and other EPA rules are under attack from Capitol Hill Republicans, who have called them “job killers.”

The rules were scheduled to be proposed by Sept. 30 under a legal agreement between EPA and a group of environmentalists and states that had sued the agency under former President George W. Bush, who opposed climate regulations.

Environmental groups issued a flurry of statements Thursday decrying the new delay.

“Every day we delay cleaning up our nation’s power plants fattens polluter profits and shrinks our chances of tackling the climate crisis. Today’s decision suggests that when it comes to uncontrolled carbon pollution, the administration appears content with business as usual,” said Joe Mendelson, the policy director for climate and energy programs at the National Wildlife Federation.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**belknap.andra@epa.gov**

01268-EPA-1350

(b) [redacted]  
(6) [redacted]  
09/18/2011 09:00 PM

To Betsaida Alcantara, Richard Windsor, Eric Wachter, Jeffrey Tate  
cc  
bcc  
Subject Re: 9:15am B-fast with Newsweek

Thanks for the heads up Betsaida.

Special Agent (b) (6)  
Chief, Protective Service Detail  
U.S. Environmental Protection Agency

(b) (6)  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/18/2011 08:27 PM EDT  
**To:** Richard Windsor; Eric Wachter; Jeffrey Tate; (b) (6)  
**Subject:** 9:15am B-fast with Newsweek

Administrator,

Exemption 5 -- deliberative process  
[redacted]  
[redacted]  
[redacted]  
[redacted]

01268-EPA-1356

John  
Hankinson/DC/USEPA/US  
09/22/2011 11:13 AM

To Richard Windsor  
cc  
bcc

Subject Fw: HOUMA AND RELEASE OF FINAL REPORT

Exemption 5 -- deliberative process  
[Redacted]

John H. Hankinson, Jr.  
Executive Director  
Gulf Coast Ecosystem Restoration Task Force  
(202) 564-0285 (o)

----- Forwarded by John Hankinson/DC/USEPA/US on 09/22/2011 11:07 AM -----

From: Sidney Coffee <scoffee@americaswetland.com>  
To: John Hankinson/DC/USEPA/US@EPA  
Cc: Jody Ramsey/DC/USEPA/US@EPA, Valsin Marmillion <vam@mcopr.com>, "King Milling (newaddress)" <rmilling@uptownnola.net>  
Date: 09/22/2011 09:37 AM  
Subject: HOUMA AND RELEASE OF FINAL REPORT

John,

We received word you would not be able to address the community forum we are holding in Houma, Louisiana, on September 28 due to need to strategize release of the report.

We urge you to reconsider as this forum is shaping up to be significant in many ways - not to mention number of participants, breadth of diversity of interests represented, and state and local leaders in attendance and making presentations. From our focus group and individual interviews, we are confident there will be interesting conclusions from this group who sits at "ground zero" of coastal land loss and vulnerability to climate changes.

It could be a powerful part of your release strategy to announce a "piece of the puzzle" at this event, building momentum for press and Gulf residents for release of the entire report only a few days later.

Please reconsidered your decision and let us know if you will be able to come. It think this could be a positive from a media perspective.

Thanks so much,

Sidney  
--  
Sidney Coffee  
America's WETLAND Foundation

Senior Advisor/Climate, Energy and the Coast  
(225) 603-3698  
[www.americaswetland.com](http://www.americaswetland.com)

---

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01268-EPA-1358

**Betsaida  
Alcantara/DC/USEPA/US**  
09/22/2011 10:20 PM

To Richard Windsor  
cc "Seth Oster"  
bcc

Subject Re: Fox News: Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

**Exemption 5 -- deliberative process**

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 09/22/2011 10:18 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** "Seth Oster" <oster.seth@epa.gov>

**Subject:** Re: Fox News: Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

**Exemption 5 -- deliberative process**

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/22/2011 10:01 PM EDT  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Brendan Gilfillan; Diane Thompson; Arvin Ganesan; Laura Vaught; Michael Goo; Daniel Kanninen; Alisha Johnson; Andra Belknap; Stephanie Owens; Dru Ealons; Janet Woodka; Bicky Corman; Sarah Pallone; Marcus McClendon  
**Subject:** Fox News: Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

By James Rosen

Published September 22, 2011 FoxNews.com

Across an often contentious three-hour congressional hearing Thursday, Environmental Protection Agency Administrator Lisa Jackson vigorously defended her agency's policies promoting cleaner air and water, and rejected suggestions by Republican lawmakers that the EPA is a chief factor in the country's stagnant economic recovery.

"The American people have a right to know whether the air they breathe is healthy or unhealthy," Jackson said during her appearance before a subcommittee of the House Energy and Commerce Committee.

Time and again, she dismissed the notion that stubbornly high unemployment should prompt policymakers to roll back robust environmental protections.

"It is analogous to a doctor not giving a diagnosis to a patient because the patient might not be able to afford the treatment," she said.

GOP members cast Jackson as an über-regulator, oblivious to the economic hardship her policies have created in their home districts. "We have focused on cracking down on the private sector, on the job generators," lamented Rep. Brian Bilbray, R-Calif.

Rep. Marsha Blackburn, R-Tenn., cited the example of Buckman Laboratories International, a Memphis-based chemical manufacturer with 1,500 employees worldwide and estimated annual sales of

\$500 million.

According to Blackburn, the company was recently forced to change 4,000 labels on its containers, in order to comply with new EPA rules - but did not have to change the contents of the microbicides in the containers. And the firm received a new demand from the agency on Wednesday, Blackburn said, to change an additional five labels.

"Do you have any understanding of how the uncertainty that your agency is causing is affecting the businesses that are in my state?" Blackburn asked Jackson.

"I would not argue that regulations and standard-setting for safety don't have impacts on business," Jackson replied. "But remember: The pesticide laws and regulations are for the safety of the users of those pesticides."

"Ms. Jackson, we are all for clean air, clean water, and a safe environment," Blackburn shot back. "There is no argument about that. What we are looking at is the cost-benefit analysis of this."

It was Jackson's 29th turn as a congressional witness since taking office, and her ninth since Republicans assumed control of the House 10 months ago. By contrast, her predecessor under the Bush administration, Stephen Johnson, made only four such appearances in a comparable two-and-a-half-year time frame.

The hearing came three weeks after President Obama stunned environmental activists and other members of his liberal base by rejecting an EPA proposal to toughen ozone standards. Republicans seized on that decision as evidence that Jackson has overreached during her tenure as EPA administrator.

"While you may want to carry out your agenda, even the president has acknowledged that you've gone too far," said Rep. Steven Scalise, R-La.

Pressed about the president's decision, Jackson maintained that Obama remains committed to vigorous enforcement of anti-pollution measures.

At one point, Jackson invoked last year's deadly BP oil spill in the Gulf Coast to rebut Republicans' calls for the dismantlement of the nation's environmental regulatory regime.

"Not every deregulatory push works out well for the country or the environment," she told lawmakers. "In 2009, a company called another federal agency's rules an unnecessary burden. That agency wasn't EPA; it was the Minerals Management Service. And that company was Transocean; and we know what happened."

Since the Obama administration began, the EPA has announced stricter rules for the emission of mercury and other toxins from coal-burning power plants, and ordered 27 states to curb power plant emission because strong winds carry pollution from those states to others.

Jackson testified that these measures will save lives and money in the long run, and also create new jobs to handle the transition process for plants that must retrofit their facilities to meet the new standards.

Specifically, she claimed the administration's anti-pollution controls will prevent an estimated 11,000 heart attacks; 11,000 cases of acute childhood bronchitis; 12,000 emergency room visits and hospital admissions; 17,000 premature deaths; 120,000 cases of childhood asthma; and 850,000 days of work missed due to illness.

Energy industry analysts call the Obama-era EPA rules the most expensive ever imposed. A study funded by the American Coalition for Clean Coal Electricity estimated that if fully enacted, EPA's pending rules would cost the country 1.4 million jobs by decade's end, and raise retail electricity prices by an average of 12 percent by 2016.

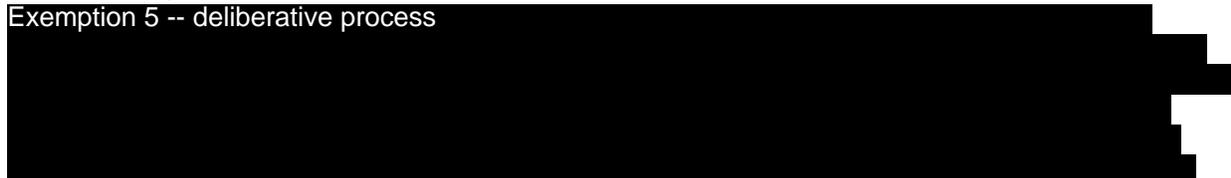
Confronted with similarly dire assessments of the impact of her work, Jackson told lawmakers the energy industry overstated by a multiple of four the costs associated with efforts to combat "acid rain" in the 1990s.

01268-EPA-1359

**Betsaida  
Alcantara/DC/USEPA/US**  
09/23/2011 09:25 AM

To Richard Windsor  
cc Seth Oster, Brendan Gilfillan  
bcc  
Subject National Journal Cover Story on EPA: The World In  
Microcosm

Administrator,  
Exemption 5 -- deliberative process



**COVER STORY "Where There's Smoke: The firefight between EPA and power companies is the perfect parable for our flammable times"**

## **The World In Microcosm**

**The all-out war between power companies and EPA has become the symbol—and the center—of the national debate over the role of government.**

by [Coral Davenport](#)

Updated: September 22, 2011 | 6:19 p.m.  
September 22, 2011 | 5:00 p.m.

Spring and summer 2009 was a great stretch for President Obama's energy and environment team. That May, the president struck a historic deal with the nation's auto industry; after decades of fighting, companies like GM and Ford agreed to dramatically ramp up their mileage standards, slashing tailpipe pollution and paving the way for a new generation of hybrid and fuel-efficient cars. In June, the House passed a historic cap-and-trade bill to slow climate change, cutting a slew of deals to get the grudging buy-in of coal-state lawmakers and of power companies. Its eventual passage in the Senate seemed all but assured.

Meanwhile, the head of the Environmental Protection Agency, Lisa Jackson, was preparing to roll out an unprecedented number of major new pollution-control regulations for the nation's 600 coal-fired power plants—many of which had for decades been spewing unregulated toxins linked to lung disease, birth defects, cancer, asthma, and other major illnesses. The new rules weren't Jackson's or Obama's idea. Most had been piling up at EPA for nearly 20 years, and they would soon hit court-ordered deadlines.

But Jackson and Gina McCarthy, the assistant administrator for clean air—both veterans of

federal and state environmental work in the Northeast—knew what political fury polluting industries can unleash when confronted with new regulations. The two women wanted to preempt a revolt if they could. So they invited top executives from the biggest power companies in the country—among them Duke Energy, Constellation Energy, American Electric Power, Southern Co., Exelon, NRG Energy, Dominion, and Progress Energy—to informal roundtable meetings at EPA’s Washington headquarters to let them know what to expect and maybe even to reach some kind of grand bargain, similar to the deal with automakers.

McCarthy, a straight-talker with a crop of steel-colored hair, a thick South Boston accent, and a ready sense of humor, quickly won the respect of the industry titans—even as some of them cringed at what they heard. “She did her best to tell us what was coming,” said Mike Morris, CEO of American Electric Power. “That was fair. She said, ‘We’ve got court orders, and we’ve got to comply with them.’ She said, ‘This is going to happen. It’s coming. Don’t think it isn’t happening.’ And it was clear that they intended to be aggressive. More aggressive than the EPA had ever been.”

McCarthy showed the CEOs a timeline of the upcoming rules. By the end of 2009, EPA would propose tough standards on coal-plant emissions of ozone, a smog-causing pollutant directly linked to asthma. In the first half of 2010, the agency would restrict emissions of sulfur dioxide and nitrogen oxide, toxic coal byproducts linked to asthma and lung disease. The following year, it would implement a “Good Neighbor” rule, forcing coal plants to cut pollution that contributes to health and environmental damage across state lines. It would follow, in November 2011, with an order for coal-fired power plants to discharge 91 percent less mercury. A 2012 rule would limit blasts of particulate matter, the microscopic chunks of soot that spew from coal plants’ smokestacks; the soot can lodge in the lungs and contribute to respiratory sickness and premature death.

Slowly, said Morris, “we were finally beginning to grasp the magnitude of what they were going to do.”

Instead of galvanizing the companies to ink a collective deal with EPA, the coming regulations split the industry. The rules would hit owners of old coal-powered fleets hardest, so utilities that relied on cleaner sources of energy—such as nuclear power and natural gas, which together generate nearly 40 percent of the nation’s electricity but no dangerous pollutants—thought the new rules would give them a competitive edge. Meanwhile, plenty of coal-burning companies had already invested in the technology to clean up their pollution (some because of state law, some because they knew the federal rules would be coming some day). Why reward the stragglers? By the end of 2009, it was clear that there would be no deal. Jackson and McCarthy prepared to roll out the rules without the cooperation of the coal companies.

At the same time EPA was cranking up its regulatory regime, Republicans were readying their own antiregulatory agenda. By the middle of 2010, a tea party-fueled charge against government regulation was roaring toward Washington—on a headlong collision course with the agency that would become the poster child for expanded government control. The resulting clash reverberated throughout Washington and the nation—and the aftershocks won’t stop for years to come.

Once they determined to fight the new rules, coal companies banded together with the Republican Party to strategize, and the 2010 midterm elections offered the perfect battleground. The companies invested heavily in campaigns to elect tea party candidates crusading against the role of Big Government. Industry groups (like the U.S. Chamber of Commerce), tea party groups with deep ties to polluters (like Americans for Prosperity), and so-called super PACs (like Karl Rove's American Crossroads) spent record amounts to help elect the new House Republican majority.

The House freshmen, the influential super PACs, and now the 2012 presidential candidates have all put EPA's "job killing" regulations in their sights as part of an all-out political and legislative offensive against the agency. "We have got to get regulations in Washington under control. And EPA has become the standard-bearer for the [business] impediment that Washington has put in place," House Majority Leader Eric Cantor told *National Journal* in an interview.

The once-sleepy EPA was blasted to the front lines of the most partisan political war in recent memory. Cantor has assembled a fall agenda that brings a new bill attacking an EPA regulation to the House floor almost every week—supplying perfect fodder for campaign-ad sound bites and town-hall events. "Now you get applause lines at home when you say you want to stop the EPA," Cantor said. Meanwhile, Republican presidential candidates are playing offense. Front-runner Rick Perry slammed EPA as a "rogue agency" with an "activist mind-set." Michele Bachmann famously said she wants to lock up the agency and turn the lights out. In a *Washington Times* op-ed last week, Sen. Rand Paul of Kentucky flayed EPA as an "out-of-control agency" that "violate[s] constitutional rights" and "turns everyday life into a federal crime."

For better or for worse, the standoff between EPA and the coal-burning power companies has become a symbol of the fight between the government and industry—at a time when the political stakes couldn't be higher for either. EPA says these are long-overdue rules that will clean up the environment, save the lives of American children, and generate many more economic benefits than costs. The industry, its Republican allies, and even some uneasy Democrats say that the agency has committed massive regulatory overreach that will boost energy prices, kill jobs, and threaten reliable electricity, tipping a stagnant economy into a free fall. Both messages are powerful, especially in Midwestern states—Indiana, Ohio, Pennsylvania, Missouri—where coal is crucial to the economy. As it happens, these states are also crucial to the 2012 elections.

## **THE BOTTLENECK**

When Lisa Jackson arrived on the job in early 2009, she knew she would meet a massive backlog of paperwork—and she couldn't have been happier about it. Waiting for Obama's new administrator was a stack of court-ordered environmental regulations, some dating back 20 years. Many were stuck in legal limbo through the administrations of George H.W. Bush, Bill Clinton, and George W. Bush.

Most people would groan at having to plow through an in-box like that. But Jackson saw the pile of ready-to-go rules as the opportunity of a lifetime.

It's not hard to see why her predecessors delayed rolling out the regulations: Unleashing such a blitz of antipollution rules would subject politically powerful cornerstones of industry—first and foremost, operators of coal-fired power plants, which provide half the nation's electricity—to tough new operating standards. The rules would dramatically clean up toxic coal emissions that cause a host of illnesses. But they would do it by forcing the nation's biggest utilities to install expensive pollution-control technology on their oldest and dirtiest coal plants—and to take the very foulest of them off-line entirely.

Still, Jackson felt more than ready: Coming off the heady 2008 victory, it seemed like Obama's environmental regulator could revitalize the mission of an agency that had languished on the back burner for at least a decade. And big, serious, national-level steps to save the environment and improve public health appealed especially to Jackson, whose 14-year-old son Brian suffers from asthma, a disease directly linked to exposure to coal pollution.

“Right now, we have greater opportunities to protect public health and the environment than any other time in the history of the EPA,” she said in a speech to regional environmental administrators, soon after taking office. “That message is that the EPA is back on the job.... We have much to do in restoring the country's faith in our ability to protect the air, water, and land—now and for future generations.” Jackson noted that Obama's first budget request to Congress gave EPA its highest level of funding in the agency's 39-year history. “That also means that we have the highest level of expectation that we have seen in our 39-year history,” she said. Jackson and her team stuck to that vision, pushing EPA to the most muscular exercise of regulatory activity in decades, possibly since it was created.

## **EFFECTS AND CAUSES**

Today's Republican resistance is plenty ironic. After all, a GOP president, Richard Nixon, created EPA, and many of this year's big rules were born during Republican administrations. Most of them date back to the landmark 1990 Clean Air Act amendments, which President George H.W. Bush hailed as a huge accomplishment when he signed them into law.

The chief aim of the 1990 amendments was to clean up the toxic pollution that had been spewing from the nation's fleet of coal-fired power plants with almost no regulation for more than 50 years. Burning coal produces a potent toxic stew; it is the leading discharger of chemicals like arsenic, mercury, and sulfur dioxide.

Studies from the Centers for Disease Control and Prevention, National Institutes of Health, and Harvard Medical School have tied coal emissions to heart disease, premature death, lung disease, birth defects, and asthma—especially among the young, whose lungs are not fully developed until they reach the age of 5, and the elderly.

When human lungs are exposed to the mix of nitrogen, ozone, and particulate matter from combusting coal, “it causes direct inflammation to your airways,” according to Dr. Mark R. Windt, a pulmonologist at the University of New Hampshire who sits on the American Thoracic Society's committee on environmental health policy. (He also asked to be identified as a

Republican.) “This produces swelling, making it difficult to breathe. If you really want to know what it feels like, try breathing for a minute through a straw. Then you know what it feels like for those kids. It causes a change in the physical construction to the lungs, called remodeling. The actual lung structure changes, with the growth of thick membranes of new cells, scarring the lungs. It makes it difficult for oxygen to pass through and get to the blood.”

Sulfur dioxide, Windt explains, is even worse: “Think of it as sunburn inside your lungs. When you inhale it, there’s redness, swelling, and mucus is being produced in your lungs because it’s reacting to the inflammation. Lung cells start peeling off and block up your bronchial tubes. This causes blockage and difficulty in breathing.”

Exposure to mercury, meanwhile, lowers an affected population’s IQ and is linked to attention and behavioral problems. Mercury accumulated in fish is toxic to the developing brains of fetuses and young children; it can also lead to blindness, deafness, and seizures.

Bush’s 1990 clean-air law took big steps to reduce many of those emissions. Using a cap-and-trade program, it put a limit on sulfur-dioxide emissions. (Environmentalists and economists have since hailed this as a major success. The first senator to push a major climate-change bill, Republican John McCain, hoped in 2005 to reproduce it in efforts to cut greenhouse gases.) The law required EPA to control other pollutants, too. But in 21 years, many of those rules have still not been implemented. A good example is the regulation for mercury emissions, which was mandated by the 1990 law but worked its way through a purgatory of impact studies and legal delays until finally, in 2008, the D.C. Circuit Court of Appeals found that EPA had to require that plants meet “maximum achievable control technology” standards for lowering mercury emissions. The federal court said that EPA must issue the rule by Nov. 16, 2011.

Another good example is a regulation sometimes known as the Good Neighbor rule. That one was born during the administration of George W. Bush. In the decade after the Clean Air Act amendments, scientific research showed that sulfur dioxide was far more harmful to human health than had previously been understood, and scientists and economists urged Bush to revisit his father’s rules. During his administration, EPA said that power plants that emit sulfur dioxide and other pollution in one state but cause health and environmental damage downwind in another state must clean up their act.

Federal courts found fault with the technical language and later ordered EPA to reissue it this year. But when Jackson did so this summer, she met with a fusillade of attacks. The coal giant American Electric Power announced that it would have to close three power plants, putting hundreds of workers out of jobs. Critics of Obama said that the rule threatened electricity reliability.

To be sure, Jackson took the mandate for a cross-state rule and ran with it. George W. Bush’s original regulation, for instance, had excluded coal power plants in Texas (the nation’s biggest burner of coal) from the standards. Obama’s version roped Texas back into the fold. On Sept. 20, Luminant, the biggest power producer in Texas, said that the rule was forcing it to shut down two coal boilers and three coal mines, cutting 500 jobs and possibly leading to rolling blackouts.

The announcement has poured kerosene on Gov. Rick Perry's attacks on Obama's EPA.

## **ANATOMY OF A REVOLT**

Privately, coal chiefs and Republicans say they understand that Jackson inherited a stack of obligations and had to act (a distinction that certainly doesn't come across in their campaign ads or fiery floor speeches). But they also say that she brought an environmentalist's zeal to the job—and that it seemed clear, even in the first meetings, that Jackson and McCarthy intended to push the most aggressive interpretation of the rules at the fastest possible speed. They appealed to their friends on Capitol Hill—and on political action committees—for help. “We went to everyone and said, ‘These timelines are unacceptable,’ ” said American Electric Power's Morris.

To sell their message, they re-created a colorful diagram based on the calendar Gina McCarthy had described to them. It shows the rollout of regulations color-coded by pollutant and rule—black for ozone, red for sulfur dioxide, pink for the cross-state air rule, blue for sooty particulate matter, and orange for carbon dioxide—with 35 marks for points in the schedule between 2008 and 2016. The crowded, rainbow-colored timeline creates a sense that EPA is unleashing a nonstop barrage of regulatory obligations.

People in the coal lobby began calling the slide “the train wreck.” The name stuck, and the slide became a hit. By the middle of 2010, it was being shown all over town. The train wreck was e-mailed to staffers, journalists, and lobbyists. It also went to the U.S. Chamber of Commerce; to tea party groups like Americans for Prosperity, which has close links to Koch Industries; and to super PACs gearing up for the 2010 elections.

In a rush of media buys, Web campaigns, and town-hall events, those groups began to spread the word to voters angry about too much government: EPA's new rules could soon drive up their electricity prices and close down their power plants. The super PACs also began calling attention to forthcoming EPA rules outside the power sector—capping emissions from industrial boilers and cement plants, for instance. Industry groups dominated the messaging; the chamber alone spent \$33 million on ads and campaigns before the midterm election. Suddenly, average voters knew all about obscure pending EPA rules. “At a Labor Day parade last year, there were signs about boiler MACT,” recalls House freshman Morgan Griffith, R-Va., using the acronym for a rule that deals with industrial boilers.

As soon as they got to Washington in January 2011, the tea party-backed freshmen took the message to the GOP leadership. “In the caucus meetings, prior to raising their hands and taking the oath, the freshmen made it clear they were here to do three things,” said Michael McKenna, a Republican energy strategist with close ties to House leadership. “We're here to blow up ‘Obamacare,’ we're here to do something about the budget, and we're here to make sure EPA doesn't kill jobs. The energy right before the election was about the budget and the EPA. And they took all that energy with them.”

The House leaders listened. House Government Oversight Chairman Darryl Issa sent letters to executives asking them to list the government regulations that would most harm job growth. EPA regulations topped most lists. Planning their agenda, Speaker John Boehner and Cantor

decided that bills defunding and reversing EPA's regulatory authority would hit the floor early and often. Even if few of them had a chance to become law, thanks to a Democratic-controlled Senate, they would be political winners.

House Republicans worked closely with the U.S. Chamber of Commerce. In a January speech, chamber Chairman Tom Donohue said that EPA regulations were hampering growth and put their repeal at the top of his annual wish list. "Literally from two days before [the freshmen] took their oath, we've been very active on this," said Bill Kovacs, who directs the chamber's environmental and regulatory-affairs program. "You name it, I can't think of any piece of legislation that would roll back all of this that we haven't been involved with."

In February, a conservative free-market group called the American Legislative Exchange Council, whose "private enterprise board" includes major coal and oil companies, turned McCarthy's infamous slide into a snappy booklet called "EPA's Regulatory Train Wreck: Strategies for State Legislators." It said that the agency threatened local economies, and it gave a handy blueprint for state legislators who might want to introduce bills handcuffing the rules. In March, as the government nearly shut down over the must-pass continuing resolution, House Republicans introduced over a dozen amendments trying to slash EPA funding and gut its regulatory authority. Throughout the spring and summer, they used every legislative opportunity to attack EPA—not least when the agency's annual funding bill was on the floor. Last month, Cantor circulated a week-by-week fall agenda of bills aimed at "job-killing" regulations. Seven of 10 targeted EPA. The first of those, which is expected to pass on Sept. 23, cited the "train wreck" in its name: It was the Transparency in Regulatory Analysis of Impacts on the Nation (TRAIN) Act.

And while all the attacks keep coming, EPA keeps issuing more rules—including those to tackle the most controversial pollutant of all: the greenhouse gases that cause global warming. Until this year, the federal government had never regulated carbon dioxide and other gases produced by burning coal and oil. But among the tasks waiting for Jackson when she arrived on the job was a 2007 Supreme Court decision, in *Massachusetts v. EPA*, which said that the agency was obligated by the Clean Air Act to regulate greenhouse gases if they qualified as pollutants that endanger human health. The Court had hugely expanded EPA's authority.

EPA duly concluded that greenhouse gases are pollutants that endanger human health, and Jackson made the announcement in December 2009, at the start of the U.N. climate-change summit in Copenhagen. Now her agency was required to regulate carbon dioxide. Strategically, Obama and Jackson hoped that this would prompt Congress, fearing EPA overreach, to finally pass the cap-and-trade climate-change bill, preempting their need to issue rules. But in 2010, after Republicans declared a war on what they called "cap and tax," the bill died in the Senate.

So this January, just before members of the new Congress took their oaths of office, EPA began introducing rules that could ultimately affect every corner of the fossil-fuel industry. Once again, the new rules coincided with a powerful opposing political force—the resurgence of climate-change denialism. As if they hadn't already been determined enough, conservative Republicans doubled down to fight for the long haul.

## COSTS AND BENEFITS

In the trenches of the EPA wars, both sides agree on some things: These rules are long overdue, and they will have a big impact. They will dramatically reduce pollution, improve public health, and help the environment. They will also cost the companies that have to implement them a lot of money.

In coal-burning plants, the pricey process of following the rules involves fitting smokestacks with giant filters—described by one expert as “an enormous vacuum-cleaner bag made out of Teflon-level fabrics” over the plant’s ducts—to trap mercury, particulate matter, ozone, and acidic gases. Plants will also need to install what are known as “wet scrubbers”: slurry walls of water and limestone that, when the coal smoke travels through them, pull out the sulfur dioxide. (The resulting sulfur-dioxide and limestone mix is then turned into drywall.)

In the case of the utilities that own the nation’s 600 coal plants, many will have to invest between \$200 million and \$1 billion per plant to retrofit the machinery. Construction will take two to five years, although the plants will be able to operate during most of that time.

Not every company has to do all this. According to EPA, just over half of the nation’s coal plants already have the mercury filters, and a growing number have already installed wet scrubbers, either because state law requires it or because they saw the rules coming. Jim Rogers is CEO of one of those companies. Duke Energy provides electricity from coal and nuclear plants to consumers in five states. By following their progress through Congress and the courts, Rogers knew that stringent new emissions caps would hit him sooner or later, so he has spent the last decade investing \$5 billion to install screens and scrubbers. “We have not engaged like others have on costs and complaining about EPA—our point is that we have been preparing for many of these regs for years,” wrote Tom Williams, Duke’s spokesman, in an e-mail.

But when it comes to the nation’s oldest coal power plants—such as Virginia’s Potomac River Generating Station, built in 1946, or Pennsylvania’s Mitchell Plant, built in 1948—that kind of investment makes no economic sense. The cost of updating them would be too high, and companies will probably have to close dozens of plants, cutting power generation and jobs.

Energy economists say that it’s not hard to replace the plants going off-line with ones generating power from the nation’s abundance of clean, cheap natural gas. Studies show that a newly discovered supply of shale gas from the Northeast would likely have led to the retirement of many old coal plants anyway. Moreover, companies that spend money to install screens and scrubbers will actually be job *creators*. A typical power-plant retrofit can employ, at the peak of the work, up to 1,000 engineers, construction workers, and other laborers.

But there is no question that the new rules will force some companies to spend money, raise electricity rates, and lay off workers. A 2010 study by the North American Electric Reliability Corp., which works with the government to protect the nation’s electric grid, warned that the retirement of old coal-burning plants could jeopardize 10 percent to 20 percent of the nation’s coal-fired power. Philip Moeller, an Obama appointee to the Federal Energy Regulatory

Commission, also told the [House Energy and Commerce Committee](#) that the rules made him worry about the grid's reliability. "I remain concerned that the timeline for electric-utility planning and implementation is not compatible with the EPA timelines for its new regulations," he said.

Industry groups make even stronger claims. A study commissioned by the American Coalition for Clean Coal Electricity, a coal-lobby group, concluded that the Good Neighbor rule and mercury regulation alone would increase electricity costs by 12 percent to 24 percent annually, while costing 1.4 million jobs between 2013 and 2020.

At the same time, economic benefits to society writ large could offset the cost to companies. Peer-reviewed studies show that reducing pollution improves public health. In March, EPA released a cost-benefit analysis of President Bush's 1990 Clean Air Act amendments. Polluters will have paid some \$65 billion annually by 2020, but the corresponding reduction in premature death and illness (not to mention the rise in worker productivity tied to that boon) will have saved \$2 trillion annually.

EPA has similar estimates for the other new rules. The Good Neighbor regulation will cost \$2.4 billion per year but save \$280 billion in health costs by preventing up to 34,000 premature deaths; 15,000 nonfatal heart attacks; 19,000 cases of acute bronchitis; 400,000 cases of aggravated asthma; and 1.8 million sick days a year beginning in 2014. The mercury rule will cost up to \$11 billion annually through 2013 (mostly for the installation of scrubbers and filters), but it will yield \$59 billion to \$140 billion in annual benefits, mostly by avoiding 6,800 to 17,000 premature deaths each year. Other benefits of the mercury rule—not all of which were given dollar values in the analysis—include cutting 11,000 nonfatal heart attacks and 120,000 cases of aggravated asthma, as well as improving development for young children by boosting IQ, learning, and memory. The sulfur-dioxide rules are expected to cost \$1.5 billion annually and yield economic benefits of \$15 billion to \$37 billion annually.

A new report out this week by the nonpartisan Economic Policy Institute also concluded that, overall, the benefits of Obama's EPA rules exceed the costs—although not by quite as large a margin as the agency calculates. The combined economic benefits of clean-air rules, not including the cross-state rule, will exceed the combined cost by \$10 billion to \$95 billion a year, or by a ratio of 2-to-1 to 20-to-1. The net benefits from the cross-state rule could exceed \$100 billion a year. The costs born by the companies, the institute said, amount to 0.13 percent of the economy.

## **THE ELECTION ISSUE**

For now, the political forces fighting EPA seem to be winning. Environmental and public health groups are defending the rules, but Republicans and their allies appear to have reframed the fight as one about "environment versus economy." If that is the choice, they know how voters, trapped in a stagnant economy with 9 percent unemployment, will choose.

Many energy economists familiar with EPA's rules say that's a false choice. But the White House essentially conceded it was losing the political debate on Sept. 2, when it delayed the

schedule for implementing a major ozone rule. Privately, senior White House staffers say they feared that the new rule would trigger further accusations that EPA had put an undue burden on the economy—particularly in Midwestern states that rely on coal and are crucial for Obama’s reelection. “I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover,” Obama said.

Jackson made another concession last week when she slowed—albeit just briefly, she said—the rollout of carbon rules. “This short-term delay and a two-year pause in the ozone review is a tacit admission by this administration that its energy and environmental regulations are dragging down an already flailing economy,” said Phil Kerpen, a spokesman for Americans for Prosperity, in a statement blasted to reporters. “Affordable, dependable energy is the backbone of a modern economy. The president should take every step to abandon his manipulation of the energy markets through taxpayer-funded favoritism of firms like Solyndra and permanently call off his EPA regulators.”

That’s the kind of message Democrats fear could resonate beyond the tea party and into states dependent on coal mining or coal-fired electricity, such as Indiana, Missouri, Montana, Ohio, and Pennsylvania. The fight between coal and EPA could make the difference in who wins the White House in 2012.

01268-EPA-1365

Betsaida  
Alcantara/DC/USEPA/US  
09/27/2011 04:22 PM

To Richard Windsor  
cc Brendan Gilfillan  
bcc

Subject Statement in response to the Daily Caller story

Exemption 5 -- de liberative proces



## Media Matters

# No, EPA Is Not Hiring 230,000 Workers To Implement Climate Rules

September 27, 2011 2:18 pm ET

EPA explained in a court brief that by phasing in greenhouse gas regulations and focusing on large sources of emissions, the agency avoids a scenario in which 230,000 new workers would be required. Somehow, the Daily Caller's Matthew Boyle concluded from this that "The EPA is asking taxpayers to fund up to 230,000 new government workers." Other conservative media outlets, including Fox News, repeated Boyle's false report.

## EPA Said It *Avoided* Scenario In Which 230,000 New Workers Would Be Necessary

**May 2010 EPA Rule Narrowed Application Of Greenhouse Gas Regulations To Focus On Large Sources.** In May 2010, Greenwire reported that EPA issued its "tailoring" rule to specify that greenhouse gas regulations "would cover power plants, refineries and other large industrial plants while exempting smaller sources like farms, restaurants, schools and other facilities." Greenwire added:

The Clean Air Act's current thresholds for regulating "conventional pollutants" like lead, sulfur dioxide and nitrogen dioxide are 100 or 250 tons a year. But while those thresholds are appropriate for those pollutants, EPA says, they are not feasible for greenhouse gases, which are emitted in much larger quantities.

Without the tailoring rule, EPA air chief Gina McCarthy said today, about 6 million facilities could need permits when EPA's greenhouse gas standards for automobiles kick

in next January, making greenhouse gases officially "subject to regulation" under the Clean Air Act.

[...]

No sources that emit less than 50,000 tons per year will be subject to permitting requirements until at least April 30, 2016, according to the rule. [Greenwire, [5/13/10](#)]

### **EPA Issued "Tailoring Rule" To Avoid Having To Hire 230,000 New Workers.**

Conservative media are distorting a September 16 court filing, which explains why EPA issued the "tailoring rule" in May 2010 and asks the court to throw out an industry challenge to the rule. EPA stated in the brief that in the absence of the "tailoring rule,"

Sources needing operating permits would jump from 14,700 to 6.1 million as a result of application of Title V to greenhouse gases, a 400-fold increase. ... Hiring the 230,000 full-time employees necessary to produce the 1.4 billion work hours required to address the actual increase in permitting functions would result in an increase in the Title V administration costs of \$21 billion per year.

Based on this analysis, EPA found that applying the literal statutory thresholds (100/250 tpy [tons per year]) on January 2, 2011, would 'overwhelm[] the resources of permitting authorities and severely impair[] the functioning of the programs ...' After considerable study and receipt of public comment, EPA determined that by phasing in the statutory thresholds, it could almost immediately achieve most of the emission benefits that would result from strict adherence to the literal 100/250 tpy threshold while avoiding the permit gridlock that unquestionably would result from the immediate application of that threshold. This phase-in process would also allow EPA time to develop streamlining measures that could eventually ease administration at the statutory thresholds. Thus, EPA promulgated the Tailoring Rule to 'phase[] in the applicability of these programs to GHG sources, starting with the largest GHG emitters.'" [EPA brief, [9/16/11](#)]

**EPA Currently Employs 17,000 People.** The fact that EPA does not plan to hire 230,000 employees at a cost of \$21 billion per year should be obvious considering that the entire agency employs around 17,000 people and its fiscal year 2011 budget is only \$8.7 billion.

[Environmental Protection Agency, accessed [9/27/11](#)]

**Industry Groups Are Challenging The Tailoring Rule.** A January 5 *National Journal* report explains why industry groups are challenging the "tailoring" rule even though the rule serves to reduce the regulatory burden on businesses:

Seventeen states and dozens of industry and fossil-fuel groups have filed suit attacking EPA's legal authority to regulate carbon pollution. It's a tough case to make, however: Legal experts say that the agency is on firm ground, citing a 2007 Supreme Court ruling ordering the environmental agency to determine whether global-warming emissions pose a danger to human health. EPA's 2009 decision that they do based on a solid and growing foundation of peer-reviewed science triggered a requirement that the agency regulate the

pollutant under the 40-year-old Clean Air Act.

"The legal challenges are quite weak," said David Doniger, climate-policy director of the Natural Resources Defense Council, one of several environmental groups that are fighting in court to uphold the rules. "They are a lot of work for the Justice Department and for me and my lawyer colleagues. But I'm not losing any sleep worrying that we're going to lose the court cases. The court cases are just fashion accessories to dress up the political argument. You can't go to Congress and ask them to shoulder the burden of legislating unless you've already done what you can legally."

Privately, some industry groups concede that this is true and that they don't expect to win a legal fight that would require the overturning of a Supreme Court decision. **So instead, industry lawyers are homing in on a narrow part of the EPA ruling, which, if overturned, could put the administration in an impossible position.** The problem with regulating carbon dioxide is that, unlike most pollutants, CO2 is ubiquitous: An estimated 6 million stationary sources, from enormous coal-fired power plants to schools, homes, churches, and farms, emit it. **To avoid the specter of all that new government regulation, EPA issued a "tailoring" rule that would limit its regulation to the 15,000 biggest industrial polluters giant power plants, oil refineries, and factories.**

**But if industry lawyers, who will likely give oral arguments in late spring or early fall, succeed in legally undoing that tailoring rule, it will force EPA back into the politically and practically untenable position of regulating all those millions of entities, a scenario that lends itself perfectly to Republican attack ads against an overreaching, over-regulating federal government.** [*National Journal* , 1/6/11, via Nexis, emphasis added]

## Led By Daily Caller, Conservative Media Claim EPA Plans To Hire 230,000 Workers

**Daily Caller Completely Misreads EPA Court Filing.** Citing EPA's September 16 court brief, Matthew Boyle of the Daily Caller falsely reported that "The EPA is asking taxpayers to fund up to 230,000 new government workers to process all the extra paperwork, at an estimated cost of \$21 billion." Getting EPA's argument backwards, Boyle claimed that "If the EPA wins its court battle and fully rolls out the greenhouse gas regulations, the number of businesses forced into this regulatory regime would grow tremendously -- from approximately 14,000 now to as many as 6.1 million." [Daily Caller, [9/26/11](#)]

**Fox Nation: "EPA: Regulations Would Require 230,000 New Employees."** Fox Nation promoted the Daily Caller post with the following headline:

POLITICS September 26, 2011

## EPA: Regulations Would Require 230,000 New Employees

FIRE IT UP 46

Tweet 12

Recommend 517

SHARE



AP File

By Matthew Boyle, The Daily Caller

[Fox Nation, [9/26/11](#)]

**Hot Air Quotes Daily Caller Post.** A Hot Air post stated:

The president has found a way to add jobs, after all -- 230,000 of 'em, all within the Environmental Protection Agency. That's the number of new bureaucrats the federal government will need to hire to implement new proposed greenhouse gas regulations, according to a [report](#) by *The Daily Caller* : [Hot Air, [9/26/11](#)]

**National Review Online: "Obamanomics: 230,000 New Bureaucrats for the EPA."** A National Review Online post quoted from the Daily Caller article, which NRO said came "Via Sen. Inhofe's office." [National Review Online, [9/26/11](#)]

**Fox News: EPA Is "Now Going To Hire 230,000 New Employees."** From the September 27 edition of *Fox & Friends* :

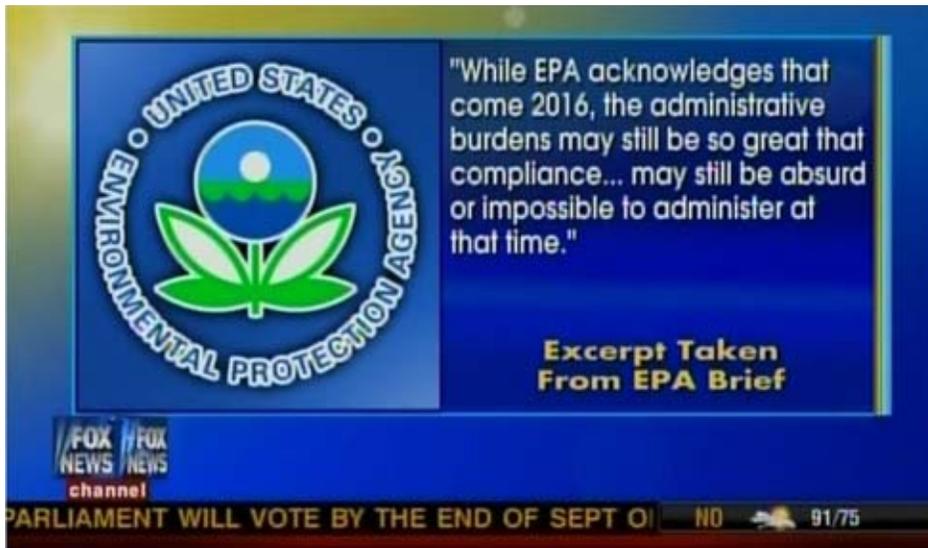
GRETCHEN CARLSON: And now, you're looking at the EPA and guess what? They're actually hiring, well some people argue that they're destroying jobs in the private sector. They're now going to hire 230,000 new employees to keep up with all the paperwork from all of these additional and new regulations.

BRIAN KILMEADE: So they kind of admit that it's so overwhelming that we're not equipped to enforce our own rules? Here's an excerpt from the EPA brief. To read that is voice-over specialist Steve Doocy.

STEVE DOOCY: Thank you very much, Mr. Kilmeade. "While EPA acknowledges that come 2016, the administrative burdens may still be so great, the compliance may still be absurd or impossible to administer at the time." And what they're talking about is how the EPA wants to somehow go ahead and regulate greenhouse gases. So to do that, they're going to have to hire 230,000 more employees at a cost of \$21 billion. [Fox News, *Fox*

& Friends , 9/27/11]

The excerpt that Doocy read and that Fox aired on-screen isn't even a full sentence:



- The placement of the ellipsis is the same in the Daily Caller article. The EPA brief actually stated: "While EPA acknowledges that come 2016, the administrative burdens may be so great that compliance **at the 100/250 tpy level** may still be absurd or impossible to administer at that time, that does not mean that the Agency is not moving toward the statutory thresholds." This statement underscores the burden of implementing greenhouse gas regulations *without* the "tailoring" rule, which allows EPA to phase in compliance, starting at the 75,000-100,000 tpy level. [EPA brief, [9/16/11](#), emphasis added]

01268-EPA-1366

Scott Fulton/DC/USEPA/US  
09/27/2011 04:22 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Seth Oster, Diane Thompson, Arvin Ganesan, Michael Goo  
cc Avi Garbow

bcc

Subject Jurisdictional decision today in Boiler MACT Stay Litigation

Hi Folks: We had filed a motion to dismiss Sierra Club's suit in District Court challenging our administrative stay of the Boiler MACT/CISWI rules, arguing essentially that this challenge belonged in the D.C. Circuit Court with the challenges to the rules themselves, rather than in District Court as a separate action. The District Court disagreed, ruling that it had jurisdiction to entertain this challenge. **Exemption 5 -- attorney-client**

[Redacted]

[Redacted]

Summary

On May 18, 2011, EPA delayed the effective dates of the boiler MACT and the CISWI rule pursuant to section 705 of the APA. Section 705 authorizes a stay where litigation is pending and the agency finds that justice requires a delay. Several challenges to the Boilers and CISWI rules had been filed, and EPA concluded that justice required a delay in light of the numerous and diverse industries that will need to make near-term investment decisions to comply with emissions standards that the Agency has indicated may change following reconsideration. In the APA section 705 delay notice, EPA indicated that it would lift the stay of the effective dates on the earlier of the conclusion of the reconsideration process or the resolution of the challenges to the rules in the D.C. Circuit. Sierra Club challenged the delay notice in federal district court for the District of Columbia.

Earlier today, the federal district court denied EPA's motion to dismiss Sierra Club's challenge to EPA's delay of the effective dates of the boiler MACT and the CISWI rule. **Exemption 5 -- attorney-client**

[Redacted]

01268-EPA-1368

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Bob Sussman, Scott Fulton, Seth Oster

cc

09/28/2011 10:05 AM

bcc

Subject AF&amp;PA Statement on Denial of EPA's Motion to Dismiss Stay Challenge

Unfortunate.

## **AF&PA Statement on Denial of EPA's Motion to Dismiss Stay Challenge**

*Judge Friedman Finds Jurisdiction to Reside with U.S. District Court, Not Circuit Court*

WASHINGTON – American Forest & Paper Association (AF&PA) President and CEO Donna Harman today issued the following statement regarding U.S. District Court Judge Paul Friedman's denial of the Environmental Protection Agency's (EPA) motion to dismiss the Sierra Club's challenge of EPA's administrative stay of the Boiler MACT and CISWI rules.

"We are disappointed with Judge Friedman's decision to deny EPA's motion to dismiss the challenge. AF&PA agrees with EPA that it has the authority to issue the stays while reconsidering the rules and hopes that future rulings on the merits of the case will recognize this. The stays are necessary to provide EPA the time it needs to get the rules right and to allow businesses to know the rules that will be in place before they invest billions of dollars in capital expenses to comply.

"AF&PA will continue to work with EPA as they develop rules that protect the environment and human health while preserving U.S. manufacturing jobs. Today's ruling reinforces the need for legislation, and we encourage Congress to quickly pass H.R. 2250 and S. 1392."

01268-EPA-1369

**Betsaida**  
**Alcantara/DC/USEPA/US**  
09/28/2011 12:46 PM

To Richard Windsor, Brendan Gilfillan, "Arvin Ganesan", "Gina McCarthy", Oster.Seth, "Stephanie Owens", Perciasepe.Bob, Sussman.Bob, Thompson.Diane, "Laura Vaught"

cc

bcc

Subject AP: Report: EPA Cut Corners On Climate Finding

Exemption 5 -- deliberative process

# Report: EPA Cut Corners On Climate Finding

by The Associated Press

WASHINGTON *September 28, 2011, 12:33 pm ET*

WASHINGTON (AP) — The Obama administration cut corners when it produced a key scientific document underpinning its decision to regulate climate-changing pollution, an internal government watchdog said Wednesday.

The inspector general's report says the Environmental Protection Agency should have followed a more robust review process for a technical paper supporting its determination that greenhouse gases posed dangers to human health and welfare, a finding that ultimately compelled it to issue costly and controversial regulations to control greenhouse gases for the first time.

The EPA and White House disagreed with the report's conclusions. They said the greenhouse gas document did not require more independent scrutiny because the scientific evidence it was based on already had been thoroughly reviewed.

"The report importantly does not question or even address the science used or the conclusions reached," the EPA said in a statement. The environmental agency said its work had "followed all appropriate guidance."

The greenhouse gas decision — which marked a reversal from the Bush administration — was announced in December 2009, a week before President Barack Obama headed to international negotiations in Denmark on a new treaty to curb global warming. At the time, progress was stalled in a Democrat-controlled Congress on a new law to reduce emissions in the United States.

The IG report does not challenge the scientific consensus around the causes of global warming.

In 2010, a survey of more than 1,000 of the world's most cited and published climate scientists found that 97 percent believe climate change is very likely caused by the burning of fossil fuels.

But by highlighting what it calls "procedural deviations," the report provides ammunition to Republicans and industry lawyers fighting the Obama administration over its decision to use the 40-year-old Clean Air Act to fight global warming. While the Supreme Court said in 2007 that the act could be used to control greenhouse gases, after the Bush administration repeatedly said it couldn't, the Republican-controlled House has passed legislation to change that.

The bill has so far been stymied by the Democrat-controlled Senate.

Sen. James Inhofe, the Oklahoma Republican who requested the inspector general's investigation and one of Congress' most vocal climate skeptics, said Wednesday that the report confirms that "the very foundation of President Obama's job-destroying agenda was rushed, biased and flawed."

Environmentalists, meanwhile, said Wednesday the inspector general was nitpicking at the public's expense. The investigation cost nearly \$300,000.

"The process matters, but the science matters more," said Francesca Grifo, a senior scientist with the Union of Concerned Scientists. "Nothing in this report questions the agency's ability to move forward with global warming emissions rules."

A prominent environmental attorney and Columbia University law professor also questioned what effect, if any, the report would have on global warming policy.

Michael Gerrard said that while lawyers and politicians would try to use the report to fight EPA regulations, the scientific case for global warming has only gotten stronger.

The report itself found that EPA "generally" adhered to data quality requirements. But it said while the agency's document was based on well-established and peer-reviewed science, it required additional independent scrutiny because the agency had to weigh the strength of that science. The inspector general specifically pointed out that the EPA did not publicly report the results of the review, and one of a dozen experts who reviewed the document worked at the agency.

The Obama administration has made a big deal about the importance of peer review.

Six weeks after taking office in 2009, Obama issued a memo that said: "When scientific or technological information is considered in policy decisions, the information should be subject to well-established scientific processes, including peer review where appropriate, and each agency should appropriately and accurately reflect that information in complying with and applying relevant statutory standards."

A year later, the president's science adviser, John Holdren, emphasized the "particular importance" of outside review by scientists.



01268-EPA-1371

**Betsaida  
Alcantara/DC/USEPA/US**  
09/28/2011 05:57 PM

To Richard Windsor  
cc "Seth Oster"  
bcc

Subject Re: Reuters: US watchdog: EPA missed steps on climate finding

Exemption 5 -- deliberative process

Richard Windsor Oh. Ok. Tx. ----- Original Message... 09/28/2011 05:54:26 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: "Seth Oster" <oster.seth@epa.gov>  
Date: 09/28/2011 05:54 PM  
Subject: Re: Reuters: US watchdog: EPA missed steps on climate finding

Oh. Ok. Tx.

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 05:53 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Reuters: US watchdog: EPA missed steps on climate finding apologies copied and pasted the headline incorrectly:

US watchdog: EPA missed steps on climate finding

Wed Sep 28, 2011 10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By Timothy Gardner

WASHINGTON, Sept 28 (Reuters) - The U.S. Environmental Protection Agency may not have met White House guidelines in laying the groundwork to regulate carbon emissions, a government watchdog said in a report that could fuel Republican efforts to block the agency's new rules on climate.

The EPA's Inspector General on Wednesday accused the agency of not following White House procedures in peer reviewing its so-called "endangerment finding" issued in 2009 that found greenhouse gas emissions were harming human health.

The watchdog said one of the 12 panelists who had reviewed the finding was an EPA employee, something that was not allowed for a so-called "highly influential scientific assessment."

In addition, it said some of the panel's findings were not released to the public, something that was also required.

But the EPA said it did not consider the finding to be classified as a "highly influential" document in part because it relied on information that had already been peer reviewed by the National Academy of Sciences.

The White House's Office of Management and Budget agreed with the EPA. "OMB -- the author of the guidance -- is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, a spokeswoman at the office said in an email.

Nevertheless, Republican Senator Jim Inhofe, the minority member of the Senate's environment panel who called for the report, said it showed the endangerment finding was inadequate and violated the agency's peer review procedures.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a release about the report which cost nearly \$300,000. Inhofe, a longtime climate skeptic who is writing a book on global warming called "The Hoax," said he was calling for immediate hearings on the EPA issue.

The EPA said on Wednesday it would consider the inspector general's recommendations to revise its Peer Review Handbook and establish requirements for assessing data.

But it was adamant the science it relied on, from the U.S. Climate Change Science Program, the National Research Council, and the U.N.'s Intergovernmental Panel on Climate Change, was sound.

#### SCIENCE NOT QUESTIONED

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution pose a threat to the health and welfare of the American people," an EPA source said.

Senator Inhofe said that the EPA relied heavily on the U.N.'s climate science panel to make the finding, a claim rejected by EPA administrator Lisa Jackson who has pointed out it also relied on the National Academy of Sciences, the National Research Council and others.

The EPA issued its endangerment finding after the Supreme Court ruled in 2007 the agency could regulate the emissions under the Clean Air Act. The agency had to conclude the emissions were harmful before regulating them.

Since then the EPA has embarked on rules to reduce the emissions from sources including power plants, oil refineries and vehicles.

Last week the Republican-controlled House passed a bill to block the EPA rules, saying they would cost industry billions of dollars and kill jobs. But the measure faces an uphill battle in the Senate and President Barack Obama has vowed to veto it. [ID:nS1E78M1HT]

Environmentalists said the report did nothing to question the science.

"Nothing in this report questions the agency's ability to move forward with global warming emissions rules," said Francesca Grifo, the science integrity director at the Union of Concerned Scientists.

"The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust scientific analysis."

(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

Betsaida Alcantara another updated story UPDATE Re... 09/28/2011 05:52:08 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA  
Date: 09/28/2011 05:52 PM  
Subject: Reuters: EPA missed steps on climate finding

another updated story

## UPDATE Reuters: EPA missed steps on climate finding

10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By [Timothy Gardner](#)

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(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

01268-EPA-1372

**Betsaida  
Alcantara/DC/USEPA/US**  
09/28/2011 06:14 PM

To Richard Windsor  
cc "Seth Oster"  
bcc

Subject Re: Greenwire: New IG Report Faults Process in EPA's  
Greenhouse Gas Assessments

exactly

Richard Windsor Love the first sentence - political, not s... 09/28/2011 06:13:50 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: "Seth Oster" <oster.seth@epa.gov>  
Date: 09/28/2011 06:13 PM  
Subject: Re: Greenwire: New IG Report Faults Process in EPA's Greenhouse Gas Assessments

#### Exemption 5 -- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 06:01 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Greenwire: New IG Report Faults Process in EPA's Greenhouse Gas Assessments

## New IG Report Faults Process in EPA's Greenhouse Gas Assessments

By EMILY YEHLE AND JEAN CHEMNICK of [Greenwire](#)

In a report with wide-reaching political implications, U.S. EPA's inspector general has found that the scientific assessment backing U.S. EPA's finding that greenhouse gases are dangerous did not go through sufficient peer review for a document of its importance.

The new report, released today, examines only federal requirements for EPA's "technical support document" and not the accuracy of the scientific studies included within it. But its conclusions have nevertheless reinvigorated GOP criticism of EPA's endangerment finding, which enabled the agency to regulate greenhouse gas emissions under the Clean Air Act.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Sen. James Inhofe (R-Okla.) said in a statement. "It calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding."

Inhofe, the top Republican on the Environment and Public Works Committee, called for

"immediate hearings" on the issue, accusing EPA of circumventing its own rules that ensure impartiality. The committee's majority office did not immediately respond to a request for comment this morning.

According to the IG report, EPA failed to follow the Office of Management and Budget's peer review procedures for a "highly influential scientific assessment," which is defined as an assessment that could have an impact of more than \$500 million in one year and is "novel, controversial, or precedent setting."

In particular, the document was reviewed by a 12-member panel that included an EPA employee, violating rules on neutrality. EPA also did not make the review results public, as required, or certify whether it complied with internal or OMB requirements.

In a statement, IG Arthur Elkins Jr. emphasized that his office "did not test the validity of the scientific or technical information used to support the endangerment finding."

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment," he said. "We also noted that documentation of events and analyses could be improved."

But EPA and OMB officials say the document did not qualify as highly influential, since it merely compiled outside scientific assessments that had already undergone peer review. In their view, the assessment was a "reader-friendly" version of the underlying science.

IG auditors reject this stance; EPA, they write, "had to weigh the conclusions and information in those assessments in deciding which information to present."

"In our opinion, the [technical support document] met the definition of a scientific assessment in that it evaluated a body of scientific knowledge and synthesized multiple factual inputs," they wrote. "While we agree that the primary information EPA relied upon were scientific assessments, these assessments were voluminous and numerous."

Environmentalists and climate scientists said today that the IG had missed the point completely: that the technical support document was not a new scientific assessment with new findings deserving of extra layers of review, but a summary of the established scientific findings that have already been thoroughly vetted.

"The key difference here was that they didn't create new science," said Francesca Grifo, a scientist who heads the Scientific Integrity Program at the Union of Concerned Scientists. "And typically, when you call something a highly influential scientific assessment, you actually added some other data, or used grey literature, or did something that hadn't already been fully reviewed."

"And they didn't in this case. Everything they used had been multiply peer-reviewed," she added.

Grifo noted that OMB told the IG that EPA had used its guidance correctly when deciding how much review to conduct prior to issuing the endangerment finding. The IG report, which was requested by Inhofe, amounts to "\$300,000 that was spent on bureaucratic nonsense," she said.

"There is nothing in this report that would give any reason to think that another procedure would add value or find anything different," said David Doniger, policy director at the Natural Resources Defense Council's climate center.

Like Grifo, Doniger said that the "highly influential scientific assessments" in the case were actually the thousands of scientific reports and publications the TSD relied on, not the TSD itself. And those had all been thoroughly reviewed, he said, unlike many of the dissenting scholars that Inhofe relies on.

"I would ask what peer-review procedures Senator Inhofe uses before he posts things on his website," he said. "There's an absurdity here that deserves calling out."

Climate scientist Kevin Trenberth said the IG report made "a mountain out of a molehill."

"This has nothing to do with the science that justifies the endangerment finding and everything to do with politics," Trenberth said, adding that the IG's criticisms focused only on process and not the quality of science EPA is using. "There is nothing here that undermines the EPA's way forward."

01268-EPA-1373

Sarah Pallone/DC/USEPA/US

To Richard Windsor

09/29/2011 01:52 PM

cc

bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

Sarah Hospodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

Richard Windsor

Exemption 5 -- deliberative process

09/29/2011 01:48:21 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 09/29/2011 01:48 PM  
Subject: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 01:45 PM -----

From: Richard Windsor/DC/USEPA/US  
To: "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 09/29/2011 01:37 PM  
Subject: Fw: Google Alert - lisa jackson epa

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/29/2011 04:01 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News 1 new result for lisa jackson epa

[APNewsBreak: Beshear drills Obama on coal jobs](#)

Houston Chronicle

... his efforts to break the federal logjam on new mining permits and his frustration when a "mutually acceptable solution" that he and his top aides worked out with EPA's southern region administrator, **Lisa Jackson**, was rejected by EPA headquarters. ...

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[Delete](#) this alert.

[Create](#) another alert.

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01268-EPA-1390

Arvin Ganesan/DC/USEPA/US

10/12/2011 05:37 PM

To Richard Windsor, Mathy Stanislaus, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Bob Sussman, Bob Perciasepe, Diane Thompson, Laura Vaught

cc

bcc

Subject great (embargoed) statement from Steelworkers on tomorrow's NHSM announcement

### Exemption 5 -- deliberative process

USW Pleased with EPA Progress on Waste Definition in Boiler Rules

Pittsburgh, Oct. XX, 2011 - Responding to United Steelworker (USW) concerns, the Environmental Protection Agency (EPA) has rewritten rules to allow alternative biomass fuels, including byproducts of the forest and paper industries, to be used as fuel in industrial, commercial and institutional boilers.

The EPA states that its re-proposal of significant parts of its Non-Hazardous Secondary Materials Rule (NHSM) includes redefining a variety of biofuel materials as fuel rather than waste.

The action will save thousands of jobs and protect the environment by preventing millions of tons of carbon-neutral biomass materials from being diverted to landfills or vented to the atmosphere rather than be used as alternatives to fossil fuels.

"The USW would like to commend the EPA for all the hard work it has done to be responsive to our union's concerns about this rule. We are confident that EPA's proposed changes will help preserve family-wage jobs and encourage investment in technologies to make America more energy independent," USW International President Leo W. Gerard said.

"With these changes we are hopeful a legislative remedy will not be needed. Our concern with a legislative approach to address concerns about this rule and related EPA boiler rules has been that in the current climate, common sense is unlikely to prevail. Too many ideologues would want to add their baggage to the bill with provisions that would not protect our jobs or the environment."

The rule, originally issued on March 1, is designed to sort out which materials would be considered fuel and which would be designated as waste. Waste materials are more stringently regulated under the Clean Air Act than those designated as fuel under the NHSM rule as originally proposed by the EPA..

The NHSM rule was promulgated as part of a suite of EPA rules dealing with air emissions from industrial, commercial and institutional boilers and from waste incinerators. Application of the three air rules was suspended in April so EPA could ensure that companies and institutions operating boilers subject to the rules would be able to comply without unduly impacting their ability to operate.

While EPA suspended the air rules earlier this year, the agency did not suspend the NHSM rule. "That's why we are pleased with EPA's current decision to re-propose sections of the NHSM rule," said International Vice President Jon Geenen, who leads the USW's paper sector. "Rule suspensions do occur, but it is not often that EPA re-proposes a rule that has already been finalized."

The re-proposed rule explicitly states that a variety of biofuel materials are in fact fuels rather than waste materials. The agency is

proposing a petition process for fuels that do not meet current strict fuel legitimacy criteria.

The agency has included resinated wood in the rule text and a short list of additional materials. Resinated wood products such as board trim and sander dust can be used as boiler fuel.

"This indicates clearly that that the regulatory process can be made to work and that working in good faith with the agencies is the correct approach to ensuring regulations that benefit both workers and the environment," Gerard said.

The USW represents 850,000 members in the United States, Canada and the Caribbean, a majority of whom work in industries impacted by the EPA boiler rules.

01268-EPA-1391

Seth Oster/DC/USEPA/US

10/13/2011 10:41 AM

To Richard Windsor

cc

bcc

Subject Fw: Lisa Jackson - Opinion piece for TIME

FYI -- we're working with them to get the headline changed.

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
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From: Seth Oster/DC/USEPA/US  
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01268-EPA-1392

**Seth Oster/DC/USEPA/US**

10/13/2011 12:43 PM

To: Richard Windsor

cc

bcc

Subject: Re: Lisa Jackson - Opinion piece for TIME

Exemption 5 -- deliberative process

**Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental  
Education  
Environmental Protection Agency  
(202) 564-1918  
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From: Richard Windsor/DC/USEPA/US

Date: 10/13/2011 12:12PM

Subject: Re: Lisa Jackson - Opinion piece for TIME

Exemption 5 -- deliberative process

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**Sent:** 10/13/2011 10:41 AM EDT

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01268-EPA-1393

**Stephanie Owens/DC/USEPA/US**  
10/13/2011 01:18 PM

To Richard Windsor, Seth Oster, Betsaida Alcantara  
cc  
bcc

Subject Re: Lisa Jackson - Opinion piece for TIME

**Exemption 5 -- deliberative process**

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 10/13/2011 01:12 PM EDT  
**To:** Seth Oster; Betsaida Alcantara; Stephanie Owens  
**Subject:** Re: Lisa Jackson - Opinion piece for TIME

**Exemption 5 -- deliberative process**

Seth Oster

**Exemption 5 -- deliberative process**

10/13/2011 12:43:15 PM

**From:** Seth Oster/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Date:** 10/13/2011 12:43 PM  
**Subject:** Re: Lisa Jackson - Opinion piece for TIME

**Exemption 5 -- deliberative process**

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

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**Subject:** Fw: Lisa Jackson - Opinion piece for TIME

Exemption 5 -- deliberative process

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01268-EPA-1394

**Betsaida  
Alcantara/DC/USEPA/US**  
10/13/2011 01:17 PM

To Richard Windsor  
cc Seth Oster, Stephanie Owens  
bcc  
Subject Re: Lisa Jackson - Opinion piece for TIME

**Exemption 5 -- deliberative process**

## How Politics Hurts the EPA's Important Mission

Protecting Americans from toxic substances has become a bi-partisan battleground. The EPA chief protests the politicization of pollution

By Lisa Jackson | @lisapjackson | October 12, 2011 |

<http://ideas.time.com/>

When a fire erupted at a Texas chemical plant on the morning of Oct. 3, emergency responders were dispatched from the local fire department, city and state governments, and the U.S. Environmental Protection Agency. The EPA was on the scene to monitor air quality around the burning plant and make certain that the nearby area – which includes an elementary school – was safe from toxic pollution. By the afternoon, EPA monitors had detected no public-health threat but remained on duty to ensure the safety of the community.

This is what the EPA does. Whether we're taking part in an emergency response to a chemical fire, or developing long-term efforts to remove mercury – a neurotoxin that can cause serious health problems in children – from our air, our mission is to protect American families from pollution in our environment. Lately, however, that mission has faced serious challenges.

Much of that has come in the form of misleading information. One example is an assertion – made by lobbying and industry groups – that the EPA is putting forward a “train wreck” of regulations that will hobble the U.S. economy. That claim has been repeated in major news outlets and on the floor of Congress. But it's founded on an American Legislative Executive Council report that details regulations the EPA never proposed.

False claims like these have real consequences. In recent months, the U.S. House of Representatives has voted to roll back Clean Air Act protections that would save lives, prevent asthma attacks, foster innovation and new jobs, and safeguard children from harmful pollution. The choices being presented are stark: either setting standards that prevent power plants from sending mercury and other toxins into the air we breathe or leaving ourselves unprotected; either allowing aging coal plants to emit sulfur dioxide and nitrogen dioxide into our skies, or ensuring that every facility in America meets at least the most basic standards for modern pollution control.

Rather than taking up the President's proposals on job creation or offering alternatives of their own, some members of Congress are instead spending their time trying to weaken protections for the air we breathe. Even successful initiatives like the clean cars program are under threat.

That effort will save drivers money, make American vehicles more efficient than ever and keep millions of tons of pollution out of the air we breathe. The program was crafted by auto companies, auto workers, federal and state officials, and environmentalists, who ended years of divisive debate and came together to find a workable solution. Last year, General Motors and Chrysler even announced plans to hire 1,000 new workers – each – to develop fuel-efficient vehicles. Despite the win-win outcome for our economy and our environment, Congress has continued to question the program.

No American wants dirtier air and more polluted water. No one is calling for more childhood asthma, especially when 1 in 10 school-aged children are already fighting the disease. No one believes that we should go back to the way it was before the EPA existed, when rivers were coated with industrial sludge and fouled with untreated sewage.

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Jackson is the head of the Environmental Protection Agency

Read more:

<http://ideas.time.com/2011/10/12/the-epas-mission-has-been-compromised/#ixzz1agMSYGm6>

Richard Windsor    Exemption 5 -- deliberative process    10/13/2011 01:12:33 PM

From: Richard Windsor/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
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What's wrong w it?

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oster.seth@epa.gov

-----Forwarded by Seth Oster/DC/USEPA/US on 10/13/2011 10:29AM -----

To: "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "David Bloomgren" <Bloomgren.David@epamail.epa.gov>  
From: Betsaida Alcantara/DC/USEPA/US  
Date: 10/13/2011 08:44AM  
Subject: Lisa Jackson - Opinion piece for TIME

This piece is live, thanks moats!

<http://ideas.time.com/>

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

From: Ruth Konigsberg [ruth\_konigsberg@timemagazine.com]  
Sent: 10/13/2011 08:08 AM AST  
To: Betsaida Alcantara  
Cc: Frances Romero <frances\_romero@timemagazine.com>  
Subject: Re: Lisa Jackson - Opinion piece for TIME

Betsaida, the site is live and Lisa's piece is up. Many thanks!

<http://ideas.time.com/>

On 10/4/11 6:58 PM, "Alcantara.Betsaida@epamail.epa.gov" <Alcantara.Betsaida@epamail.epa.gov> wrote:

> Here's the piece and a photo. Let me know if the photo works with what  
> you were looking for. Also, please let me know when you're planning to  
> run the piece.  
>  
>  
> Betsaida Alcantara  
> Press Secretary  
> US Environmental Protection Agency  
> 202-564-1692  
> alcantara.betsaida@epa.gov  
> (See attached file: LPJatDesk crop.JPG)  
>  
>  
> Facts over Fears  
>  
> EPA Administrator Lisa P. Jackson  
>  
> When a fire erupted at a chemical plant in Texas this week, emergency  
> responders included the local fire department, city and state officials,  
> and the U.S. Environmental Protection Agency. The EPA was on the scene  
> to monitor air quality around the burning plant and make certain that  
> the nearby area -- which included an elementary school -- was safe from  
> toxic pollution. By the afternoon of the blaze, EPA monitors had  
> detected no public health threat, but remained on duty to ensure the  
> safety of the community.

>  
> This is what the EPA does. Whether we are taking part in an emergency  
> response like a chemical fire, or developing long-term efforts to remove  
> mercury -- a neurotoxin that can cause serious health problems in  
> children -- from our air, our mission is to protect the health of  
> American families from pollution in our environment. Lately, however,  
> that mission has faced some serious challenges.  
>  
> Much of that has come in the form of misleading information. One example  
> is an assertion that the EPA is putting forward a <sup>3</sup>train wreck<sup>2</sup> of  
> regulations that will hobble the American economy. That claim has been  
> repeated in major newspapers and on the floor of Congress. But it is  
> founded on a report detailing regulations EPA never proposed.  
>  
> False claims like these have real consequences. In recent months, the  
> U.S. House of Representatives has voted to roll back Clean Air Act  
> protections that would save lives, prevent asthma attacks, foster  
> innovation and new jobs, and safeguard children from harmful pollution.  
> We now face the question of whether to put in place standards that  
> prevent power plants from sending mercury and other toxics into the air  
> we breathe, or whether we leave ourselves unprotected. We have to  
> determine if we will allow aging coal plants to emit sulfur dioxide and  
> nitrogen dioxide into our skies, or whether every facility in America  
> should meet at least the most basic standards for modern pollution  
> control.  
>  
> Rather than taking up the president's job proposals or offering  
> alternatives of their own, some members of Congress are spending their  
> time trying to weaken protections for the air we breathe. Even  
> successful initiatives like the clean cars program are under threat.  
> That effort will save drivers money, make American vehicles more  
> efficient than ever, and keep millions of tons of pollution out of the  
> air we breathe. It was crafted by auto companies, auto workers, federal  
> and state officials, and environmentalists, who ended years of divisive  
> debate and came together to find a workable solution. Last year, General  
> Motors and Chrysler announced plans to hire 1,000 new workers -- each --  
> to develop fuel-efficient vehicles. Despite the win-win outcome for our  
> economy and our environment, the program has been questioned in  
> Congress.  
>  
> No American wants dirtier air and more pollution in their water. No one  
> is calling for more childhood asthma, especially when 1 in 10  
> school-aged American children already fight the disease. No one believes  
> we should go back to the way it was before the EPA existed, when rivers  
> were coated with industrial sludge and fouled with untreated sewage.  
>  
> The challenges we face as a nation deserve a fact-based discussion, not  
> scare tactics. We shouldn't let a lot of hot air in Washington lead to  
> dirty air in your hometown. Yet that is the direction we are heading if  
> we don't recognize that health and environmental protection are bigger  
> than politics.  
>

01268-EPA-1396

**Elizabeth  
Ashwell/DC/USEPA/US**  
10/13/2011 05:44 PM

To  
cc  
bcc

Subject Keynote Remarks: National Wildlife Federation 75th  
Anniversary Gala

**Meeting**

Date 10/20/2011

Time 07:00:00 PM to 07:20:00 PM

Chair **Exemption 6 -- personal privacy**

Invitees  
Required  
Optional  
FYI

Location Harvard Club of New York, 35 West  
44th Street, New York, NY 10036

Ct: **Exemption 6 -- personal privacy**

Press: Open

Run of Show:

6:45 PM: Curtis Fisher welcomes everyone and introduces Larry Schweiger, NWF CEO

6:48PM: Larry Schweiger speaks

6:50PM: Steve Allinger, NWF Board Chair, speaks

6:54PM: Heidi Cullen, Climate Central, speaks

6:58 PM: Curtis Fisher introduces Administrator Jackson

7:00PM: The Administrator delivers the keynote

7:20PM: Reception begins

01268-EPA-1399

**Betsaida**  
**Alcantara/DC/USEPA/US**  
10/14/2011 07:36 AM

To "Richard Windsor", "Seth Oster"  
cc  
bcc

Subject USA Today: Rick Perry to unveil far-reaching energy plan

# Exemption 5 -- Deliberative process

Rick Perry to unveil far-reaching energy plan

By Susan Page, USA TODAY

Texas Gov. Rick Perry is set to unveil a far-reaching energy plan Friday that would dramatically expand oil and gas exploration – and, he may hope, also reboot his campaign for the Republican presidential nomination.

In the first major policy address since he jumped into the race in August, Perry will propose expanded energy production on federal lands and offshore, rolling back clean-air regulations, ending many incentives for development of renewable energy, and curtailing the ability of critics to mount court challenges.

The speech will focus attention on a key part of the economy familiar to the Texas governor, and on efforts to create jobs, perhaps the strongest part of his résumé.

And with that, he could move past reviews panning his performance in debates, including the most recent one in New Hampshire on Tuesday, and controversies that have cost him his lead in national polls as businessman Herman Cain has surged.

"Getting the energy industry back to work is the quickest way to spark 1.2 million good, well-paid American jobs, and at the same time reduce our dependence on energy from nations that are all too often hostile to the United States," Perry said in a telephone interview Thursday with USA TODAY previewing the speech at a Pittsburgh steel mill.

He vowed to reverse many of the energy policies pursued by President Obama, saying "the radical environmental movement" had been "sitting in the front of the train, being the engineer" during Obama's tenure.

The plan is sure to draw fire from environmental activists. "This proposal is Bush and Cheney gone wild," says Daniel Weiss of the left-leaning Center for American Progress, a reference to the industry-friendly policies of President George W. Bush and his vice president, Dick Cheney.

As president, Perry says, he would move to:

- Open federal lands to more energy exploration and production, including the Arctic National Wildlife Refuge in Alaska and lands in the Mountain West. More offshore drilling would be permitted in the Gulf of Mexico and off the southern Atlantic coast.

He would continue to bar drilling in the Florida Everglades, a fragile ecological area located in what happens to be a key primary and general-election state.

- Approve pipelines to facilitate new energy fields, including the Keystone XL Pipeline. The controversial project, which would carry crude oil from Canada to refineries as far south as Texas, is now stalled in a State Department review.

- Suspend and reconsider many of the Environmental Protection Agency's recent mandates and regulations, including rules designed to improve air quality. He would repeal the EPA's authority over CO<sub>2</sub> and other greenhouse gases linked to climate change.

- Curb the ability of environmentalists and others to slow down projects through the courts. He would establish firm litigation deadlines to expedite lawsuits and consider establishing special federal environmental courts with expertise that presumably would allow them to reach decisions more quickly.

- End the practice of federal agencies reaching consent decrees with advocacy groups, forcing them to pursue lawsuits instead.

- Phase out subsidies and tax incentives that benefit specific kinds of energy. Some favor the oil and gas industry; others were devised to encourage development of such renewable energy sources as wind power. He would retain a research and development tax credit available to all types of energy producers.

"It's leveling the playing field," Perry said. States would be free to encourage particular forms of alternative energy themselves, he said, as he did with a wind energy program in Texas.

He called the energy speech "phase one" of detailing his policy proposals, to be followed by the end of the month by a plan on taxes and federal spending.

"Eight weeks now and the fundraising side of it was exceptional," he said, saying his campaign was "on track." He reported raising \$17 million by Sept. 30. "Americans are now starting to really look at the substance ... and at the end of the day I'm confident they'll make the right decision. They'll want a president who can put America back to work."

01268-EPA-1401

**Betsaida  
Alcantara/DC/USEPA/US**  
10/14/2011 04:40 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan  
cc  
bcc

Subject Reuters: US EPA chief won't quit after Obama smog rule delay

Exemption 5 - Deliberative process



US EPA chief won't quit after Obama smog rule delay  
Fri Oct 14, 2011 7:18pm GMT Print | Single Page[-] Text [+]  
\* White House delayed smog rule Jackson cared about

\* Still "important work to do," Jackson says

By Timothy Gardner

WASHINGTON, Oct 14 (Reuters) - Lisa Jackson, assailed by Republicans and stymied on her agenda by her boss, said she has no intention of stepping down as head of the U.S. Environmental Protection Agency.

Jackson and the EPA have faced criticism from Republicans who contend the agency is killing jobs at a time of economic uncertainty. President Barack Obama recently put a stop to Jackson's plans to restrict emissions of smog-forming chemicals from power plants, saying it was part of an effort to reduce regulatory burdens on business.

"All I can tell you is here I sit," Jackson told reporters on Friday. "I will sit in the job because there is really important work to do and right now it is to defend and not roll back public health protections," she said at a meeting with reporters hosted by Politico.

The White House rolled back rules last month on restricting smog-forming chemicals from power plants, after pressure from businesses and some lawmakers who complained the new rules would cost industries billions of dollars as they struggled with the weak economy.

Jackson has had to settle for a weaker rule put forward during the administration of George W. Bush, which she once said was indefensible. The New York Post and other publications then reported that Jackson almost considered resigning over the matter.

But there is still plenty of work for Jackson at the EPA. The agency will reconsider the smog rule in 2013 and work on that is already occurring, she said.

The agency has another major air pollution rule it hopes to make final in November that would slash mercury emissions from power plants, she said. Another rule the agency is working on would protect states downwind from harmful power plant emissions.

Spurred by Majority Leader Eric Cantor, the Republican-led House of Representatives, is trying to dismantle or delay five or six clean air rules. Late last month the House passed a wide-ranging bill called the

Transparency in Regulatory Analysis of Impacts, or TRAIN Act, that would delay many of those rules.

On Friday the House passed a bill that would overturn the first-ever regulations on coal ash, which environmentalists say can pollute water supplies with heavy metals and other contaminants.

The TRAIN Act and other bills the House has passed will face tough fights in the Democratic-led Senate and the White House has said Obama would veto most of them. But even if the Senate quashes the bills parts of them could trickle into a broad spending bill Democrats might find hard to vote down.

Jackson aims to take the battle head on.

"I absolutely believe that if they are rolled back it will make our children sicker," said Jackson, parent to a child with asthma. "Our elderly will be at risk," she added.

Besides killing jobs and saddling heavy industry with billions of dollars in new costs, the other argument opponents of clean air rules on power plants use is they will harm the reliability of the nation's transmission of electricity.

Jackson said that argument does not ring true. "We have far more power than we need," she said. There could be local problems, but a process exists that allows utilities to work with the EPA on fixing those problems.

"In 40 years of history there has never been a reliability problem because of the implementation of a clean air rule," she said. (Reporting by Timothy Gardner; Editing by Jackie Frank)

01268-EPA-1402

**Elizabeth  
Ashwell/DC/USEPA/US**  
10/17/2011 12:31 PM

To  
cc  
bcc

Subject Phone Call w/ Butch Johnson, CEO of Johnson Timber

**Meeting**

Date 10/18/2011  
Time 11:05:00 AM to 11:10:00 AM  
Chair Elizabeth Ashwell

Invitees  
Required  
Optional  
FYI

Location Administrator's Office

Ct (b) (6) Privacy or 414-429-2028

The Administrator will call Mr. Johnson on his cell phone: (b) (6) Privacy

Staff:  
Dan Kanninen (OA)  
Laura Vaught (OCIR)

01268-EPA-1411

**Alisha Johnson/DC/USEPA/US**

To Richard Windsor

10/18/2011 05:12 PM

cc Betsaida Alcantara, Michael Moats, Seth Oster

bcc

Subject Re: Our Planet Op-Ed

Thank you. Will make these edits.

Richard Windsor

[see below... From: Alisha Johnson/D...](#)

10/18/2011 05:10:10 PM

From: Richard Windsor/DC/USEPA/US  
 To: Alisha Johnson/DC/USEPA/US@EPA  
 Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
 Date: 10/18/2011 05:10 PM  
 Subject: Re: Our Planet Op-Ed

see below...

Alisha Johnson

[Administrator, We would like to submit...](#)

10/17/2011 04:42:44 PM

From: Alisha Johnson/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA  
 Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
 Date: 10/17/2011 04:42 PM  
 Subject: Our Planet Op-Ed

Administrator,

(b) (5) D.P. [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) D.P. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) D.P.



01268-EPA-1422

Scott Fulton/DC/USEPA/US

To "Richard Windsor"

10/20/2011 11:25 PM

cc

bcc

Subject Fw: MATS

Exemption 5 -- deliberative process

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 10/20/2011 07:51 PM EDT

**To:** Gina McCarthy

**Cc:** Arvin Ganesan; Avi Garbow; Betsaida Alcantara; David Bloomgren; Scott Fulton; Seth Oster; Stephanie Owens

**Subject:** Re: MATS

Tweaked statement - still working with OGC re: timing:

Exemption 5 -- deliberative process

[Redacted]

[Redacted]

Gina McCarthy

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

**From:** Gina McCarthy

**Sent:** 10/20/2011 01:03 PM EDT

**To:** Brendan Gilfillan

**Cc:** Arvin Ganesan; Avi Garbow; Betsaida Alcantara; David Bloomgren; Scott Fulton; Seth Oster; Stephanie Owens

**Subject:** Re: MATS

Exemption 5 -- deliberative process

[Redacted]

[Redacted]

[Redacted]

Exemption 5 -- deliberative process  
[Redacted]

[Redacted]

Brendan Gilfillan Exemption 5 -- deliberative process 10/20/2011 11:23:19 AM

From: Brendan Gilfillan/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA  
Date: 10/20/2011 11:23 AM  
Subject: MATS

Exemption

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-1430

**Brendan  
Gilfillan/DC/USEPA/US**  
10/28/2011 10:05 AM

To Richard Windsor  
cc "Seth Oster", Betsaida Alcantara  
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

## **Jackson vows to crack down on coal, blasts GOP obstructionism**

Emily Yehle, E&E reporter

Published: Thursday, October 27, 2011

U.S. EPA Administrator Lisa Jackson today said her agency will fight to oversee the coal industry even as Republicans wage war on regulations, but she stopped short of explicitly supporting student-led efforts to shut down campus coal plants.

Many coal-fired power plants have neglected to update their equipment for decades, she said, and EPA plans to ensure they do so through new toxic emissions standards. Those standards -- which were recently delayed a month -- would make power plants use up-to-date technology to control mercury, heavy metals and acid gases by about Jan. 1, 2016.

"In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said. "They're literally on life support. And the people keeping them on life support are all of us."

Jackson addressed students this morning at an event hosted by the Sierra Club and Howard University and highlighted efforts to switch schools to clean energy sources. So far, according to the Sierra Club, students have succeeded in closing 17 coal-fired power plants on campuses throughout the country. Environmentalists say the effort signals a trend of clean energy on campus ([Greenwire](#), Feb. 28).

But the EPA administrator focused most of her comments on the harsh political environment in which EPA is functioning, with Republicans taking aim at "job-killing regulations" and the agency's authority to regulate greenhouse gases. The House has voted more than 160 times to block Clean Air Act rules, she said; recently, lawmakers took a series of votes to stop stricter air pollution limits for coal-fired power plants, industrial boilers and cement kilns.

Jackson summed up the political atmosphere with a reference to North Dakota Republican Sen. John Hoeven's bill to protect coal ash from regulations that would eliminate its use in concrete production.

"That struck me as kind of a way of thinking about what's going on right now inside the beltway," she said, later adding: "So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

Later today, students will visit Capitol Hill and talk with White House Liaison to Young Americans Ronnie Cho in a closed meeting.

Richard Windsor    [See 1st article. Although I can't believ...](#)    10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process



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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/28/2011 11:49 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**Web**

2 new results for **lisa jackson epa**

[Shame on you, \*\*Lisa Jackson\*\* - Congressman David McKinley](#)

David B. McKinley, P.E. (R-WV) reacted Thursday to **EPA** Administrator **Lisa Jackson**'s false and offensive attack on West Virginia's lifeblood, coal. ...

[mckinley.house.gov/index.cfm?sectionid=25...6.25...](http://mckinley.house.gov/index.cfm?sectionid=25...6.25...)

[EPA Administrator \*\*Lisa Jackson\*\* to speak about the \*\*EPA\*\* and the ...](#)

**EPA** Administrator **Lisa Jackson** to speak about the **EPA** and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa\\_administrator\\_lisa\\_jackson\\_to\\_speak...](http://www.reddit.com/.../epa_administrator_lisa_jackson_to_speak...)

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Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more.](#)

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[Manage](#) your alerts.

01268-EPA-1431

**Brendan  
Gilfillan/DC/USEPA/US**  
10/28/2011 12:37 PM

To Richard Windsor  
cc  
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

[Redacted]

[Redacted]

Richard Windsor Exemption 5 -- deliberative process ----- 10/28/2011 10:58:37 AM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 10:58 AM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 10:05 AM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Here's the underlying story - it's actually written pretty straight. The headline's bad, and we're reaching out to them about it.

**Jackson vows to crack down on coal, blasts GOP obstructionism**

Emily Yehle, E&E reporter

Published: Thursday, October 27, 2011

U.S. EPA Administrator Lisa Jackson today said her agency will fight to oversee the coal industry even as Republicans wage war on regulations, but she stopped short of explicitly supporting student-led efforts to shut down campus coal plants.

Many coal-fired power plants have neglected to update their equipment for decades, she said, and EPA plans to ensure they do so through new toxic emissions standards. Those standards -- which were recently delayed a month -- would make power plants use up-to-date technology to control mercury, heavy metals and acid gases by about Jan. 1, 2016.

"In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said. "They're literally on life support. And the people keeping them on life support are all of us."

Jackson addressed students this morning at an event hosted by the Sierra Club and Howard University and highlighted efforts to switch schools to clean energy sources. So far, according to the Sierra Club, students have succeeded in closing 17 coal-fired power plants on campuses throughout the country. Environmentalists say the effort signals a trend of clean energy on campus ([Greenwire](#) , Feb. 28).

But the EPA administrator focused most of her comments on the harsh political environment in which EPA is functioning, with Republicans taking aim at "job-killing regulations" and the agency's authority to regulate greenhouse gases. The House has voted more than 160 times to block Clean Air Act rules, she said; recently, lawmakers took a series of votes to stop stricter air pollution limits for coal-fired power plants, industrial boilers and cement kilns.

Jackson summed up the political atmosphere with a reference to North Dakota Republican Sen. John Hoeven's bill to protect coal ash from regulations that would eliminate its use in concrete production.

"That struck me as kind of a way of thinking about what's going on right now inside the beltway," she said, later adding: "So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

Later today, students will visit Capitol Hill and talk with White House Liaison to Young Americans Ronnie Cho in a closed meeting.

Richard Windsor

[See 1st article. Although I can't believ...](#)

10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process



ey.

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/28/2011 11:49 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**Web**2 new results for **lisa jackson epa**[Shame on you, \*\*Lisa Jackson\*\* - Congressman David McKinley](#)

David B. McKinley, P.E. (R-WV) reacted Thursday to **EPA** Administrator **Lisa Jackson**'s false and offensive attack on West Virginia's lifeblood, coal. ...

[mckinley.house.gov/index.cfm?sectionid=25...6.25...](http://mckinley.house.gov/index.cfm?sectionid=25...6.25...)

[\*\*EPA\*\* Administrator \*\*Lisa Jackson\*\* to speak about the \*\*EPA\*\* and the ...](#)

**EPA** Administrator **Lisa Jackson** to speak about the **EPA** and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa\\_administrator\\_lisa\\_jackson\\_to\\_speak ...](http://www.reddit.com/.../epa_administrator_lisa_jackson_to_speak...)

---

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01268-EPA-1432

**Brendan  
Gilfillan/DC/USEPA/US**  
10/28/2011 01:08 PM

To Richard Windsor  
cc  
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Here's his statement:

**McKinley: Shame on you, Lisa Jackson**  
*W.Va. rep reacts to outrageous attack on coal*

**Washington, D.C.** – Rep. David B. McKinley, P.E. (R-WV) reacted Thursday to EPA Administrator Lisa Jackson's false and offensive attack on West Virginia's lifeblood, coal.

While addressing students Thursday morning at an event at Howard University, Jackson was quoted in *Energy and Environment Daily* saying, "In their [the coal industry] entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us."

Jackson went on to lambast McKinley's bipartisan coal ash legislation, saying, "That struck me as kind of a way of thinking about what's going on right now inside the beltway... So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

Rep. McKinley issued the following statement on Jackson's comments:

"The coal industry is on 'life support' for one reason only: Lisa Jackson and Barack Obama. It takes a lot of gall to sit there in her cushy Washington office – lighted by coal, in a building constructed with coal ash – handing down these job-killing regulations, and then turn around and claim the coal industry owes her a favor. It is now unmistakably clear to me that Lisa Jackson's regulations are not intended to simply strike a proper balance between industry and the environment; rather, the hostility conveyed in her attacks betrays a radical ideologue who believes the folks who mine coal, burn coal and recycle its ash are little better than criminals, and that the government needs to bankrupt the coal industry as the president infamously [suggested](#) as a candidate. This administration has zero credibility on jobs, or public health, for that matter.

"As an engineer I've seen first-hand how the industry, working with her predecessors, has made great strides over the last several decades in improving its environmental practices as technology has developed – and yet the president's budget [slashed](#) research and development for clean coal technology. Coal ash, when recycled, actually makes building materials and other products more affordable and environmentally-friendly – and yet the president [opposes](#) my bipartisan bill to finally create federal standards regulating coal ash. Numerous studies prove that unemployed Americans suffer from higher rates of poor health than those with jobs – and yet the president and his EPA administrator are trying to put hundreds of thousands of men and women in the coal industry out of work. Shame on them.

“Over four months ago, I [invited](#) President Obama and Administrator Jackson to visit West Virginia to meet the folks who lost their jobs at several coal-fired power plants due to EPA over-regulation. That invitation still stands; unfortunately, Lisa Jackson’s speech today indicates that those job losses are exactly what they wanted.”

Richard Windsor Tx. I like though I would never say his... 10/28/2011 01:07:43 PM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 01:07 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 12:37 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

[Redacted]

[Redacted] /28/2011 10:58:37 AM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 10:58 AM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 10:05 AM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

**Jackson vows to crack down on coal, blasts GOP obstructionism**

Emily Yehle, E&E reporter

Published: Thursday, October 27, 2011

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"In their entire history -- 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said. "They're literally on life support. And the people keeping them on life support are all of us."

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But the EPA administrator focused most of her comments on the harsh political environment in which EPA is functioning, with Republicans taking aim at "job-killing regulations" and the agency's authority to regulate greenhouse gases. The House has voted more than 160 times to block Clean Air Act rules, she said; recently, lawmakers took a series of votes to stop stricter air pollution limits for coal-fired power plants, industrial boilers and cement kilns.

Jackson summed up the political atmosphere with a reference to North Dakota Republican Sen. John Hoeven's bill to protect coal ash from regulations that would eliminate its use in concrete production.

"That struck me as kind of a way of thinking about what's going on right now inside the beltway," she said, later adding: "So that's where we are. We're protecting the coal ash from the people rather than protecting the people from the coal ash."

Later today, students will visit Capitol Hill and talk with White House Liaison to Young Americans Ronnie Cho in a closed meeting.

Richard Windsor

[See 1st article. Although I can't believ...](#)

10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

# Exemption 5 -- deliberative process

**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 10/28/2011 11:49 AM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

Web

2 new results for **lisa jackson epa**

[Shame on you, \*\*Lisa Jackson\*\* - Congressman David McKinley](#)

David B. McKinley, P.E. (R-WV) reacted Thursday to **EPA Administrator Lisa Jackson's** false and offensive attack on West Virginia's lifeblood, coal. ...

[mckinley.house.gov/index.cfm?sectionid=25...6.25...](http://mckinley.house.gov/index.cfm?sectionid=25...6.25...)

[EPA Administrator \*\*Lisa Jackson\*\* to speak about the \*\*EPA\*\* and the ...](#)

**EPA Administrator Lisa Jackson** to speak about the **EPA** and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa\\_administrator\\_lisa\\_jackson\\_to\\_speak ...](http://www.reddit.com/.../epa_administrator_lisa_jackson_to_speak...)

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01268-EPA-1433

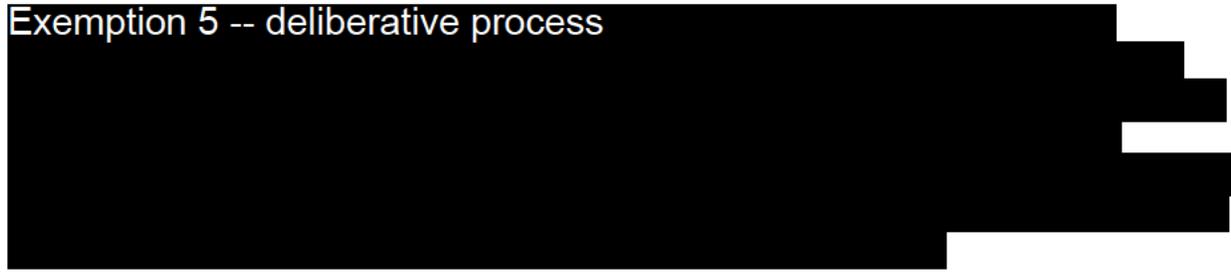
**Brendan  
Gilfillan/DC/USEPA/US**  
10/28/2011 02:40 PM

To Richard Windsor  
cc  
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Streamlined:

Exemption 5 -- deliberative process



Richard Windsor

10/28/2011 01:33:45|PM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 01:33 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

---

Exemption 5 -- deliberative process



Brendan Gilfillan Given how personal McKinley's state...

10/28/2011 12:37:04|PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/28/2011 12:37 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

---

Exemption 5 -- deliberative process


Exemption 5 -- deliberative process

Richard Windsor Oh. No need. Thx for checking. ----... 10/28/2011 10:58:37 AM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 10:58 AM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

Brendan Gilfillan

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

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**Sent:** 10/28/2011 10:05 AM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

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Richard Windsor    [See 1st article. Although I can't believ...](#)    10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
 To: "Seth Oster" <oster.seth@epa.gov>  
 Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
 Date: 10/28/2011 08:54 AM  
 Subject: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/28/2011 11:49 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

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2 new results for **lisa jackson epa**

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[EPA Administrator Lisa Jackson to speak about the EPA and the ...](#)

EPA Administrator Lisa Jackson to speak about the EPA and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa\\_administrator\\_lisa\\_jackson\\_to\\_speak...](http://www.reddit.com/.../epa_administrator_lisa_jackson_to_speak...)

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01268-EPA-1434

**Brendan  
Gilfillan/DC/USEPA/US**  
10/28/2011 05:42 PM

To Richard Windsor  
cc Seth Oster  
bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Hey boss -

**Exemption 5 -- deliberative process**

Thanks.

Brendan Gilfillan  
Deputy Associate Administrator  
Office of External Affairs and Environmental Education  
202-564-2081

Richard Windsor [Great. GO.](#) ----- Original Message ----- 10/28/2011 02:42:48 PM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 02:42 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Great. GO.

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/28/2011 02:40 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Google Alert - lisa jackson epa

Streamlined:

**Exemption 5 -- deliberative process**

[Redacted content]

Richard Windsor

10/28/2011 01:33:45 PM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 01:33 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

[Redacted]

Brendan Gilfillan

Exemption 5 -- deliberative process

10/28/2011 12:37:04 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 10/28/2011 12:37 PM  
Subject: Re: Fw: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process

[Redacted]

[Redacted]

Richard Windsor

Exemption 5 -- deliberative process

10/28/2011 10:58:37 AM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/28/2011 10:58 AM  
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Brendan Gilfillan

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**Sent:** 10/28/2011 10:05 AM EDT  
**To:** Richard Windsor  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; Betsaida Alcantara

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Exemption 5 -- deliberative process

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Richard Windsor

[See 1st article. Although I can't believ...](#)

10/28/2011 08:54:18 AM

From: Richard Windsor/DC/USEPA/US  
To: "Seth Oster" <oster.seth@epa.gov>  
Cc: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>  
Date: 10/28/2011 08:54 AM  
Subject: Fw: Google Alert - lisa jackson epa

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/28/2011 11:49 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

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[EPA Administrator \*\*Lisa Jackson\*\* to speak about the \*\*EPA\*\* and the ...](#)

**EPA** Administrator **Lisa Jackson** to speak about the **EPA** and the impact of budget cuts on environmental regulation--November 3, Boalt 105 ...

[www.reddit.com/.../epa\\_administrator\\_lisa\\_jackson\\_to\\_speak ...](http://www.reddit.com/.../epa_administrator_lisa_jackson_to_speak...)

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Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more.](#)

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01268-EPA-1439

**Brendan  
Gilfillan/DC/USEPA/US**  
11/02/2011 08:08 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:06 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/02/2011 11:58 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

[EPA chief's toxic emissions](#)

Washington Times

By Steve Milloy It is time for **Lisa P. Jackson** to resign. Last Friday at Howard University, the administrator of the **Environmental Protection Agency (EPA)** railed against the coal industry, saying, "In [the coal industry's] entire history - 50, 60, ...

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01268-EPA-1440

**Brendan  
Gilfillan/DC/USEPA/US**  
11/02/2011 09:19 PM

To: Richard Windsor  
cc  
bcc  
Subject: Re: Google Alert - lisa jackson epa

Got it - **Exemption 5 -- deliberative process**

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:10 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

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**From:** Brendan Gilfillan  
**Sent:** 11/02/2011 08:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:06 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

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**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/02/2011 11:58 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

1 new result for **lisa jackson epa**

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01268-EPA-1441

**Brendan  
Gilfillan/DC/USEPA/US**  
11/02/2011 09:32 PM

To: Richard Windsor  
cc  
bcc  
Subject: Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 09:23 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

---

**From:** Brendan Gilfillan  
**Sent:** 11/02/2011 09:19 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

---

**From:** Richard Windsor  
**Sent:** 11/02/2011 08:10 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

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**From:** Brendan Gilfillan  
**Sent:** 11/02/2011 08:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Google Alert - lisa jackson epa

**Exemption 5 -- deliberative process**

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**From:** Richard Windsor  
**Sent:** 11/02/2011 08:06 PM EDT  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

---

**From:** Google Alerts [googlealerts-noreply@google.com]

**Sent:** 11/02/2011 11:58 PM GMT

**To:** Richard Windsor

**Subject:** Google Alert - lisa jackson epa

**News**

**1 new result for lisa jackson epa**

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01268-EPA-1442

**Betsaida  
Alcantara/DC/USEPA/US**  
11/03/2011 06:53 PM

To Richard Windsor  
cc  
bcc

Subject Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

correcto

Richard Windsor Last time I checked its a free country.... 11/03/2011 06:51:55 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 11/03/2011 06:51 PM  
Subject: Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

**Exemption 5 -- deliberative process**

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 11/03/2011 06:22 PM EDT  
**To:** Richard Windsor  
**Cc:** "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>; Bob Perciasepe; Cynthia Giles-AA; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Seth Oster; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>  
**Subject:** Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

**Exemption 5 -- deliberative process**

Exemption 5 -- de liberal

Richard Windsor All good. Right? ----- Original Mess... 11/03/2011 05:41:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Cc: "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>, Cynthia Giles-AA/DC/USEPA/US@EPA, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>  
Date: 11/03/2011 05:41 PM  
Subject: Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

All good. Right?

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 11/03/2011 05:39 PM EDT  
**To:** Seth Oster  
**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Cynthia Giles-AA; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Bob Perciasepe; "Diane

Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>

**Subject:** Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review

Long investigative piece below but copying a pasting here the parts that mention EPA:

1. EPA told HuffPost that the agency "has worked closely with the State Department" through the process and was "actively reviewing" the final EIS.

2. Two weeks later, the EPA published the most damning assessment yet, deeming the analysis of the Keystone XL's necessity "unduly narrow" and asserting that the environmental impacts had not been "fully analyzed." EPA also charged that the State Department had not fully considered the impacts of a potential oil spill along the pipeline or proposed sufficient alternative routes. "As with all projects that have not addressed potentially significant impacts, this proposal is a potential candidate for referral to [CEQ]," the report concluded. The EPA's final grade for the draft EIS: "Inadequate."

3. Larry Svoboda, a retired EPA official who helped oversee his agency's NEPA compliance review for Keystone 1 from a field office in Colorado, said he thinks one reason the State Department had been taken aback by the uproar over KXL was because the EPA had altered its approach under the Obama administration.

"There was a huge policy shift to look intensively at the climate change issues," Svoboda said. "I don't blame State for being astounded. They didn't change, we did."

4. State has also ordered a pair of new studies: one, by a firm called ICF International, to look into EPA concerns about greenhouse gases; the other, by Department of Energy contractor Ensys, to investigate whether the pipeline is truly necessary. And inside the department, officials say, more staffers have been assigned to work on Keystone XL and consultations have expanded, growing to include a weekly Friday staff meeting with top officials and relevant experts.

#### **FULL STORY:**

Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review  
First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

This is the first of two articles about the controversy surrounding the development of the Keystone XL oil pipeline.

Earlier this year, top officials with the Environmental Protection Agency, the Department of Energy and the Department of Justice hauled a handful of senior State Department officials into a White House meeting.

The gathering was the governmental equivalent of being called into the principal's office. The energy regulators wanted to know why State -- which had the power to approve a controversial oil pipeline project called Keystone XL -- hadn't demanded the completion of an important task: the evaluation of alternative pipeline routes between Canada and the Gulf Coast that would avoid the Nebraska sand hills, a hotbed of environmental concern and local outrage.

A Canadian company, TransCanada, planned to use Keystone to deliver "tar sands" crude through the American heartland and -- as with nearly every major interstate infrastructure project -- the pipeline's approval hinged on its ability to pass an environmental review. Because this pipeline crossed an international border, oversight for that process fell to State.

Environmental groups and other government agencies had already panned the first draft environmental impact statement (EIS) that the State Department had produced, nearly a year earlier. Now State, under fire for its handling of Keystone XL, hoped to mollify the pipeline's critics by issuing a rare supplemental draft of the review.

But as word of the new study spread to the other agencies, according to a person familiar with the White

House meeting, it became apparent that the review wouldn't propose any serious alternative routes for the pipeline. Gathered at the offices of the White House's Council on Environmental Quality, the energy regulators attempted to strong-arm State into ordering such a study, despite the fact that it would likely cost several million dollars and delay the project another year.

State listened politely to the regulators' concerns and just as politely went about its business. The study never happened.

Hillary Clinton's State Department has now spent more than three years considering whether to greenlight Keystone, far longer than any previous similar projects. From the start, the process has been driven more by haste than cautious study, numerous government officials who participated in the process say. Officials there took far too long to recognize that Keystone XL would become a touchstone for so much controversy, choosing to focus on diplomatic reasons why the pipeline was 'in the national interest,' while overlooking environmental reasons why it might not be. Indeed, the department initially passed responsibility for the environmental review, now the focus of most of the uproar, into the hands of a single, inexperienced staffer and a contractor with ties to the energy industry, while -- as the meeting at CEQ showed -- disregarding other, more experienced agencies.

"They were in this mode of rubber-stamping these projects, just assuming they're great for energy security, they're great for Canadian relations," says a congressional staffer who was involved in Keystone XL and who requested anonymity because of the extraordinarily sensitive nature of the project. "By the time we got involved, they were all about getting it approved and not wanting to slow it down. It seemed to have been their mindset all along. The fact that this was going to be controversial? They had no idea."

In the meantime -- spurred on, no doubt, by the election season -- Keystone XL has grown into one of the most hotly contested energy projects in recent memory and has become a proxy for many of the essential decisions now facing the country about its energy future.

The department's early failure to pursue a more rigorous study of Keystone has left it exposed to criticism that it panders to the oil industry or is simply derelict in carrying out its regulatory responsibilities, however complex those duties might be. Environmental groups in particular have taken this tack, pointing to recently released emails that show an apparently cozy relationship between officials at State and representatives of TransCanada.

Familiar emails between a former Clinton campaign staffer named Paul Elliott, who went on to become a lobbyist for TransCanada and a diplomat at the U.S. Embassy in Ottawa have drawn particular scrutiny. Elliott, whose job on the campaign was less significant than some environmental groups initially made it out to be, did not respond to requests for comment.

Nevertheless, the controversy over State's impartiality has been intense -- especially after Clinton declared last October that she was "inclined" to approve the project, despite the lack of a completed environmental review.

On Tuesday, President Obama announced for the first time that he would personally make the final decision, using State's report as guidance.

State Department officials defend their approach to Keystone.

"As we have always said, the State Department is committed to a transparent, thorough and rigorous process," Principal Deputy Assistant Secretary Daniel Clune, who has been directly in charge of the project since early last year, told The Huffington Post.

The debate over Keystone comes at a pivotal moment for the world's energy and climate future. With revolution sweeping the Middle East, bountiful and dependable oil supplies from the Persian Gulf are less certain, even though America's demand for oil remains strong.

While the United States consumes a quarter of the world's oil, it only possesses a mere three percent of

the total conventional reserves. And so the nation faces a difficult choice: either find a new, more efficient way to function, or rely on oil from harder-to-reach and more polluting sources, like shale oil deposits in North Dakota and Montana or the "tar sands" of Alberta.

State has pointed out that its primary charge is to decide if the project is broadly "in the national interest" and says the drawn-out process, and all of the criticism directed at it, are evidence of the seriousness with which it takes this responsibility. Environmentalists say that in subordinating environmental considerations to political and diplomatic ones, the department has done a disservice to the country, and not just environmentally. The stakes, they say, couldn't be higher.

#### 'INTERNAL CHAOS'

If State Department officials were initially unaware of the trouble that Keystone XL would bring, they couldn't ignore the outcry by early summer of 2010. In mid-April of that year, Clune's division completed its preliminary review into the environmental impact of the pipeline, opening a standard 45-day period for public review and comment.

The draft review noted a number of potentially serious concerns, including risks to groundwater and wetlands, wildlife impacts and even greenhouse gas emissions, but ultimately concluded that "the proposed Keystone XL Project would result in limited adverse environmental impacts during both construction and operation."

From there, the process was expected to be pro forma. The State Department does not often oversee environmental reviews; had the pipeline proposal not crossed an international border, no federal review would have been required at all. By and large, the review of interstate energy projects -- natural gas pipelines, transmission cables -- falls to the Federal Energy Regulatory Commission.

But recent projects for which State has done an environmental review -- a TransCanada project called Keystone 1, approved in 2008, and the Alberta Clipper, a conduit between the tar sands and Wisconsin -- have faced relatively little public notice.

Keystone XL, however, has been anything but a quiet affair, and State's review of the project's environmental impact could not have come at a worse time.

Four days before its release, an explosion on a BP oil rig in the Gulf of Mexico set off one of the largest environmental disasters in the nation's history, renewing debate about the wisdom of piping oil through America's backyard. Then a few weeks later, TransCanada began moving oil through Keystone 1 to Illinois and Oklahoma, and within days the pipeline sprung a leak.

The Keystone 1 leak was just five gallons of sludge, but it was enough to alarm environmentalists, many of whom were already worried that the company's initial State-approved estimate of only 2.2 leaks per decade was overly optimistic. Two weeks later, a second small leak occurred farther down the line. (At the end of a year of operation, Keystone 1 had leaked a dozen more times; this past June, regulators were forced to shut down the pipeline briefly after TransCanada failed to satisfy safety concerns.)

The early problems with Keystone 1 were an embarrassing setback for TransCanada, but also for officials at the State Department, whose environmental review of the Keystone XL proposal was starting to show its own cracks.

On July 1, the Department of the Interior posted a 33-page evaluation of the State report that faulted, among other things, its "minimal" discussion of important protections for endangered species. The next day, the Energy Department released its appraisal, which challenged some of the study's fundamental economic assumptions.

Two weeks later, the EPA published the most damning assessment yet, deeming the analysis of the Keystone XL's necessity "unduly narrow" and asserting that the environmental impacts had not been "fully analyzed." EPA also charged that the State Department had not fully considered the impacts of a potential

oil spill along the pipeline or proposed sufficient alternative routes.

"As with all projects that have not addressed potentially significant impacts, this proposal is a potential candidate for referral to [CEQ]," the report concluded. The EPA's final grade for the draft EIS: "Inadequate."

By that point, with oil still flooding into the Gulf of Mexico, the State Department had already extended the public comment period twice, to 75 days. Officials briefly considered asking TransCanada to delay the pipeline by two years, though they just as quickly abandoned the idea. But the moves made little difference. By the end of July, when a State Department official at the U.S. Embassy in Ottawa emailed an old friend -- now a lobbyist for TransCanada -- her agency, she reported, was in a state of "internal chaos."

## KEYSTONE'S KOPS

The State Department's Bureau of Oceans and International Environmental and Scientific Affairs (OES), where the presidential permitting process takes place, has never been a highly sought-after posting. For the most part, OES staff are responsible for negotiating international treaties that involve natural resources, generally involving uncomplicated projects far from high-level eyes: a fiber optic cable in Tijuana, a bridge over the Rio Grande. Diplomats and political appointees often arrive there with no clue that the permitting responsibility falls to them.

And unlike the half-dozen other federal agencies that conduct environmental surveys, OES doesn't have any professional scientists on staff. That's atypical: When FERC recently evaluated a proposed natural gas pipeline that would run through Manhattan into New Jersey, a team of eight experts from its compliance division contributed to the draft environmental impact statement, including a geologist, a chemical engineer, an anthropologist, even a rocket scientist, plus input from an outside consulting firm.

By contrast, the environmental reviews by State -- including all the drafts for Keystone XL -- rely solely on the expertise of a contractor with ties to TransCanada. The firm, CardnoEntrix, also worked on the State Department's review of Keystone 1 and ran the EIS process for Alberta Clipper.

But where some have seen signs of complicity or conflicts of interest, others say the problem was simply that without comparable expertise, the State Department was ill-equipped to adjudicate technical disagreements between the contractor and other government agencies.

"It's not the business they're in, quite frankly," a federal environmental compliance official from another agency that consulted on Keystone XL said of the State Department.

"The people I worked with at State were good, honest people, and they were very inexperienced and naive about environmental laws," said the official. "They did not have a senior expert on their environmental impact study, and I've never seen that before."

Indeed, for the first stages of Keystone XL -- as well as the entirety of Alberta Clipper and Keystone 1 -- the vast majority of responsibility for coordinating the environmental review fell to Elizabeth "Betsy" Orlando, a young member of the foreign service with no scientific background and little institutional support.

A lawyer by training, Orlando was technically a diplomatic courier, a job that normally entails shuttling classified materials around the globe, not delving into policy matters.

But according to several people familiar with the matter, Orlando -- whose name appears on just about every technical document associated with the Keystone 1, Alberta Clipper and Keystone XL projects -- was initially assigned to be the sole individual working full-time on the pipeline reviews at State. At a public hearing in Oklahoma during summer 2010, Kimberly Demuth, a vice president at CardnoEntrix, described the State Department's capacity as "a staff of one person, Betsy Orlando, who's in charge of

this project."

In October 2010, when her tour was over, Orlando was posted to the U.S. Embassy in Nigeria. Reached by email, she declined to comment and referred questions to the State Department.

A senior State Department official, authorized to speak only on background, acknowledged the paucity of scientific minds at OES but disputed the notion that the department lacked expertise.

"We feel we're very qualified to do this," he said in a recent phone interview, citing in-house experts on "energy markets and economic issues" at the Economic and Energy Bureau and legal advisers on National Environmental Protection Act case law, as well as numerous interagency consultations.

"We realized that we need to work with others to bring in all the expertise that's required, which is why we reach out beyond the State Department to other agencies within the U.S. government, and bring in contractor expertise when necessary," he said. "So the expertise is there. I guess the trick for us as managers was just bringing all that team together and getting them to focus on this, because of course everybody's already very busy."

Still, a review of publicly available documents and conversations with numerous government officials who interacted with State on Keystone XL suggest that the agency was often too busy or uninvolved to take other input.

Fish and Wildlife Service officials were particularly concerned that their warnings went unheeded, especially regarding the pipeline's possible effects on migratory birds and the habitats of a rare American beetle. For months after the draft EIS came out, emails obtained via a Freedom of Information Act request show officials from FWS and other agencies trying to make their case to officials with CardnoEntrix -- often even with the contractor's consultant, Trow Engineering. (The FOIA request, filed by the National Wildlife Federation, resulted in the emails being posted to a public portion of the FWS website.)

At one point this past January, a Nebraska field supervisor got fed up. "I have a real concern that the Department of State (DOS) is not engaged in the discussions and negotiation of the Keystone XL Pipeline Project," he wrote in an email that was made public on a government website in response to an earlier FOIA request. "I feel pretty strongly that meetings here on out need a DOS decision maker involved and engaged."

This spring, when an Interior Department NEPA compliance manager named Lisa Treichel realized she had missed a phone call offering her a "brief window" of time to offer comments on the supplemental draft, she wrote to one of her superiors, "I requested an extension but received no input back which to me equals 'denied.'" (Spokesmen for Interior and Fish and Wildlife declined to comment on the interactions. An EPA spokesman told HuffPost that the agency "has worked closely with the State Department" through the process and was "actively reviewing" the final EIS.)

Larry Svoboda, a retired EPA official who helped oversee his agency's NEPA compliance review for Keystone 1 from a field office in Colorado, said he thinks one reason the State Department had been taken aback by the uproar over KXL was because the EPA had altered its approach under the Obama administration.

"There was a huge policy shift to look intensively at the climate change issues," Svoboda said. "I don't blame State for being astounded. They didn't change, we did."

For their part, State Department officials say they have changed, at least in the past year or so. After the feedback on the draft EIS, they drew up a list of 57 safety conditions -- with help from the Department of Transportation -- that TransCanada would agree to follow. The Natural Resource Defense Council, however, has dismissed all but a few of the 57 points as symbolic.

State has also ordered a pair of new studies: one, by a firm called ICF International, to look into EPA concerns about greenhouse gases; the other, by Department of Energy contractor Ensys, to investigate

whether the pipeline is truly necessary. And inside the department, officials say, more staffers have been assigned to work on Keystone XL and consultations have expanded, growing to include a weekly Friday staff meeting with top officials and relevant experts.

"The most important thing, for us, is to do a comprehensive, transparent and thorough review, and make the best decision that we can," the senior State Department official said. "We think we're still on track to do that by the end of the year, but the most important thing for us is to do the thorough review and make sure that we've covered all the bases, and that the decision is the best one for the country."

01268-EPA-1450

**Brendan  
Gilfillan/DC/USEPA/US**  
11/15/2011 04:38 PM

To Richard Windsor, Bob Perciasepe  
cc Seth Oster  
bcc  
Subject CAFE release

Administrator/Bob -

Exemption 5 -- deliberative process

FOR IMMEDIATE RELEASE  
November 16, 2011

CONTACT:  
Cathy Milbourn, [milbourn.cathy@epa.gov](mailto:milbourn.cathy@epa.gov), 202-564-7849,  
Lynda Tran, [lynda.tran@dot.gov](mailto:lynda.tran@dot.gov), 202-366-9550

## **We Can't Wait: Obama Administration Proposes Historic Fuel Economy Standards to Reduce Dependence on Oil, Save Consumers Money at the Pump**

*Next phase in national program for light-duty vehicles will save consumers thousands of dollars at the pump while saving billions of barrels of oil, curbing pollution, enabling long-term planning for automakers*

**WASHINGTON** – Building on President Obama's historic national program, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT) today formally unveiled their joint proposal to set stronger fuel economy and greenhouse gas pollution standards for Model Year 2017-2025 passenger cars and light trucks. Cars, SUVs, minivans, and pickup trucks are currently responsible for nearly 60 percent of U.S. transportation-related petroleum use and greenhouse gas emissions.

Today's announcement is the latest in a series of executive actions the Obama Administration is taking to strengthen the economy and move the country forward because we can't wait for Congressional Republicans to act. When combined with other historic steps this administration has taken to increase energy efficiency, this announcement will save Americans over \$1.7 trillion at the pump, nearly \$8,000 per vehicle by 2025. These combined actions also will

reduce America's dependence on oil by an estimated 12 billion barrels, and, by 2025, reduce oil consumption by 2.2 million barrels per day – as much as half of the oil we import from OPEC every day. Taken together, these actions will also slash 6 billion metric tons in greenhouse gas emissions over the life of the programs.

The proposed standards alone will slash oil consumption by 4 billion barrels and cut 2 billion metric tons of greenhouse gas pollution over the lifetimes of the vehicles sold in those years.

“These unprecedented standards are a remarkable leap forward in improving fuel efficiency, strengthening national security by reducing our dependence on oil, and protecting our climate for generations to come. We expect this program will not only save consumers money, it will ensure automakers have the regulatory certainty they need to make key decisions that create jobs and invest in the future,” said U.S. Transportation Secretary Ray LaHood. “We are pleased that we’ve been able to work with the auto industry, the states, and leaders in the environmental and labor communities to move toward even tougher standards for the second phase of the President’s national program to improve fuel economy and reduce pollution.”

"By setting a course for steady improvements in fuel economy over the long term, the Obama administration is ensuring that American car buyers have their choice of the most efficient vehicles ever produced in our country. That will save them money, reduce our nation's oil consumption and cut harmful emissions in the air we breathe," said EPA Administrator Lisa P. Jackson. "This is an important addition to the landmark clean cars program that President Obama initiated to establish fuel economy standards more than two years ago. The progress we made with the help of the auto industry, the environmental community, consumer groups and others will be expanded upon in the years to come -- benefitting the health, the environment and the economy for the American people."

The proposed program for MY 2017-2025 passenger cars and trucks is expected to require increases in fuel efficiency equivalent to 54.5 mpg if all reductions were made through fuel economy improvements. The joint standards equate to fuel efficiency of 49.6 miles per gallon by 2025 and result in an average light vehicle (combined car and truck) tailpipe CO<sub>2</sub> level of 163 grams per mile. These improvements would save consumers an average of \$6,600 in fuel costs over the lifetime of a MY 2025 vehicle for a net lifetime savings of \$4,400 after factoring in related increases in vehicle cost. Overall, the net benefit to society would total more than \$420 billion over the lifetime of the vehicles sold in MY 2017-2025.

Today's action builds on the success of the first phase of the Obama Administration's national program(2012-2016), which will raise fuel efficiency equivalent to 35.5 mpg by 2016 and result in an average light vehicle tailpipe CO<sub>2</sub> level of 250 grams per mile— These standards are already in effect and saving consumers money at the pump now. Combined with 2011 fuel economy standards and the standards in effect for 2012-2016, today's proposal represents the most significant federal action ever taken to reduce greenhouse gas emissions and improve fuel economy. . Taken together, these actions would reduce greenhouse gas emissions by half and result in model year 2025 light-duty vehicles with nearly double the fuel economy of model

year 2010 vehicles.

The national policy on fuel economy standards and greenhouse gas emissions created by DOT and EPA provides regulatory certainty and flexibility that reduces the cost of compliance for auto manufacturers while reducing oil consumption and harmful air pollution. By continuing the national program developed for MY 2012-2016 vehicles, EPA and DOT have designed a proposal that allows manufacturers to keep producing a single, national fleet of passenger cars and light trucks that satisfies all federal and California standards. It also ensures that consumers will continue to enjoy a full range of vehicle choices with performance, utility and safety features that meet their individual needs.

The standards will rely on innovative technologies that are expected to spur economic growth and create high-quality jobs across the country. Major auto manufacturers are already heavily invested in developing advanced technologies that can significantly reduce fuel use and greenhouse gas emissions beyond the existing model year 2012-2016 standards. In addition, a wide range of technologies are currently available for automakers to meet the new standards, including advanced gasoline engines and transmissions, vehicle weight reduction, lower tire rolling resistance, improvements in aerodynamics, diesel engines, more efficient accessories, and improvements in air conditioning systems. The standards should also spur manufacturers to increasingly explore electric technologies such as start/stop, hybrids, plug-in hybrids, and electric vehicles. The MY 2017-2025 proposal includes a number of incentive programs to encourage early adoption and introduction of “game changing” advanced technologies, such as hybridization for pickup trucks.

The proposal released today follows President Obama’s announcement in July that the Administration and 13 major automakers representing more than 90 percent of all vehicles sold in the U.S. have agreed to build on the first phase of the national vehicle program. EPA and DOT worked closely with a broad range of stakeholders to develop the proposal—including manufacturers, the United Auto Workers, the State of California, and consumer and environmental groups.

There will be an opportunity for the public to comment on the proposal for 60 days after it is published in the Federal Register. In addition, DOT and EPA plan to hold several public hearings around the country to allow further public input. California plans to issue its proposal for model year 2017-2025 vehicle greenhouse gas standards on December 7 and will finalize its standards in January. .

**To view NHTSA and EPA’s Notice of Proposed Rulemaking, visit <http://www.nhtsa.gov/fuel-economy>.**

**For more information, visit <http://www.epa.gov/otag/climate/regulations.htm> or <http://www.nhtsa.gov/fuel-economy>.**

###



01268-EPA-1451

Andra Belknap/DC/USEPA/US

To Richard Windsor

11/16/2011 03:48 PM

cc Brendan Gilfillan, Betsaida Alcantara

bcc

Subject Ghubar Magazine Responses

Administrator,

Below are our responses to Ghubar Magazine. I am planning to send today if that is ok with you.

**How long do you think it will take on a global scale to implement a feasible and sustainable recycle program?**

Exemption 5 -- deliberative process

[Redacted]

**What are some global environmental issues that are of specific concern to you?**

Exemption 5 -- deliberative process

[Redacted]

**As our world becomes convergent and truly web 2.0 do you see the use of new media replacing old forms of media? And if so, do you think this will positively affect the environment as we all switch from print to ipads and ipods?**

Exemption 5 -- deliberative process

**Here in France we have integrated a public bike transportation that serves as an option for sustainable transport, do you believe this is something that will be implemented throughout the US and more importantly globally?**

Exemption 5 -- deliberative process

[Redacted]

**Exemption 5 -- deliberative process**

Since many of our readers are global, from a global perspective what can we all do to keep our world "green"?

**Exemption 5 -- deliberative process**

In relation to fashion as large brand names such as H&M and the GAP begin to adopt organic clothing lines do you think this trend will become popular with other large brands and companies in the market?

**Exemption 5 -- deliberative process**

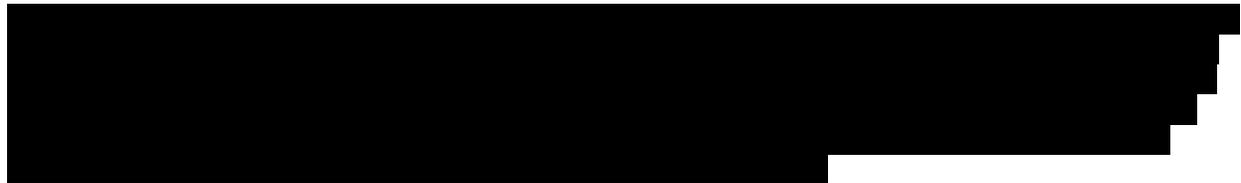
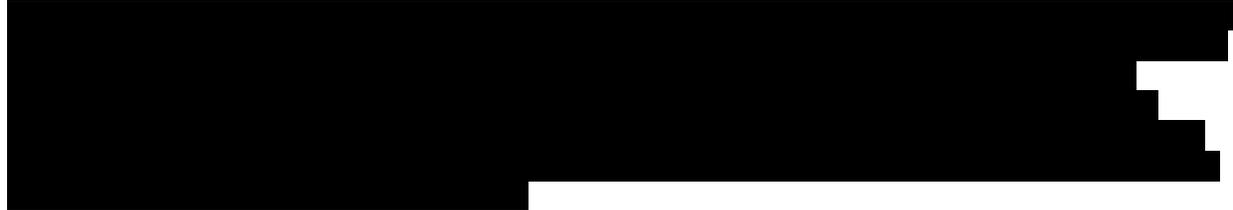
Andra Belknap  
Assistant Press Secretary  
U.S. Environmental Protection Agency  
202.564.0369  
belknap.andra@epa.gov

01268-EPA-1453

**Curt Spalding/R1/USEPA/US**  
11/17/2011 08:06 AM

To Richard Windsor, "Curt Spalding"  
cc "Lisa Garcia", "Sarah Pallone"  
bcc  
Subject RE: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process



- Curt

---  
Curt Spalding  
Regional Administrator  
US EPA New England  
(617) 918-1012

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

From : Richard Windsor/DC/USEPA/US  
To : "Curt Spalding" <spalding.curt@epa.gov>  
Cc : "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>, "Sarah Pallone" <pallone.sarah@epa.gov>  
Sent on : 11/17/2011 07:04:13 AM  
Subject : Fw: Google Alert - lisa jackson epa

Hi Curt,

See the 2nd story below. As far as I know, I haven't gotten anything on this from the Governor.

Lisa

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 11/17/2011 06:14 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**News**

**2 new results for lisa jackson epa**

[Consumers To Fill Up Less Under New Fuel Economy Standards](#)

NACS Online

... US Department of Transportation Secretary Ray LaHood and **EPA Administrator Lisa Jackson** held a press briefing to discuss the government's proposed rule to improve fuel economy standards, reduce pollution and reduce US dependence on foreign oil. ...

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[EPA foot-dragging endangers 2016 rail deadline](#)

SouthCoastToday.com

**EPA head Lisa Jackson** is a believer in the principle that environmental degradation routinely burdens poor, urban communities for the benefit of suburban, affluent ones. By that standard, there's hardly a greater test case of environmental justice law ...

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01268-EPA-1454

Sarah Pallone/DC/USEPA/US  
11/17/2011 08:32 AM

To Curt Spalding  
cc "Lisa Garcia", "Sarah Pallone", Richard Windsor, "Curt Spalding"  
bcc  
Subject RE: Google Alert - lisa jackson epa

Exemption 5 -- deliberative process  
[Redacted] ays.

Sarah Hospodor-Pallone  
Deputy Associate Administrator  
for Intergovernmental Relations  
Office of the Administrator  
202-564-7178  
pallone.sarah@epa.gov

Curt Spalding Exemption 5 -- deliberative process 11/17/2011 08:06:34 AM

From: Curt Spalding/R1/USEPA/US  
To: Richard Windsor/DC/USEPA/US, "Curt Spalding" <spalding.curt@epa.gov>  
Cc: "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>, "Sarah Pallone" <pallone.sarah@epa.gov>  
Date: 11/17/2011 08:06 AM  
Subject: RE: Google Alert - lisa jackson epa

We submitted comments to the ACOE last spring. Many others also submitted comments. The ACOE  
Exemption 5 -- deliberative process

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- Curt

---

Curt Spalding  
Regional Administrator  
US EPA New England  
(617) 918-1012

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

From : Richard Windsor/DC/USEPA/US  
To : "Curt Spalding" <spalding.curt@epa.gov>  
Cc : "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>, "Sarah Pallone" <pallone.sarah@epa.gov>  
Sent on : 11/17/2011 07:04:13 AM  
Subject : Fw: Google Alert - lisa jackson epa

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Lisa

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**Sent:** 11/17/2011 06:14 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

News

2 new results for **lisa jackson epa**

[Consumers To Fill Up Less Under New Fuel Economy Standards](#)

NACS Online

... US Department of Transportation Secretary Ray LaHood and **EPA Administrator Lisa Jackson** held a press briefing to discuss the government's proposed rule to improve fuel economy standards, reduce pollution and reduce US dependence on foreign oil. ...

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[EPA foot-dragging endangers 2016 rail deadline](#)

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01268-EPA-1457

**Betsaida  
Alcantara/DC/USEPA/US**  
11/17/2011 09:10 PM

To Richard Windsor  
cc Seth Oster, Brendan Gilfillan  
bcc  
Subject Closing the loop on EnergyNow interview

Administrator,  
Exemption 5 -- deliberative process

[REDACTED]

[REDACTED]

[REDACTED]

<http://www.energynow.com/video/2011/11/17/epa-administrator-lisa-jackson-pollution-regulations>

U.S. EPA to propose utility carbon rules next year

Thu, Nov 17 16:00 PM EST

WASHINGTON, Nov 17 (Reuters) - The top U.S. environmental regulator will propose early next year twice-delayed rules on greenhouse gas emissions from power plants, she told the energyNOW television show.

"I can't tell you what the regulations say right now, but what we are planning to do is release them early next calendar year," Lisa Jackson, the Environmental Protection Agency administrator, told the program in a segment seen by Reuters that is to be broadcast over the weekend.

The EPA in June delayed the proposed rules on power plants, which are the largest source of U.S. greenhouse gas emissions, saying it needed more time after talking with businesses, states and green groups. It delayed them again in September.

Republicans in the House of Representatives have waged a war on EPA clean-air regulations, saying such rules will kill jobs and add costs to businesses suffering in a battered economy.

In September, President Barack Obama directed the EPA to delay a major rule on smog-forming pollutants until 2013, forcing Jackson to embrace a George W. Bush-era smog rule she previously described as legally indefensible.

The move led some environmentalists and health groups to worry the administration would subject other clean-air rules to long delays.

But earlier this month, the EPA sent the planned rules on carbon emissions from new power plants to the White House's Office of Management and Budget for review, a process that can take about 90 days.

The rules could force big coal-burning utilities, including Southern Co and American Electric Power , to use more natural gas, which is lower in carbon emissions, or to invest more in wind and solar power.

Jackson has said the agency's coming slate of clean-air rules can add jobs in technology to deal with smokestack emissions.

Lobbyists for utilities, however, say there is no affordable technology yet that can be bolted on to power plants to cut greenhouse gases.

A process to bury carbon dioxide emissions underground, known as carbon capture and sequestration or CCS, has been suggested as a way to help utilities cut emissions in coming years.

But Jackson, whose agency looked at CCS as it developed the rules, said the technology has a long way to go. "It can be years, maybe a decade or more, until we have the technology available at commercial scale," she said.

Cheaper options exist to cut emissions, she said.

"It would be shortsighted, or you would have to have blinders on, not to look at the fact that there are other game-changers out there like our nation's supply of natural gas that are going to be important as people look at where they want to make investment decisions," she said.

Lobbyists for the power industry say energy markets, not the EPA, should push utilities toward natural gas, adding that the chemical industry is also eyeing new natural gas supplies, which could eventually push up prices for the fuel.

01268-EPA-1461

Andra Belknap/DC/USEPA/US  
11/23/2011 12:04 PM

To Richard Windsor  
cc Betsaida Alcantara, Brendan Gilfillan  
bcc

Subject Re: Ghubar Magazine Responses

Following up on this -- are these ok to send?

Andra Belknap  
Assistant Press Secretary  
U.S. Environmental Protection Agency  
202.564.0369  
belknap.andra@epa.gov

Andra Belknap Administrator, Below are our responses... 11/16/2011 03:48:05 PM

From: Andra Belknap/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 11/16/2011 03:48 PM  
Subject: Ghubar Magazine Responses

Administrator,

Below are our responses to Ghubar Magazine. I am planning to send today if that is ok with you.

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Exemption 5 -- deliberative process  
[Redacted]

[Redacted]

What are some global environmental issues that are of specific concern to you?

Exemption 5 -- deliberative process  
[Redacted]

[Redacted]

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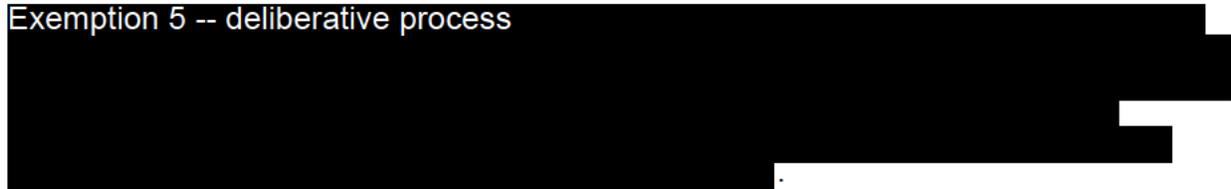
**switch from print to ipads and ipods?**

**Exemption 5 -- deliberative process**



**Here in France we have integrated a public bike transportation that serves as an option for sustainable transport, do you believe this is something that will be implemented throughout the US and more importantly globally?**

**Exemption 5 -- deliberative process**



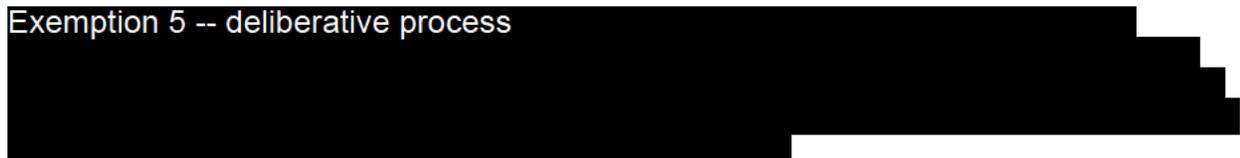
**Since many of our readers are global, from a global perspective what can we all do to keep our world "green"?**

**Exemption 5 -- deliberative process**


**In relation to fashion as large brand names such as H&M and the GAP begin to adopt organic clothing lines do you think this trend will become popular with other large brands and companies in the market?**

**Exemption 5 -- deliberative process**



**Andra Belknap  
Assistant Press Secretary  
U.S. Environmental Protection Agency  
202.564.0369  
belknap.andra@epa.gov**

01268-EPA-1464

**Alisha Johnson/DC/USEPA/US**

11/29/2011 08:56 AM

To Alisha Johnson, Richard Windsor, Seth Oster, Diane Thompson, Bob Perciasepe, Bob Sussman, Nancy Stoner, Jose Lozano, Brendan Gilfillan, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Sarah Pallone, Andra Belknap, Michael Moats, Michael Goo, Bicky Corman

cc

bcc

Subject New York Times: Keep the Clean Water Act Strong

New York Times: Keep the Clean Water Act Strong

By: William Reilly

11/28/2011

NEXT year will mark the 40th anniversary of the Clean Water Act, a milestone for a series of landmark environmental laws that began with the creation of the Environmental Protection Agency in 1970. Those actions set our nation on a course to restore our damaged natural resources, but today, because of political pressures and court rulings, the extent and durability of some of those key protections are at risk.

Since its enactment in 1972, the Clean Water Act has encountered resistance from powerful business interests that have tried to fill wetlands, drain marshes, develop shorelines and allow pollution to flow off their property. One approach these developers have used to weaken the law has been to try to limit its jurisdiction, to say it shouldn't apply to this or that water body. The rationale has always been to argue that the water on the particular property in dispute didn't connect with interstate bodies of water and therefore should be exempt from federal regulation.

When the act became law, two-thirds of our nation's lakes, rivers and coastal waters were unsafe for fishing or swimming, and untreated sewage and industrial waste was routinely dumped into our waters. The law was partly a response to the shock the nation experienced when the filthy Cuyahoga River in Cleveland erupted in flames. Since then, industrial pollution has declined significantly. Fish have returned to countless water bodies that were once all but lifeless. Progress has come in fits and starts – despite more litigation filed than the law's proponents expected or wanted – but it is real and evident.

Still, there are reasons for concern.

One is the ambiguity introduced by two Supreme Court decisions – Solid Waste Agency of Northern Cook County v. Army Corps of Engineers in 2001 and Rapanos v. United States in 2006 – over which American waters fall under the law. The law was intended to protect “all the waters of the United States.” But the decisions can be taken to suggest that the law does not protect certain waterways – those that are within one state or that sometimes run dry, for example, and lakes unconnected to larger water systems. As a result, fewer waters are protected, and those who wish to build on land that requires dredging and the depositing of the fill elsewhere face confusion, uncertainty and delay as federal regulators try to determine which water bodies fall under the law.

The Environmental Protection Agency estimates that about a third of the nation's waters are still unhealthy. About 117 million Americans – more than a third of the population – get some or all of their drinking water from sources now lacking protection. Given the deep antipathy to regulation on Capitol Hill – the House actually approved a measure in July to strip the E.P.A. of some of its authority to enforce the Clean Water Act – Congress has been unable or unwilling to clarify the law so that progress can continue in restoring and protecting these waters.

That has left it to the E.P.A. and the United States Army Corps of Engineers to draft new rules to make clear which waterways are protected. This guidance would keep safe the streams and wetlands that affect the quality of the water used for drinking, swimming, fishing, farming, manufacturing, tourism and other activities. The new rules would also bring clarity to the issue. Routine agricultural, ranching and forestry

practices will not require permits under the Clean Water Act. Formal rulemaking will follow, though that will take time and will most likely be contentious.

The American economy has performed well over the past four decades: real per capita income has doubled since 1970 and pollution is down even with 50 percent more people. The choice between a healthy environment and a healthy economy is a false one. They stand, or fall, together. We've been blessed in the United States with abundant water resources. But we also face daunting challenges that are putting new demands on those resources – continuing growth; the need for water for food, energy production and manufacturing; the push for biofuel crops; the threat of new contaminants; climate change and just maintaining and restoring our natural systems.

If we narrow our vision of the Clean Water Act, if we buy into the misguided notion that reducing protection of our waters will somehow ignite the economy, we will shortchange our health, environment and economy.

Alisha Johnson

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

**From:** Alisha Johnson

**Sent:** 11/23/2011 12:26 PM EST

**To:** Richard Windsor; Seth Oster; Diane Thompson; Bob Perciasepe; Bob Sussman; Nancy Stoner; Jose Lozano; Brendan Gilfillan; Betsaida Alcantara; Arvin Ganesan; Laura Vaught; Sarah Pallone; Andra Belknap; Michael Moats; Michael Goo; Bicky Corman

**Subject:** Heads Up: New York Times Op-Ed on Waters of the U.S.

All,

Exemption 5 -- deliberative process



Please let me know if you have any questions.

Alisha

---

Alisha Johnson  
Office of External Affairs and Environmental Education  
US Environmental Protection Agency  
202.564.4373(direct)  
202.579.5538 (cell)  
johnson.alisha@epa.gov

01268-EPA-1466

Bob  
Perciasepe/DC/USEPA/US  
11/29/2011 10:12 PM

To Richard Windsor  
cc Diane Thompson, Seth Oster  
bcc

Subject NYT Op-ed: Keep the Clean Water Act Strong

Lisa:

Exemption 5 -- Deliberative process  
[REDACTED]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) [REDACTED] (b) (6)

**The New York Times**

November 28, 2011

## Keep the Clean Water Act Strong

By WILLIAM K. REILLY

San Francisco

NEXT year will mark the 40th anniversary of the Clean Water Act, a milestone for a series of landmark environmental laws that began with the creation of the Environmental Protection Agency in 1970. Those actions set our nation on a course to restore our damaged natural resources, but today, because of political pressures and court rulings, the extent and durability of some of those key protections are at risk.

Since its enactment in 1972, the Clean Water Act has encountered resistance from powerful business interests that have tried to fill wetlands, drain marshes, develop shorelines and allow pollution to flow off their property. One approach these developers have used to weaken the law has been to try to limit its jurisdiction, to say it shouldn't apply to this or that water body. The rationale has always been to argue that the water on the particular property in dispute didn't connect with interstate bodies of water and therefore should be exempt from federal regulation.

When the act became law, two-thirds of our nation's lakes, rivers and coastal waters were unsafe for fishing or swimming, and untreated sewage and industrial waste was routinely dumped into our waters. The law was partly a response to the shock the nation experienced when the filthy Cuyahoga River in Cleveland erupted in flames. Since then, industrial pollution has declined significantly. Fish have returned to countless water bodies that were once all but lifeless. Progress has come in fits and starts — despite more litigation filed than the law's proponents expected or wanted — but it is real and evident. Still, there are reasons for concern.

One is the ambiguity introduced by two Supreme Court decisions — *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* in 2001 and *Rapanos v. United States* in 2006 — over which American waters fall under the law. The law was intended to protect "all the waters of the United States." But the decisions can be taken to suggest that the law does not protect certain waterways — those that are within one state or that sometimes run dry, for example, and lakes unconnected to larger water systems. As a result, fewer waters are protected, and those who wish to build on land that requires dredging and the depositing of the fill elsewhere face confusion, uncertainty and delay as federal regulators try to determine which water bodies fall under the law.

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If we narrow our vision of the Clean Water Act, if we buy into the misguided notion that reducing protection of our waters will somehow ignite the economy, we will shortchange our health, environment and economy.

*William K. Reilly was the administrator of the Environmental Protection Agency from 1989 to 1993 and was the co-chairman of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.*

01268-EPA-1467

**Aaron  
Dickerson/DC/USEPA/US**  
11/30/2011 11:29 AM

To Richard Windsor  
cc Gladys Stroman  
bcc

Subject REVISED Schedule for Wednesday, Nov. 30, 2011

## Revisions:

12:45pm Call w/Nancy Sutley  
1:00pm Meeting w/Barb (she is mtg w/AAs at 2:00)  
5:30pm Call w/Cass Sunstein

**Schedule for Lisa P. Jackson EPA Administrator**  
**Wednesday, November 30, 2011**

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11:30 AM - 12:00 PM	Administrator's Office	One on One with Cameron Davis Ct: Veronica Burley 202-564-7084 (OA)  Staff: Cameron Davis (Sr. Advisor - Great Lakes)  Optional: Diane Thompson, Bob Perciasepe, Bob Sussman (OA)
12:00 PM - 12:45 PM	Administrator's Office	No Meetings
<b>12:45 PM - 01:00 PM</b>	<b>Administrator's Office</b>	<b>Call with Nancy Sutley</b> <b>ct: Paola Ramos</b>  <b>Nancy Sutley will call 202-564-1783 to be connected to the Administrator.</b>
<b>01:00 PM - 01:15 PM</b>	<b>Administrator's Office</b>	<b>Meeting with Barb Bennett</b> <b>ct: Aaron Dickerson</b>  <b>Staff:</b> <b>Barb Bennett</b> <b>Bob Perciasepe</b>
01:15 PM - 02:00 PM	Administrator's Office	Senior Staff Offsite Prep Ct: Dan Kanninen - 202-564-0471  Staff: Bob Perciasepe, Diane Thompson, Jose Lozano, Dan Kanninen (OA)

02:15 PM - 03:00 PM	Bullet Room	<p>Meeting with Local Elected Officials Ct: Sarah Pallone 202-564-7178</p> <p>Topic: Utility MACT</p> <p>Attendees:</p> <ul style="list-style-type: none"> <li>-Eula McNeill, Mayor Pro Tem, Red Springs, NC</li> <li>-Clarence Ramsey, Council Member, Monroeville, PA</li> <li>-William Callaham, Council Member, East Landsdown, PA</li> <li>-Sharon Steel, Vice Mayor, St. Paul, VA</li> <li>-Pam Snyder, Commissioner, Greene County, PA</li> <li>-Scott Finney, Trustee, Sleepy Hollow, IL</li> <li>-Pete Hennard, Commissioner, Ogemaw County, MI</li> <li>-Mark Sweeney, Commissioner, Anaconda-Deer Lode County, MT</li> <li>-Katrina Ross, Commissioner, Mint Hill, NC</li> <li>-Tom Roberts, Council Member, St. Peters, MO</li> <li>-David Agnew, White House Intergovernmental Affairs</li> </ul> <p>Staff:</p> <ul style="list-style-type: none"> <li>Sarah Pallone (OCIR)</li> <li>Gina McCarthy, Janet McCabe (OAR)</li> <li>Laura Vaught (OCIR)</li> <li>David Agnew (WH Leg)</li> </ul> <p>Optional:</p> <ul style="list-style-type: none"> <li>Janet Woodka (OA)</li> <li>Stephanie Owens (OEAE)</li> </ul>
03:00 PM - 03:30 PM	3233 EPA East	FYI: Bryon Griffith's Retirement Party
03:30 PM - 04:30 PM	Bullet Room	Senior Policy
04:30 PM - 05:30 PM	Green Room	<p>All Hands Meeting Ct: Sharnett Willis 202-564-7866</p>
<b>05:30 PM - 05:35 PM</b>	<b>Administrator's Office</b>	<p><b>Call with Cass Sunstein</b> <b>ct: Lisa Jones 202-395-5898</b></p> <p><b>The Administrator will call Cass on his cell at</b> <span style="background-color: black; color: white; font-size: 8px;">Exemption 6 - personal privacy</span></p>
05:35 PM - 05:45 PM	Ariel Rios	Depart for M&S Grill

05:45 PM - 07:00 PM    M & S Grill                    Happy Hour with RAs  
                                  600 13th Street NW,    Ct: Sharnett Willis - 202-564-7866  
                                  Washington DC  
                                  20005

---

\*\*\* 11/30/2011 11:25:28 AM \*\*\*

01268-EPA-1471

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
12/02/2011 02:35 PM cc  
bcc  
Subject Re: AFPA statement

Exemption 5-- deliberative process

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 12/02/2011 02:34PM  
Subject: Re: AFPA statement

Exemption 5-- deliberative process

Inactive hide details for Arvin Ganesan---12/02/2011 02:21:27 PM---AF&PA Statement on EPA's Release of Revised Boiler MACT, InArvin Ganesan---12/02/2011 02:21:27 PM---AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and Non-Hazardous Secondary Ma

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2011 02:21 PM  
Subject: AFPA statement

---

# AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and Non-Hazardous Secondary Materials Rules

**Release Date: 12-02-2011**

WASHINGTON – American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Environmental Protection Agency's (EPA) release of their most recent proposed Boiler MACT, Incinerator (CISWI), and Non-Hazardous Secondary Materials (NHSM) rules.

“The Boiler MACT rules are among the most complex MACT standards developed. We are committed to thoroughly reviewing the changes put forth by EPA today to assess the affordability and achievability of the proposal. We appreciate EPA undertaking the reconsideration process for these rules.

“EPA's reconsideration is an important step toward writing a more reasonable set of regulations after being forced by the courts to finalize rules in March, which the agency itself recognized as flawed. Our nation's economy needs regulations that protect the environment while sustaining American manufacturing jobs.

“Unfortunately, these rules remain open to challenge in the courts, which has prolonged the process by years already; this creates an atmosphere of uncertainty that prevents investment and thwarts American manufacturing competitiveness.

“We support legislation passed by the House of Representatives in October and legislation currently pending in the Senate that would help to ensure that businesses, hospitals and universities have adequate time to implement new final rules that are affordable and achievable.”

01268-EPA-1472

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
12/02/2011 02:50 PM cc  
bcc  
Subject Re: AFPA statement

Amen

Sent from my Blackberry Wireless Device  
Richard Windsor

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

From: Richard Windsor  
Sent: 12/02/2011 02:42 PM EST  
To: Arvin Ganesan  
Subject: Re: AFPA statement

**(b) (5) Deliberative**

Arvin Ganesan **(b) (5) Deliberative** 12/02/2011 02:35:13 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2011 02:35 PM  
Subject: Re: AFPA statement

**(b) (5) Deliberative**

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 12/02/2011 02:34PM  
Subject: Re: AFPA statement

**(b) (5) Deliberative**

Arvin Ganesan---12/02/2011 02:21:27 PM---AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and Non-Hazardous Secondary Ma

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 12/02/2011 02:21 PM  
Subject: AFPA statement

# AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and

# Non-Hazardous Secondary Materials Rules

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“Unfortunately, these rules remain open to challenge in the courts, which has prolonged the process by years already; this creates an atmosphere of uncertainty that prevents investment and thwarts American manufacturing competitiveness.

“We support legislation passed by the House of Representatives in October and legislation currently pending in the Senate that would help to ensure that businesses, hospitals and universities have adequate time to implement new final rules that are affordable and achievable.”

01268-EPA-1476

**Elizabeth  
Ashwell/DC/USEPA/US**  
12/06/2011 10:47 AM

To  
cc  
bcc

Subject Phone Call with Senator Barbara Boxer (CA)

**Meeting**

Date 12/06/2011  
Time 03:15:00 PM to 03:30:00 PM  
Chair Noah Dubin

Invitees  
Required  
Optional  
FYI

Location By Phone

Ct: Kelly - 202-224-8106

\*\*Arvin will call the Administrator, and they will then call 2[Exemption 6-- personal]5 to be transferred to the Senator

Staff:

Arvin Ganesan (OCIR)

Topic: Boiler MACT

01268-EPA-1478

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 12:59 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Joseph Goffman, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons  
cc  
bcc

Subject Re: Frank O'Donnell email

Just got off w WH - they are pushing back hard off the record, and we will as well. We're also leaning on them to lean on OMB to use a statement that doesn't prejudice the outcome but generally dismisses rumors.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 6-- personal privacy

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Frank O'Donnell email

Exemption 6-- personal privacy

Here's the email:

We have promised to keep our ear to the ground on the fierce lobbying on the EPA mercury/air toxic rule for power plants. There is an excellent story in today's National Journal, but here is the very latest:

We are informed reliably that the White House Office of Management and Budget, at the behest of the coal-burning electric power industry, is now pushing the EPA to weaken its mercury pollution control requirements in its upcoming toxic pollution rule for power plants. Power companies could emit almost 20% more mercury under the dirty power industry scheme being promoted by OMB bean counters.

This is nothing short of outrageous. The White House should immediately disavow this latest attempt by OMB staffers to front for dirty industry. (You will recall the recent excellent report by the Center for Progressive Reform on the topic of OMB, its meetings with industry, and its impact on EPA.

[http://www.progressivereform.org/articles/OIRA\\_Meetings\\_1111.pdf](http://www.progressivereform.org/articles/OIRA_Meetings_1111.pdf) )

In this case, the real culprit is the dirty power industry, which continues to push not only for

delays and loopholes, but for the right to spew out more toxic mercury.

[http://switchboard.nrdc.org/blogs/fbeinecke/say\\_no\\_to\\_polluters\\_call\\_to\\_we.html](http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html)

The push for weaker standards initially came from the so-called Utility Air Regulatory Group, which called last August in its official comments to EPA for a weakening of the proposed mercury standard from 1.2 lb/TBtu to 1.42 – or going roughly from a 91% mercury control requirement to about 75%. This change would mean thousands of additional pounds of toxic mercury being spewed into the environment each year.

The current push is being driven principally by Southern Company and American Electric Power Company because they apparently believe a weaker standard would cost them less.

Some trade off: more brain poisons so a couple of big companies could save a few bucks.

01268-EPA-1479

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 01:31 PM

To: Brendan Gilfillan  
cc: Richard Windsor, Bob Perciasepe, Seth Oster, Betsaida Alcantara  
bcc:  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process  
[Redacted]

[Redacted]

Brendan Gilfillan | Exemption 5-- deliberative process | 12/07/2011 12:59:14 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/07/2011 12:59 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process  
[Redacted]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Frank O'Donnell email

Exemption 5-- deliberative process  
[Redacted]

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[http://switchboard.nrdc.org/blogs/fbeinecke/say\\_no\\_to\\_polluters\\_call\\_to\\_we.html](http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html)

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01268-EPA-1480

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 01:32 PM

To: Brendan Gilfillan  
cc: Richard Windsor, Bob Perciasepe, Seth Oster, Betsaida Alcantara  
bcc:  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 01:30:46 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:30 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted]

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 12:59:14 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/07/2011 12:59 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan

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**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons

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This is nothing short of outrageous. The White House should immediately disavow this latest attempt by OMB staffers to front for dirty industry. (You will recall the recent excellent report by the Center for Progressive Reform on the topic of OMB, its meetings with industry, and its impact on EPA.

[http://www.progressivereform.org/articles/OIRA\\_Meetings\\_1111.pdf](http://www.progressivereform.org/articles/OIRA_Meetings_1111.pdf) )

In this case, the real culprit is the dirty power industry, which continues to push not only for delays and loopholes, but for the right to spew out more toxic mercury.

[http://switchboard.nrdc.org/blogs/fbeinecke/say\\_no\\_to\\_polluters\\_call\\_to\\_we.html](http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html)

The push for weaker standards initially came from the so-called Utility Air Regulatory Group, which called last August in its official comments to EPA for a weakening of the proposed mercury standard from 1.2 lb/TBtu to 1.42 – or going roughly from a 91% mercury control requirement to about 75%. This change would mean thousands of additional pounds of toxic mercury being spewed into the environment each year.

The current push is being driven principally by Southern Company and American Electric Power Company because they apparently believe a weaker standard would cost them less.

Some trade off: more brain poisons so a couple of big companies could save a few bucks.

01268-EPA-1481

**Betsaida Alcantara/DC/USEPA/US**  
12/07/2011 01:35 PM

To: Brendan Gilfillan  
cc: Richard Windsor, Bob Perciasepe, Seth Oster  
bcc:  
Subject: Re: Frank O'Donnell email

**Exemption 5-- deliberative process**

[Redacted]

Brendan Gilfillan **Exemption 5-- deliberative process** 12/07/2011 01:32:10 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:32 PM  
Subject: Re: Frank O'Donnell email

Sorry - pls disregard. Apparently OMB has already drafted something strong - will share in a moment.

Brendan Gilfillan **here's what I'm going to recommend...** 12/07/2011 01:30:46 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:30 PM  
Subject: Re: Frank O'Donnell email

**Exemption 5-- deliberative process**

[Redacted]

[Redacted] 12/07/2011 12:59:14 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/07/2011 12:59 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Frank O'Donnell email

Exemption 5-- deliberative process

Here's the email:

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[http://www.progressivereform.org/articles/OIRA\\_Meetings\\_1111.pdf](http://www.progressivereform.org/articles/OIRA_Meetings_1111.pdf) )

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Some trade off: more brain poisons so a couple of big companies could save a few bucks.

01268-EPA-1482

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 01:41 PM

To Richard Windsor  
cc Betsaida Alcantara, Bob Perciasepe, Seth Oster  
bcc  
Subject Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]

[Redacted]

Richard Windsor That is not strong. They should add a... 12/07/2011 01:37:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/07/2011 01:37 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]  
[Redacted] s.

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/07/2011 01:35 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Richard Windsor; Bob Perciasepe; Seth Oster  
**Subject:** Re: Frank O'Donnell email

Here's what they're planning to put out

Exemption 5-- deliberative process [Redacted]

Brendan Gilfillan Sorry - pls disregard. Apparently OMB... 12/07/2011 01:32:10 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:32 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]

Brendan Gilfillan Exemption 5-- deliberative process ... 12/07/2011 01:30:46 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:30 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted]

Brendan Gilfillan Just got off w WH - they are pushing b... 12/07/2011 12:59:14 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/07/2011 12:59 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Is WH responding? Would need to come from them right?  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Frank O'Donnell email

Exemption 5-- deliberative process

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Some trade off: more brain poisons so a couple of big companies could save a few bucks.

01268-EPA-1483

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 03:03 PM

To: Brendan Gilfillan  
cc: Richard Windsor, Betsaida Alcantara, Bob Perciasepe, Seth Oster  
bcc:  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Brendan Gilfillan Exemption 5-- deliberative process ... 12/07/2011 01:41:18 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/07/2011 01:41 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]

[Redacted]

Richard Windsor That is not strong. They should add a... 12/07/2011 01:37:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/07/2011 01:37 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/07/2011 01:35 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Richard Windsor; Bob Perciasepe; Seth Oster  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted]

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 01:32:10 PM

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Brendan Gilfillan/DC/USEPA/US@EPA  
**Cc:** Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
**Date:** 12/07/2011 01:32 PM  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan Exemption 5-- deliberative process... 12/07/2011 01:30:46 PM

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Brendan Gilfillan/DC/USEPA/US@EPA  
**Cc:** Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
**Date:** 12/07/2011 01:30 PM  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted]

Brendan Gilfillan Exemption 5-- deliberative process ... 12/07/2011 12:59:14 PM

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
**Date:** 12/07/2011 12:59 PM

Subject: Re: Frank O'Donnell email

---

Exemption 5-- deliberative process  
[REDACTED]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process  
[REDACTED]

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Frank O'Donnell email

Exemption 5-- deliberative process  
[REDACTED]

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[http://switchboard.nrdc.org/blogs/fbeinecke/say\\_no\\_to\\_polluters\\_call\\_to\\_we.html](http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html)

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01268-EPA-1484

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 03:10 PM

To: Brendan Gilfillan  
cc: Richard Windsor, Betsaida Alcantara, Bob Perciasepe, Seth Oster  
bcc:  
Subject: Re: Frank O'Donnell email

Or:

Exemption 5-- deliberative process  
[Redacted]

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 03:03 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Richard Windsor; Betsaida Alcantara; Bob Perciasepe; Seth Oster  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process  
Exemption 5-- deliberative process  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Exemption 5-- deliberative process

Brendan Gilfillan   Exemption 5-- deliberative process ...   12/07/2011 01:41:18 PM

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
**Date:** 12/07/2011 01:41 PM  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process  
[Redacted]

Exemption 5-- deliberative process

Richard Windsor Exemption 5-- deliberative process 12/07/2011 01:37:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/07/2011 01:37 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/07/2011 01:35 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Richard Windsor; Bob Perciasepe; Seth Oster  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted content]

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 01:32:10 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:32 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 01:30:46 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:30 PM  
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Exemption 5-- deliberative process

Exemption 5-- deliberative process

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 12:59:14 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/07/2011 12:59 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
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Exemption 5-- deliberative process

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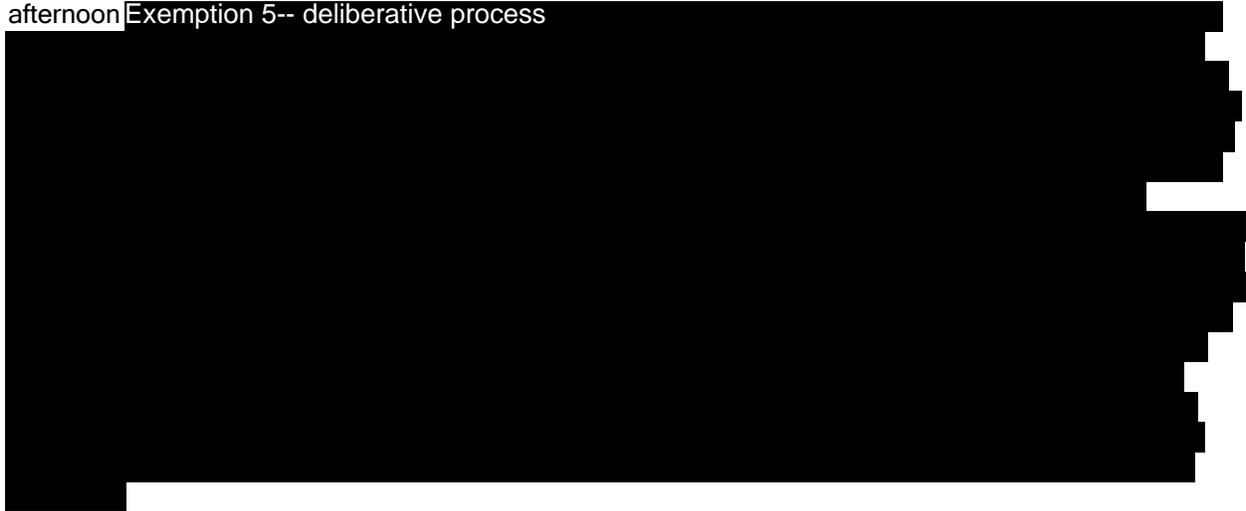
01268-EPA-1485

**Betsaida**  
**Alcantara/DC/USEPA/US**  
12/07/2011 03:55 PM

To "Richard Windsor"  
cc "Alisha Johnson", "Seth Oster", "Brendan Gilfillan"  
bcc  
Subject Bloomberg story

Administrator,

The matter you spoke to Seth about just came to us in the last few hours. We spoke to the reporter this afternoon. Exemption 5-- deliberative process



His latest questions:

I wanted to find out both who Lisa Jackson has met with in DC, such as GOP lawmakers and business groups, and what she likes to do outside of work. What does she do on the weekend? What is her favorite restaurant? Does she cheer for the Saints or the Giants? Also, are there any people who know her from the EPA, NJ or from school who know her and can talk about what she is like?

01268-EPA-1486

**Brendan  
Gilfillan/DC/USEPA/US**  
12/07/2011 04:03 PM

To Richard Windsor  
cc  
bcc

Subject Re: Frank O'Donnell email

Got it - thanks.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 03:09 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Re: Frank O'Donnell email

Last OMB sentence needs an edit. Tx.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 03:03 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Richard Windsor; Betsaida Alcantara; Bob Perciasepe; Seth Oster  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process [Redacted]

Exemption 5-- deliberative process [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] 12/07/2011 01:41:18 PM

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
**Date:** 12/07/2011 01:41 PM  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

Richard Windsor Exemption 5-- deliberative process ... 12/07/2011 01:37:31 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/07/2011 01:37 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/07/2011 01:35 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Richard Windsor; Bob Perciasepe; Seth Oster  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process

Exemption 5-- deliberative process

Brendan Gilfillan Exemption 5-- deliberative process 12/07/2011 01:32:10 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:32 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Brendan Gilfillan Exemption 5-- deliberative process ... 12/07/2011 01:30:46 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/07/2011 01:30 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

[Redacted]

Brendan Gilfillan Just got off w WH - they are pushing b... 12/07/2011 12:59:14 PM

From: Brendan Gilfillan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 12/07/2011 12:59 PM  
Subject: Re: Frank O'Donnell email

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/07/2011 12:57 PM EST  
**To:** Brendan Gilfillan; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Re: Frank O'Donnell email

Exemption 5-- deliberative process  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/07/2011 12:50 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Betsaida Alcantara; Gina McCarthy; Joseph Goffman; Arvin Ganesan; Laura Vaught; Stephanie Owens; Dru Ealons  
**Subject:** Frank O'Donnell email

Exemption 5-- deliberative process

Here's the email:

We have promised to keep our ear to the ground on the fierce lobbying on the EPA mercury/air toxic rule for power plants. There is an excellent story in today's National Journal, but here is the very latest:

We are informed reliably that the White House Office of Management and Budget, at the behest of the coal-burning electric power industry, is now pushing the EPA to weaken its mercury pollution control requirements in its upcoming toxic pollution rule for power plants. Power companies could emit almost 20% more mercury under the dirty power industry

scheme being promoted by OMB bean counters.

This is nothing short of outrageous. The White House should immediately disavow this latest attempt by OMB staffers to front for dirty industry. (You will recall the recent excellent report by the Center for Progressive Reform on the topic of OMB, its meetings with industry, and its impact on EPA.

[http://www.progressivereform.org/articles/OIRA\\_Meetings\\_1111.pdf](http://www.progressivereform.org/articles/OIRA_Meetings_1111.pdf) )

In this case, the real culprit is the dirty power industry, which continues to push not only for delays and loopholes, but for the right to spew out more toxic mercury.

[http://switchboard.nrdc.org/blogs/fbeinecke/say\\_no\\_to\\_polluters\\_call\\_to\\_we.html](http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html)

The push for weaker standards initially came from the so-called Utility Air Regulatory Group, which called last August in its official comments to EPA for a weakening of the proposed mercury standard from 1.2 lb/TBtu to 1.42 – or going roughly from a 91% mercury control requirement to about 75%. This change would mean thousands of additional pounds of toxic mercury being spewed into the environment each year.

The current push is being driven principally by Southern Company and American Electric Power Company because they apparently believe a weaker standard would cost them less.

Some trade off: more brain poisons so a couple of big companies could save a few bucks.

01268-EPA-1487

**Betsaida  
Alcantara/DC/USEPA/US**  
12/07/2011 04:10 PM

To "Richard Windsor"  
cc "Alisha Johnson", "Seth Oster", "Brendan Gilfillan"  
bcc  
Subject Re: Bloomberg story

**Exemption 5-- deliberative process**

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/07/2011 03:55 PM EST  
**To:** Richard Windsor  
**Cc:** Alisha Johnson; Seth Oster; Brendan Gilfillan  
**Subject:** Bloomberg story

Administrator,

**Exemption 5-- deliberative process**

His latest questions:

I wanted to find out both who Lisa Jackson has met with in DC, such as GOP lawmakers and business groups, and what she likes to do outside of work. What does she do on the weekend? What is her favorite restaurant? Does she cheer for the Saints or the Giants? Also, are there any people who know her from the EPA, NJ or from school who know her and can talk about what she is like?

01268-EPA-1489

**Betsaida Alcantara/DC/USEPA/US**  
12/08/2011 10:53 AM

To Richard Windsor  
cc Arvin Ganesan, Bob Sussman, Brendan Gilfillan  
bcc  
Subject Re: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Exemption 5-- deliberative process

Richard Windsor Do not let his office take credit for the... 12/08/2011 10:51:55 AM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 12/08/2011 10:51 AM  
Subject: Re: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 10:48 AM EST  
**To:** Richard Windsor; Arvin Ganesan; Bob Sussman  
**Cc:** Brendan Gilfillan  
**Subject:** Fw: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Exemption 5-- deliberative process

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 12/08/2011 10:47 AM -----

From: Mike Soraghan <msoraghan@eenews.net>  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 12/08/2011 10:44 AM  
Subject: FW: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Uhh ...

**From:** matt\_dempsey@epw.senate.gov [mailto:matt\_dempsey@epw.senate.gov]  
**Sent:** Thursday, December 08, 2011 10:43 AM  
**To:** Mike Soraghan  
**Subject:** Inhofe Statement on EPA Announcement on Hydraulic Fracturing



## Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Thursday, December 8, 2011

Contacts:

Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202) 224-9797

Katie Brown [Katie\\_Brown@epw.senate.gov](mailto:Katie_Brown@epw.senate.gov) (202) 224-2160

## Inhofe Statement on EPA Announcement on Hydraulic Fracturing

[Link to Press Release](#)

[Link to Greenwire: EPA chief's comments on fracking 'contradictory' -- Inhofe](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, commented after speaking with Environmental Protection Agency (EPA) Administrator Lisa Jackson about EPA's announcement today that hydraulic fracturing is the cause of water contamination in Pavillion, Wyoming.

**[Link to Video: Inhofe Blasts EPA Announcement on Hydraulic Fracturing, Calls it Irresponsible](#)**

**"EPA's conclusions are not based on sound science but rather on political science. Its findings are premature, given that the Agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology,"** Senator Inhofe said.

**"This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production. Unfortunately for Americans, his agenda destroys good paying jobs in one of the few industries that is thriving, and increases our dependence on foreign oil.**

**"As recently as November 9, 2011 EPA Regional Administrator James Martin said that the results of the latest round of testing in Pavillion were not significantly different from the first two rounds of testing, which showed no link between hydraulic fracturing and contamination. Yet only a few weeks later, EPA has decided the opposite. EPA is clearly not prepared to be making conclusions.**

**"There is a pattern emerging here. Just a few months ago, the EPA Inspector General found that EPA cut corners on the endangerment finding to come to what appears to be a predetermined conclusion to regulate greenhouse gases. This most recent study on hydraulic fracturing is apparently more of the same in the Obama Administration's ongoing war on affordable energy.**

**"It is irresponsible for EPA to release such an explosive announcement without objective peer review. Given the serious flaws in EPA's process, I have asked EPA Administrator Lisa Jackson to release all the data, methodologies and protocols that have been used, and she has made a commitment to do so. Also, because this study is a new scientific inquiry and these methods will be used nationwide, I strongly believe that it should be considered a Highly Influential Scientific Study (HISA) and undergo the required objective peer review process. I hope Administrator Jackson will agree to this, and, as Ranking Member of the Senate Committee on Environment and Public Works, I will continue to ensure that there is rigorous oversight over EPA's process."**

[Inhofe EPW Press Blog](#) | [YouTube](#) | [Twitter](#) | [Facebook](#) | [Podcast](#)

###

\*\*\*\*\* ATTACHMENT NOT DELIVERED  
\*\*\*\*\*

This Email message contained an attachment named  
image001.jpg  
which may be a computer program. This attached computer program  
could  
contain a computer virus which could cause harm to EPA's  
computers,  
network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses  
introduced  
into the EPA network. EPA is deleting all computer program  
attachments  
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

01268-EPA-1491

**Betsaida  
Alcantara/DC/USEPA/US**  
12/09/2011 09:12 AM

To Richard Windsor  
cc  
bcc

Subject Re: Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/09/2011 09:09 AM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Seth Oster  
**Subject:** Re: Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/09/2011 09:01 AM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Exemption 5-- deliberative process ..

Does EPA's Wyoming study blow a hole in fracking's safety record?

By Talia Buford  
12/9/11 5:36 AM EST

A draft EPA report<<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> released Thursday may finally offer the ammunition that environmentalists need to torpedo the natural gas industry's oft-repeated statement that hydraulic fracturing has never contaminated underground drinking water.

That assertion – repeated everywhere from the Hill to industry reports and speeches – had already suffered a blow this summer with the discovery<<https://www.politicopro.com/story/energy/?id=5077>> of a 1987 EPA report tying hydraulic fracturing to a tainted drinking-water well in West Virginia.

Now Thursday's EPA report points to evidence of fracking contamination of groundwater in Pavillion, Wyo.

“This definitely puts to sleep the idea that fracking is completely safe and there’s nothing to worry about,” said Amy Mall, a senior analyst for the Natural Resources Defense Council. “But more than that, it opens up a model for scientific inquiries so we can actually get a better understanding of what the risks are and how we can prevent them.”

Dusty Horwitt, senior public lands analyst for the Environmental Working Group, said the new report “feels like a case of déjà vu.”

"Almost a quarter-century ago, EPA concluded that hydraulic fracturing can contaminate groundwater," Horwitt said. "The new finding points to the need for broader testing to determine how fracking endangers groundwater and what steps can be taken to prevent toxic pollution by gas drilling."

Still, the EPA report contains a number of caveats. And agency officials said the results apply only to Pavillion – and should not be extrapolated to other regions of the country where hydraulic fracturing is occurring under different circumstances.

Industry representatives were quick to point out the uncertainties.

"I think we certainly first of all believe it's not a conclusion," said Douglas Hock, spokesman for Encana Corp., the Canadian company that drilled the gas wells in Pavillion. "What they've come out with here is a probability, and we'd say it's a very poor one based on the facts."

The report uses words such as "likely," "may" and "possible" when linking fracking to the contamination, industry representatives pointed out. Another issue, said Chris Tucker, spokesman for the industry publication Energy In Depth, is that the EPA monitoring wells were drilled into a natural gas reservoir and don't indicate conditions in the wells from which people actually drink.

"Unfortunately, in the funhouse mirror world of anti-fracturing advocacy, some will attempt to use this as a justification to shut down an entire industry, even if the issues out there have nothing to do with it," Tucker said.

The EPA tested two deep water monitoring wells, as well as sampled water in Pavillion drinking water wells. The draft report found <https://www.politicopro.com/story/energy/?id=7832> that groundwater in the community had traces of compounds associated with fracking chemicals.

The EPA report said the evidence "best supports an explanation that inorganic and organic constituents associated with hydraulic fracturing have contaminated ground water at and below the depth used for domestic water supply." But it said further investigation is needed to tell whether fracturing chemicals actually wound up in people's water wells.

Also bolstering industry argument are previous statements from EPA that no documented cases had shown drinking water contamination caused by fracking.

EPA Administrator Lisa Jackson raised the possibility of contamination by fracking for the first time [http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article\\_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html](http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html) last month, in response to the results from the Wyoming wells, which were released to the public at that time.

"They've got a lot of disparate facts that don't add up," said Hock of Encana. "No, we don't think this indicates there's a problem with hydraulic fracturing. This is a naturally poor aquifer ... it's been poor and it was poor before we ever arrived on the scene. The natural gas components they found in these monitoring wells were put there by nature and not by Encana."

Wyoming Gov. Matt Mead also said the results' widespread impact should be tempered until more data are collected.

"We believe that the draft study could have a critical impact on the energy industry and on the country, so it is imperative that we not make conclusions based on only four data points," Mead said. "Those familiar with the scientific method recognize that it would not be appropriate to make a judgment without verifying all of the testing that has been done."

That uncertainty, industry officials said, points to the need for more information.

"Environmental protection is critical to our industry," said Kathryn Klaber, president of the Marcellus Shale

Coalition. "And we are confident that as the critical peer-review process moves forward, scientists and engineers on the ground in Wyoming will be able to secure more facts. However, it is entirely too early in this process, given the lack of peer-reviewed data, to arrive at any kind of absolute conclusions."

The EPA report likewise calls for more information, as well the implementation of recent recommendations from an Energy Department advisory panel for greater data collection on hydraulic fracturing operations and more public disclosure of the chemicals used. "Implementation of these recommendations would decrease the likelihood of impact to ground water and increase public confidence in the technology," the EPA report said.

The NRDC's Mall said she doesn't expect the industry to stop making its arguments that fracking has a proven safety record.

"The industry will bring it up, but the fact is nobody believes them," Mall said. "They can say that all they want and fewer people believe that every day. They're not gaining any supporters by using that line. They're losing them."

The EPA report will be open for public comment for 45 days, and will also undergo a 30-day peer-review process by independent scientists.

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 06:05 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Reuters and Bloomberg stories

Reuters: EPA says fracking likely polluted Wyoming water

By: Timothy Gardner

12/8/11

Reuters: EPA says fracking likely polluted Wyoming water

WASHINGTON, Dec 8 (Reuters) - Fluids from a company employing a drilling technique known as "fracking" likely polluted an aquifer in Wyoming, the U.S. Environmental Protection Agency said in a draft report that countered industry claims the technique has never led to water contamination.

The EPA said "the best explanation" for the pollution seen in the deep monitoring wells in Pavillion, Wyoming, is a release of hydraulic fracturing, or fracking, fluids into the aquifer above the production zone. The pollution includes benzene, alcohols and glycols, the report said.

EnCana Corp (ECA.TO: Quote), an energy company that owns the field did not immediately comment on the report, saying it had only just seen it.

In fracking, energy drillers blast large amounts of water, chemicals and sand deep underground to crack rock and release natural gas and oil. The technique has been around for decades but recent improvements have led energy companies to promote the technique as a way of greatly reducing the country's oil and gas imports.

Industry groups have said in the decades that fracking has been developed it has never polluted water supplies, because the drilling occurs far below the water sources.

Environmentalists worry the process will pollute water with dangerous chemicals and air with emissions from fracking sites.

The EPA is issuing the draft report to seek peer review of the research. (Additional reporting by Edward McAllister in New York; editing by Bob Burgdorfer and Marguerita Choy)

Bloomberg: Gas-Fracking Chemicals Detected in Wyoming Aquifer, EPA Says

By: Jim Efstathiou Jr.

12/8/11

Dec. 8 (Bloomberg) -- The U.S. Environmental Protection Agency said for the first time it found chemicals used in extracting natural gas through hydraulic fracturing in a drinking-water aquifer in west-central Wyoming.

Samples taken from two deep water-monitoring wells near a gas field in Pavillion, Wyoming, showed synthetic chemicals such as glycols and alcohols "consistent with gas production and hydraulic-fracturing fluids," the agency said today in an e-mailed statement.

The U.S. gets about one-third of its gas from fracturing, or fracking, in which millions of gallons of chemically treated water and sand are forced underground to break rock and let gas flow. Industry representatives such as Aubrey McClendon, chairman and chief executive officer of Chesapeake Energy Corp., the most active U.S. oil and natural-gas driller among well operators, have said there haven't been proven cases of fracking fluids contaminating drinking water.

"There have been some issues" with wells, McClendon said April 8 at the Society of American Business Editors and Writers conference at Southern Methodist University in Dallas. "They don't come from fracking."

Following complaints from residents of Pavillion, about 230 miles (370 kilometers) northeast of Salt Lake City, the EPA began investigating private drinking water wells about three years ago. Calgary-based Encana Corp., Canada's largest natural-gas producer, is the primary gas operator in the area. Carol Howes, a spokeswoman for Encana, had no immediate comment.

#### Deep Monitoring

In 2010, the U.S. Department of Health and Human Services recommended that Pavillion residents use alternate sources of water for drinking and cooking. While testing detected petroleum hydrocarbons in wells and in groundwater, the agency at the time said it couldn't pinpoint the source of the contamination. The EPA dug two deep monitoring wells into the aquifer and found "compounds likely associated with gas-production practices, including hydraulic fracturing," according to today's statement. Levels of the chemicals in the deep wells are "well above" acceptable standards under the Safe Drinking Water Act, the agency said.

"Given the area's complex geology and the proximity of drinking water wells to ground water contamination, EPA is concerned about the movement of contaminants within the aquifer and the safety of drinking-water wells over time," the agency said.

Today's draft findings are specific to Pavillion, where fracking is occurring "in and below the drinking-water aquifer" and close to water wells, the agency said. The findings will be submitted to an independent scientific review panel.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 12/08/2011 05:52 PM EST

**To:** Betsaida Alcantara

**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster

**Subject:** Msnbc.com: EPA: 'Fracking' likely polluted town's water

EPA: 'Fracking' likely polluted town's water

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens released this photo saying it shows a hydraulic fracturing drill site in the Pavillion/Muddy Ridge gas field. The group said it was taken from the porch of its chairman, John Fenton. By msnbc.com staff and news services

A controversial method of drilling for oil and natural gas appears to be the cause of groundwater pollution in a central Wyoming town, the U.S. Environmental Protection Agency said Thursday.

The EPA last month said it had found compounds associated with chemicals used in the drilling process known as hydraulic fracturing, or fracking, in the groundwater beneath Pavillion. Many residents say their well water has reeked of chemicals since the drilling began there and first complained to the EPA in 2008. But until Thursday, the EPA said it could not speculate on where the contaminants came from.

In the draft report (.pdf) released Thursday<

[http://www.epa.gov/region8/superfund/wy/pavillion/EPA\\_ReportOnPavillion\\_Dec-8-2011.pdf](http://www.epa.gov/region8/superfund/wy/pavillion/EPA_ReportOnPavillion_Dec-8-2011.pdf)>, the EPA said that "the explanation best fitting the data ... is that constituents associated with hydraulic fracturing

have been released into the Wind River drinking water aquifer."

Health officials had earlier advised residents not to drink their water after the EPA said it had found benzene <<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> and other hydrocarbons in wells it tested.

The process pumps pressurized water, sand and chemicals underground to open fissures in the rock shale and improve the flow of oil or gas.

The EPA emphasized that the findings are specific to the Pavillion area, noting that the specific type of fracking used there differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that anybody would use.

The EPA is separately working on a national study of fracking.

Doug Hock, a spokesman for EnCana Corp., which owns rights to the Pavillion-area field, slammed the draft report. "The synthetic chemicals could just have easily come from contamination when the EPA did their sampling, or from how they constructed their monitoring wells."

Pavillion residents who organized to seek the tests welcomed the report.

"We are grateful to the EPA for listening to our concerns and acting on them," said John Fenton, chair of Pavillion Area Concerned Citizens.

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens provided this photo of the home of John and Katherine Fenton. It said the haze was from fracking fluids vaporized in the drilling process and that it lasted for about 10 minutes. Similar releases happened a dozen times over 3 days, it added.

"This investigation proves the importance of having a federal agency that can protect people and the environment," added Fenton, whose home is across from one drill site. "We hope that answers to our on-going health problems and other impacts can now be addressed and that the responsible parties will finally be required to remediate the damages."

The industry contends that fracking is safe and its supporters were quick to blast the EPA.

"EPA's conclusions are not based on sound science but rather on political science," Sen. James Inhofe, R-Okla, said in a statement<

[http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord\\_id=1e3f7689-802a-23ad-483b-b50728332529](http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=1e3f7689-802a-23ad-483b-b50728332529)>. "Its findings are premature, given that the agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology."

This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production," added Inhofe, the senior Republican on the Senate Committee on Environment and Public Works.

Fracking has opened up areas that were previously considered too costly to drill. The most promising include the Marcellus Shale formation in the Northeast.

Development of the new shale deposits over the last few years has provided the United States with a century's worth of natural gas supply.

Pa. town near fracking fights to get bottled water back<

[http://usnews.msnbc.msn.com/\\_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas](http://usnews.msnbc.msn.com/_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas)>

In Pennsylvania, production from the Marcellus has led to an energy boom that New York Gov. Andrew Cuomo is keen to replicate by lifting an existing moratorium on using the fracking process.

But hearings on that proposal have been contentious.

At the last hearing last month, protesters gathered in downtown Manhattan to express concern about the safety of water supplies, holding signs saying "Governor Cuomo, don't frack it up" and "Don't frack with New York."

"We have to be literally insane to contemplate fracking," state Sen. Tony Avella told reporters outside the hearings. "Wake up Governor Cuomo, this is not going to provide jobs or revenue, but what it will do is poison the water supply for 17 million New Yorkers."

This article includes reporting by msnbc.com's Miguel Llanos, The Associated Press and Reuters.

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 04:21 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Updated AP story: AP: EPA theorizes fracking-pollution link updated AP story. best we could get.

**AP: EPA theorizes fracking-pollution link**  
By: Mead Gruver  
12/8/11

CHEYENNE, Wyo. (AP) – The U.S. Environmental Protection Agency announced Thursday for the first time that fracking – a controversial method of improving the productivity of oil and gas wells – may be to blame for causing groundwater pollution.

The draft finding could have significant implications while states try to determine how to regulate the process. Environmentalists characterized the report as a significant development though it met immediate criticism from the oil and gas industry and a U.S. senator.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas to the surface.

The EPA's found that compounds likely associated with fracking chemicals had been detected in the groundwater beneath Pavillion, a small community in central Wyoming where residents say their well water reeks of chemicals. Health officials last year advised them not to drink their water after the EPA found low levels hydrocarbons in their wells.

The EPA announcement could add to the controversy over fracking, which has played a large role in opening up many gas reserves, including the Marcellus Shale in the eastern U.S. in recent years.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

The EPA said its announcement is the first step in a process of opening up its findings for review by the public and other scientists.

"EPA's highest priority remains ensuring that Pavillion residents have access to safe drinking water," said Jim Martin, EPA regional administrator in Denver. "We look forward to having these findings in the draft report informed by a transparent and public review process."

The EPA also emphasized that the findings are specific to the Pavillion area. The agency said the fracking that occurred in Pavillion differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that would normally be used.

Environmentalists welcomed the news of the EPA report, calling it an important turning point in the fracking debate.

"This is an important first indication there are potential problems with fracking that can impact domestic water wells. It's I think a clarion call to industry to make sure they take a great deal of care in their drilling practices," said Steve Jones with the Wyoming Outdoor Council.

Pavillion resident John Fenton, chairman of the group Pavillion Area Concerned Citizens, applauded the

EPA for listening to the homeowners with contaminated water.

"Those of us who suffer the impacts from the unchecked development in our community are extremely happy the contamination source is being identified," Fenton said.

Calgary, Alberta-based Encana owns the Pavillion gas field. An announced \$45 million sale to Midland, Texas-based Legacy Reserves fell through last month amid what Encana said were Legacy's concerns about the EPA investigation.

Encana spokesman Doug Hock said there was much to question about the draft study.

The compounds EPA said could be associated with fracking, he said, could have had other origins not related to gas development.

"Those could just have likely been brought about by contamination in their sampling process or construction of their well," Hock said.

The low levels of hydrocarbons found in local water wells likewise haven't been linked to gas development and substances such as methane itself are naturally occurring in the area.

"There are still a lot of questions that need to be answered. This is a probability and it is one we believe is incorrect," Hock said.

Sen. James Inhofe said the study was "not based on sound science but rather on political science."

"Its findings are premature, given that the Agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology," the Oklahoma Republican said in a statement.

Wyoming last year became one of the first states to require oil and gas companies to publicly disclose the chemicals used in fracking. Colorado regulators are considering doing the same.

The public and industry representatives packed an 11-hour hearing on the issue in Denver on Monday. They all generally supported the proposal but the sticking point is whether trade secrets would have to be disclosed and how quickly the information would have to be turned over.

And while the EPA emphasized the Wyoming findings we're highly localized, the report is likely to reverberate.

The issue has been highly contentious in New York, where some upstate residents and politicians argue that the gas industry will bring desperately needed jobs while others demand a ban on fracking to protect water supplies. New York regulators haven't issued permits for gas drilling with high-volume hydraulic fracturing in the Marcellus Shale since they began an extensive environmental review in 2008.

Kate Sinding, an attorney with the Natural Resources Defense Council in New York City, said in an e-mail Thursday that the EPA in Wyoming is now recognizing what other experts and families in fracking communities have known for some time: "Fracking poses serious threats to safe drinking water."

Betsaida Alcantara

[This is the AP's short piece out of th...](#)

12/08/2011 01:32:56 PM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA  
 Date: 12/08/2011 01:32 PM  
 Subject: AP: EPA implicates hydraulic fracturing in groundwater pollution at Wyoming gas field

This is the AP's short piece out of the gate. We've told them that this headline and lead are unnecessarily

inflammatory and irresponsible. We've convinced them to update the story heavily and also remove the words "implicate". They are going to point out that these limited findings are not final, will go through peer review and are based on the specific conditions in this field. They are re-writing this story as we speak and will put out an updated story in about 30 minutes.

## **EPA implicates hydraulic fracturing in groundwater pollution at Wyoming gas field**

**By Associated Press, Updated: Thursday, December 8, 1:10 PM**

CHEYENNE, Wyo. — The U.S. Environmental Protection Agency for the first time has implicated fracking — a controversial method of improving the productivity of oil and gas wells — for causing groundwater pollution.

The finding could have a chilling effect in states trying to determine how to regulate the controversial process.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas.

The EPA announced Thursday that it found compounds likely associated with fracking chemicals in the groundwater beneath a Wyoming community where residents say their well water reeks of chemicals.

Health officials advised them not to drink their water after the EPA found hydrocarbons in their wells.

The EPA announcement has major implications for a vast increase in gas drilling in the U.S. in recent years. Fracking has played a large role in opening up many reserves.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

01268-EPA-1492

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

12/09/2011 04:17 PM

cc

bcc

Subject Fw: Boxer Calls on House Republicans to Stand with American People, Not Polluters

Exemption 5-- deliberative process

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 12/09/2011 04:17 PM -----

From: "Collier, Pat (DPCC)" <Pat\_Collier@DPCC.SENATE.GOV>  
To: DPC-ENVIRONMENTENERGY@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV  
Date: 12/09/2011 03:19 PM  
Subject: FW: Boxer Calls on House Republicans to Stand with American People, Not Polluters

On behalf of the EPW Committee...

For Immediate Release  
December 9, 2011

Contact: Mary Kerr or Kate Gilman: 202-224-8832  
[mary\\_kerr@epw.senate.gov](mailto:mary_kerr@epw.senate.gov) or [kate\\_gilman@epw.senate.gov](mailto:kate_gilman@epw.senate.gov)

**U.S. Senate Committee on  
Environment and Public Works**  
**Boxer Calls on House Republicans to Stand with American People,  
Not Polluters**  
*Calls for dropping dangerous riders from must-pass legislation*

**Washington, D.C.** – Senator Barbara Boxer (D-CA), Chairman of the Environment and Public Works Committee, is calling on House Republicans to drop dangerous provisions from their payroll tax cut legislation that would stop a clean air rule that protects the American people from toxic mercury and arsenic pollution. The proposal also includes a provision to immediately move forward on the tar sands XL pipeline without proper consideration of public health and safety.

Senator Boxer said: **“Why on earth would the Republicans give a payroll tax cut with one hand, and with the other hand, increase the likelihood of premature deaths, heart attacks, cancer, and developmental disabilities in children?”**

**We know that this boiler MACT rule that Republicans are rushing to repeal will prevent up to 8,100 premature deaths per year, 52,000 asthma cases per year, 5,100 hearts attacks**

**per year, and 400,000 lost work days per year.**

**There is no reason to do this other than to protect the largest polluters in the nation who should be cleaning up their act.**

**I also call on House Republicans to drop their provisions approving the controversial tar sands XL pipeline provision. As President Obama has said, this needs further study on the project's implications for public health and safety. In fact, questions have been raised about the health and safety reviews to date and their connection to the polluter.**

**If there is one thing all Americans are united on it is their negative feelings about attaching unrelated matters to must-pass legislation that is needed to protect the economy -- especially when these provisions haven't even had a vote. The House Republicans need to acknowledge that they should be serving the people, not the polluters."**

**###**

01268-EPA-1493

Scott Fulton/DC/USEPA/US  
12/13/2011 09:39 AM

To "Richard Windsor", "Bob Perciasepe"  
cc  
bcc  
Subject Fw: Politico: CSAPR ruling could roil markets, power companies say

Exemption 5-- attorney-client  
[Redacted]

John Millett

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

From: John Millett  
Sent: 12/13/2011 09:15 AM EST  
To: Gina McCarthy  
Cc: "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Janet McCabe; Joseph Goffman; "John Millett" <Millett.John@EPA.GOV>; "Steve Page" <Page.Steve@Epa.GOV>; "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>; Wendy Blake; Steven Silverman; Sonja Rodman; Andrea Drinkard; Betsaida Alcantara; Lorie Schmidt  
Subject: Politico: CSAPR ruling could roil markets, power companies say  
Good Morning --Exemption 5-- deliberative process

[Redacted]

[Redacted]

[Redacted]

### CSAPR ruling could roil markets, power companies say

By Erica Martinson  
12/12/11 8:12 PM EST

Power companies are asking a federal appeals court to announce in advance how and when it will release its decision on whether to stay the EPA's Cross-State Air Pollution Rule, hoping the heads-up would limit the potential impact on various markets.

The rule, which governs air toxics pollution that blows across state lines, goes into effect Jan. 1. Some states and power companies have petitioned to halt the rule during a legal fight over its requirements.

Such court order decisions are often released on Tuesdays and Fridays.

The power companies, including GenOn, Southern Co. Services and Georgia Power Co., say in a [brief filed Monday](#) that the upcoming ruling by the U.S. Court of Appeals for the District of Columbia could affect “various markets, including markets for emission allowances, fuels used for power generation, and electric power,” as well as demand for natural gas and coal.

“These fuels are actively traded on various markets, and the court’s decision on the pending stay motions is likely to have an immediate impact on the prices of these fuels,” the filing says.

And the price of electric power could be affected in some wholesale power markets, the brief says, because participants buy and sell based on future prices.

When the court invalidated the Clean Air Interstate Rule — CSAPR’s predecessor — on July 11, 2008, it “was released in the middle of a weekday,” the brief says, and “there was an immediate market impact and millions of dollars were made or lost within the first few minutes because some market participants learned about the decision before others,” the brief charges.

The EPA and 19 companies that have intervened on the agency’s behalf are not opposed to the request, and 11 other groups did not respond when contacted by attorneys for GenOn, the brief says.

Meanwhile, industry and state opponents to the EPA’s cross-state rule are hoping that a recent appellate court ruling could support efforts to halt the rule before its New Year’s Day deadline.

[Luminant Generation Co.](#) and some [state petitioners](#) asked the D.C. appellate court to look to its own ruling Friday in *Portland Cement Assoc. v. EPA* in support of a stay of the rule.

Legally, the bar for issuing a stay is high. But petitioners hope that Friday’s ruling in *Portland Cement* could direct the court to say that the EPA rushed to set CSAPR and that likely changes mean the agency should hold off on putting it into effect.

On Friday, the [court said](#) the EPA was “arbitrary and capricious” in how it set hazardous air pollutant emissions standards for cement kilns, because EPA set the standards based on a definition it knew would change when the agency released another rule that it was developing.

EPA is required to reconsider the cement rule, although the court didn’t grant an overall stay. The actual emissions standards are unlikely to change much, the court said, and one may even become stricter.

“EPA is reviewing aspects of the decision to determine next steps, but — importantly for public health — these Clean Air Act safeguards will remain in place to reduce harmful air pollution from cement plants,” EPA spokeswoman Betsaida Alcantara said.

Though the full cement MACT rule remains intact, the court’s explanation and the stay of requirements for industry to build new structures for “clinker piles” perked the ears of Luminant and state lawyers.

The EPA made changes to CSAPR after Luminant filed for a stay, correcting errors that would lead to a 29 percent increase in the Texas sulfur dioxide emissions budget, Luminant said in a Dec. 9 brief.

“Portland Cement also stressed the strong policy reasons for requiring agencies to provide adequate notice,” the Luminant filing says.

The court in the *Portland Cement* ruling said: “While we certainly require some degree of foresight on the part of [industry] commenters, we do not require telepathy. We should be especially reluctant to require advocates for affected industries and groups to anticipate every contingency.”

On Monday, an analysis by Baird Equity Research said: “In the CSAPR appeal for stay, the petitioners argue that the changes the EPA made to the methodologies and the modeling for allowances of sulfur dioxide and nitrogen oxide between the proposed and final rule are so substantial, that there was no way any of the parties could have anticipated them or responded to them, or correct the errors that the EPA is now addressing at least in part.”

“Indeed, given all the technical issues that were raised in CSAPR after its finalization, we do think that the petitioners have made the case that the EPA rushed this rule and there are too many mistakes in it to allow the CSAPR to go into force,” Baird said.

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<https://www.politicopro.com/go/?id=7916>

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Gina McCarthy Peter tells me that Jim Pew called to co... 12/10/2011 06:08:35 PM

From: Gina McCarthy/DC/USEPA/US  
To: "Scott Fulton" <Fulton.Scott@EPA.GOV>, Janet McCabe/DC/USEPA/US, Joseph Goffman/DC/USEPA/US, "Steve Page" <Page.Steve@Epa.GOV>, "John Millett" <Millett.John@EPA.GOV>  
Cc: "Peter Tsirigotis" <Tsirigotis.Peter@EPA.GOV>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>  
Date: 12/10/2011 06:08 PM  
Subject: Portland Cement decision

Exemption 5-- deliberative process  
[Redacted]

Exemption 5-- deliberative process



01268-EPA-1495

**Betsaida Alcantara/DC/USEPA/US**  
12/13/2011 05:40 PM

To Richard Windsor  
cc Alisha Johnson, Brendan Gilfillan  
bcc  
Subject Re: Bloomberg story

Exemption 5-- deliberative process

Richard Windsor    [Its fine. The current Commissioner in...](#)    12/13/2011 05:37:43 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA  
Date: 12/13/2011 05:37 PM  
Subject: Re: Bloomberg story

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/13/2011 05:15 PM EST  
**To:** Richard Windsor  
**Cc:** Brendan Gilfillan; Alisha Johnson  
**Subject:** Bloomberg story

Exemption 5-- deliberative process  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

Exemption 5- deliberative p

[Redacted text block]

[Redacted text block]

[Redacted text block]

01268-EPA-1496

Joel Beauvais/DC/USEPA/US

12/13/2011 09:17 PM

To: Gina McCarthy

cc: Betsaida Alcantara, Alex Barron, Bob Perciasepe, Brendan Gilfillan, Janet McCabe, Joseph Goffman, Laura Vaught, Dru Ealons, Arvin Ganesan, Michael Goo, Daniel Kanninen, Seth Oster, Stephanie Owens, Diane Thompson, Richard Windsor  
bcc:Subject: RE: Internal FERC emails show rift with EPA over utility  
MACT

Would it be possible for someone with a Pro subscription to circulate the Issa letter and the emails that are linked to in the article?

-----Gina McCarthy/DC/USEPA/US wrote: -----

To: Laura Vaught/DC/USEPA/US@EPA

From: Gina McCarthy/DC/USEPA/US

Date: 12/13/2011 09:09PM

Cc: "Alcantara.Betsaida@epamail.epa.gov" <Alcantara.Betsaida@epamail.epa.gov>, "Barron.Alex@epamail.epa.gov" <Barron.Alex@epamail.epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Ganesan.Arvin@epamail.epa.gov" <Ganesan.Arvin@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Goo.Michael@epamail.epa.gov" <Goo.Michael@epamail.epa.gov>, "Kanninen.Daniel@epamail.epa.gov" <Kanninen.Daniel@epamail.epa.gov>, "Oster.Seth@epamail.epa.gov" <Oster.Seth@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Thompson.Diane@epamail.epa.gov" <Thompson.Diane@epamail.epa.gov>, "Vaught.Laura@epamail.epa.gov" <Vaught.Laura@epamail.epa.gov>, "Windsor.Richard@epamail.epa.gov" <Windsor.Richard@epamail.epa.gov>, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Subject: RE: Internal FERC emails show rift with EPA over utility MACT

Exemption 5-- deliberative process



From: Laura Vaught/DC/USEPA/US

To: Bob Perciasepe/DC/USEPA/US

Cc: "Alcantara.Betsaida@epamail.epa.gov" <Alcantara.Betsaida@epamail.epa.gov>, "Barron.Alex@epamail.epa.gov" <Barron.Alex@epamail.epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, Brendan Gilfillan/DC/USEPA/US, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Ganesan.Arvin@epamail.epa.gov" <Ganesan.Arvin@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Goo.Michael@epamail.epa.gov" <Goo.Michael@epamail.epa.gov>, "Kanninen.Daniel@epamail.epa.gov" <Kanninen.Daniel@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Oster.Seth@epamail.epa.gov" <Oster.Seth@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Thompson.Diane@epamail.epa.gov" <Thompson.Diane@epamail.epa.gov>, "Vaught.Laura@epamail.epa.gov" <Vaught.Laura@epamail.epa.gov>, "Windsor.Richard@epamail.epa.gov" <Windsor.Richard@epamail.epa.gov>

Date: 12/13/2011 08:50 PM

Subject: RE: Internal FERC emails show rift with EPA over utility MACT

**Attached are some FERC quotes from a hearing that might be helpful.**

**RE: Internal FERC emails show rift with EPA over utility MACT**

**Bob Perciasepe** t Brendan Gilfillan,  
o Windsor.Richard@epamail.epa.gov,  
: Thompson.Diane@epamail.epa.gov,  
Oster.Seth@epamail.epa.gov,  
Alcantara.Betsaida@epamail.epa.gov,  
Ganesan.Arvin@epamail.epa.gov,  
Vaught.Laura@epamail.epa.gov,  
Goo.Michael@epamail.epa.gov,  
Kanninen.Daniel@epamail.epa.gov,  
Barron.Alex@epamail.epa.gov, Joel Beauvais,  
Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph  
Goffman

12/13/2011 08:37  
PM

Hi Brendan

Exemption 5-- deliberative process

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

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

From : Brendan Gilfillan/DC/USEPA/US  
To : Windsor.Richard@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov,  
Thompson.Diane@epamail.epa.gov, Oster.Seth@epamail.epa.gov,  
Alcantara.Betsaida@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov,

Vaught.Laura@epamail.epa.gov, Goo.Michael@epamail.epa.gov, Kanninen.Daniel@epamail.epa.gov, Barron.Alex@epamail.epa.gov, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>  
Cc :  
Sent on : 12/13/2011 07:39:31 PM  
Subject : Fw: Internal FERC emails show rift with EPA over utility MACT

Please see the below story. This is going to be a significant issue tonight/tomorrow.

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 12/13/2011 07:33 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Internal FERC emails show rift with EPA over utility MACT

## **Internal FERC emails show rift with EPA over utility MACT**

By Erica Martinson  
12/13/11 7:31 PM EST

Internal emails between FERC and the White House show that the EPA may have discounted Energy Department concerns about how its mercury and air toxics rule for power plants could affect power grid reliability.

FERC officials were also frustrated with EPA's intransigence on the issue during the draft rule phase, according to the emails.

"I don't think there is any value in continuing to engage EPA on the issues," FERC senior economist David Kathan wrote in a March [email](#). "EPA has indicated that these are their assumptions and have made it clear" that they will not change "anything on reliability or gas availability in the proposed rule."

"As it has done in other responses, EPA continues to make a lot of assumptions and does not directly answer anything associated with local reliability," Kathan wrote. "They provide the standard response that there

will be enough time and they are confident that regional processes will accommodate any local capacity deficiency problem early in the process, or they do not directly respond to the question.”

EPA is expected to issue its utility MACT rule on Friday, per a court agreement.

The requirements of the rule will lead to the closure of many coal-fired power plants, and idling of some coal-fired power generation units. Partisan fervor has risen in recent months over concerns that the pollution-control requirements will have dramatic impacts on electric reliability.

House Oversight and Government Reform Committee leaders cited internal FERC and OMB emails to say that EPA shirked its responsibility to appropriately consider reliability concerns.

Chairman Darrell Issa (R-Calif.) and Regulatory Affairs subpanel Chairman Jim Jordan (R-Ohio) sent a [letter](#) Tuesday to White House Office of Management and Budget regulatory chief Cass Sunstein citing the emails and asking that the rule be returned to EPA to more fully consider the impact on jobs and electric reliability.

Originally, EPA mentioned concerns about reliability in its draft, requesting comment on the issue. But on March 3, while the draft rule was under review, Ellen Brown of FERC sent an email to OIRA expressing concern that EPA was planning to ask commenters to “opine on the scope of our authority to ensure compliance with our regulations,” according to the [emails](#).

So EPA removed the request from comment before releasing the rule.

Doing so without requesting input from other FERC offices or commissioners, the committee said in the letter to Sunstein, “does a disservice to the rulemaking process.”

During the March interagency review of the proposed rule, the Energy asked EPA to change a notation that it “has worked closely” with FERC and DOE on the potential impacts to reliability to say “will continue to work” with the agencies.

“In light of this new information, we are writing to request that the Office of Information and Regulatory Affairs immediately return the utility MACT rule to EPA and require that EPA and the Federal Energy Regulatory Commission complete a proper assessment of the rule that includes an analysis of its impact on grid reliability,” the House letter says.

EPA has repeatedly said that it will allow flexibility to ensure that FERC’s

reliability needs are met, and also notes that independent assessments of the outcome of EPA's air toxics rules tends to overstate the rules' requirements.

To read and comment online:

<https://www.politicopro.com/go/?id=7957>

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[attachment "FERC Reliability Quotes.doc" removed by Joel Beauvais/DC/USEPA/US]

01268-EPA-1502

Eric Wachter/DC/USEPA/US  
12/15/2011 10:31 AM

To Richard Windsor  
cc  
bcc

Subject Fw: Thank You for Note

----- Forwarded by Eric Wachter/DC/USEPA/US on 12/15/2011 10:31 AM -----

### Message Information

Date 12/14/2011 08:12 AM  
From "Bullard, Robert" <bullardrd@TSU.EDU>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject Thank You for Note

### Message Body

Dear Lisa,

Hope all is well. Thanks for the nice note you sent me re my new appointment at TSU. It's really exciting to be back home after all these years. I'm just getting back from COP17 UN climate meetings in Durban, SA where we were part of a 12-person African American climate justice delegation—that included six students from HBCUs. Here are links to the three-part OpEdNews article series I wrote re the Summit:

[Thursday, December 8, 2011](#)

[Moving Beyond Energy and Transportation Apartheid Through Climate Justice](#)

Much attention in recent years has been devoted to green energy and reducing the human carbon footprint to counter the global warming and climate change. The two largest sources--electric power generations and transportation--account for nearly three-fourths (73.8 percent) of the CO2 emissions in the United States annually. Getting greenhouse gases and co-pollutants under control will benefit overburdened communities.

[Thursday, December 8, 2011](#)

[Why HBCUs Need to Step Up on Climate Change](#)

Climate change is not only an environmental issue--it is also an issue of health, social justice, and human rights. Climate change amplifies existing inequalities, especially inequality that has left African Americans, Africa, and the African Diaspora behind.

[Tuesday, December 6, 2011](#)

[African Americans in Africa: Climate Justice and COP17](#)

A 12-member African Americans delegation (students from historically black colleges and universities (HBCUs), academics, human rights advocates, researchers and policy analysts, environmental and climate justice leaders, and Hurricane Katrina survivors from New Orleans) join thousands of leaders at the United Nations COP17 Climate Conference in Durban, South

Africa to work on climate justice.

Take care.

Bob

Robert D. Bullard, Dean  
Barbara Jordan-Mickey Leland School of Public Affairs  
Texas Southern University  
3100 Cleburne Avenue  
Houston, Texas 77004  
Phone: (713) 313-6840  
Fax: (713) 313-7153  
Website: [http://tsu.edu/academics/colleges\\_schools/publicaffairs/](http://tsu.edu/academics/colleges_schools/publicaffairs/)

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01268-EPA-1503

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson"

12/15/2011 08:34 PM

cc

bcc

Subject Fw: Budget deal likely averts government shutdown

Exemption 5-- deliberative process

Sent from my Blackberry Wireless Device

---

**From:** POLITICO Pro [politicoemail@politicopro.com]**Sent:** 12/15/2011 08:33 PM EST**To:** Arvin Ganesan**Subject:** Budget deal likely averts government shutdown

## Budget deal likely averts government shutdown

By David Rogers

12/15/11 8:32 PM EST

Capping a roller coaster week, House and Senate negotiators signed off Thursday night on a \$1 trillion-plus, year-end spending bill, which the leadership will then rush to the floor as early as Friday to put to rest any threat of a government shutdown.

The White House — held at arm's length until now — won final concessions including changes to address the funding shortfall at the Commodity Futures Trading Commission, so important to President Barack Obama's Wall Street reforms. And the final bill was also expected to strip out a Republican plan to reinstate Bush-era restrictions on travel to Cuba.

It was still not clear whether the giant bill has entirely escaped the payroll tax wars — the most politically charged of all the items on the year-end agenda — and one where a similar tense peace broke out Thursday.

For the first time, Senate Majority Leader Harry Reid and his Republican counterpart, Minority Leader Mitch McConnell, appeared to be engaged in civil conversations on the subject. Speaker John Boehner lowered his voice too, promising that the House will be prepared to respond quickly to whatever compromise is offered on extending the tax cuts, together with unemployment benefits and Medicare payments to physicians.

“There is absolutely no interest on our part in trying to be strident about this,” Boehner told reporters. “We believe that it's important to keep the government open, and we believe it's important to finish the work on the payroll tax cut, unemployment insurance and the ‘doc fix.’”

Filling more than 1,200 pages, the giant appropriations bill is remarkable for its reach, covering

the heart of the domestic budget, the Pentagon and foreign aid — plus tens of billions more related to the war in Afghanistan. Yet in recent days, it has been tossed about like a ragdoll among fighting children, even as Washington steamed toward a funding cutoff Friday night, when the latest stopgap resolution expires.

The White House played no small part in this spat, dismissing the measure as “Washington’s business” and stalling action so as to gain leverage for Obama’s higher priority — extending the payroll tax holiday. House Republicans retaliated by dumping the contents of the draft House-Senate agreement onto the Internet in the middle of the night Thursday. By the time dawn broke, leaders in both parties knew they had to move fast if the giant package were to be salvaged.

Senate Appropriations Committee Democrats, who have been the linchpin in the talks, remained so through the day, and Chairman Daniel Inouye’s first floor Capitol suite served as a meeting place for negotiators, even as Senate clerks began late in the day to assemble the final documents.

Restoring the procedural protections offered by a formal conference report was vital for Inouye going forward, and the details exposed Thursday morning testify to the substantial give-and-take between the two sides.

The draft bill proposes a \$233 million cut from the EPA — almost perfectly matching a \$237 million increase for the Indian Health Service. In the case of the Homeland Security Department, increases are provided for frontline agencies like the Secret Service and Border Patrol, but that translates into a cut of \$1 billion, or 30 percent, from grant funds for state and local first responders and their equipment.

Science continues to be a modest winner, with added funds in the Energy Department as well as the National Institutes of Health, which is promised \$30.7 billion, an increase of almost \$300 million over current funding. And behind the spending freeze for education are multiple, often difficult choices for Democrats.

Pell Grants for low-income college students survive, for example, at the maximum award level of \$5,500, but also substantial reforms are written into the bill to come up with about \$1.36 billion in savings. Obama’s Race to the Top public school reform program is cut to \$550 million, a 21 percent reduction from current funding and much less than his request. But new flexibility is allowed for carrying out the initiative so that large metropolitan school districts can now compete on their own — without being subject to their respective governors.

In total, program funding for labor, health and education would fall about \$1.4 billion to stay within the caps set in the August budget accords. But the Pentagon still ekes out a \$5.1 billion increase, bringing its budget to \$518.1 billion for 2012. And both here and in the case of the State Department and foreign aid, the bill makes liberal use of about \$126 billion in overseas contingency funds to pad security-related spending — also capped in August.

As much as \$11.2 billion from such war-related funds would now fall under the foreign aid

program — an increase over what Obama requested. Counterinsurgency aid for Pakistan would be cut to \$850 million and new conditions attached, reflecting the increased tensions between Washington and Islamabad. At the same time, access to the contingency funds clearly helped negotiators to protect other priorities, including \$5.54 billion to fight AIDS overseas and a total Global Health program of \$8.16 billion, up from current spending.

One continued aggravation for the president has been funding for his Wall Street reforms enacted in the last Congress. The CFTC, thrust into the immense fight over regulating the swaps market, has been a favorite target for the GOP, even as Wall Street has greatly increased its campaign contributions to Republicans like Boehner. In the case of the Securities and Exchange Commission, the bill now is kinder, allowing a \$136 million increase that would bring the total budget to \$1.3 billion. But here, too, Republicans insisted on cutting by half a \$50 million reserve fund mandated under the Dodd-Frank Act last year.

A second flash point has been the number of sensitive legislative policy riders still attached to the bill. Many — such as those affecting the Western gray wolf or mountaintop mining regulations — were weeded out in the course of the House-Senate talks. Others — affecting coal dust rules at the Labor Department, EPA’s oversight of drilling permits in the Arctic and a pending FTC report of food marketing to children — survived. And House Republicans expose themselves to criticism here for using these riders as essentially earmarks to help special interests — and win over conservative lawmakers.

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01268-EPA-1507

**Betsaida Alcantara/DC/USEPA/US**  
12/17/2011 09:54 AM

To Richard Windsor  
cc  
bcc

Subject Re: Washington Post: EPA finalizes tough new rules on emissions by power plants

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/17/2011 09:53 AM EST  
**To:** Betsaida Alcantara  
**Subject:** Re: Washington Post: EPA finalizes tough new rules on emissions by power plants

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/17/2011 09:22 AM EST  
**To:** Richard Windsor  
**Subject:** Re: Washington Post: EPA finalizes tough new rules on emissions by power plants

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/17/2011 09:21 AM EST  
**To:** Betsaida Alcantara  
**Subject:** Re: Washington Post: EPA finalizes tough new rules on emissions by power plants

Tx

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/17/2011 09:20 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan; Scott Fulton; Gina McCarthy; Arvin Ganesan  
**Subject:** Washington Post: EPA finalizes tough new rules on emissions by power plants

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

The Obama administration finished crafting tough new rules Friday curbing mercury and other poisons emitted by coal-fired utilities, according to several people briefed on the decision, culminating more than two decades of work to clean up the nation's dirtiest power plants.

As part of last-minute negotiations between the White House and the Environmental Protection Agency,

the regulations give some flexibility to power plant operators who argued they could not meet the three-year deadline for compliance outlined by the EPA. Several individuals familiar with the details declined to be identified because the agency will not announce the rules until next week.

140

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The new rules will cost utilities \$10.6 billion by 2016 for the installation of control equipment known as scrubbers, according to EPA estimates. But the EPA said those costs would be far offset by health benefits. The agency estimates that as of 2016, lowering emissions would save \$59 billion to \$140 billion in annual health costs, preventing 17,000 premature deaths a year along with illnesses and lost workdays.

The Obama administration is attempting to deliver on some key priorities for environmentalists without alienating the business community. President Obama angered environmentalists in September by pulling back stricter smog standards the EPA had proposed, and he had to make several environmental concessions to congressional Republicans late Friday as part of a deal to extend the payroll tax cut. Senate leaders agreed Friday night on a provision that would accelerate the Keystone XL pipeline permitting decision as part of a deal to extend cuts in the Social Security tax.

The administration was also making deals Friday on another environmental front: Alaska. As part of the spending bill negotiations, the administration agreed to transfer the authority to issue air permits for offshore Arctic drilling rigs from the EPA to the Interior Department, which many industry executives think would have more lax standards. Separately, the Interior Department gave conditional approval Friday to Shell Oil's exploration plan for Alaska's Chukchi Sea, where the oil giant hopes to drill several wells in the summer.

Several experts said the new controls on mercury, acid gas and other pollutants represent one of the most significant public health and environmental measures in years. The rules will prevent 91 percent of the mercury in coal from entering the air and much of the soot as well. According to EPA estimates, they will prevent 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"I think this will prove to be the signature environmental accomplishment of the Obama administration," said Frank O'Donnell, who heads the advocacy group Clean Air Watch. "It will soon mean the end of the smoke-spewing coal power plant as we know it today. At the same time, the administration is trying to add a bit of flexibility to extinguish the bogus claim that these standards could mean lights out."

The debate over the rules has also split the nation's utility sector. Some companies, such as New Jersey-based Public Service Enterprise Group and Illinois-based Exelon, say they could meet the new standards easily and have already spent hundreds of millions of dollars to do so. PSEG has also switched from coal to natural gas.

01268-EPA-1508

**Bob  
Perciasepe/DC/USEPA/US**  
12/19/2011 08:35 AM

To Richard Windsor, Bob Sussman, Paul Anastas  
cc  
bcc

Subject WSJ Opinion on Pavillion

## The EPA's Fracking Scare

The shale gas boom has been a rare bright spot in the U.S. economy, so much of the country let out a shudder two weeks ago when the Environmental Protection Agency issued a "draft" report that the drilling process of hydraulic fracturing may have contaminated ground water in Pavillion, Wyoming. The good news is that the study is neither definitive nor applicable to the rest of the country.

"When considered together with other lines of evidence, the data indicates likely impact to ground water that can be explained by hydraulic fracking," said the EPA report, referring to the drilling process that blasts water and chemicals into shale rock to release oil and natural gas. The news caused elation among environmentalists and many in the media who want to shut down fracking.

More than one-third of all natural gas drilling now uses fracking, and that percentage is rising. If the EPA Wyoming study holds up under scrutiny, an industry that employs tens of thousands could be in peril.

But does it stand up? This is the first major study to have detected linkage between fracking and ground-water pollution, and the EPA draft hasn't been peer reviewed by independent scientific analysts. Critics are already picking apart the study, which Wyoming Governor Matt Mead called "scientifically questionable."

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*Associated Press*

Natural gas wellheads and other production facilities are shown around the rural community of Pavillion, Wyoming in 2007.

The EPA says it launched the study in response to complaints "regarding objectionable taste and odor problems in well water." What it doesn't say is that the U.S. Geological Survey has detected organic chemicals in the well water in Pavillion (population 175) for at least 50 years—long before fracking was employed. There are other problems with the study that either the EPA failed to disclose or the press has given little attention too.

- The EPA study concedes that "detections in drinking water wells are generally below [i.e., in compliance with] established health and safety standards." The dangerous compound EPA says it found in the drinking wells was 2-butoxyethyl phosphate. The Petroleum Association of Wyoming says that 2-BE isn't an oil and gas chemical but is a common fire retardant used in association with plastics and plastic components used in drinking wells.

- The pollution detected by the EPA and alleged to be linked to fracking was found in deep-water "monitoring wells"—not the shallower drinking wells. It's far from certain that pollution in these deeper wells caused the pollution in drinking wells. The deep-water wells that EPA drilled are located near a natural gas reservoir. Encana Corp., which owns more than 100 wells around Pavillion, says it didn't "put the natural gas at the bottom of the EPA's deep monitoring wells. Nature did."

- To the extent that drilling chemicals have been detected in monitoring wells, the EPA admits this may result from "legacy pits," which are old wells that were drilled many years before fracking was employed. The EPA also concedes that the inferior design of Pavillion's old wells allows seepage into the water supply. Safer well construction of the kind normally practiced

today might have prevented any contaminants from leaking into the water supply.

- The fracking in Pavillion takes place in unusually shallow wells of fewer than 1,000 to 1,500 feet deep. Most fracking today occurs 10,000 feet deep or more, far below drinking water wells, which are normally less than 500 feet. Even the EPA report acknowledges that Pavillion's drilling conditions are far different from other areas of the country, such as the Marcellus shale in Pennsylvania. This calls into question the relevance of the Wyoming finding to newer and more sophisticated fracking operations in more than 20 states.

\*\*\*

The safety of America's drinking water needs to be protected, as the fracking industry itself well knows. Nothing would shut down drilling faster, and destroy billions of dollars of investment, than media interviews with mothers afraid to let their kids brush their teeth with polluted water. So the EPA study needs to be carefully reviewed.

But the EPA's credibility is also open to review. The agency is dominated by anticarbon true believers, and the Obama Administration has waged a campaign to raise the price and limit the production of fossil fuels.

Natural gas carries a smaller carbon footprint than coal or oil, and greens once endorsed it as an alternative to coal and nuclear power. But as the shale gas revolution has advanced, greens are worried that plentiful natural gas will price wind and solar even further out of the market. This could mean many more of the White House's subsidized investments will go belly up like Solyndra.

The other big issue is regulatory control. Hydraulic fracturing isn't regulated by the EPA, and in 2005 Congress reaffirmed that it did not want the EPA to do so under the Safe Drinking Water Act. The states regulate gas drilling, and by and large they have done the job well. Texas and Florida adopted rules last week that followed other states in requiring companies to disclose their fracking chemicals.

But the EPA wants to muscle in, and its Wyoming study will help in that campaign. The agency is already preparing to promulgate new rules regulating fracking next year. North Dakota Governor Jack Dalrymple says that new EPA rules restricting fracking "would have a huge economic impact on our state's energy development. We believe strongly this should be regulated by the states." Some 3,000 wells in the vast Bakken shale in North Dakota use fracking.

By all means take threats to drinking water seriously. But we also need to be sure that regulators aren't spreading needless fears so they can enhance their own power while pursuing an ideological agenda.

Bob Perciasepe

Deputy Administrator

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01268-EPA-1509

**Brendan  
Gilfillan/DC/USEPA/US**  
12/19/2011 12:04 PM

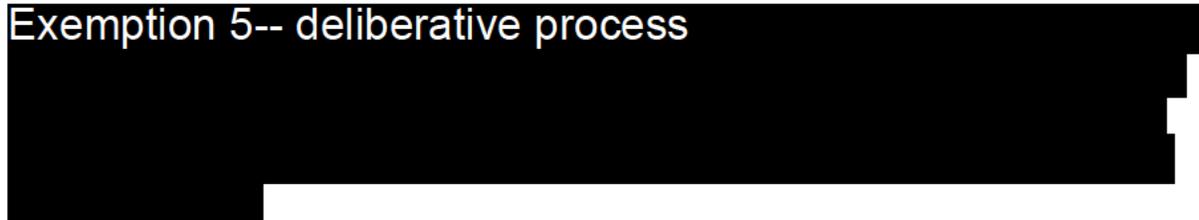
To Richard Windsor, Bob Perciasepe, Diane Thompson,  
Betsaida Alcantara, Stephanie Owens, Dru Ealons, Arvin  
Ganesan, Laura Vaught, Gina McCarthy, Joseph Goffman,  
Bob Sussman, Joel Beauvais, Alex Barron

cc

bcc

Subject AP: EPA rules threaten older power plants

## Exemption 5-- deliberative process



### **EPA rules threaten older power plants**

By The Associated Press  
12/19/11 11:45 AM EST

WASHINGTON — More than 32 mostly coal-fired power plants in a dozen states will be forced to shut down and an additional 36 might have to close because of new federal air pollution regulations, according to an Associated Press survey.

Together, those plants — some of the oldest and dirtiest in the country — produce enough electricity for more than 22 million households, the AP survey found. But their demise probably won't cause homes to go dark.

The fallout will be most acute for the towns where power plant smokestacks have long cast a shadow. Tax revenues and jobs will be lost, and investments in new power plants and pollution controls probably will raise electric bills.

The survey, based on interviews with 55 power plant operators and on the EPA's own prediction of power plant retirements, rebuts claims by critics of the regulations and some electric power producers.

They have predicted the EPA rules will kill coal as a power source and force blackouts, basing their argument on estimates from energy analysts, congressional offices, government regulators, unions and interest groups.

Many of those studies inflate the number of plants retiring by counting those shutting down for reasons other than the two EPA rules.

The AP surveyed electricity-generating companies about what they plan to do and the effects on power supply and jobs. It was the first survey of its kind.

The estimate also was based in part on EPA computer models that predict which fossil-fuel generating units are likely to be retired early to comply with the rules and which were likely to be retired anyway.

The agency has estimated that 14.7 gigawatts, enough power for more than 11 million households, will be retired from the power grid in the 2014-15 period when the two new rules take effect.

The first rule curbs air pollution in states downwind from dirty power plants. The second, expected to be announced Monday, would set the first standards for mercury and other toxic pollutants from power plant smokestacks.

Combined, the rules could do away with more than 8 percent of the coal-fired power generated nationwide, the AP found. The average age of the plants that could be sacrificed is 51 years.

These plants have been allowed to run for decades without modern pollution controls because it was thought that they were on the verge of being shuttered by the utilities that own them. But that didn't happen.

Other rules in the works, dealing with cooling water intakes at power plants and coal ash disposal, could cause the retirement of additional generating plants. Those rules weren't included in the AP survey.

While the new rule heralds an incremental shift away from coal as a power source, it's unlikely to break coal's grip as the dominant domestic electricity source. Most of the lost power generation will be replaced, and the coal-fired plants that remain will have to be cleaner.

"In the industry we retire units. That is part of our business," said John Moura, manager of reliability assessment at the North American Electric Reliability Corp. NERC represents the nation's electrical grid operators, whose job is to weigh the effect a proposed retirement will have on reliability.

With so many retirements expected, that process could get rushed. "We are getting a little hammered here, because we see multiple requests," Moura said.

NERC, along with some power plant operators, is pressing the Obama administration to give companies more time to comply with the rules to avoid too many plants shutting down at once.

In addition to anticipated retirements, about 500 or more units will need to be idled temporarily in the next few years to install pollution controls. Some of those units are at critical junctions on the grid and are essential to restarting the electrical network in case of a blackout, or making sure voltage doesn't drain completely from electrical lines, like a hose that's lost its water pressure.

"We can't say there isn't going to be an issue. We know there will be some challenges," Moura said. "But we don't think the lights are going to turn off because of this issue."

That hasn't stopped some critics from sounding alarms.

Rep. Darrell Issa (R-Calif.) said in a letter to the White House this month that the EPA mercury rule could "unintentionally jeopardize the reliability of our electric grid." At a speech in New Hampshire in November, GOP presidential candidate and former Utah Gov. Jon Huntsman predicted summer blackouts. A recent U.S. Chamber of Commerce ad said a single EPA regulation "could threaten America's energy supply."

Particularly at the older, less efficient plants most at risk, coal already was at a disadvantage because of low natural gas prices, demand from China and elsewhere that was driving up coal's price and weaker demand for electricity.

For many plant operators, the new regulations were the final blow. For others, the rules will speed retirements already planned to comply with state laws or to settle earlier enforcement cases with the EPA. In the AP's survey, not a single plant operator said the EPA rules were solely to blame for a closure, although some said it left them with no other choice.

"The EPA regulation became a game changer and a deal changer for some of these units," said Ryan Stensland, a spokesman for Alliant Energy, which has three units in Iowa and one in Minnesota that will be retired, and four in Iowa that are at risk of shutting down, depending on how the final rules look. "Absent the EPA regulations, I don't think we would be seeing the transition that we are seeing today. It became a situation where EPA broke the back of coal."

Some believe the change is long overdue. The two rules will cut toxic mercury emissions from power plants by 90 percent, smog-forming nitrogen oxide pollution by half and soot-forming sulfur dioxide by more than 70 percent.

"Many of them are super old. They've either got to be brought up to code, fixed with the best available technology or close them down," said Sen. Barbara Boxer (D-Calif.), who heads the Senate Environment and Public Works Committee. "You can't keep on going."

The impact is greatest in the Midwest and in the coal belt — Kentucky, West Virginia and Virginia — where dozens of units probably will be retired.

Coal "is the fuel that is local to this area," said Leonard Hopkins, the fuel and compliance manager for the Southern Illinois Power Cooperative, which serves rural electric customers in 25 counties in the state. "We are scrambling to find ways to comply."

His options: switch to a lower sulfur coal, install additional pollution controls or retire the oldest boiler and buy cheaper power from elsewhere.

For many of the country's oldest coal-fired plants, retirement is the cheapest option.

"It is more expensive to retrofit these plants than retire them and build new generation," said Chris Whelan, spokeswoman for Kentucky Utilities, which announced in September that it was retiring three coal-fired power plants in the state. The plants, which came on line in 1947, 1962

and 1950, employ 204 people.

Whelan said the company is "going to do everything we can to reallocate the work" by shifting employees to a new gas-fired power plant.

In some places, a job at the power plant is the best thing going.

Thirty people work at the Central Electric Power Cooperative plant in Chamois, Mo., where EPA regulations have put the plant in danger of shutting down. Some employees are looking to see if there are other power plants where they could find work.

"We always knew there was a chance we could get shut down," said Robert Skaggs, who has worked at the 50-year-old power plant for 10 years and is also an alderman in the town of 400. "It's pretty obvious. Our plant is an old plant."

Chamois Mayor Jim Wright saw the sewing factory leave and doesn't understand why coal has to do the same.

"Coal's coal. If you are going to dig and ship it to China, you might as well burn it here," he said.

Electricity bills are also a concern.

Kentucky Utilities expects its customers to see as much as a 14 percent rate increase to make up for the \$800 million it is spending to replace what will be retired, and the \$1.1 billion it plans to spend on anti-pollution upgrades. Other power companies have applied to recoup the cost of retrofits or of building new gas-fired power plants. The EPA estimates that industry will spend \$11 billion complying with the two rules by 2016.

For others, the biggest issue with plant retirements is the loss of property taxes. As plants wind down and close, their assessed value drops, reducing what they pay to local governments.

In Salem, Mass., Dominion plans to retire two units at the Salem Harbor Station later this year, a move that could halve the plant's workforce in a town famous for its 17th-century witch trials and where the major business is tourism.

The loss of its 50-year-old power plant poses two dilemmas: how to replace its biggest taxpayer and what to do with the 60 acres of waterfront property when the plant is gone.

"It's not like losing a Dunkin' Donuts," said Mayor Kim Driscoll, noting that attractions such as Baltimore's Inner Harbor took decades to redevelop from abandoned industrial property.

For the next five years, Salem will make up for Dominion's dwindling \$4.75 million tax bill with state money, but after that the future is unclear.

"It's a big chunk of change when you're looking at we still have the same number of kids in school, we still have the same number of calls for police and fire, we have the same number of parks and resources that need to be maintained and kept up," Driscoll said. "That's not to say

there aren't folks locally that are happy with the fact that a coal-based plant won't be here forever. There are certainly folks here that see it as a way for Salem to flourish in other ways."

01268-EPA-1510

**Brendan  
Gilfillan/DC/USEPA/US**  
12/19/2011 12:10 PM

To Richard Windsor  
cc  
bcc

Subject Re: AP: EPA rules threaten older power plants

**Exemption 5-- deliberative process**

Richard Windsor [are we being asked for response?](#) ... 12/19/2011 12:07:55 PM

From: Richard Windsor/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 12/19/2011 12:07 PM  
Subject: Re: AP: EPA rules threaten older power plants

are we being asked for response?

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/19/2011 12:04 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Stephanie Owens; Dru Ealons; Arvin Ganesan; Laura Vaught; Gina McCarthy; Joseph Goffman; Bob Sussman; Joel Beauvais; Alex Barron  
**Subject:**

**Exemption 5-- deliberative process**

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His options: switch to a lower sulfur coal, install additional pollution controls or retire the oldest boiler and buy cheaper power from elsewhere.

For many of the country's oldest coal-fired plants, retirement is the cheapest option.

"It is more expensive to retrofit these plants than retire them and build new generation," said Chris Whelan, spokeswoman for Kentucky Utilities, which announced in September that it was retiring three coal-fired power plants in the state. The plants, which came on line in 1947, 1962 and 1950, employ 204 people.

Whelan said the company is "going to do everything we can to reallocate the work" by shifting employees to a new gas-fired power plant.

In some places, a job at the power plant is the best thing going.

Thirty people work at the Central Electric Power Cooperative plant in Chamois, Mo., where EPA regulations have put the plant in danger of shutting down. Some employees are looking to see if there are other power plants where they could find work.

"We always knew there was a chance we could get shut down," said Robert Skaggs, who has worked at the 50-year-old power plant for 10 years and is also an alderman in the town of 400. "It's pretty obvious. Our plant is an old plant."

Chamois Mayor Jim Wright saw the sewing factory leave and doesn't understand why coal has to do the same.

"Coal's coal. If you are going to dig and ship it to China, you might as well burn it here," he said.

Electricity bills are also a concern.

Kentucky Utilities expects its customers to see as much as a 14 percent rate increase to make up for the \$800 million it is spending to replace what will be retired, and the \$1.1 billion it plans to spend on anti-pollution upgrades. Other power companies have applied to recoup the cost of retrofits or of building new gas-fired power plants. The EPA estimates that industry will spend \$11 billion complying with the two rules by 2016.

For others, the biggest issue with plant retirements is the loss of property taxes. As plants wind down and close, their assessed value drops, reducing what they pay to local governments.

In Salem, Mass., Dominion plans to retire two units at the Salem Harbor Station later this year, a

move that could halve the plant's workforce in a town famous for its 17th-century witch trials and where the major business is tourism.

The loss of its 50-year-old power plant poses two dilemmas: how to replace its biggest taxpayer and what to do with the 60 acres of waterfront property when the plant is gone.

"It's not like losing a Dunkin' Donuts," said Mayor Kim Driscoll, noting that attractions such as Baltimore's Inner Harbor took decades to redevelop from abandoned industrial property.

For the next five years, Salem will make up for Dominion's dwindling \$4.75 million tax bill with state money, but after that the future is unclear.

"It's a big chunk of change when you're looking at we still have the same number of kids in school, we still have the same number of calls for police and fire, we have the same number of parks and resources that need to be maintained and kept up," Driscoll said. "That's not to say there aren't folks locally that are happy with the fact that a coal-based plant won't be here forever. There are certainly folks here that see it as a way for Salem to flourish in other ways."

01268-EPA-1511

**Brendan  
Gilfillan/DC/USEPA/US**  
12/19/2011 09:27 PM

To Richard Windsor  
cc  
bcc

Subject Re: Google Alert - lisa jackson epa

Exemption 5-- deliberative process

---

**From:** Richard Windsor  
**Sent:** 12/19/2011 09:08 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Fw: Google Alert - lisa jackson epa

Exemption 5-- deliberative process

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 12/20/2011 02:03 AM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

**Blogs**

**1 new result for lisa jackson epa**

[AEA Awards EPA Administrator Lisa Jackson with 2011 "Lump of ...](#)

By IER

But in the shadowy enclaves of the behemoth national headquarters of the *Environmental Protection Agency* , Administrator *Lisa Jackson* has prepared an old fashioned, Whoville-killing, Grinch-style regulation to increase the cost of electricity ...

[American Energy Alliance](#)

---

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01268-EPA-1513

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

12/21/2011 05:00 PM

cc Brendan Gilfillan

bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Exemption 5-- deliberative process

Richard Windsor

the third one is great...Fox taking on...

12/21/2011 04:48:42 PM

From: Richard Windsor/DC/USEPA/US  
 To: Arvin Ganesan/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
 Date: 12/21/2011 04:48 PM  
 Subject: Fw: Google Alert - lisa jackson epa

Exemption 5-- deliberative process

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/21/2011 04:48 PM -----

From: Google Alerts <googlealerts-noreply@google.com>  
 To: Richard Windsor/DC/USEPA/US@EPA  
 Date: 12/21/2011 02:55 PM  
 Subject: Google Alert - lisa jackson epa

News

4 new results for **lisa jackson epa**[EPA Administrator Lisa Jackson](#)

TIME (blog)

[TIME \(blog\)](#)

**Environmental Protection Agency (EPA)** Administrator **LISA JACKSON**, in a statement announcing the release of the **EPA's** long-awaited rules on mercury and other air toxics. The regulations—which have been in the works for two decades—are the first to ...

[See all stories on this topic »](#)[RFA Seeks Answers in 2012 RFS Delay](#)

Domestic Fuel

Today, the Renewable Fuels Association (RFA) wrote to **Environmental Protection Agency (EPA)** Administrator **Lisa Jackson** seeking an explanation for the delay in releasing the 2012 Renewable Fuel Standard (RFS) requirements. ...

[See all stories on this topic »](#)[On Fox News, Ed Whitfield Denies 'Any Benefit' To Babies And Pregnant Women ...](#)

ThinkProgress

[ThinkProgress](#)

By Brad Johnson on Dec 21, 2011 at 2:38 pm As US **Environmental Protection Agency** Administration **Lisa Jackson** announces the first-ever Clean Air Act rules to limit mercury pollution from coal-fired power plants, Republicans are already attacking this ...

[See all stories on this topic »](#)

### [EPA Issues New Air Pollution Rules](#)

Talk Radio News Service

... that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health— and especially for the health of our children,” said **EPA Administrator Lisa P. Jackson**. ...

[See all stories on this topic »](#)

---

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01268-EPA-1514

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

cc

12/21/2011 05:06 PM

bcc

Subject MATS CRA

**Exemption 5-- deliberative process**

Already, Sen. Jim Inhofe (R-Okla.) plans to introduce a disapproval resolution under the Congressional Review Act aimed at stopping EPA's utility MACT rule, his office said Wednesday. The resolution would require 30 signatures to be placed on the Senate calendar and cannot be filibustered.

01268-EPA-1515

**Curt Spalding/R1/USEPA/US** To Richard Windsor  
12/21/2011 07:38 PM cc  
bcc  
Subject Re: MATS

Saw the Cape Wind General Council on the train. Exemption 5-- deliberative process

[Redacted]

S.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/21/2011 07:05 PM EST  
**To:** Curt Spalding  
**Subject:** Re: MATS

Exemption 5-- deliberative process  
Curt Spalding

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

**From:** Curt Spalding  
**Sent:** 12/21/2011 05:58 PM EST  
**To:** Richard Windsor  
**Subject:** MATS

Administrator,

Exemption 6-- personal privacy  
[Redacted]

[Redacted]

Congratulations. Everyone in R1 is so very proud.

With warmest wishes,

- Curt

---  
Curt Spalding

Regional Administrator  
US EPA New England  
(617) 918-1012

01268-EPA-1516

**Betsaida**  
**Alcantara/DC/USEPA/US**  
12/21/2011 08:51 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,  
Thompson.Diane, Gilfillan.Brendan, Ganesan.Arvin, "Laura  
Vaught", "Stephanie Owens", "Gina McCarthy", "Joseph  
Goffman", "Janet McCabe"

cc

bcc

Subject WSJ Editorial: Lisa Jackson's Power Play

**Exemption 5-- deliberative process**

DECEMBER 22, 2011

Lisa Jackson's Power Play

Harming the economy, degrading the U.S. grid: another day at the EPA.

At an unusual gala ceremony on the release of a major new Environmental Protection Agency rule yesterday, chief Lisa Jackson called it "historic" and "a great victory." And she's right: The rule may be the most expensive the agency has ever issued, and it represents the triumph of the Obama Administration's green agenda over economic growth and job creation. Congratulations.

The so-called utility rule requires power plants to install "maximum achievable control technology" to reduce mercury emissions and other trace gases. But the true goal of the rule's 1,117 pages is to harm coal-fired power plants and force large parts of the fleet—the U.S. power system workhorse—to shut down in the name of climate change. The EPA figures the rule will cost \$9.6 billion, which is a gross, deliberate underestimate.

In return Ms. Jackson says the public will get billions of dollars of health benefits like less asthma if not a cure for cancer. Those credulous enough to believe her should understand that the total benefits of mercury reduction amount to all of \$6 million. That's total present value, not benefits per year—oh, and that's an -illion with an "m," which is not normally how things work out in President Obama's Washington.

The rest of the purported benefits—to be precise, 99.99%—come by double-counting pollution reductions like soot that the EPA regulates through separate programs and therefore most will happen anyway. Using such "co-benefits" is an abuse of the cost-benefit process and shows that Cass Sunstein's team at the White House regulatory office—many of whom opposed the rule—got steamrolled.

As baseload coal power is retired or idled, the reliability of the electrical grid will be compromised, as every neutral analyst expects. Some utilities like Calpine Corp. and PSEG have claimed in these pages that the reliability concerns are overblown, but the Alfred E. Newman crowd has a vested interest in profiting from the higher wholesale electricity clearing prices that the EPA wants to cause.

Meanwhile, the Federal Energy Regulatory Commission, which is charged with protecting reliability, abnegated its statutory responsibilities as the rule was being written.

One FERC economist wrote in a March email that "I don't think there is any value in continuing to engage EPA on the issues. EPA has indicated that these are their assumptions and have made it clear that are not changed [sic] anything on reliability . . . [EPA] does not directly answer anything associated with local reliability." The EPA repeatedly told Congress that it had "very frequent substantive contact and consultation with FERC."

The EPA also took the extraordinary step of issuing a pre-emptive "enforcement memorandum," which is

typically issued only after the EPA determines its rules are being broken. The memo tells utilities that they must admit to violating clean air laws if they can't retrofit their plants within the EPA's timeframe at any cost or if shutting down a plant will lead to regional blackouts. Such legal admissions force companies into a de facto EPA receivership and expose them to lawsuits and other liabilities.

The economic harm here is vast, and the utility rule saga—from the EPA's reckless endangerment to the White House's failure to temper Ms. Jackson—has been a disgrace.

01268-EPA-1517

**Brendan  
Gilfillan/DC/USEPA/US**  
12/21/2011 08:54 PM

To Betsaida Alcantara, Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Arvin Ganesan, Laura Vaught, Stephanie Owens, Gina McCarthy, Joseph Goffman, Janet McCabe

cc

bcc

Subject Re: WSJ Editorial: Lisa Jackson's Power Play

**Exemption 5-- deliberative process**

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 12/21/2011 08:51 PM EST

**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe

**Subject:** WSJ Editorial: Lisa Jackson's Power Play

**Exemption 5-- deliberative process**

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01268-EPA-1518

**Betsaida  
Alcantara/DC/USEPA/US**  
12/21/2011 09:00 PM

To Richard Windsor  
cc  
bcc

Subject Re: WSJ Editorial: Lisa Jackson's Power Play

Exemption 5-- deliberative process!

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/21/2011 08:57 PM EST  
**To:** Betsaida Alcantara  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

Exemption 5-- deliberative process

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/21/2011 08:51 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** WSJ Editorial: Lisa Jackson's Power Play

Exemption 5-- deliberative process

DECEMBER 22, 2011

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01268-EPA-1519

**Brendan  
Gilfillan/DC/USEPA/US**  
12/21/2011 09:07 PM

To Richard Windsor  
cc  
bcc

Subject Re: WSJ Editorial: Lisa Jackson's Power Play

Exemption 5-- deliberative process  
[Redacted]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/21/2011 08:57 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

Exemption 5-- deliberative process  
[Redacted]

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 12/21/2011 08:54 PM EST  
**To:** Betsaida Alcantara; Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** Re: WSJ Editorial: Lisa Jackson's Power Play

Exemption 5-- deliberative process  
[Redacted]

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/21/2011 08:51 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Stephanie Owens; Gina McCarthy; Joseph Goffman; Janet McCabe  
**Subject:** WSJ Editorial: Lisa Jackson's Power Play  
Outdoing themselves everytime...

DECEMBER 22, 2011

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01268-EPA-1522

Sarah Pallone/DC/USEPA/US  
12/22/2011 03:56 PM

To "Richard Windsor"  
cc  
bcc

Subject Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

FYI

Arnita Hannon

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

**From:** Arnita Hannon

**Sent:** 12/22/2011 03:36 PM EST

**To:** Sarah Pallone

**Cc:** Rebecca Cook; Dru Ealons; John Larmett

**Subject:** Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM

FYI - See a note from Council member MacNeille of Millbourne, PA and how they have long-standing support for the Standards and laud EPA's latest action!

M. Arnita Hannon  
Intergovernmental Liaison  
US Environmental Protection Agency  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: 202-564-3704  
Fax: 202-501-1545  
Mobile: 202.302.9109  
Cell: 240.602.7118

----- Forwarded by Arnita Hannon/DC/USEPA/US on 12/22/2011 03:34 PM -----

From: Jeanette MacNeille <jeanette@eclipseservices.com>  
To: Arnita Hannon/DC/USEPA/US@EPA  
Date: 12/22/2011 03:16 PM  
Subject: Re: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

---

Ms. Hannon,

Millbourne Borough, one of the smallest Borough's in PA, passed a resolution in support of these standards about a year ago. Anyone who is closely familiar with the health effects of mercury contamination and air pollution can only cheer.

Please tell Ms. Jackson "thank you" from all our residents and elected officials.

Best,

Jeanette MacNeille  
President, Millbourne Borough Council

9 Park Avenue  
Millbourne, PA 19082  
Cell 610-755-1445

On Dec 22, 2011, at 2:35 PM, Arnita Hannon wrote:

>  
> CONTACT:  
> press@epa.gov  
>  
> FOR IMMEDIATE RELEASE  
> December 22, 2011  
>  
> They're Still Talking About Historic Mercury and Air Toxics Standards  
>  
> WASHINGTON - Yesterday the U.S. Environmental Protection Agency (EPA)  
announced the  
> first national standards to protect American families from power plant  
emissions of  
> mercury and air toxics like arsenic, acid gas, nickel, selenium, and  
cyanide. These new  
> Mercury and Air Toxics Standards will slash emissions of these dangerous  
pollutants by  
> relying on widely available, proven pollution controls that are already in  
use at more  
> than half of the nation's coal-fired power plants.  
>  
> Today, leaders from across the country are still talking about these  
historic  
> standards. Here's what they're saying about Mercury and Air Toxics  
Standards:  
>  
> Larry Schweiger, National Wildlife Federation:  
> "Our children and grandchildren will inherit a safer world thanks to the  
leadership of  
> President Obama and Administrator Jackson. At long last, these prudent and  
overdue  
> limits on unchecked mercury and toxic air pollution will ensure our fish  
will be safe  
> to eat, and our children can breathe easier."  
>  
> Gene Karpinski, League of Conservation Voters:  
> "Today is a historic day for the health and safety of our children. We  
strongly applaud  
> the Obama administration for setting new limits on mercury and other toxic  
air  
> pollution from power plants - limits that will save lives, prevent illnesses  
like  
> asthma and bronchitis and create jobs in pollution control technology."  
>  
> PJM:  
> "PJM and four other RTO/ISOs proposed in comments to the EPA a process to  
ensure that  
> reliability in our respective regions can be maintained as the final Mercury  
and Toxics  
> Standards (MATS) Rule is implemented. The final MATS rule will have  
different degrees  
> of impact in various parts of the country. We at PJM are pleased that the  
EPA

> Administrator has included the key elements of our proposed process to preserve  
> reliability into documents accompanying the Final Rule. We at PJM intend to work with  
> EPA, FERC, the states and others to ensure that process can be effectively utilized to  
> address particular reliability challenges and ensure that the reliability of the  
> electric grid is maintained during this critical period."  
>  
> Senator Patrick Leahy (Vt.):  
> "I commend the Environmental Protection Agency for doing the right thing, under  
> tremendous special interest pressure, in standing up for the public's interest. The  
> Utility Air Toxics Rule to control toxic air pollutants such as mercury is a health and  
> environmental breakthrough for the American people, and especially for Vermonters.  
> Finally, after 20 years of dodging regulation, coal- and oil-fired electric power  
> plants, the largest contributors of these toxics, will be held accountable for the  
> pollution they emit, just as many other industries are."  
>  
> Senator Ben Cardin (Md.):  
> "Clean air is essential for the health of every American and it's also good business.  
> It's time for the rest of the country's electricity generation sector to catch up with  
> Maryland and do what our power producers have been doing for years now to protect  
> children from toxic mercury and air toxics pollution...Mercury is an extremely harmful  
> neurotoxin that our country's largest source producers, power plants, must act to  
> address. The doomsday scenarios described by our nation's power companies who  
> irresponsibly continue to operate the nation's oldest and dirtiest power plants are not  
> based in reality. The rule being finalized today is the result of litigation demanding  
> EPA to comply with the Clean Air Act."  
>  
> Senator Tom Carper (Del.):  
> "With this decision, I believe the Environmental Protection Agency has provided a  
> reasonable and achievable schedule for our dirtiest power plants to reduce harmful air  
> toxic emissions. At the same time, I believe the Environmental Protection Agency has  
> given enough flexibility to industry and states to meet those targets and address any  
> possible local reliability concerns. These clean air investments will be a win-win-win  
> as we save thousands of lives, save billions of dollars in health care costs and work  
> productivity, and create good paying jobs here at home by cleaning up these dirty power  
> plants. In fact, this new rule is expected to produce 46,000 jobs in the

near term

> during the installation of the needed clean air technology, and thousands more for

> long-term utility jobs."

>

> Senator Bernie Sanders (Vt.):

> "I strongly support the Clean Air Act standards announced today that will slash toxic

> air pollution, such as mercury and arsenic, from our nation's power plants. We know

> from the Centers for Disease Control and Prevention that mercury can cause brain damage

> and is particularly harmful to infants and young children. We also know that installing

> the necessary pollution control scrubbers and equipment will create jobs as we update

> our power plants. This clean air rule is long overdue, and I commend EPA Administrator

> Lisa Jackson for protecting our families' health and wellbeing."

>

> Frances Beinecke, Natural Resources Defense Council:

> "The magnitude of these health benefits could make this rule one of the biggest

> environmental accomplishments of the Obama administration. I applaud the

> administration's continued leadership in making our air cleaner and safer to breathe."

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> U.S. Commerce Secretary John Bryson:

> "For business leaders, there are few challenges greater than uncertainty, and by

> issuing today's ruling, this Administration has answered definitively a question that

> has hung over the U.S. energy industry for nearly 20 years," Bryson said. "These new

> standards have benefits that far exceed costs, and the flexibility built into their

> adoption will help guarantee that implementation will proceed in a thoughtful,

> common-sense way that limits negative impacts on businesses."

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> U.S. Agriculture Secretary Tom Vilsack:

> "By reducing emissions of highly toxic pollutants such as mercury, we are ensuring that

> our air and water are cleaner and American families are safer. Folks in rural America

> have a great appreciation for the land and work hard to preserve our environment for

> future generations. These standards support their efforts by improving millions of

> acres of polluted ecosystems that will create better habitat for fish and wildlife and

> provide more recreational opportunities for all Americans to enjoy."

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> "Young voters are thrilled that EPA Administrator Lisa Jackson and the Obama Administration are standing up to big polluters to protect our generation's health and

> spur job creation in the clean energy economy. This decision shows the Obama Administration's commitment to stand up to Big Coal and Oil to protect the

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> of Americans and the environment in the coming year.”  
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> Senator Sheldon Whitehouse (R.I.):  
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> health of children. After years of Rhode Island receiving pollution from out-of-state  
> power plants, the largest sources of toxic air pollution will finally be required to  
> reduce emissions of these dangerous chemicals. I applaud our local utility, National  
> Grid, for its support of these new clean air protections.”  
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> Senator John Kerry (Ma.):  
> “The bottom line is, this will mean fewer heart attacks and asthma attacks, fewer kids  
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> install, and operate the equipment to reduce these toxic pollutants. Smart health and  
> environmental protections go hand in hand with economic growth and reliable, affordable  
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> Representative Elijah Cummings (Md.):  
> “These new standards, which have been twenty years in the making, will safeguard  
> American families and protect our environment from dangerous mercury and toxic air  
> pollution. I commend the EPA for finalizing rules that will prevent thousands of  
> premature deaths and hundreds of thousands of heart attacks and other illnesses. These  
> new national standards will create thousands of American jobs and generate health and  
> economic benefits worth tens of billions of dollars.”  
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> “This rule to limit mercury and other dangerous toxics is one of those times when you  
> can truly say ‘we’re doing it for the kids. While the Obama administration wants to cut  
> mercury pollution to protect kids and pregnant mothers, Republicans want to knife the  
> MACT, stopping these standards from ever going into effect. The 91 percent reduction in  
> mercury in Massachusetts since 1996 shows that these standards are attainable. The  
> standards will reduce mercury by increasing innovation, as entrepreneurs and inventors  
> will discover new and better ways to cut pollution and move to cleaner forms of energy  
> that produce no pollution at all, like wind and solar power. I commend the Obama  
> administration, EPA Administrator Lisa Jackson, and the staff at the EPA for their  
> dedication to the health and well-being of America’s kids.”

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> Business Council for Sustainable Energy:  
> "Uncontrolled toxic air emissions are real and sizeable threats, both to public health  
> and to the economy. Families, companies and investors need certainty on air emissions  
> policy for healthier living and for economic growth. The finalization of the Mercury  
> and Air Toxics Standards provides more certainty on emissions policy and will drive  
> investment in innovative technologies and America's energy infrastructure. American  
> businesses can keep the lights on and grow the economy while protecting public health.  
> Shifting to lower emissions technologies and resources while upgrading our nation's  
> electric generation infrastructure will help drive economic growth and create jobs."  
>  
> Senator Barbara Boxer (Calif.):  
> "Power plants are not only the nation's largest source of dangerous mercury emissions,  
> but they also pollute the air we breathe with lead, arsenic, chromium, and cyanide.  
> These hazardous air pollutants are known to cause cancer, harm children's development,  
> and damage the brain and nervous system of infants. EPA estimates that this new clean  
> air rule will annually prevent up to 11,000 premature deaths, 4,700 heart attacks,  
> 130,000 asthma attacks and many other health benefits. The science and methodology used  
> to determine these benefits have been extensively peer reviewed by EPA's independent  
> Science Advisory Board and the National Academies of Science. The agency estimates that  
> this clean air rule will also provide up to 46,000 construction jobs and 8,000  
> long-term jobs in the utility industry. EPA's action today will generate jobs and  
> protect the health and safety of families across the country."  
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> Illinois Governor Pat Quinn:  
> "In Illinois, we have seen the benefits of enacting stringent requirements for reducing  
> mercury emissions over the last several years. As a result, thousands of pounds of  
> harmful mercury emissions have been kept out of our air. The President's action will  
> protect millions of Americans from these dangerous emissions just like we have been  
> doing in Illinois."  
>  
> U.S. Health and Human Services Secretary Kathleen Sebelius:  
> "When the Environmental Protection Agency announced achievable new standards today for  
> mercury and other toxic pollutants from power plants, it took a critical step forward  
> in promoting a safe and healthy environment where all families can raise their children

> free from dangerous chemical exposure. At the Department of Health and Human Services,  
> we know that people's health is not just determined by what happens in the doctor's  
> office. It depends on where we live and work, what we eat and the air we breathe."

>

> R367

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>

> M. Arnita Hannon

> Intergovernmental Liaison

> US Environmental Protection Agency

> Office of Congressional and Intergovernmental Relations

> 1200 Pennsylvania Avenue, NW

> Washington, D.C. 20460

> Phone: 202-564-3704

> Fax: 202-501-1545

> Mobile: 202.302.9109

> Cell: 240.602.7118

01268-EPA-1523

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

12/22/2011 04:06 PM

cc

bcc

Subject Re: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

Exemption 5-- deliberative process

[Redacted]

Richard Windsor Exemption 5-- deliberative process ---... 12/22/2011 04:02:49 PM

From: Richard Windsor/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 12/22/2011 04:02 PM  
Subject: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

Exemption 5-- deliberative process

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/22/2011 04:00 PM -----

From: Sarah Pallone/DC/USEPA/US  
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>  
Date: 12/22/2011 03:56 PM  
Subject: Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

FYI

Arnita Hannon

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

**From:** Arnita Hannon  
**Sent:** 12/22/2011 03:36 PM EST  
**To:** Sarah Pallone  
**Cc:** Rebecca Cook; Dru Ealons; John Larmett  
**Subject:** Fw: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA 12/22/2011 02:29 PM

FYI - See a note from Council member MacNeille of Millbourne, PA and how they have long-standing support for the Standards and laud EPA's latest action!

M. Arnita Hannon  
Intergovernmental Liaison  
US Environmental Protection Agency  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
Phone: 202-564-3704  
Fax: 202-501-1545  
Mobile: 202.302.9109

Cell: 240.602.7118

----- Forwarded by Arnita Hannon/DC/USEPA/US on 12/22/2011 03:34 PM -----

From: Jeanette MacNeille <jeanette@eclipseservices.com>  
To: Arnita Hannon/DC/USEPA/US@EPA  
Date: 12/22/2011 03:16 PM  
Subject: Re: News Release: They're Still Talking About Historic Mercury and Air Toxics Standards U.S. EPA  
12/22/2011 02:29 PM

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Ms. Hannon,

Millbourne Borough, one of the smallest Borough's in PA, passed a resolution in support of these standards about a year ago. Anyone who is closely familiar with the health effects of mercury contamination and air pollution can only cheer.

Please tell Ms. Jackson "thank you" from all our residents and elected officials.

Best,

Jeanette MacNeille  
President, Millbourne Borough Council  
9 Park Avenue  
Millbourne, PA 19082  
Cell 610-755-1445

On Dec 22, 2011, at 2:35 PM, Arnita Hannon wrote:

>  
> CONTACT:  
> press@epa.gov  
>  
> FOR IMMEDIATE RELEASE  
> December 22, 2011  
>  
> They're Still Talking About Historic Mercury and Air Toxics Standards  
>  
> WASHINGTON - Yesterday the U.S. Environmental Protection Agency (EPA)  
announced the  
> first national standards to protect American families from power plant  
emissions of  
> mercury and air toxics like arsenic, acid gas, nickel, selenium, and  
cyanide. These new  
> Mercury and Air Toxics Standards will slash emissions of these dangerous  
pollutants by  
> relying on widely available, proven pollution controls that are already in  
use at more  
> than half of the nation's coal-fired power plants.  
>  
> Today, leaders from across the country are still talking about these  
historic  
> standards. Here's what they're saying about Mercury and Air Toxics  
Standards:  
>  
> Larry Schweiger, National Wildlife Federation:  
> "Our children and grandchildren will inherit a safer world thanks to the  
leadership of

> President Obama and Administrator Jackson. At long last, these prudent and overdue  
> limits on unchecked mercury and toxic air pollution will ensure our fish  
will be safe  
> to eat, and our children can breathe easier."  
>  
> Gene Karpinski, League of Conservation Voters:  
> "Today is a historic day for the health and safety of our children. We  
strongly applaud  
> the Obama administration for setting new limits on mercury and other toxic  
air  
> pollution from power plants - limits that will save lives, prevent illnesses  
like  
> asthma and bronchitis and create jobs in pollution control technology."  
>  
> PJM:  
> "PJM and four other RTO/ISOs proposed in comments to the EPA a process to  
ensure that  
> reliability in our respective regions can be maintained as the final Mercury  
and Toxics  
> Standards (MATS) Rule is implemented. The final MATS rule will have  
different degrees  
> of impact in various parts of the country. We at PJM are pleased that the  
EPA  
> Administrator has included the key elements of our proposed process to  
preserve  
> reliability into documents accompanying the Final Rule. We at PJM intend to  
work with  
> EPA, FERC, the states and others to ensure that process can be effectively  
utilized to  
> address particular reliability challenges and ensure that the reliability of  
the  
> electric grid is maintained during this critical period."  
>  
> Senator Patrick Leahy (Vt.):  
> "I commend the Environmental Protection Agency for doing the right thing,  
under  
> tremendous special interest pressure, in standing up for the public's  
interest. The  
> Utility Air Toxics Rule to control toxic air pollutants such as mercury is a  
health and  
> environmental breakthrough for the American people, and especially for  
Vermonters.  
> Finally, after 20 years of dodging regulation, coal- and oil-fired electric  
power  
> plants, the largest contributors of these toxics, will be held accountable  
for the  
> pollution they emit, just as many other industries are."  
>  
> Senator Ben Cardin (Md.):  
> "Clean air is essential for the health of every American and it's also good  
business.  
> It's time for the rest of the country's electricity generation sector to  
catch up with  
> Maryland and do what our power producers have been doing for years now to  
protect  
> children from toxic mercury and air toxics pollution...Mercury is an  
extremely harmful  
> neurotoxin that our country's largest source producers, power plants, must  
act to

> address. The doomsday scenarios described by our nation's power companies who  
> irresponsibly continue to operate the nation's oldest and dirtiest power plants are not  
> based in reality. The rule being finalized today is the result of litigation demanding  
> EPA to comply with the Clean Air Act."  
>  
> Senator Tom Carper (Del.):  
> "With this decision, I believe the Environmental Protection Agency has provided a  
> reasonable and achievable schedule for our dirtiest power plants to reduce harmful air  
> toxic emissions. At the same time, I believe the Environmental Protection Agency has  
> given enough flexibility to industry and states to meet those targets and address any  
> possible local reliability concerns. These clean air investments will be a win-win-win  
> as we save thousands of lives, save billions of dollars in health care costs and work  
> productivity, and create good paying jobs here at home by cleaning up these dirty power  
> plants. In fact, this new rule is expected to produce 46,000 jobs in the near term  
> during the installation of the needed clean air technology, and thousands more for  
> long-term utility jobs."  
>  
> Senator Bernie Sanders (Vt.):  
> "I strongly support the Clean Air Act standards announced today that will slash toxic  
> air pollution, such as mercury and arsenic, from our nation's power plants. We know  
> from the Centers for Disease Control and Prevention that mercury can cause brain damage  
> and is particularly harmful to infants and young children. We also know that installing  
> the necessary pollution control scrubbers and equipment will create jobs as we update  
> our power plants. This clean air rule is long overdue, and I commend EPA Administrator  
> Lisa Jackson for protecting our families' health and wellbeing."  
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>  
> R367  
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>  
> M. Arnita Hannon  
> Intergovernmental Liaison  
> US Environmental Protection Agency  
> Office of Congressional and Intergovernmental Relations  
> 1200 Pennsylvania Avenue, NW  
> Washington, D.C. 20460  
> Phone: 202-564-3704  
> Fax: 202-501-1545  
> Mobile: 202.302.9109  
> Cell: 240.602.7118

01268-EPA-1524

**Betsaida  
Alcantara/DC/USEPA/US**  
12/22/2011 06:05 PM

To Richard Windsor  
cc  
bcc

Subject Re: Time's People that Mattered 2011

Exemption 5-- deliberative process

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/22/2011 04:56 PM EST  
**To:** Betsaida Alcantara  
**Subject:** Re: Time's People that Mattered 2011

Exemption 5-- deliberative process

Brendan Gilfillan

Lisa Jackson by Bryan Walsh

12/14/2011 08:21:38 PM

**From:** Brendan Gilfillan/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
**Date:** 12/14/2011 08:21 PM  
**Subject:** Time's People that Mattered 2011

Lisa Jackson  
by Bryan Walsh

The head of the Environmental Protection Agency (EPA) is never going to be a popular person, except perhaps with environmentalists — and even that's not certain. That's because the EPA spends most of its time telling business what it can't do, as it tries to protect the environment and public health. And in 2011 Jackson came in for all kinds of criticism from the business community and from Republicans in Congress, who called her in to testify so often she should have gotten a free overnight stay in Capitol Hill. But Jackson is nothing if not dogged, and even if the face of some waffling from President Obama — who watered down proposed tougher standards on ground-level ozone — the EPA Administrator managed to crack down on air pollution from coal plants and other sources. She'll face an even tougher fight in 2012 as the EPA looks to implement regulations on greenhouse gases, but I suspect Jackson — a New Orleans native and long-time New Jerseyan — is up to the challenge.

Read more:

[http://www.time.com/time/specials/packages/article/0,28804,2101745\\_2102309\\_2102328,00.html#ixzz1gYuJUfpB](http://www.time.com/time/specials/packages/article/0,28804,2101745_2102309_2102328,00.html#ixzz1gYuJUfpB)

01268-EPA-1529

**Shalini  
Vajjhala/DC/USEPA/US**  
01/05/2012 06:10 PM

To Richard Windsor  
cc Michael Moats  
bcc  
Subject Re: JIUS OP-ED Draft

Will add both and get right back to you.

Shalini Vajjhala, PhD  
Special Representative  
Office of the Administrator  
Joint Initiative on Urban Sustainability (JIUS)  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 01/05/2012 05:12 PM EST  
**To:** Shalini Vajjhala  
**Cc:** Michael Moats  
**Subject:** Re: JIUS OP-ED Draft

Exemption 5-- deliberative process

Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 01/05/2012 03:57 PM EST  
**To:** Richard Windsor  
**Cc:** Michael Moats  
**Subject:** JIUS OP-ED Draft

Administrator,

Exemption 5-- deliberative process

[Redacted content]

Best,  
Shalini

-----

DRAFT

Exemption 5-- deliberative process

[Redacted text block]

Exemption 5-- deliberative process

Shalini Vajjhala, PhD  
Special Representative  
Office of the Administrator  
Joint Initiative on Urban Sustainability (JIUS)  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov

01268-EPA-1536

Arvin Ganesan/DC/USEPA/US

01/09/2012 09:18 PM

To Richard Windsor, Scott Fulton, Gina McCarthy, Janet McCabe, "Bob Perciasepe", Bob Sussman, Michael Goo, Brendan Gilfillan, Betsaida Alcantara, Diane Thompson  
cc Avi Garbow

bcc

Subject Re: Negative outcome in the Boiler MACT stay litigation

**Exemption 5-- deliberative process**

Sent from my Blackberry Wireless Device

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**From:** Richard Windsor  
**Sent:** 01/09/2012 09:16 PM EST  
**To:** Scott Fulton; Gina McCarthy; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

We just re-proposed these rules. They will be final late summer. Right?

---

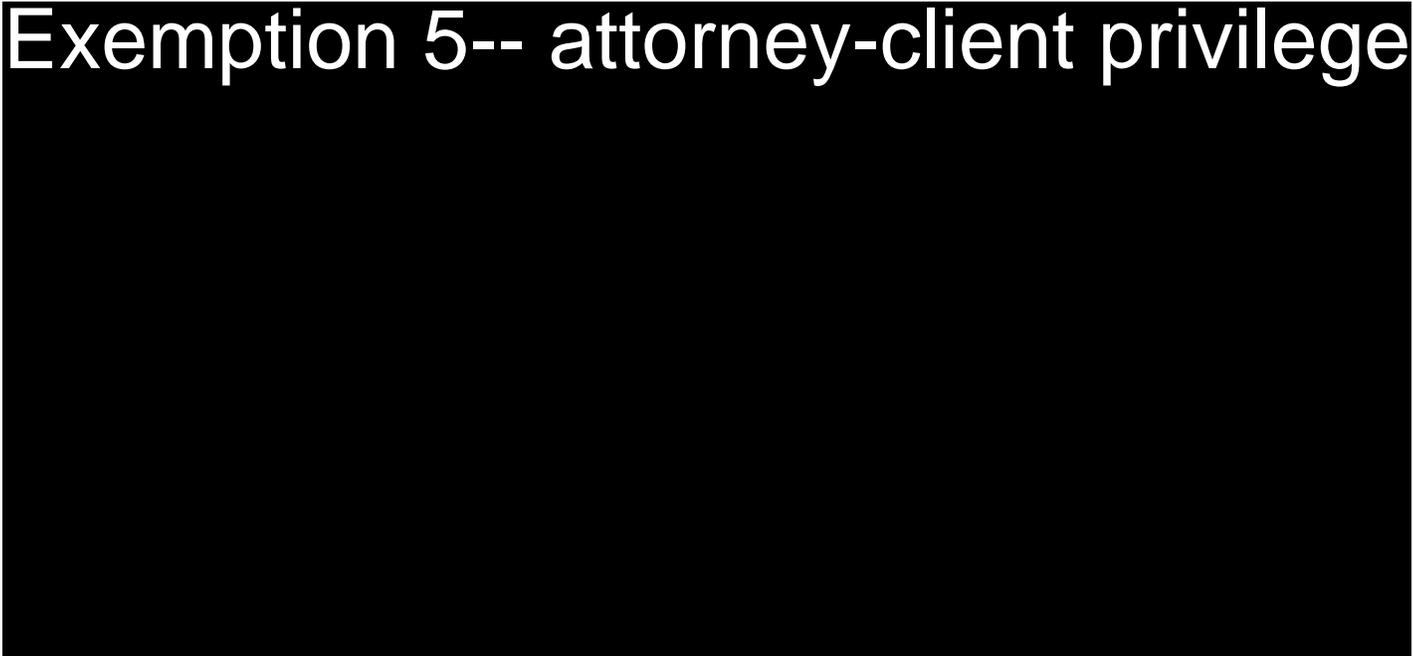
**From:** Scott Fulton  
**Sent:** 01/09/2012 09:11 PM EST  
**To:** Richard Windsor; Gina McCarthy; Janet McCabe; perciasepe.bob@epa.gov; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Negative outcome in the Boiler MACT stay litigation

Hi Folks -- Unfortunately, we learned at the end of the day that Judge Friedman of the U.S. District Court for the District of Columbia had ruled against us in the administrative stay litigation over the Boiler MACT. He vacated and remanded our delay of the effective dates of rules regulating emissions of air toxics from large boilers and process heaters (boilers rule) and from commercial and industrial solid waste incinerators (CISWI rule). Exemption 5-- attorney-client privilege

In its decision, the court first rejected Sierra Club's argument that EPA lacked authority under the APA to delay the effective dates of the boilers and CISWI rules because the rules were subject to the administrative procedure provision in the Clean Air Act. The court held that the Clean Air Act did not preclude EPA's authority under the APA to delay the effective date of a

rule and that the delay notice was not an amendment to or a rescission of the rules themselves. Additionally, the court rejected Sierra Club's argument that EPA was required to provide public notice of and an opportunity for public comment on the delay notice, since the delay notice did not amend or rescind the rules. But the court nonetheless went on to vacate the delay notice because it concluded that EPA's basis for delaying the effective dates of the rules under the Administrative Procedures Act was arbitrary and capricious. The court noted that EPA had not provided a sufficient explanation for its departure from past practice and that the agency's rationale for the delay notice must be based on pending litigation challenging the rules. While EPA did refer to petitions for judicial review challenging both rules, the court found that the agency's rationale for the delay notice was not based on that litigation, but rather was based on the Agency's planned reconsideration of certain issues in the rules.

## Exemption 5-- attorney-client privilege



Scott

01268-EPA-1537

Scott Fulton/DC/USEPA/US  
01/09/2012 09:32 PM

To Richard Windsor, Gina McCarthy, Janet McCabe, "Bob Perciasepe", Bob Sussman, Michael Goo, Brendan Gilfillan, Betsaida Alcantara, Diane Thompson, Arvin Ganesan  
cc Avi Garbow  
bcc

Subject Re: Negative outcome in the Boiler MACT stay litigation

**Exemption 5-- attorney-client privilege**

---

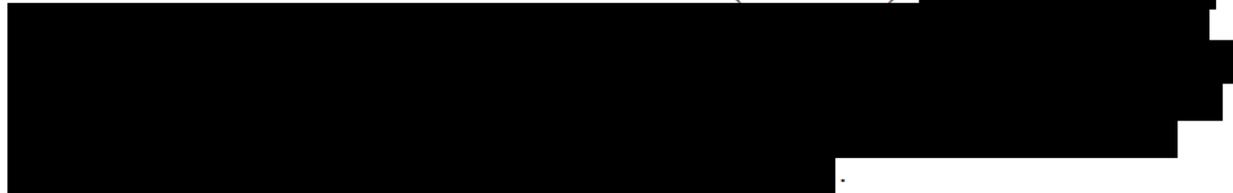
**From:** Richard Windsor  
**Sent:** 01/09/2012 09:16 PM EST  
**To:** Scott Fulton; Gina McCarthy; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

**Exemption 5-- attorney-client privilege**

---

**From:** Scott Fulton  
**Sent:** 01/09/2012 09:11 PM EST  
**To:** Richard Windsor; Gina McCarthy; Janet McCabe; perciasepe.bob@epa.gov; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Negative outcome in the Boiler MACT stay litigation

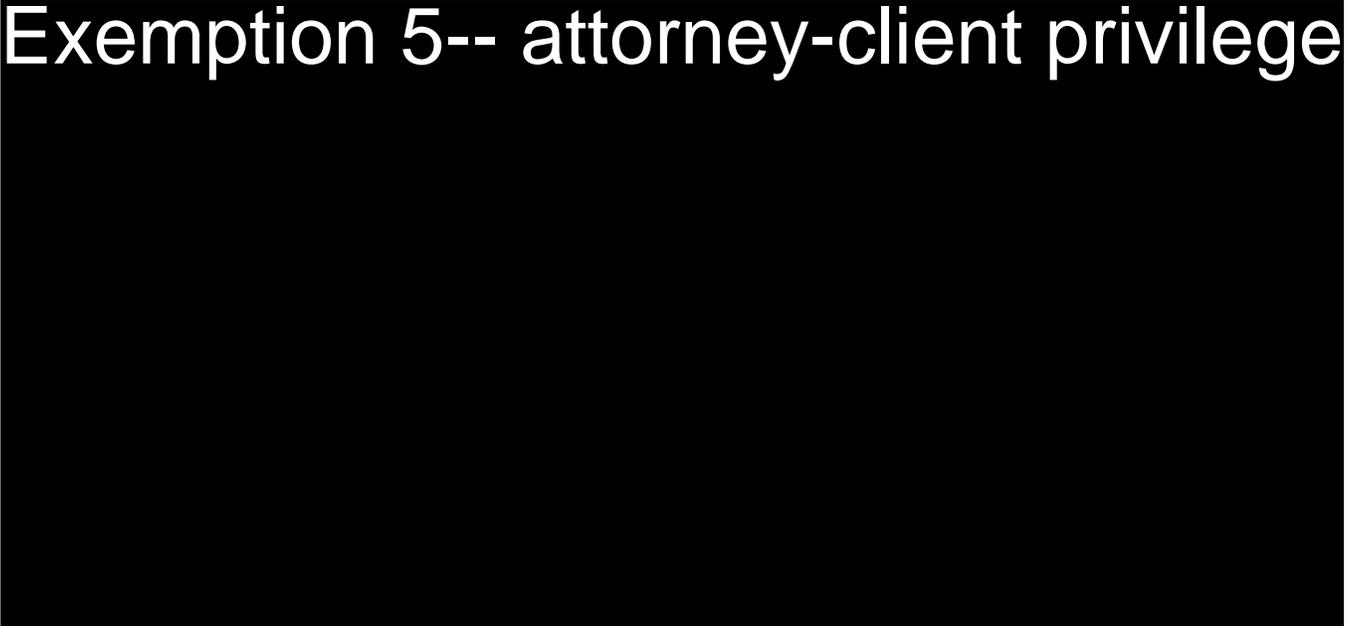
Hi Folks -- Unfortunately, we learned at the end of the day that Judge Friedman of the U.S. District Court for the District of Columbia had ruled against us in the administrative stay litigation over the Boiler MACT. He vacated and remanded our delay of the effective dates of rules regulating emissions of air toxics from large boilers and process heaters (boilers rule) and from commercial and industrial solid waste incinerators (CISWI rule). Exemption 5-- attorney-client privilege



In its decision, the court first rejected Sierra Club's argument that EPA lacked authority under the APA to delay the effective dates of the boilers and CISWI rules because the rules were subject to the administrative procedure provision in the Clean Air Act. The court held that the Clean Air Act did not preclude EPA's authority under the APA to delay the effective date of a rule and that the delay notice was not an amendment to or a rescission of the rules themselves. Additionally, the court rejected Sierra Club's argument that EPA was required to provide public notice of and an opportunity for public comment on the delay notice, since the delay notice did

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## Exemption 5-- attorney-client privilege



Scott

01268-EPA-1538

Scott Fulton/DC/USEPA/US

To Bob Perciasepe

01/09/2012 10:24 PM

cc Richard Windsor

bcc

Subject Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege

-----

**From:** Bob Perciasepe  
**Sent:** 01/09/2012 09:41 PM EST  
**To:** Scott Fulton  
**Cc:** Richard Windsor  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

Scott

Exemption 5-- attorney-client privilege

[Redacted]

thanks for any enlightenment.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) + (b) (6)

-----Scott Fulton/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
From: Scott Fulton/DC/USEPA/US  
Date: 01/09/2012 09:11PM  
Cc: Avi Garbow/DC/USEPA/US@EPA  
Subject: Negative outcome in the Boiler MACT stay litigation

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[REDACTED]

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**Exemption 5-- attorney-client privilege**

[REDACTED]

01268-EPA-1539

Scott Fulton/DC/USEPA/US  
01/10/2012 07:42 AM

To Richard Windsor, Bob Perciasepe  
cc  
bcc

Subject Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 01/10/2012 06:12 AM EST  
**To:** Bob Perciasepe; Scott Fulton  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege  
Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 01/10/2012 05:10 AM EST  
**To:** Scott Fulton  
**Cc:** Richard Windsor  
**Subject:** RE: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege  
[Redacted]

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6)

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

**From :** Scott Fulton/DC/USEPA/US  
**To :** Bob Perciasepe/DC/USEPA/US@EPA  
**Cc :** Richard Windsor/DC/USEPA/US@EPA  
**Sent on :** 01/09/2012 10:24:42 PM  
**Subject :** Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege  
[Redacted]

---

**From:** Bob Perciasepe  
**Sent:** 01/09/2012 09:41 PM EST

**To:** Scott Fulton  
**Cc:** Richard Windsor  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

Scott

Exemption 5-- attorney-client privilege  
[Redacted]

thanks for any enlightenment.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 (b) (6)

-----Scott Fulton/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, perciasepe.bob@epa.gov, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
From: Scott Fulton/DC/USEPA/US  
Date: 01/09/2012 09:11PM  
Cc: Avi Garbow/DC/USEPA/US@EPA  
Subject: Negative outcome in the Boiler MACT stay litigation

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[Redacted]

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## Exemption 5-- attorney-client privilege

Scott

[attachment "talking points\_1-9-11.docx" removed by Bob Perciasepe/DC/USEPA/US]

01268-EPA-1540

Arvin Ganesan/DC/USEPA/US

To

01/10/2012 09:27 AM

cc Scott Fulton, Avi Garbow, Betsaida Alcantara, Bob Sussman, Brendan Gilfillan, Diane Thompson, Janet McCabe, Michael Goo, "Bob Perciasepe", Richard Windsor

bcc

Subject Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege; deliberative process

[Redacted]

Thanks.

Gina McCarthy

Exemption 5-- attorney-client privilege

01/09/2012 09:36:45 PM

From: Gina McCarthy/DC/USEPA/US  
 To: Scott Fulton/DC/USEPA/US@EPA  
 Cc: Arvin Ganesan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Richard Windsor/DC/USEPA/US@EPA  
 Date: 01/09/2012 09:36 PM  
 Subject: Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege

Scott Fulton

Sorry - they're expected to go final in Ju...

01/09/2012 09:32:57 PM

From: Scott Fulton/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
 Cc: Avi Garbow/DC/USEPA/US@EPA  
 Date: 01/09/2012 09:32 PM  
 Subject: Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege

**From:** Richard Windsor  
**Sent:** 01/09/2012 09:16 PM EST  
**To:** Scott Fulton; Gina McCarthy; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

**Exemption 5-- attorney-client privilege** ?

---

**From:** Scott Fulton  
**Sent:** 01/09/2012 09:11 PM EST  
**To:** Richard Windsor; Gina McCarthy; Janet McCabe; perciasepe.bob@epa.gov; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
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**Exemption 5-- attorney-client privilege**



# Exemption 5-- attorney-client privilege



Scott

01268-EPA-1541

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

01/10/2012 09:40 AM

cc

bcc

Subject Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- deliberative process privilege

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 01/10/2012 09:37 AM EST

**To:** Arvin Ganesan

**Cc:** Scott Fulton; Avi Garbow; Betsaida Alcantara; Bob Sussman; Brendan Gilfillan; Diane Thompson; Janet McCabe; Michael Goo; "Bob Perciasepe" <perciasepe.bob@epa.gov>

**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- deliberative process privilege

Arvin Ganesan

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

**From:** Arvin Ganesan

**Sent:** 01/10/2012 09:27 AM EST

**Cc:** Scott Fulton; Avi Garbow; Betsaida Alcantara; Bob Sussman; Brendan Gilfillan; Diane Thompson; Janet McCabe; Michael Goo; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Richard Windsor

**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- deliberative process privilege

[Redacted]

Thanks.

Gina McCarthy We extended the comment period so A... 01/09/2012 09:36:45 PM

From: Gina McCarthy/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Richard Windsor/DC/USEPA/US@EPA  
Date: 01/09/2012 09:36 PM  
Subject: Re: Negative outcome in the Boiler MACT stay litigation

Exemption 5-- attorney-client privilege

[Redacted]

Scott Fulton      Sorry - they're expected to go final in Ju...      01/09/2012 09:32:57 PM

**From:** Scott Fulton/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
**Cc:** Avi Garbow/DC/USEPA/US@EPA  
**Date:** 01/09/2012 09:32 PM  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

### Exemption 5-- attorney-client privilege

**From:** Richard Windsor  
**Sent:** 01/09/2012 09:16 PM EST  
**To:** Scott Fulton; Gina McCarthy; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Re: Negative outcome in the Boiler MACT stay litigation

### Exemption 5-- attorney-client privilege

**From:** Scott Fulton  
**Sent:** 01/09/2012 09:11 PM EST  
**To:** Richard Windsor; Gina McCarthy; Janet McCabe; perciasepe.bob@epa.gov; Bob Sussman; Michael Goo; Brendan Gilfillan; Betsaida Alcantara; Diane Thompson; Arvin Ganesan  
**Cc:** Avi Garbow  
**Subject:** Negative outcome in the Boiler MACT stay litigation

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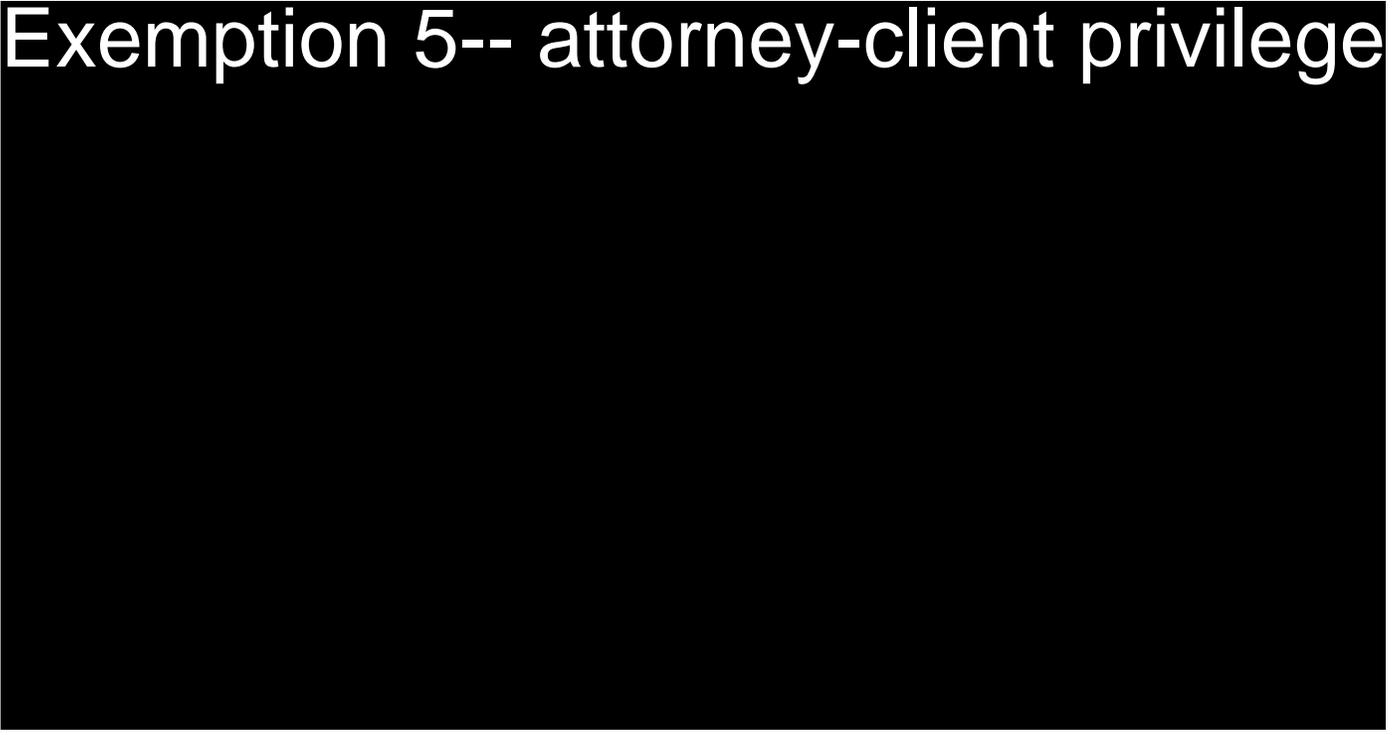
### Exemption 5-- attorney-client privilege



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## Exemption 5-- attorney-client privilege



Scott

01268-EPA-1545

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Bob Perciasepe"

cc

01/13/2012 05:43 PM

bcc

Subject Boiler mact update

Exemption 5-- deliberative process



Thanks.  
Arvin

Sent from my Blackberry Wireless Device

01268-EPA-1548

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

01/17/2012 11:39 AM

cc

bcc

Subject call with Mike Brune on Boiler MACT

Exemption 5-- deliberative process

[Redacted]

[Redacted]

- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]
- | [Redacted]

01268-EPA-1549

**Arvin Ganesan/DC/USEPA/US**

01/17/2012 05:43 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Mathy Stanislaus, Brendan Gilfillan, Diane Thompson, Laura Vaught, Scott Fulton, Avi Garbow

cc

bcc

Subject Earthjustice lawsuit on coal ash

Exemption 5-- deliberative process



THanks.

01268-EPA-1550

**Brendan  
Gilfillan/DC/USEPA/US**  
01/17/2012 05:44 PM

To Arvin Ganesan, Richard Windsor, Bob Perciasepe, Bob  
Sussman, Mathy Stanislaus, Diane Thompson, Laura  
Vaught, Scott Fulton, Avi Garbow  
cc "Betsaida Alcantara"

bcc

Subject Re: Earthjustice lawsuit on coal ash

Exemption 5-- deliberative process  
[Redacted]

Arvin Ganesan

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

**From:** Arvin Ganesan

**Sent:** 01/17/2012 05:43 PM EST

**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Mathy Stanislaus;  
Brendan Gilfillan; Diane Thompson; Laura Vaught; Scott Fulton; Avi Garbow

**Subject:** Earthjustice lawsuit on coal ash

Exemption 5-- deliberative process  
[Redacted]

Thanks.



(d) Proposal that Congress commission periodic reports on the cumulative costs and benefits of regulations stemming from key authorizing legislation, modeled on the CBO and GAO; and  
(e) That Congress require a cost-benefit analysis of existing implementing regulations be conducted before Congress votes to amend any existing statutory provisions.

Regards,

Charles

## **WHITE HOUSE: President's jobs council recommends 'all in' strategy for energy**

Phil Taylor, E&E reporter

Published: Tuesday, January 17, 2012

The Obama administration should open more federal lands to energy development and speed permitting of new pipelines and transmission projects to create jobs and strengthen energy security, according to a panel of business leaders advising the president.

In a [report](#) delivered today, President Obama's Council on Jobs and Competitiveness also recommends sustained investments in research and development, the extension of clean energy tax credits and increased energy efficiency.

The recommendations -- part of a broader package that includes corporate tax reform, regulatory overhauls and workforce education -- come during an election year in which Obama is unlikely to get much cooperation from Congress.

The report urges continued expansion of renewable energy but warns of a rising global demand for fossil fuels as billions of people in developing countries rise to middle-class lifestyles.

Until then, the administration must do all it can to reduce the country's current imports of more than 300 million barrels of oil a month, which cost \$1 billion per day, the report said.

"Over the long term, we expect that innovation and technological advancements will greatly reduce America's reliance on fossil fuels," the report says. "Until then, however, we need to be all in."

The Obama administration has faced intense criticism from Republicans and the oil and gas

industry, which say it has barred future development in the Atlantic and Pacific oceans and slow-walked development of oil-rich waters north of Alaska. The administration must make a final decision over whether to allow new drilling in the Arctic Ocean, a choice likely to come as gas prices rise in the run-up to Memorial Day.

In addition, business leaders and lawmakers of both political stripes have launched aggressive campaigns urging the president to approve the Keystone XL pipeline, which would ferry crude from Canadian oil sands to refineries in the Gulf Coast, creating thousands of new jobs. The project is strongly opposed by the president's environmental base.

Supporters of the president note that total domestic oil production was higher in 2010 than in any year since 2003. The Interior Department last month held its first lease in the Gulf of Mexico since the Deepwater Horizon oil spill in April 2010, yielding more than \$300 million in revenues.

In addition, oil production from onshore public lands increased from 109 million barrels in 2009 to 114 million barrels in 2010, a 5 percent bump, according to the White House. While the nation's economic recovery continues to sputter, imports of foreign oil have decreased.

"I'm proud that we've taken action on a majority of the council's recommendations on issues ranging from insourcing to permitting to clean energy," Obama said in a statement. "But we also know there's a lot more work to do, which is why we're committed to continuing to invest in strategies that support job growth."

House Speaker John Boehner (R-Ohio) said the report supports an approach to job creation and energy development his party has been pursuing for more than a year. He urged the Senate to take up some 30 bills his chamber has passed, many of which advance the council's recommendations.

Robert Dillon, a spokesman for Senate Energy and Natural Resources Committee ranking member Lisa Murkowski (R-Alaska), said that on first blush, the report reflects proposals the senator has pushed for several years.

"We certainly hope the president can rise to the occasion," Dillon said. "It's an election year, and the president has shown that he is more concerned with his left flank than the jobs issue. Is he going to listen to this report? The devil is in the details."

Environmentalists said they were disappointed that the report paid so much attention to fossil fuels.

"They got it half right," said Athan Manuel, director of lands protection at the Sierra Club. "We understand the practicality of fossil fuels being with us for a while, but we think they should be doing more to encourage renewables."

Other environmentalists said proposals to increase fossil fuel production should be expected from a council of business executives. The president's 27-member jobs council is chaired by

General Electric Co. CEO Jeffrey Immelt and includes the executives of a power company, a major railroad and labor union.

"It would be nice if sometime these self-appointed 'blue ribbon' type groups were to study and apprise themselves of the actual facts that are relevant to their recommendations," said Dave Alberswerth, a senior policy adviser for the Wilderness Society who worked for Interior during the Clinton administration. "For instance, that the oil and gas industry already controls tens of millions of acres of offshore and onshore federal lands; that the industry is sitting on thousands of onshore drilling permits that they haven't used; or that almost half of the coal produced in this country already comes from federal lands, and that the coal industry has commitments from the federal government to lease to them over a billion tons of coal in Wyoming alone."

In addition to allowing more oil, gas and coal to be developed on federal lands, the report suggests opening new areas to renewable energy and streamlining the approval process as it has done for solar projects in Southern California and Arizona.

It also recommends the president encourage production on leases the oil and gas industry already owns, a possible endorsement of the administration's controversial "use it or lose it" proposal for federal leases.

In addition, it lauds the administration for increasing its fuel efficiency standards for automobiles, a move expected to significantly reduce oil imports and save consumers thousands of dollars a year.

While many of the report's recommendations -- particularly clean energy tax extensions and corporate tax reform -- will need the approval of Congress, Interior already has the authority to expand and accelerate drilling and mining.

What new steps the Obama administration might take in an election year remains to be seen.

The president last May introduced a plan to offer more leases in an Alaskan petroleum reserve and establish an interagency team to expedite permitting of conventional and renewable energy in the region.

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

01268-EPA-1552

Bicky Corman/DC/USEPA/US

To Bob Perciasepe

01/17/2012 07:01 PM

cc Barbara Bennett, Charles Imohiosen, Michael Goo, Richard Windsor

bcc

Subject RE: (No Subject)

**Exemption 5-- deliberative process**

Bicky Corman  
Deputy Associate Administrator  
Office of Policy  
U.S. Environmental Protection Agency  
desk: 202-564-2202  
cell: 202-465-5966  
Corman.Bicky@epamail.epa.gov.

Bob Perciasepe

As a related tid bit. Cass S reported th...

01/17/2012 06:48:34 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Charles Imohiosen/DC/USEPA/US, Richard Windsor/DC/USEPA/US  
Cc: Barbara Bennett/DC/USEPA/US, Bicky Corman/DC/USEPA/US, Michael Goo/DC/USEPA/US  
Date: 01/17/2012 06:48 PM  
Subject: RE: (No Subject)

**Exemption 5-- deliberative process**

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (6)

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

From : Charles Imohiosen/DC/USEPA/US  
To : Richard Windsor/DC/USEPA/US@EPA  
Cc : Barbara Bennett/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Sent on : 01/17/2012 06:44:44 PM  
Subject :

Administrator,

I have pasted below is an article describing the most recent report of the President's Council on Jobs and Competitiveness, which was released today. Recall that you met with the members of the subcommittee on regulation last year. **Exemption 5-- deliberative process**

**Exemption 5-- deliberative process** The consensus recommendations contained in the regulatory section are:

### 1. Enhancing Stakeholder Engagement

- (a) early public outreach and disclosure of data and costs and benefits of the proposed rule (including expanded use of ANPRMs and "enhanced" public engagement for "economically significant rules (i.e. \$100M or more);
- (b) the establishment of a "regulatory ombudsmen" or an independent office with the agency to assist with regulatory development (EPA already has one);
- (c) the creation of a user-friendly internet regulatory portal (again, EPA already has one);
- (d) a call for OIRA to update and reaffirm existing OMB guidance on the difference between guidance documents and rulemaking;
- (d) OIRA development of guidelines for how agencies should respond to petitions for reconsideration of final rules and that agencies update and affirm processes for requesting comments on the technology accuracy of data used to support a final rule; and
- (e) OIRA ensuring that agencies certify that a rule does not have a disproportionate effect on small businesses, particularly in the context of interim final rules (IFRs).

### 2. Improving Regulatory Processes

- (a) Establishment of a formal Permitting Program Management Office within OMB (modeled after the President's permitting prioritization initiative), that would draw staff from relevant agencies;
- (b) Working with Congress to create a "one-stop shop" consolidated permitting program for a small number of large-scale projects; and
- (c) Supporting better alignment between federal regulations and those of major trading partners (including seeking congressional action to address statutory barriers)

### 3. Strengthening Regulatory Impact Analysis

- (a) Support for OIRA's retrospective review process;
- (b) Require regulatory impact analysis for Independent Regulatory Commissions;
- (c) Increasing staffing levels at OIRA and separation of agency economists from program offices that propose regulations;
- (d) Proposal that Congress commission periodic reports on the cumulative costs and benefits of regulations stemming from key authorizing legislation, modeled on the CBO and GAO; and
- (e) That Congress require a cost-benefit analysis of existing implementing regulations be conducted before Congress votes to amend any existing statutory provisions.

Regards,

Charles

**WHITE HOUSE:**

# President's jobs council recommends 'all in' strategy for energy

Phil Taylor, E&E reporter

Published: Tuesday, January 17, 2012

The Obama administration should open more federal lands to energy development and speed permitting of new pipelines and transmission projects to create jobs and strengthen energy security, according to a panel of business leaders advising the president.

In a [report](#) delivered today, President Obama's Council on Jobs and Competitiveness also recommends sustained investments in research and development, the extension of clean energy tax credits and increased energy efficiency.

The recommendations -- part of a broader package that includes corporate tax reform, regulatory overhauls and workforce education -- come during an election year in which Obama is unlikely to get much cooperation from Congress.

The report urges continued expansion of renewable energy but warns of a rising global demand for fossil fuels as billions of people in developing countries rise to middle-class lifestyles.

Until then, the administration must do all it can to reduce the country's current imports of more than 300 million barrels of oil a month, which cost \$1 billion per day, the report said.

"Over the long term, we expect that innovation and technological advancements will greatly reduce America's reliance on fossil fuels," the report says. "Until then, however, we need to be all in."

The Obama administration has faced intense criticism from Republicans and the oil and gas industry, which say it has barred future development in the Atlantic and Pacific oceans and slow-walked development of oil-rich waters north of Alaska. The administration must make a final decision over whether to allow new drilling in the Arctic Ocean, a choice likely to come as gas prices rise in the run-up to Memorial Day.

In addition, business leaders and lawmakers of both political stripes have launched aggressive campaigns urging the president to approve the Keystone XL pipeline, which would ferry crude from Canadian oil sands to refineries in the Gulf Coast, creating thousands of new jobs. The project is strongly opposed by the president's environmental base.

Supporters of the president note that total domestic oil production was higher in 2010 than in any year since 2003. The Interior Department last month held its first lease in the Gulf of Mexico since the Deepwater Horizon oil spill in April 2010, yielding more than \$300 million in revenues.

In addition, oil production from onshore public lands increased from 109 million barrels in 2009 to 114 million barrels in 2010, a 5 percent bump, according to the White House. While the nation's economic recovery continues to sputter, imports of foreign oil have decreased.

"I'm proud that we've taken action on a majority of the council's recommendations on issues ranging from insourcing to permitting to clean energy," Obama said in a statement. "But we also know there's a lot more work to do, which is why we're committed to continuing to invest in strategies that support job growth."

House Speaker John Boehner (R-Ohio) said the report supports an approach to job creation and energy development his party has been pursuing for more than a year. He urged the Senate to take up some 30 bills his chamber has passed, many of which advance the council's recommendations.

Robert Dillon, a spokesman for Senate Energy and Natural Resources Committee ranking member Lisa Murkowski (R-Alaska), said that on first blush, the report reflects proposals the senator has pushed for several years.

"We certainly hope the president can rise to the occasion," Dillon said. "It's an election year, and the president has shown that he is more concerned with his left flank than the jobs issue. Is he going to listen to this report? The devil is in the details."

Environmentalists said they were disappointed that the report paid so much attention to fossil fuels.

"They got it half right," said Athan Manuel, director of lands protection at the Sierra Club. "We understand the practicality of fossil fuels being with us for a while, but we think they should be doing more to encourage renewables."

Other environmentalists said proposals to increase fossil fuel production should be expected from a council of business executives. The president's 27-member jobs council is chaired by General Electric Co. CEO Jeffrey Immelt and includes the executives of a power company, a major railroad and labor union.

"It would be nice if sometime these self-appointed 'blue ribbon' type groups were to study and apprise themselves of the actual facts that are relevant to their recommendations," said Dave Alberswerth, a senior policy adviser for the Wilderness Society who worked for Interior during the Clinton administration. "For instance, that the oil and gas industry already controls tens of millions of acres of offshore and onshore federal lands; that the industry is sitting on thousands of onshore drilling permits that they haven't used; or that almost half of the coal produced in this country already comes from federal lands, and that the coal industry has commitments from the federal government to lease to them over a billion tons of coal in Wyoming alone."

In addition to allowing more oil, gas and coal to be developed on federal lands, the report suggests opening new areas to renewable energy and streamlining the approval process as it has

done for solar projects in Southern California and Arizona.

It also recommends the president encourage production on leases the oil and gas industry already owns, a possible endorsement of the administration's controversial "use it or lose it" proposal for federal leases.

In addition, it lauds the administration for increasing its fuel efficiency standards for automobiles, a move expected to significantly reduce oil imports and save consumers thousands of dollars a year.

While many of the report's recommendations -- particularly clean energy tax extensions and corporate tax reform -- will need the approval of Congress, Interior already has the authority to expand and accelerate drilling and mining.

What new steps the Obama administration might take in an election year remains to be seen.

The president last May introduced a plan to offer more leases in an Alaskan petroleum reserve and establish an interagency team to expedite permitting of conventional and renewable energy in the region.

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

01268-EPA-1553

Scott Fulton/DC/USEPA/US  
01/18/2012 07:43 AM

To: Brendan Gilfillan, Arvin Ganesan, Richard Windsor, Bob Perciasepe, Bob Sussman, Mathy Stanislaus, Diane Thompson, Laura Vaught, Avi Garbow  
cc: Betsaida Alcantara  
bcc:

Subject: Re: Earthjustice lawsuit on coal ash

A little background -- to the extent helpful.

In July 2009, EarthJustice filed a rulemaking petition pursuant to RCRA 7004(a), requesting that EPA issue rules designating CCRs as a hazardous waste under subtitle C.

RCRA 7004(a) requires only that EPA "[w]ithin a reasonable time,..take action with respect to such petition."

RCRA does not establish any other deadline by which EPA must complete its reconsideration of the original Bevill determination, nor a deadline by which EPA must complete any rulemaking under subtitles C or D.

EPA proposed the CCR rule on June 21, 2010.

In response to numerous requests for an extension, the comment period closed on November 19, 2010, following 7 public hearings.

EPA received over 500,000 comments during the comment period.

Exemption 5-- attorney-client  
[Redacted]

[Redacted]

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 01/17/2012 05:44 PM EST  
**To:** Arvin Ganesan; Richard Windsor; Bob Perciasepe; Bob Sussman; Mathy Stanislaus; Diane Thompson; Laura Vaught; Scott Fulton; Avi Garbow  
**Cc:** Betsaida Alcantara  
**Subject:** Re: Earthjustice lawsuit on coal ash

Exemption 5-- deliberative process  
[Redacted] hanks  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 01/17/2012 05:43 PM EST

**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Mathy Stanislaus;  
Brendan Gilfillan; Diane Thompson; Laura Vaught; Scott Fulton; Avi Garbow

**Subject:** Earthjustice lawsuit on coal ash

Exemption 5-- deliberative process



THanks.

01268-EPA-1556

**Betsaida  
Alcantara/DC/USEPA/US**  
01/22/2012 12:34 PM

To Richard Windsor, Brendan Gilfillan, "Betsaida Alcantara"  
cc  
bcc

Subject Re: I see Politico Pro...

# Exemption 5-- deliberative process

Environmental woes can heighten terror risks

By Erica Martinson  
1/20/12 4:32 PM EST

Environmental ills such as pollution and climate change can help foster anti-Americanism and terrorism in underdeveloped nations, EPA Administrator Lisa Jackson and other Obama administration officials said Friday.

"Factors like poverty and resource shortages can lead to instability," Jackson said at the National Council for Science and the Environment's National Conference on Environment and Security. She noted that commerce, transportation and recreation now affect the rapidly filling planet, which has limited natural resources.

As a result, she said, the U.S. faces "both an opportunity and a responsibility to ensure that economic and environmental progress reaches into the most economically challenged and environmentally polluted communities around the globe."

International cooperation on environmental issues is important to "soothe some of that tension that may develop ... anti-Americanism or developed-country anger," Jackson said.

But she said such work is better framed in terms of public health.

While climate change in particular plays a huge role in environmental woes that can exacerbate political instability, that can be difficult to explain to vulnerable populations, Jackson told the assembled scientists and policymakers. "But it is really easy to explain to someone the health impacts to their children of black carbon or from other environmental pollutants."

"For millions of children around the world, simply being with their mother while she is cooking a meal means a huge increase in their risk for developing pneumonia or respiratory problems because of soot and smoke coming off of cook stoves," Jackson said.

USAID Administrator Rajiv Shah agreed, noting that the Horn of Africa demonstrates those issues with clear environmental degradation and huge problems with domestic food production.

In particular, because of droughts "that frankly we know will get more frequent, not less frequent, and as growing conditions get hotter and drier, communities will become more vulnerable – not less vulnerable – if we do nothing," Shah said.

The consequences can be dire, he said, when you combine political unrest with environmental vulnerability.

"The reason 50,000 children died there in Somalia and not in Ethiopia and Kenya, [which] had environmental conditions that were just as bad if not worse, was because you had a terrorist group in charge of part of Somalia," he said. "So you can take this tour around the world, and there are dozens of

examples where the integration of environmental risk factors, human insecurity and weak governance lead to direct national security consequences for our country and the whole world.”

Richard Windsor

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

**From:** Richard Windsor

**Sent:** 01/22/2012 08:20 AM EST

**To:** Brendan Gilfillan; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>

**Subject:** I see Politico Pro...

Exemption 5-- deliberative process

01268-EPA-1560

**Brendan  
Gilfillan/DC/USEPA/US**  
01/26/2012 10:48 AM

To Laura Vaught, Bob Perciasepe, Richard Windsor, Michael  
Goo, Bob Sussman  
cc  
bcc

Subject Re: FirstEnergy will Retire Six Coal-Fired Power Plants

**Exemption 5-- deliberative process**

---

**From:** Laura Vaught  
**Sent:** 01/26/2012 10:47 AM EST  
**To:** Bob Perciasepe; Richard Windsor; Brendan Gilfillan; Michael Goo; Bob Sussman  
**Subject:** Fw: FirstEnergy will Retire Six Coal-Fired Power Plants

**Exemption 5-- deliberative process**

---

**From:** [beth.viola@hklaw.com]  
**Sent:** 01/26/2012 03:39 PM GMT  
**To:** Laura Vaught  
**Cc:** <agrealy@alleghenypower.com>  
**Subject:** FirstEnergy will Retire Six Coal-Fired Power Plants

Laura:

I'm sure you've already heard but wanted to make sure you had this press release. Please don't hesitate to give Anne or myself a call if you have additional questions

Thanks,

Beth

**Beth A. Viola | Holland & Knight**

Senior Policy Advisor

2099 Pennsylvania Avenue, N.W. | Suite 100

Washington DC 20006

Phone 202.457.7030 | Mobile 202.270.5970

[beth.viola@hklaw.com](mailto:beth.viola@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

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01268-EPA-1562

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Diane Thompson, Bob Perciasepe

01/27/2012 10:52 AM

cc

bcc

Subject from national journal

Exemption 5-- deliberative process

?

Thanks

arvin

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 01/27/2012 10:45 AM -----

From: Nathan Willcox <nathan@environmentamerica.org>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 01/27/2012 10:43 AM  
Subject: Fwd: RE: EPA call tomorrow

---

**EPA CLIMATE RULES EXPECTED [NEXT FRIDAY](#).** The Environmental Protection Agency is likely to issue a proposed new rule [next Friday](#) that would attempt to counter climate change by regulating greenhouse gas emissions from power plants, sources familiar with EPA's deliberations tell *National Journal* . But the rules are likely to apply only to new power plants, sparing the nation's existing plants from regulations. That's a move which will anger environmentalists -- who are still urging the administration to rein in pollution from existing plants. But it may defuse industry criticism of the regulation -- and postpone possible power bill increases until long after the November election.

01268-EPA-1563

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
 01/27/2012 10:57 AM cc  
 bcc  
 Subject Re: from national journal

Exemption 5-- deliberative process

Richard Windsor Talk to brendan. Silliness. ----- Orig... 01/27/2012 10:55:43 AM

From: Richard Windsor/DC/USEPA/US  
 To: Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
 Date: 01/27/2012 10:55 AM  
 Subject: Re: from national journal

Exemption 5-- deliberative process

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 01/27/2012 10:52 AM EST  
**To:** Richard Windsor; Diane Thompson; Bob Perciasepe  
**Subject:** from national journal

Exemption 5-- deliberative process

arvin

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 01/27/2012 10:45 AM -----

From: Nathan Willcox <nathan@environmentamerica.org>  
 To: Arvin Ganesan/DC/USEPA/US@EPA  
 Date: 01/27/2012 10:43 AM  
 Subject: Fwd: RE: EPA call tomorrow

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01268-EPA-1570

Arvin Ganesan/DC/USEPA/US

To Gina McCarthy

01/31/2012 08:21 AM

cc Bob Perciasepe, Bob Sussman, Michael Goo, Richard Windsor, Scott Fulton

bcc

Subject Re: Boiler MACT memo

Thanks all.

Sent from my Blackberry Wireless Device  
Gina McCarthy

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

**From:** Gina McCarthy

**Sent:** 01/31/2012 12:53 AM EST

**To:** Arvin Ganesan

**Cc:** Bob Perciasepe; Bob Sussman; Michael Goo; Richard Windsor; Scott Fulton

**Subject:** Re: Boiler MACT memo

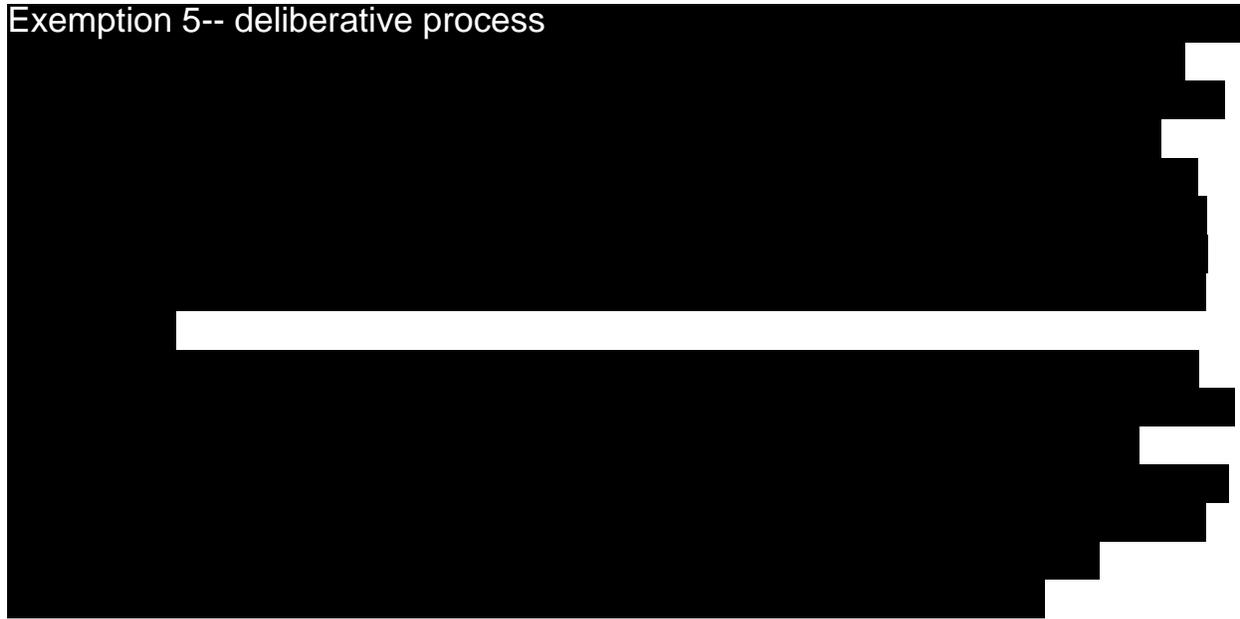
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[attachment "boiler gm 1-30-12.docx" deleted by Arvin Ganesan/DC/USEPA/US]

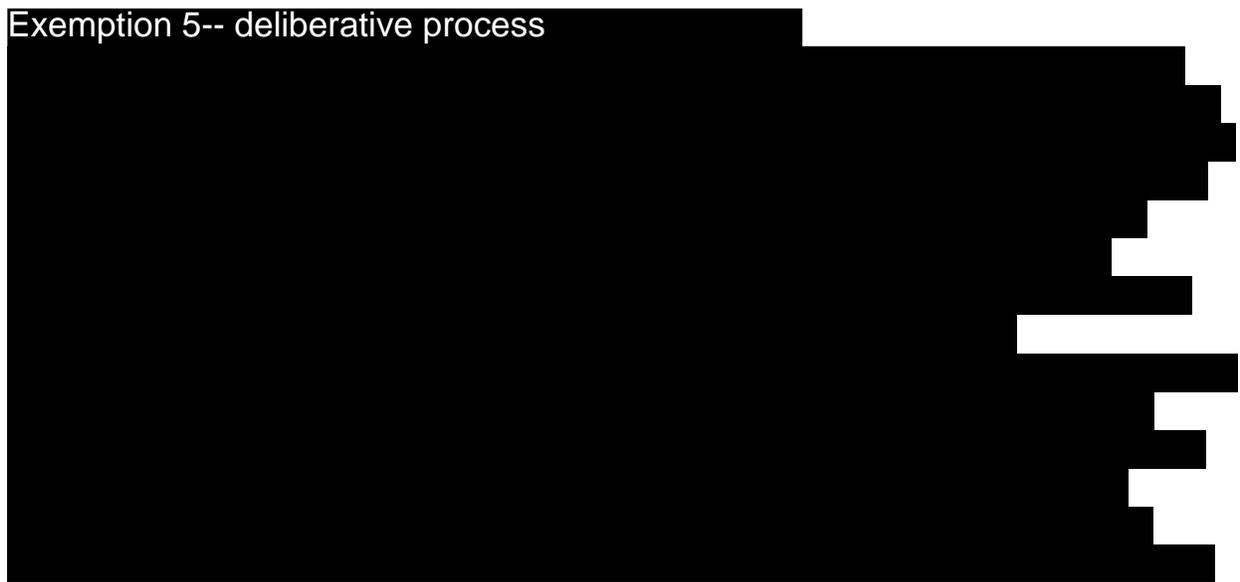
Exemption 5-- deliberative process

Exemption 5-- deliberative process

Exemption 5-- deliberative process



Exemption 5-- deliberative process



Exemption 5-- deliberative process

Arvin Ganesan Evening, Earlier today, we were asked... 01/30/2012 07:19:52 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 01/30/2012 07:19 PM  
Subject: Boiler MACT memo

Evening,  
Exemption 5-- deliberative process

Thanks in advance.

-----  
ARVIN R. GANESAN  
Associate Administrator  
Office of Congressional and Intergovernmental Relations  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

[attachment "potsbmact.docx" deleted by Arvin Ganesan/DC/USEPA/US]

01268-EPA-1571

**Richard Windsor/DC/USEPA/US**  
01/31/2012 08:28 AM

To Arvin Ganesan  
cc  
bcc

Subject Re: Boiler MACT memo

Exemption 5-- deliberative process

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 01/31/2012 08:21 AM EST  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Bob Sussman; Michael Goo; Richard Windsor; Scott Fulton  
**Subject:** Re: Boiler MACT memo  
Thanks all.

Sent from my Blackberry Wireless Device  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 01/31/2012 12:53 AM EST  
**To:** Arvin Ganesan  
**Cc:** Bob Perciasepe; Bob Sussman; Michael Goo; Richard Windsor; Scott Fulton  
**Subject:** Re: Boiler MACT memo  
Attached is the redline strikeout. Below is the suggested revised version. Thanks

[attachment "boiler gm 1-30-12.docx" deleted by Arvin Ganesan/DC/USEPA/US]

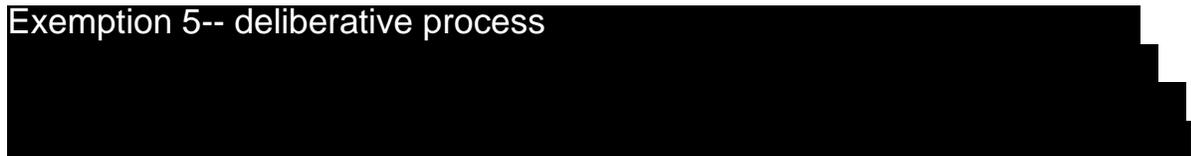
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[Redacted content]

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# Exemption 5-- deliberative process

Arvin Ganesan Evening, Earlier today, we were asked... 01/30/2012 07:19:52 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 01/30/2012 07:19 PM  
Subject: Boiler MACT memo

Evening,  
Earlier today, we were asked by the White House to put together text that will get to the President,  
Exemption 5-- deliberative process

[Redacted]

[Redacted]

Thanks in advance.

-----  
ARVIN R. GANESAN  
Associate Administrator  
Office of Congressional and Intergovernmental Relations  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

[attachment "potsbmact.docx" deleted by Arvin Ganesan/DC/USEPA/US]

01268-EPA-1572

**Bob Sussman/DC/USEPA/US**

To Arvin Ganesan

01/31/2012 08:33 AM

cc Bob Perciasepe, Gina McCarthy, Michael Goo, Richard Windsor, Scott Fulton

bcc

Subject Re: Boiler MACT memo

Arvin -- suggest you consider adding a few points:

Exemption 5-- deliberative process [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

Arvin Ganesan [Thanks all.](#) 01/31/2012 08:21:55 AM

From: Arvin Ganesan/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 01/31/2012 08:21 AM  
Subject: Re: Boiler MACT memo

Thanks all.

Sent from my Blackberry Wireless Device

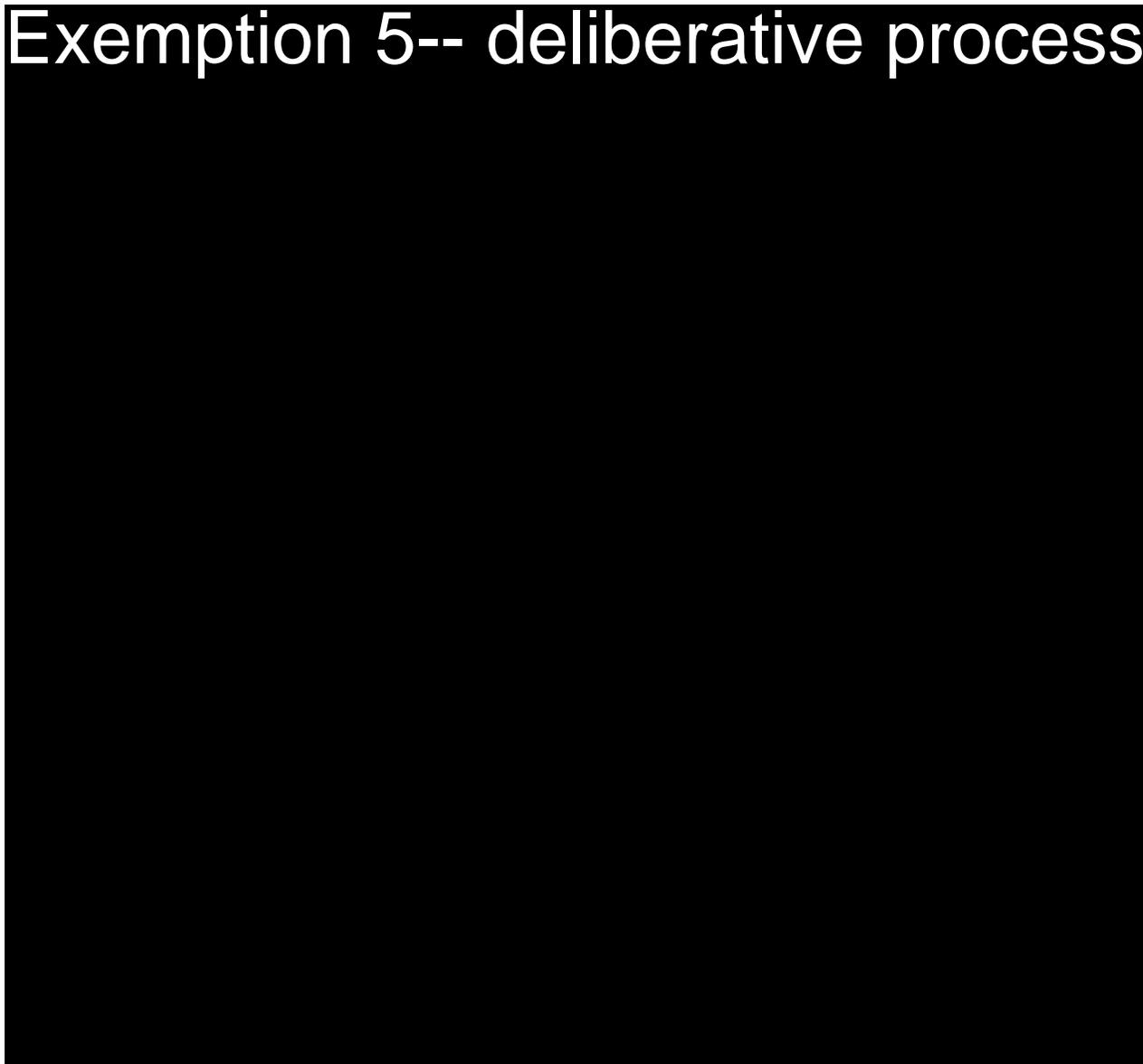
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 01/31/2012 12:53 AM EST  
**To:** Arvin Ganesan  
**Cc:** Bob Perciasepe; Bob Sussman; Michael Goo; Richard Windsor; Scott Fulton  
**Subject:** Re: Boiler MACT memo

Attached is the redline strikeout. Below is the suggested revised version. Thanks

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[Redacted]

[Redacted]

[Redacted]

Exemption 5-- deliberative process  
[Redacted]

[Redacted]

Arvin Ganesan Evening, Earlier today, we were asked... 01/30/2012 07:19:52 PM

From: Arvin Ganesan/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA  
Date: 01/30/2012 07:19 PM  
Subject: Boiler MACT memo

Evening,  
Exemption 5-- deliberative process  
[Redacted]

Thanks in advance.

-----  
ARVIN R. GANESAN  
Associate Administrator  
Office of Congressional and Intergovernmental Relations  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

[attachment "potsbmact.docx" deleted by Arvin Ganesan/DC/USEPA/US]

01268-EPA-1573

Arvin Ganesan/DC/USEPA/US To Richard Windsor  
01/31/2012 08:51 AM cc  
bcc  
Subject Re: Boiler MACT memo

Yup. Got it.

Thanks.

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 01/31/2012 08:28 AM EST  
**To:** Arvin Ganesan  
**Subject:** Re: Boiler MACT memo

Exemption 5-- deliberative process

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 01/31/2012 08:21 AM EST  
**To:** Gina McCarthy  
**Cc:** Bob Perciasepe; Bob Sussman; Michael Goo; Richard Windsor; Scott  
Fulton  
**Subject:** Re: Boiler MACT memo

Thanks all.

Sent from my Blackberry Wireless Device  
Gina McCarthy

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

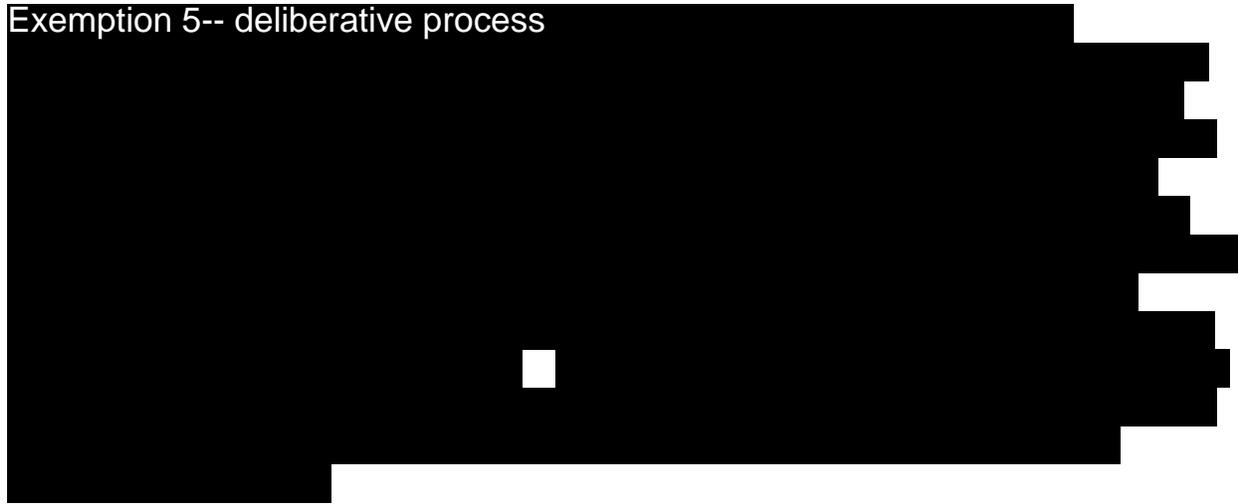
**From:** Gina McCarthy  
**Sent:** 01/31/2012 12:53 AM EST  
**To:** Arvin Ganesan  
**Cc:** Bob Perciasepe; Bob Sussman; Michael Goo; Richard Windsor; Scott  
Fulton  
**Subject:** Re: Boiler MACT memo

Attached is the redline strikeout. Below is the suggested revised version. Thanks

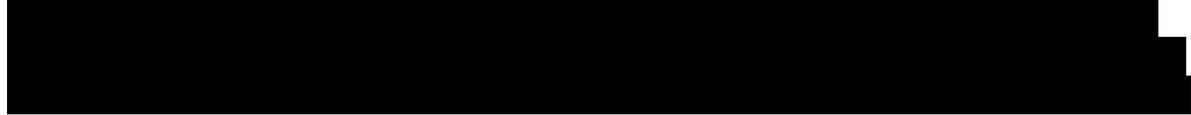
[attachment "boiler gm 1-30-12.docx" deleted by Arvin Ganesan/DC/USEPA/US]

Exemption 5-- deliberative process

Exemption 5-- deliberative process



Exemption 5-- deliberative process



Exemption 5-- deliberative process

[Redacted]

Arvin Ganesan Evening, Earlier today, we were asked... 01/30/2012 07:19:52 PM

From: Arvin Ganesan/DC/USEPA/US  
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Date: 01/30/2012 07:19 PM  
Subject: Boiler MACT memo

Evening,  
Exemption 5-- deliberative process

[Redacted]

Thanks in advance.

-----  
ARVIN R. GANESAN  
Associate Administrator  
Office of Congressional and Intergovernmental Relations  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

[attachment "potsbmact.docx" deleted by Arvin Ganesan/DC/USEPA/US]

01268-EPA-1574

**Betsaida  
Alcantara/DC/USEPA/US**  
01/31/2012 10:57 AM

To Richard Windsor  
cc  
bcc

Subject Re: TNR: The Experiment: How Steven Chu lost his battle with Washington.

Exemption 5-- deliberative process  
words:

Although I do like Sagan's

“Our posturing, our imagined self-importance are challenged by this point of pale light,” he told them. “Our planet is a lonely speck. In all this vastness, there is no hint that help will come from elsewhere to save us from ourselves.”

Richard Windsor

Exemption 5-- deliberative

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

01/31/2012 10:11:24 AM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 01/31/2012 10:11 AM  
Subject: Re: TNR: The Experiment: How Steven Chu lost his battle with Washington.

Exemption 5-- deliberative p

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 01/31/2012 10:04 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan  
**Subject:** TNR: The Experiment: How Steven Chu lost his battle with Washington.

## The Experiment

### How Steven Chu lost his battle with Washington.

Charles Homans

January 25, 2012 | 1:48 pm

Investigations into Solyndra’s conduct are still ongoing—including an inquiry by the FBI—and the documents released so far have provided a litany of embarrassments, not to mention a durable Republican line of attack. (The conservative organization Americans for Prosperity has spent more than \$8 million on Solyndra-themed anti-Obama television ads since November.) Even so, in their fixation with catching Chu red-handed, lawmakers appear to have overplayed their hand. Even Chu’s opponents found the crusade disappointing. “I think the Hill did a very poor job of going after him,” one lobbyist and Chu critic told me. “Everyone was like, ‘Fuck, they’re just going after a hide.’ They didn’t do the research they should’ve done. Everything that I know about [Chu] is that he is not a corrupt guy. He would not have done what they said he did.” A Republican Senate staffer who was familiar with the loan program agreed. “I don’t think

it was necessarily a political thing,” she says of the Solyndra deal. “I think this was their first big demonstration of this idea, and they didn’t want it to flop.”

There was also the fact that Congress had appropriated a \$2.4 billion risk reserve for the program, explicitly authorizing the Energy Department to lose nearly five times what Solyndra had lost. And even Republicans who had voted against the program’s 2009 expansion had clamored for more federal funds to support wind farms, solar arrays, and nuclear plants in their own districts. If anything, Chu’s department should have been faulted for its caution: A Bloomberg Government report released in December found that 87 percent of the \$16 billion worth of projects underwritten by the program were of minimal risk, not the transformative loans the department was supposed to be making.

If the Solyndra investigation didn’t produce a scalp, however, it did make one thing clear: The federal government’s foray into venture capitalism was over. The loan guarantee program expired in September, at the height of the Solyndra controversy; virtually nobody I talked to in Washington or Silicon Valley believed it would be revived. Brookings Institution scholar Mark Muro, an authority on renewable energy policy, points to an array of programs due to sunset in the next year that are unlikely to be renewed, some launched through the stimulus and others dating back to the Bush-era Republican Congress. They include not just the loan guarantees but also Treasury Department grants, IRS-administered bonds for clean energy projects, and tax credits for energy efficient appliances and new homes.

Some of the high-tech research programs, particularly Chu’s own arpa-e, will probably survive. But absent unlikely congressional action, Muro estimates that as much as 70 percent of the current federal funding for clean energy could vanish by 2014. “I think we are going to exit the clean-tech finance business as a nation,” he says.

THE BULK OF THE wall-to-wall coverage of the Solyndra bankruptcy last fall overlooked one salient detail: Washington’s second great experiment with clean energy, for all its hiccups, seems to be working. Bloomberg New Energy Finance reported in November that global investment in renewable power plants had for the first time surpassed investment in fossil-fuel-powered facilities. Clean energy technology has proved to be a largely recession-proof, if still small, engine of economic growth in the United States.

Energy Department initiatives have also given U.S. companies a foothold in the manufacturing of advanced batteries, a critical component in electric cars that is projected to grow into a \$100 billion industry by 2030. “A lot of them got their start with money from arpa-e, and they’re chasing brilliant advances,” says Mike Danaher, a partner at the law firm Wilson Sonsini Goodrich & Rosati who specializes in clean energy technology and works with half a dozen such companies. “The ferment that’s going to come out of this is like nothing anyone could imagine.” If clean energy’s best days lie in the past, it will say less about the flaws of federal policies than it will about the government poised to pull the plug on them.

“I think Steve made a pretty good try,” one of Chu’s former deputies told me. “But this is hard. Subsidies, economics, regulations have to play together with the technology. I think we all understand that much better now.” Signs of retrenchment, meanwhile, have begun to crop up in

the fine print of the department's work. In September, the department published the results of its quadrennial technology review. The report speaks mostly of bolstering America's energy security and competitiveness; climate change is mentioned on barely a half dozen of its 152 pages.

This fall, the department shifted the emphasis of its efforts to promote carbon capture and storage—originally intended to reduce emissions from coal-fired power plants—toward using the technology to extract more petroleum from aging oilfields. “Steve’s a fairly realistic guy—he has adapted his thinking to the policy scene,” the former deputy says. “I think he’s responded to advice from many to focus on what *can* get done.”

During our interview, I asked Chu if he intended to stay for a second Obama term. “That we will leave up to—” he said, trailing off, before finishing: “We’ll see what happens.” I asked if it bothered him that Obama—a president who had once declared energy his top domestic priority—had instead invested his political capital in health care reform. “Would I have loved to have a big, global comprehensive energy bill?” Chu replied. “You bet. But I still think there are so many things that I can do in my position here and that we are doing. So I’m not going to wring my hands over coulda, woulda, shoulda.”

But I found myself thinking of something Chu had said a year and a half earlier, as the ambitious first act of Obama’s presidency was drawing to a close, in a commencement speech at Washington University in St. Louis. As he had in Las Vegas in 2008, Chu ended his remarks by invoking a famous photograph of the Earth, this time a digital image taken by the *Voyager 1* probe just before it exited the solar system for deep space in 1990. If the *Apollo 8* photograph offsets the precariousness of human life with the warmth of a planet that is recognizably our own, the *Voyager* image conveys only Earth’s isolation, the astronomically long odds of a second chance for its inhabitants. The planet is a tiny blue pinpoint, barely a tenth of a pixel in width, set against the immense indifference of space.

The late astronomer Carl Sagan was so moved by the photograph that he dedicated a book to it, and Chu invoked his words to the graduating students. “Our posturing, our imagined self-importance are challenged by this point of pale light,” he told them. “Our planet is a lonely speck. In all this vastness, there is no hint that help will come from elsewhere to save us from ourselves.”

01268-EPA-1580

**Noah Dubin/DC/USEPA/US**

To

02/06/2012 09:22 AM

cc

bcc

Subject Post-Short Lived Climate Forcers Launch Meeting of Ministers

**Meeting**

Date 02/16/2012

Time 01:15:00 PM to 02:00:00 PM

Chair Noah Dubin

Invitees

Required

Optional

FYI

Location Bullet Room

State Ct: Jeff Miotke - 2 Exemption 6-- personal p

EPA Ct: Maurice LeFranc - 2 Exemption 6-- personal p

Press: Closed

Attendees (Minister +2):

-The Administrator

-Special Envoy Todd Stern

-Minister Hasan Mahmud (Bangladesh)

-Minster Peter Kent (Canada)

-Ambassador Daniel Ohene Agyekum (Ghana)

-Minister Juan Elvira (Mexico)

-Minister Lena Ek (Sweden)

-Executive Director Mr. G. Achim Steiner (UNEP)

01268-EPA-1582

**Betsaida  
Alcantara/DC/USEPA/US**  
02/07/2012 06:25 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane  
Thompson, Arvin Ganesan, Michael Goo, Brendan Gilfillan  
cc  
bcc

Subject Two Washington Post stories

Administrator,

We wanted to give you a heads up about two stories running in the Washington Post this week. P [Exemption 5]

1. First, as you've seen in the front page of the Washington Post today, they are doing a major series on members of Congress benefitting from earmarks. [Exemption 5 --deliberative process]

[Redacted]

Below is a teaser that's online

already:

\*\*\*\*\*

Rep. Norm Dicks (D - Wash.)

Spending with family connections: \$16.8 million

In 2008, Dicks, as an appropriations chairman, secured a \$1.82 million earmark for a Washington state environmental agency where his son worked as executive director, according to White House records. Over the next three years, the congressman also sent nearly \$14 million to the Environmental Protection Agency, which gave the funds to his son's agency, the Puget Sound Partnership. There were no competitors for the funds. "I don't think there was a conflict. We are all trying our best to restore Puget Sound," Dicks said.

\*\*\*\*\*

2. Secondly, Juliet Eilperin is writing a story that will run this week saying that the window is closing for EPA to put forth important regulations this year due to election politics. [Exemption 5 --deliberative process]

[Redacted]

[Redacted]

Thank you

01268-EPA-1583

**Richard Windsor/DC/USEPA/US**  
02/08/2012 04:59 PM

To "Marcus Jackson"  
cc  
bcc

Subject Fw: Bloomberg Fuel Fix Blog: Americans gaining energy independence

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 02/08/2012 10:17 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy; Michael Goo; Arvin Ganesan; Laura Vaught; Bicky Corman; Scott Fulton; Janet Woodka; Janet McCabe; Joseph Goffman; Stephanie Owens; Dru Ealons; Heidi Ellis; Jose Lozano; Christopher Busch; Charles Imohiosen  
**Subject:** Bloomberg Fuel Fix Blog: Americans gaining energy independence

## Americans gaining energy independence

<http://fuelfix.com/blog/2012/02/07/americans-gaining-energy-independence/>

The U.S. is the closest it has been in almost 20 years to achieving energy self-sufficiency, a goal the nation has been pursuing since the 1973 Arab oil embargo triggered a recession and led to lines at gasoline stations.

Domestic oil output is the highest in eight years. The U.S. is producing so much natural gas that, where the government warned four years ago of a critical need to boost imports, it now may approve an export terminal.

Methanex Corp., the world's biggest methanol maker, said it will dismantle a factory in Chile and reassemble it in Louisiana to take advantage of low natural gas prices. And higher mileage standards and federally mandated ethanol use, along with slow economic growth, have curbed demand.

The result: The U.S. has reversed a two-decade-long decline in energy independence, increasing the proportion of demand met from domestic sources over the last six years to an estimated 81 percent through the first 10 months of 2011, according to data compiled by Bloomberg from the U.S. Department of Energy. That would be the highest level since 1992.

"For 40 years, only politicians and the occasional author in Popular Mechanics magazine talked about achieving energy independence," said Adam Sieminski, who has been nominated by President Barack Obama to head the U.S. Energy Information Administration. "Now it doesn't seem such an outlandish idea."

The transformation, which could see the country become the world's top energy producer by 2020, has implications for the economy and national security — boosting household incomes, jobs and government revenue; cutting the trade deficit; enhancing manufacturers' competitiveness; and allowing greater flexibility in dealing with unrest in the Middle East.

### Output Rising

U.S. energy self-sufficiency has been steadily rising since 2005, when it hit a low of 70 percent, the data compiled by Bloomberg show. Domestic crude oil production rose 3.6 percent last year to an average 5.7 million barrels a day, the highest since 2003, according to the Energy Department. Natural gas output climbed to 22.4 trillion cubic feet in 2010 from 20.2 trillion in 2007, when the Federal Energy Regulatory Commission warned of the need for more imports. Prices have fallen more

than 80 percent since 2008.

At the same time, the efficiency of the average U.S. passenger vehicle has helped limit demand. It increased to 29.6 miles per gallon in 2011 from 19.9 mpg in 1978, according to the National Highway Traffic Safety Administration.

The last time the U.S. achieved energy independence was in 1952. While it still imported some petroleum, the country's exports, including of coal, more than offset its imports.

### **Environmental Concern**

The expansion in oil and natural gas production isn't without a downside. Environmentalists say hydraulic fracturing, or fracking — in which a mixture of water, sand and chemicals is shot underground to blast apart rock and free fossil fuels — is tainting drinking water.

The drop in natural gas prices is also making the use of alternative energy sources such as solar, wind and nuclear power less attractive, threatening to link the U.S.'s future even more to hydrocarbons to run the world's largest economy.

Still, those concerns probably won't be enough to outweigh the benefits of greater energy independence.

Stepped-up oil output and restrained consumption will lessen demand for imports, cutting the nation's trade deficit and buttressing the dollar, said Sieminski, who is currently chief energy economist at Deutsche Bank AG in Washington.

### **Cutting Trade Deficit**

With the price of a barrel of oil at about \$100, a drop of 4 million barrels a day in oil imports — which he said could happen by 2020, if not before — would shave \$145 billion off the deficit. Through the first 11 months of last year, the trade gap was \$513 billion, according to the Commerce Department. Crude for March delivery settled at \$96.91 a barrel yesterday on the New York Mercantile Exchange.

The impact on national security also could be significant as the U.S. relies less on oil from the Mideast. Persian Gulf countries accounted for 15 percent of U.S. imports of crude oil and petroleum products in 2010, down from 23 percent in 1999.

"The past image of the United States as helplessly dependent on imported oil and gas from politically unstable and unfriendly regions of the world no longer holds," former Central Intelligence Agency Director John Deutch told an energy conference last month.

### **Arab Oil Embargo**

That dependence was underscored in October 1973, when Arab oil producers declared an embargo in retaliation for U.S. help for Israel in the Yom Kippur war. The U.S. economy contracted at an annualized 3.5 percent rate in the first quarter of the next year. Stock prices plunged, with the Standard & Poor's 500 Index dropping more than 40 percent in the year following the embargo.

Car owners were forced to line up at gasoline stations to buy fuel. President Richard Nixon announced in December that because of the energy crisis the lights on the national Christmas tree wouldn't be turned on.

Today, signs of what former North Dakota Senator Byron Dorgan says could be a "new normal" in energy are proliferating. The U.S. likely became a net exporter of refined oil products last year for the first time since 1949. And it will probably become a net exporter of natural gas early in the next decade, said Howard Gruenspecht, the acting administrator of the EIA, the statistical arm of the Energy Department.

Cheniere Energy Partners LP may receive a construction and operating permit as early this month from the Federal Energy Regulatory Commission for the first new plant capable of exporting natural

gas by ship to be built since 1969 in the U.S.

Houston-based Cheniere said it expects the \$6 billion plant to export as much as 2.6 billion cubic feet of gas per day.

### **Mitchell the Pioneer**

The shale-gas technology that's boosting U.S. natural gas production was spawned in the Barnett Shale around Dallas and Fort Worth by George P. Mitchell, who was chairman and chief executive officer of Mitchell Energy & Development Corp.

Helped by a provision inserted in the 1980 windfall oil profits tax bill to encourage drilling for unconventional natural gas, the Houston-based oil man pursued a trial-and-error approach for years before succeeding in the late-1990s. The fracking method he devised cracked the rock deep underground, propping open small seams that allowed natural gas trapped in tiny pores to flow into the well and up to the surface.

Recognizing that Mitchell was on to something, Devon Energy Corp. bought his company in 2002 for about \$3.3 billion and combined it with its own expertise in directional drilling, a method derived from offshore exploration.

### **Hunting for Oil**

Traditional vertical drilling bores straight down, like a straw stuck straight in the earth. Directional drilling bends the straw, boring horizontally sometimes a mile or more through the richest layer of rock, allowing more of the trapped fuel to make it into the well. This slice of rock is like the kitchen, where ancient plants and creatures came under so much pressure that they cooked into natural gas and oil.

The oil boom a century ago tapped reservoirs of fuel that rose out of those layers and got trapped in large pockets closer to the earth's surface, or used vertical wells that could get out only a portion of the fuel stored in the rock. The new technology has Devon and its competitors hunting beneath decades-old oil plays long thought depleted.

About an hour's drive north from where Devon's soon-to-be-completed new glass headquarters towers 50 stories above downtown Oklahoma City, the company is exploring for oil in the Mississippian and other formations, where oil majors once made their fortunes. It's racing companies such as Chesapeake Energy Corp. and SandRidge Energy Inc. to buy leases and drill wells.

### **North Dakota Booming**

Crude production in the U.S. is already increasing. Within three years, domestic output could reach 7 million barrels a day, the highest in 20 years, said Andy Lipow, president of Lipow Oil Associates in Houston, a consulting firm. The U.S. produced 5.9 million barrels of crude oil a day in December, while consuming 18.5 million barrels of petroleum products, according to the Energy Department.

North Dakota — the center of the so-called tight-oil transformation — is now the fourth largest oil-producing state, behind Texas, Alaska and California.

The growth in oil and gas output means the U.S. will overtake Russia as the world's largest energy producer in the next eight years, said Jamie Webster, senior manager for the markets and country strategy group at PFC Energy, a Washington-based consultant.

While U.S. consumers would still be susceptible to surges in global oil prices, "we'd end up sending some of that cash to North Dakota" rather than to Saudi Arabia, said Richard Schmalensee, a professor of economics and management at the Massachusetts Institute of Technology in Cambridge.

### **1.6 Million Jobs**

The shale gas expansion is already benefiting the economy. In 2010, the industry supported more than 600,000 jobs, according to a report that consultants IHS Global Insight prepared for America's Natural Gas Alliance, a group that represents companies such as Devon Energy and Chesapeake Energy.

More than half were in the companies directly involved and their suppliers, with the balance coming at restaurants, hotels and other firms. By 2035, the number of jobs supported by the industry will rise to more than 1.6 million, IHS said. Some 360,000 will be directly employed in the shale gas industry.

The oil boom is also pushing up payrolls. Unemployment in North Dakota was 3.3 percent in December, the lowest of any state. Hiring is so frantic that the McDonald's Corp. restaurant in Dickinson is offering \$300 signing bonuses.

State governments are reaping benefits, too. Ohio is considering a new impact fee on drillers and increasing the tax charged on natural gas and other natural resources extracted, Governor John Kasich has said.

In Texas, DeWitt County Judge Daryl Fowler has negotiated an \$8,000-per-well fee from drilling companies to pay for roads in the district, southeast of San Antonio.

### **Lot of Traffic**

"It takes 270 loads of gravel just to build a pad used for drilling a well, which means a lot of truck traffic on a lot of roads that nobody except Grandpa Schultz and some deer hunters may have used in the past," said Fowler, whose non-judicial post gives him administrative control over the county.

The federal government will see tax payments from shale gas rise to \$14.5 billion in 2015 from \$9.6 billion in 2010, according to IHS. Over the period 2010 to 2035, revenue will total \$464.9 billion, it said.

Manufacturing companies, particularly chemical makers, also stand to win as the shale bonanza keeps natural gas cheaper in the U.S. than in Asia or Europe.

Dow Chemical Co., which spent a decade moving production to the Middle East and Asia, is leading the biggest expansion ever in the U.S. The chemical industry is one of the top consumers of natural gas, using it both as a fuel and feedstock to produce the compounds it sells.

### **First Since 2001**

Midland, Michigan-based Dow is among companies planning to build crackers, industrial plants typically costing \$1.5 billion that process hydrocarbons into ethylene, a plastics ingredient.

The new crackers will be the first in the U.S. since 2001, said John Stekla, a director at Chemical Market Associates Inc., a Houston-based consultant.

Vancouver-based Methanex said last month it plans to take apart the idled Chilean factory and ship it to Louisiana to capitalize on natural gas prices.

The shift to increased energy independence is also the result of government policies to depress oil demand.

"Vehicles are getting more efficient, and people who travel won't be driving more miles," said Daniel Yergin, chairman of IHS Cambridge Energy Research Associates.

Automakers have agreed to raise the fuel economy of the vehicles they sell in the U.S. to a fleetwide average of 54.5 miles per gallon by 2025 under an agreement last year with the Obama administration.

### **No 'Silver Bullet'**

The 2008-09 recession helped lower oil demand, and consumption has lagged even as the economy has recovered, said Judith Dwarkin, director of energy research for ITG Investment Research in Calgary. Coupled with higher domestic output, "this has translated into an import requirement of some 15.4 barrels per person per year — about on par with the mid-1990s."

She cautioned against thinking that rising oil and gas production is a "silver bullet" for solving U.S. economic woes.

Michael Feroli, chief U.S. economist at JPMorgan Chase & Co. in New York, agreed, saying in a Jan. 20 note to clients that oil and gas output accounts for just 1 percent of gross domestic production and isn't likely on its own to be able to pull the economy into above-trend growth.

### **Cooling on Wind**

Some companies are hurting from the shale gas glut. With abundant supplies making it the cheapest option for new power generation, Exelon Corp. scrapped plans to expand capacity at two nuclear plants, while Michigan utility CMS Energy Corp. canceled a \$2 billion coal plant after deciding it wasn't financially viable. NextEra Energy Inc., the largest U.S. wind energy producer, shelved plans for new U.S. wind projects next year.

Investors also are cooling on wind investment, partly because of falling power prices. T. Boone Pickens, one of wind power's biggest boosters, decided to focus on promoting natural gas-fueled trucking fleets after dropping plans for a Texas wind farm in 2010.

"Wind on its own without incentives is far from economic unless gas is north of \$6.50," said Travis Miller, a Chicago-based utility analyst at Morningstar Inc. Natural gas for March delivery settled at \$2.55 per million British thermal units on New York Mercantile Exchange yesterday.

When Obama lauded increased energy production in his State of the Union speech on Jan. 24, he drew criticism from some environmentalists opposed to fracking.

### **Waning Confidence**

"We're disappointed in his enthusiasm for shale gas," said Iris Marie Bloom, director of Protecting Our Waters in Philadelphia. Obama "spoke about gas as if it's better for the environment, which it's not."

Deutch, who headed an advisory panel on fracking for the Energy Department, voiced concern that public confidence in the technology will wane if action isn't taken to address environmental concerns. The potential positive impact of increased North American production are "enormous," he said.

Higher U.S. output lessens the ability of countries like Iran and Russia to use "energy diplomacy" as a means of strengthening their influence, Amy Myers Jaffe, director of the Baker Institute Energy Forum at Rice University, and her colleagues wrote in a report last year.

While the U.S. will still have to pay attention to issues such as Israel's security and Islamic fundamentalism in the Mideast, which could affect oil prices, it won't have to be as worried about its supplies.

### **Positive 'Shock'**

Carlos Pascual, special envoy and coordinator for international energy affairs at the State Department, suggested at a Council on Foreign Relations conference in December that the increased production in the U.S. and elsewhere gives Washington more "maneuverability" in using sanctions to deal with Iran and its nuclear aspirations.

The increased U.S. production of oil and natural gas is a "positive supply shock" for the economy and for national security, said Philip Verleger, a former director of the office of energy policy at the

Treasury Department and founder of PKVerleger LLC, a consulting firm in Aspen, Colorado.

"We aren't there yet, but it looks like we're blundering into a solution for the energy problem," he said.



you so much. My cell is Exemption 6 --personal privacy



the PVC MACT standards are finalized. I heard that is Monday, but let me know if it's later in the week. The reason is because we have a company in DE that has raised some very serious concerns with him about the impact that this could have on their DE plant, which would result in job losses. It would be very helpful if he could chat with her before that. Feel free to call my cell at any point this weekend if it would help to chat- (b) (6) Privacy . Thanks so much for your help.

Missy

---

From: Sarah Pallone [Pallone.Sarah@epamail.epa.gov]  
Sent: Friday, February 10, 2012 11:17 PM  
To: Wier Missy (Governor)  
Subject: Re: Call w Gov Markell

Hi Missy,

I'm sorry, just seeing this now. Is this an urgent request, or can the call be scheduled next week?

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/10/2012 09:04 PM GMT  
To: Sarah Pallone  
Subject: Call w Gov Markell

Hi Sarah- hope you are well. Can you give me a call on my cell at your earliest convenience to discuss a time sensitive matter for Gov Markell? Thank you so much. My cell is (b) (6) Privacy

01268-EPA-1586

**Richard Windsor/DC/USEPA/US**  
02/11/2012 01:20 PM

To Sarah Pallone  
cc "Gina (Sheila) McCarthy"  
bcc  
Subject Re: Call w Gov Markell

**Exemption 5 --deliberative process** ?

----- Original Message -----  
From: Sarah Pallone  
Sent: 02/11/2012 12:13 PM EST  
To: Richard Windsor  
Subject: Fw: Call w Gov Markell

Gov Markell's home and cell numbers.

----- Original Message -----  
From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/11/2012 04:09 PM GMT  
To: Sarah Pallone  
Subject: Re: Call w Gov Markell

Fyi- his cell doesn't have service at his home, so she should try the home line first. Thanks!

----- Original Message -----  
From: Wier Missy (Governor)  
To: 'Pallone.Sarah@epamail.epa.gov' <Pallone.Sarah@epamail.epa.gov>  
Sent: Sat Feb 11 11:07:13 2012  
Subject: Re: Call w Gov Markell

He got right back to me. Adm Jackson can call him at home: **(b) (6) Privacy** or on his cell: **(b) (6) Privacy**. Thank you so much.

----- Original Message -----  
From: Sarah Pallone <Pallone.Sarah@epamail.epa.gov>  
To: Wier Missy (Governor)  
Sent: Sat Feb 11 10:54:07 2012  
Subject: Re: Call w Gov Markell

Missy,

I am waiting to hear back from Adm Jackson on her availability over the weekend. I know she would be happy to speak with the Gov. In the mean time, it would be best to get a number where she could call, as she will be likely doing it from home.

Are you at liberty to share the name of the company potentially impacted? That would be helpful.

Thank you and I will let you know as soon as I hear back from her.

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/11/2012 02:22 PM GMT  
To: Sarah Pallone  
Subject: RE: Call w Gov Markell

Hi Sarah- Thanks for getting back to me. He would like to talk to her before the PVC MACT standards are finalized. I heard that is Monday, but let me know if it's later in the week. The reason is because we have a company in DE that has raised some very serious concerns with him about the impact that this could have on their DE plant, which would result in job losses. It would be very helpful if he could chat with her before that. Feel free to call my cell at any point this weekend if it would help to chat- (b) (6) Privacy . Thanks so much for your help.

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To: Sarah Pallone  
Subject: Call w Gov Markell

Hi Sarah- hope you are well. Can you give me a call on my cell at your earliest convenience to discuss a time sensitive matter for Gov Markell? Thank you so much. My cell is (b) (6) Privacy

01268-EPA-1588

Janet McCabe/DC/USEPA/US  
02/11/2012 01:39 PM

To Sarah Pallone, "Richard Windsor", "Gina McCarthy"  
cc  
bcc

Subject Re: Call w Gov Markell

Administrator- Exemption 5 --deliberative process [REDACTED]

----- Original Message -----  
From: Sarah Pallone  
Sent: 02/11/2012 01:23 PM EST  
To: Janet McCabe  
Subject: Fw: Call w Gov Markell

----- Original Message -----  
From: Richard Windsor  
Sent: 02/11/2012 01:20 PM EST  
To: Sarah Pallone  
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
Subject: Re: Call w Gov Markell

Exemption 5 --deliberative process [REDACTED] ?

----- Original Message -----  
From: Sarah Pallone  
Sent: 02/11/2012 12:13 PM EST  
To: Richard Windsor  
Subject: Fw: Call w Gov Markell

Gov Markell's home and cell numbers.

----- Original Message -----  
From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/11/2012 04:09 PM GMT  
To: Sarah Pallone  
Subject: Re: Call w Gov Markell

Fyi- his cell doesn't have service at his home, so she should try the home line first. Thanks!

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

From: Wier Missy (Governor)  
To: 'Pallone.Sarah@epamail.epa.gov' <Pallone.Sarah@epamail.epa.gov>  
Sent: Sat Feb 11 11:07:13 2012  
Subject: Re: Call w Gov Markell

He got right back to me. Adm Jackson can call him at home: 302-571-1833 or on his cell: (b) (6) Privacy . Thank you so much.

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

From: Sarah Pallone <Pallone.Sarah@epamail.epa.gov>  
To: Wier Missy (Governor)  
Sent: Sat Feb 11 10:54:07 2012  
Subject: Re: Call w Gov Markell

Missy,

I am waiting to hear back from Adm Jackson on her availability over the weekend. I know she would be happy to speak with the Gov. In the mean time, it would be best to get a number where she could call, as she will be likely doing it from home.

Are you at liberty to share the name of the company potentially impacted? That would be helpful.

Thank you and I will let you know as soon as I hear back from her.

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

From: "Wier Missy (Governor)" [missy.wier@state.de.us]  
Sent: 02/11/2012 02:22 PM GMT  
To: Sarah Pallone  
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Hi Sarah- Thanks for getting back to me. He would like to talk to her before the PVC MACT standards are finalized. I heard that is Monday, but let me know if it's later in the week. The reason is because we have a company in DE that has raised some very serious concerns with him about the impact that this could have on their DE plant, which would result in job losses. It would be very helpful if he could chat with her before that. Feel free to call my cell at any point this weekend if it would help to chat- (b) (6) Privacy Thanks so much for your help.

Missy

---

From: Sarah Pallone [Pallone.Sarah@epamail.epa.gov]  
Sent: Friday, February 10, 2012 11:17 PM  
To: Wier Missy (Governor)  
Subject: Re: Call w Gov Markell

Hi Missy,

I'm sorry, just seeing this now. Is this an urgent request, or can the call be scheduled next week?

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From: "Wier Missy (Governor)" [missy.wier@state.de.us]

Sent: 02/10/2012 09:04 PM GMT

To: Sarah Pallone

Subject: Call w Gov Markell

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01268-EPA-1589

**Richard Windsor/DC/USEPA/US**  
02/11/2012 01:53 PM

To Janet McCabe  
cc  
bcc

Subject Re: Call w Gov Markell

Sure. I'd like to speak to him by 3 pm please. Tx.

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

From: Janet McCabe  
Sent: 02/11/2012 01:39 PM EST  
To: Sarah Pallone; Richard Windsor; Gina McCarthy  
Subject: Re: Call w Gov Markell

Administrator- Exemption 5--deliberative process

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Exemption 5--deliberative process ?

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Gov Markell's home and cell numbers.

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01268-EPA-1590

Janet McCabe/DC/USEPA/US

02/11/2012 02:46 PM

To Richard Windsor

cc Gina McCarthy, Sarah Pallone

bcc

Subject Re: Re: Call w Gov Markell

Administrator, here is some background on the rule:

This rule will limit emissions of air toxics from polyvinyl chloride and copolymer production (PVC production) facilities. PVC production includes the manufacture of resins that are used to make a large number of commercial and industrial products at other manufacturing facilities (e.g., latex paints and rigid plastics). The final rule would replace the PVC production rule that EPA issued in July 2002. That rule was vacated by the D.C. Circuit Court as a result of a petition from environmental groups. EPA will also issue a final rule that amends the existing air toxics rule for area source PVC production facilities that was issued in 2007.

#### Exemption 5--deliberative process



I hope that's helpful--let me know if you have other specific questions and I will run down answers....

Janet McCabe  
Principal Deputy Assistant Administrator  
Office of Air and Radiation, USEPA  
Room 5426K, 1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-3206  
mccabe.janet@epa.gov

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Janet McCabe/DC/USEPA/US@EPA  
From: Richard Windsor/DC/USEPA/US  
Date: 02/11/2012 01:53PM  
Subject: Re: Call w Gov Markell

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Administrator- Exemption 5--deliberative process

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