

01268-EPA-3664

Richard  
Windsor/DC/USEPA/US  
03/13/2010 10:27 AM

To "Seth Oster"  
cc  
bcc  
Subject Re: Beinecke on Huff Post -- Don't Let Lawmakers  
Undermine the Clean Air Act: It Saves Lives

(b)(5) Deliberative

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From: "Seth Oster" (b)(6) Privacy

Sent: 03/13/2010 09:56 AM EST

To: Richard Windsor; Bob Sussman; Bob Perciasepe; Diane Thompson; Lisa Heinzerling;  
David McIntosh

Subject: Beinecke on Huff Post -- Don't Let Lawmakers Undermine the Clean Air Act: It  
Saves Lives

## [Frances Beinecke](#)

President, Natural Resources Defense Council  
Posted: March 11, 2010 10:57 AM

# [Don't Let Lawmakers Undermine the Clean Air Act: It Saves Lives](#)

A handful of lawmakers in the [Senate](#) and [House](#) have been trying to block the EPA from regulating global warming pollution. This is largely a political maneuver--an effort to drain away Senate support for passing a comprehensive clean energy and climate bill.

Some say that at least [Senator Rockefeller's bill](#) - unlike Senator Murkowski's - does not question the science of climate change. Yet in the end, both bills would paralyze the EPA and weaken the Clean Air Act--a bedrock law that has [saved hundreds of thousands of lives](#) over its [40-year history](#).

You see, the Clean Air Act requires the EPA to regulate air pollutants that endanger human health and the environment. The Supreme Court [recently ruled](#) that the Clean Air Act unambiguously covers all air pollutants, including greenhouse gases.

Last year, the EPA issued an [endangerment finding](#)--a conclusion that global warming pollution is hazardous to our health and the environment.

This is precisely what some lawmakers want to overturn. But if Congress gets to pick and choose which pollutants and which science-based findings it wants to enforce, then the Clean Air Act could quickly become the Dirty Air Act, rooted in political science instead medical science.

Imagine if lawmakers had blocked the Clean Air Act rule to phase lead out of gasoline. Industry leaders certainly tried, and the fight over the lead looked a lot like the current battle over global warming pollution.

It too started with an EPA endangerment finding, one that said lead in gasoline was a threat to public health. Oil companies claimed that the science wasn't strong enough to justify the costs. Typical of industry's scare campaign was this letter from a Gulf Oil Corporation executive to the EPA in 1972:

"Before the EPA imposes regulations that can have an adverse effect on the nation's economy and unnecessarily waste our nation's natural resources, there should be general agreement in the medical and scientific community of the actual need to restrict lead additives from a public health standpoint...Such agreement does not exist at this time."

That sounds hauntingly familiar. Yet if those voices had prevailed back in the 1970s, and we delayed removing lead from gasoline for another 10 years, [300,000 more children](#) would have had IQs below 70 and tens of thousands of adults would have suffered from heart disease, stroke, and hypertension.

Instead, the EPA moved forward with its lead rule and created the most successful program in its history--one that has been replicated around the world. Here in America, lead emissions from cars dropped by 95 percent by 1999. And while in the late 1970s, 88 percent of American children had blood lead levels surpassing the CDC's level of concern, by 2000, only 2.2 percent of American children did.

The science on lead proved to be right, and no one doubts lead's dangers today. But EPA acted, rightly, well before every last issue and denial was resolved. Despite the organized effort by deniers to confuse the public, the scientific consensus on the causes and severity of climate change is actually far more robust today than was the case for lead in the 1970s. The EPA was right to act then, and the EPA is right to act now.

The lead program is just one of the more famous of the Clean Air Act's victories, but there are many others:

- By making all new diesel engines more than 90 percent cleaner, the EPA will prevent more than 21,000 premature deaths and 160 billion in health costs every year by 2030.
- By phasing out the most dangerous ozone-depleting chemicals, the EPA will cut the American incidences of non-melanoma skin cancer by 295 million by 2075.
- By launching the acid rain program, the EPA has dramatically reduced soot and smog by levels that will reduce premature deaths by between 20,000 and 50,000 per year in 2010.
- These are remarkable achievements--each one brought to you by the Clean Air Act. But history shows that these live-saving programs could have been thwarted by just the kind

of amendments lawmakers are using today to block the EPA's greenhouse gas rule.

NRDC is fighting these efforts to undermine the Clean Air Act. We believe the EPA must be allowed to carry out its job of regulating global warming pollution.

But we also believe that an EPA rule will only complete half the job of fighting climate change. To fully unleash innovation, offer incentives that drive down the price of clean energy, and create nearly 2 million jobs, Congress needs to pass comprehensive clean energy and climate legislation.

But in the meantime, we can not allow the Clean Air Act to become the Dirty Air Act. Click [here](#) to tell your lawmakers not to support any amendments that will hamper the EPA from doing its job--the job of protecting Americans from dangerous pollution.

*This post originally appeared on NRDC's [Switchboard](#) blog, where over 100 staff members blog about their work protecting the environment.*

01268-EPA-3665

**Michael Moats/DC/USEPA/US**  
03/13/2010 01:27 PM

To Allyn Brooks-LaSure, "Betsaida Alcantara", "Brendan  
Gilfillan", "Adora Andy", "Richard Windsor", Seth Oster,  
"Stephanie Owens"

cc

bcc

Subject Some brilliance from Maher on climate

And some nonsense from others. Still worth a watch:

[http://www.huffingtonpost.com/2010/03/13/bill-maher-the-environmen\\_n\\_497781.html](http://www.huffingtonpost.com/2010/03/13/bill-maher-the-environmen_n_497781.html)

01268-EPA-3666

Richard Windsor/DC/USEPA/US  
03/14/2010 04:51 PM

To Adora Andy, "Lisa Jackson"  
cc "Seth Oster", "Allyn Brooks-Lasure"  
bcc

Subject Re: PLEASE APPROVE: SEPW STATEMENT

Thanks. (b)(5) Deliberative [Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

Tx. LPJ

Adora Andy

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

**From:** Adora Andy  
**Sent:** 03/14/2010 04:31 PM EDT  
**To:** "Richard Windsor" <windsor.richard@epa.gov>  
**Cc:** "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>  
**Subject:** PLEASE APPROVE: SEPW STATEMENT

LPJ:

The SEPW Republicans are planning to release a report this week and Greenwire/NYT is writing a story (for tomorrow) on it. (b)(5) Deliberative

[Redacted]

- PROPOSED RESPONSE:

(b)(5) Deliberative [Redacted]

-DRAFT STATEMENT:

(b)(5) Deliberative [Redacted]

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

[REDACTED]

[REDACTED]

###

01268-EPA-3669

**Richard Windsor/DC/USEPA/US**  
03/15/2010 09:04 PM

To David McIntosh  
cc  
bcc

Subject Re: Fw: Senator Murkowski update

fine w me..tx...

David McIntosh

(b)(5) Deliberative

03/15/2010 05:44:18 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/15/2010 05:44 PM  
Subject: Re: Fw: Senator Murkowski update

(b)(5) Deliberative

[attachment "March Adm Jackson Reply to Sen Murkowski.doc" deleted by Richard Windsor/DC/USEPA/US]

Dear Senator Murkowski:

(b)(5) Deliberative

[Redacted]

[Redacted]

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

Sincerely,

Lisa P. Jackson

01268-EPA-3670

David McIntosh/DC/USEPA/US  
03/15/2010 09:10 PM

To Richard Windsor  
cc  
bcc

Subject Re: Fw: Senator Murkowski update

Thanks. I'll have a formatted version for you to sign by first thing tomorrow morning.  
Richard Windsor

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

From: Richard Windsor  
Sent: 03/15/2010 09:04 PM EDT  
To: David McIntosh  
Subject: Re: Fw: Senator Murkowski update

fine w me..tx...

David McIntosh

(b)(5) Deliberative

03/15/2010 05:44:18 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/15/2010 05:44 PM  
Subject: Re: Fw: Senator Murkowski update

(b)(5) Deliberative

[attachment "March Adm Jackson Reply to Sen Murkowski.doc" deleted by Richard Windsor/DC/USEPA/US]

(b)(5) Deliberative

(b)(5) Deliberative



(b)(5) Deliberative

| [Redacted]

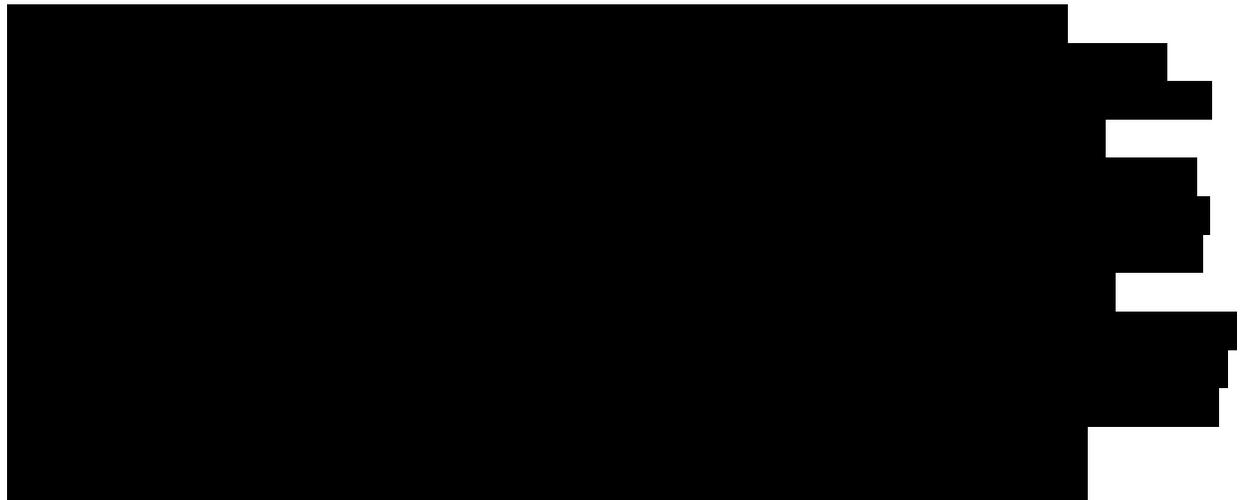
| [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



(b)(5) Deliberative



Sincerely,

Lisa P. Jackson

01268-EPA-3671

Richard Windsor/DC/USEPA/US  
03/16/2010 10:57 AM

To lisapjackson  
cc  
bcc

Subject Fw: Outreach on Press Club Speech

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/16/2010 10:46 AM -----

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/15/2010 06:24 PM  
Subject: Outreach on Press Club Speech

Administrator,

I wanted to let you know that we've followed up on last week's Press Club speech (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Seth

**COVER LETTER**

Dear [CEO NAME]:

[Redacted] (b)(5) Deliberative

(b)(5) Deliberative



Sincerely,

Lisa P. Jackson

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

01268-EPA-3672

**Richard Windsor/DC/USEPA/US**  
03/16/2010 10:58 AM

To Seth Oster  
cc  
bcc

Subject Re: Outreach on Press Club Speech

cool

Seth Oster Administrator, I wanted to let you know... 03/15/2010 06:24:55 PM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 03/15/2010 06:24 PM  
Subject: Outreach on Press Club Speech

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Administrator,

I wanted to let you know that we've followed up on last week's Press Club speech (b)(5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Seth

**COVER LETTER**

Dear [CEO NAME]:

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

Sincerely,

Lisa P. Jackson

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



01268-EPA-3674

David  
McIntosh/DC/USEPA/US  
03/17/2010 06:05 PM

To Richard Windsor  
cc  
bcc

Subject E&E News PM: Senators share emission bill's details with industry groups

Please see the story pasted below. As a protective measure, this morning I emailed the following message to the Kerry, Graham, and Lieberman staffs:

Hi Kathleen, Matt, and Danielle,

EPA's economic computer modeling team has started clearing its decks, because we recognize that there is some possibility that your bosses might ask EPA to start modeling specifications of a climate bill at some point in the next few weeks. I think we have previously sent you a list of the many legislative details that you need to specify in order for EPA's economic computer models to run. That list is based on an assumption that the structure of the bill tracks the structure of the House-passed bill. Any significant divergence from the structure of the House-passed bill might change the list of needed specifications, and might also significantly change the amount of time that it takes EPA to produce an economic computer modeling report. When she is asked publicly about how long it takes EPA to generate a report, Administrator Jackson is careful to say "6-8 weeks from the date we receive the last of the detailed specifications that are needed." The fastest EPA has ever done it was 5 weeks, but that was for a bill (the Energy & Commerce chairman's mark) that was nearly identical to the bill that we had most recently modeled (the introduced Waxman-Markey bill). Please let me know if you'd like to schedule a Q and A session with EPA's economic computer modelers in order to get an updated sense of the specifications that would be needed.

-David

### **CLIMATE: Senators share emission bill's details with industry groups (Wednesday, March 17, 2010)**

Darren Samuelsohn, E&E senior reporter

Lawmakers at the heart of Senate energy and climate negotiations revealed key details today of their legislative proposal during a closed-door meeting with major industry groups they are courting in hopes of winning over Senate moderates and avoiding an expensive advertising war.

Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) shared an eight-page outline of their draft legislation that would reduce greenhouse gas emissions over the next four decades, including provisions to limit business costs while ramping up domestic production of oil, gas and nuclear power.

According to several sources in the meeting room, the bill calls for greenhouse gas curbs across multiple economic sectors, with a 2020 target of reducing emissions by 17 percent below 2005 levels and an 80 percent limit at midcentury. Power plant emissions would be regulated in 2012, with other major industrial sources being phased in starting in 2016.

In a bow to industry demands, the senators' proposal would pre-empt U.S. EPA climate regulations under the Clean Air Act and halt dozens of state climate laws

and regulations now on the books. Also, only facilities that release 25,000 tons per year of greenhouse gases must participate in the climate program.

Additional layers of certainty for industry come via a "hard price collar" that limits greenhouse gas allowances to between \$10 and \$30 per ton tagged to inflation, with an increase at a to-be-determined "fixed rate" over time. The legislation would also set aside a "strategic reserve" of 4 billion greenhouse gas credits that could be released into the market to help control price volatility fluctuations.

Overall, the bill will include eight titles: Refining, America's Farmers, Consumer Refunds, Clean Energy Innovation, Coal, Natural Gas, Nuclear and Energy Independence. And it will set up new nationwide standards for energy efficiency and renewable energy, as well as ideas on carbon market regulation crafted by Sens. Maria Cantwell (D-Wash.) and Susan Collins (R-Maine).

The senators collected their eight-page document from the industry officials before the meeting ended, and they declined comment on those details as they left the session. Nonetheless, several sources at the meeting confirmed the specifics shared by the senators.

"We obviously talked some substance," Kerry said. "We went through an outline of things we're thinking about."

Kerry said a full outline of the bill will be delivered Tuesday to a larger group of senators who have been working over the last year on the climate and energy issue. The senators also hope to send their proposal to EPA and the Congressional Budget Office by the end of next week for a five-to-six-week interagency analysis, although the timing on that depends in part on two legislative counsel staffers who are out on maternity leave.

"It's just the logistics of getting the language done," Kerry said. "So I'm not going to tell you exactly. But our target is somewhere toward that period of time or during the break."

The senators' meeting included about a dozen top trade associations, including representatives from the U.S. Chamber of Commerce, Edison Electric Institute and American Petroleum Institute. Several of those officials left the meeting giving the three senators credit for their effort.

"Directionally speaking, the way they're trying to conform and shape this bill I'd suggest is largely in sync with what most people in American industry think is the direction you're going to have to go if you're going to have a successful program," said Bruce Josten, executive vice president for government affairs at the U.S. Chamber of Commerce. "Now there's a lot of ifs, ands and buts, but if you're asking for a broad statement, that's a broad statement."

John Shaw, senior vice president of government affairs at the Portland Cement Association, called the meeting's tone "very positive."

"I think many of the industry sectors are willing to work with the senators to achieve positive public policy results," Shaw said, "but the devil is in the details, and folks are very anxious to see those details."

*Reporter Evan Lehmann contributed.*

01268-EPA-3676

David  
McIntosh/DC/USEPA/US  
03/18/2010 03:35 PM

To Richard Windsor  
cc "Arvin Ganesan"  
bcc  
Subject Re: Fw: FYI

Excellent. (b)(5) Deliberative  
[Redacted]

Richard Windsor (b)(5) Deliberative 03/18/2010 03:30:06 PM

From: Richard Windsor/DC/USEPA/US  
To: "David McIntosh" <mcintosh.david@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Date: 03/18/2010 03:30 PM  
Subject: Fw: FYI

(b)(5) Deliberative ... Nice.

Charles Imohiosen

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

**From:** Charles Imohiosen  
**Sent:** 03/18/2010 11:55 AM EDT  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; "Bob Sussman" <sussman.bob@epa.gov>; Robert Goulding  
**Subject:** FYI

Just received the following report regarding the House HOMESTAR hearing from Kevin Pranis (Change to Win):

"At HS hrg. Rep. Capps just read LiUNA letter into the record and is dismantling the Home Builders rep! Nice work."

Charles Imohiosen  
Office of the Administrator  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.

\*\*\*\*\*

Sent via Blackberry

01268-EPA-3677

Gina McCarthy/DC/USEPA/US

To "Richard Windsor", "David McIntosh"

cc

03/19/2010 07:26 AM

bcc

Subject Fw: Kerry request for my assistance

Please see email below. (b)(5) Deliberative

[Redacted]

David

(b)(5) Deliberative

[Redacted]

Nancy Ketcham-Colwill

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

**From:** Nancy Ketcham-Colwill

**Sent:** 03/18/2010 11:22 AM EDT

**To:** Gina McCarthy

**Cc:** Rob Brenner; Janet McCabe; Joseph Goffman; David McIntosh

**Subject:** Kerry request for my assistance

As you know, I've been asked by Senator Kerry's folks to do a detail with them for the next few months to help provide technical assistance in reviewing and stitching together various pieces of the energy and climate bill they are drafting. (b) (6) Privacy, (b)(5) Deliberative

[Redacted]

[Redacted]

01268-EPA-3678

**David McIntosh/DC/USEPA/US**  
03/19/2010 07:31 AM

To Gina McCarthy, Richard Windsor  
cc  
bcc

Subject Re: Kerry request for my assistance

(b)(5) Deliberative [Redacted]

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/19/2010 07:26 AM EDT  
**To:** Richard Windsor; "David McIntosh" <McIntosh.David@EPA.GOV>  
**Subject:** Fw: Kerry request for my assistance

Please see email below. (b)(5) Deliberative [Redacted]

David - I (b)(5) Deliberative [Redacted]

Nancy Ketcham-Colwill

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

**From:** Nancy Ketcham-Colwill  
**Sent:** 03/18/2010 11:22 AM EDT  
**To:** Gina McCarthy  
**Cc:** Rob Brenner; Janet McCabe; Joseph Goffman; David McIntosh  
**Subject:** Kerry request for my assistance

As you know, I've been asked by Senator Kerry's folks to do a detail with them for the next few months to help provide technical assistance in reviewing and stitching together various pieces of the energy and climate bill they are drafting. (b)(5) Deliberative, (b) (6) Privacy [Redacted]

[Redacted]

[Redacted]

01268-EPA-3679

**Richard Windsor/DC/USEPA/US**  
03/19/2010 07:34 AM

To David McIntosh, Gina McCarthy  
cc "Bob Perciasepe", "Diane Thompson"  
bcc  
Subject Re: Kerry request for my assistance

Your call. (b)(5) Deliberative  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/19/2010 07:31 AM EDT  
**To:** Gina McCarthy; Richard Windsor  
**Subject:** Re: Kerry request for my assistance

(b)(5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/19/2010 07:26 AM EDT  
**To:** Richard Windsor; "David McIntosh" <McIntosh.David@EPA.GOV>  
**Subject:** Fw: Kerry request for my assistance

Please see email below. (b)(5) Deliberative

David - (b)(5) Deliberative

Nancy Ketcham-Colwill

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

**From:** Nancy Ketcham-Colwill  
**Sent:** 03/18/2010 11:22 AM EDT  
**To:** Gina McCarthy  
**Cc:** Rob Brenner; Janet McCabe; Joseph Goffman; David McIntosh  
**Subject:** Kerry request for my assistance

As you know, I've been asked by Senator Kerry's folks to do a detail with them for the next few months to help provide technical assistance in reviewing and stitching together various pieces of the energy and climate bill they are drafting. (b)(5) Deliberative, (b) (6) Privacy

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

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

01268-EPA-3680

Gina McCarthy/DC/USEPA/US To Richard Windsor  
03/19/2010 07:36 AM cc  
bcc  
Subject Re: Kerry request for my assistance

Ok thx  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/19/2010 07:34 AM EDT  
**To:** David McIntosh; Gina McCarthy  
**Cc:** Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: Kerry request for my assistance

Your call. (b)(5) Deliberative  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/19/2010 07:31 AM EDT  
**To:** Gina McCarthy; Richard Windsor  
**Subject:** Re: Kerry request for my assistance

(b)(5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/19/2010 07:26 AM EDT  
**To:** Richard Windsor; "David McIntosh" <McIntosh.David@EPA.GOV>  
**Subject:** Fw: Kerry request for my assistance

Please see email below (b)(5) Deliberative

David - (b)(5) Deliberative

Nancy Ketcham-Colwill

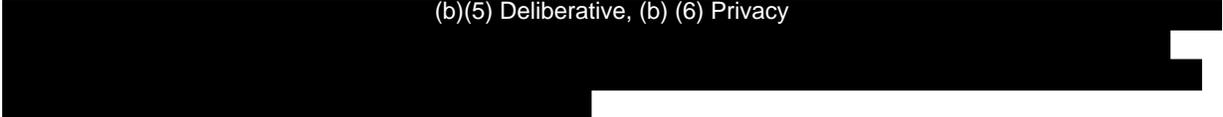
----- Original Message -----

**From:** Nancy Ketcham-Colwill  
**Sent:** 03/18/2010 11:22 AM EDT  
**To:** Gina McCarthy  
**Cc:** Rob Brenner; Janet McCabe; Joseph Goffman; David McIntosh  
**Subject:** Kerry request for my assistance

As you know, I've been asked by Senator Kerry's folks to do a detail with them for the next few months to help provide technical assistance in reviewing and stitching together various pieces of the energy and climate bill they are drafting. (b)(5) Deliberative, (b) (6) Privacy

[Redacted]

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

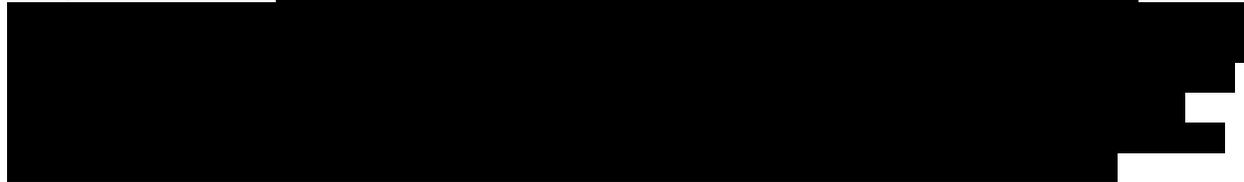


01268-EPA-3681

David McIntosh/DC/USEPA/US  
03/19/2010 08:44 AM

To Richard Windsor, Gina McCarthy  
cc  
bcc  
Subject Fw: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

FYI, please see below. (b)(5) Deliberative



----- Forwarded by David McIntosh/DC/USEPA/US on 03/19/2010 08:40 AM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/19/2010 08:39 AM  
Subject: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

This E&E Daily story was sent to you by: mcintosh.david@epa.gov

Personal message:



An E&E Publishing Service

**CLIMATE: Senate Dems, states wary of draft bill's pre-emption language** *(Friday, March 19, 2010)*  
**Robin Bravender, E&E reporter**  
Some Democratic senators and state and local air regulators are concerned that the latest draft of a Senate climate and energy bill would unduly strip authority from U.S. EPA and states. Details emerged earlier this week that draft legislation from Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) would curb EPA's authority to regulate greenhouse gases under the Clean Air Act and would limit states' climate laws and regulations. But that decision is not sitting well with some Democrats.  
"I don't think it should pre-empt EPA from anything," said Sen. Dianne Feinstein (D-Calif.), chairwoman of the subcommittee that oversees EPA's budget.  
Sen. Sheldon Whitehouse (D-R.I.) said that EPA and state pre-emption would certainly be factors he considers when deciding whether to vote for the bill. "There are a lot of states that are out on this already, and a lot depends on my perception of whether we're undercutting their efforts and how rigorous our process is," Whitehouse said.  
An industry official who met Wednesday in a closed-door session with architects of the bill said the legislation would block EPA from requiring New Source Review and Title V operating permits from stationary sources based on their greenhouse gas emissions. The draft would also block the agency from regulating greenhouse gases as air toxics and from setting nationwide emission limits -- known as National Ambient Air Quality Standards (NAAQS) -- based on the emissions' effects on climate change, that person said. Additionally, it would pre-empt state and regional cap-and-trade programs.  
Industries are eager to streamline any forthcoming climate rules under a consistent federal program. "We believe there should be one uniform congressional policy on greenhouse gases -- not state by

state, not overlapping with other environmental requirements -- one program," the industry official said.

But state regulators are wary that the draft bill could overly restrict their authority.

"I hope the sponsors, in pursuing support from the U.S. Chamber of Commerce and other industrial groups, have not crossed the line on pre-emption," said Bill Becker, executive director of the National Association of Clean Air Agencies. Becker's group represents state and local air pollution control agencies nationwide.

"Climate change is such a monumental problem that action at all levels -- local, state and federal -- is essential if we are serious about achieving our ultimate goals," Becker added. "Future climate legislation should build upon this successful partnership, not supplant it, and preserve the rights of state and local governments to take more stringent actions where needed."

Bill Snape, senior counsel for the Center for Biological Diversity, said his group would oppose Clean Air Act limitations. "I think if there are Clean Air Act pre-emptions in it, it's a deal-killer," Snape said. "We're going to go after it as hard as we know how."

Snape's group has been a vocal proponent of preserving EPA's Clean Air Act authorities under any climate legislation. The organization was also among 26 environmental groups that sent a [letter](#) to senators this week urging them to oppose a bill sponsored by Sen. Jay Rockefeller (D-W.Va.) that seeks to postpone EPA climate rules for stationary sources for two years.

Architects of the bill yesterday defended the pre-emption provisions.

Graham said the authors of the bill sought to develop a single national approach to cut carbon across sectors. "I wouldn't support, you know, EPA regulation on top of congressional action, and I couldn't support 50 states coming up with their own standard," he said.

Graham is a co-sponsor of a measure from Sen. Lisa Murkowski (R-Alaska) that would block EPA's authority to regulate greenhouse gases.

The energy and climate bill that cleared the Senate Environment and Public Works Committee last year would prohibit EPA from regulating greenhouse gases as air toxics and from setting nationwide emission limits, but would allow EPA to require NSR and Title V permits from large facilities.

"It wasn't in our earlier bills, but in terms of getting this energy independence, job-creating carbon pollution bill going, this gives the business community the predictability that they need. It's very important to them," Lieberman said.

## Ohio governor seeks delay for EPA regs

Ohio Gov. Ted Strickland (D) is urging EPA Administrator Lisa Jackson to hold off on regulating greenhouse gases.

In a [letter](#) sent Monday to EPA, Strickland expressed "deep concerns" with the agency's impending regulatory approach and the effect those rules will have on Ohio's economy and families by subjecting large numbers of stationary sources to permitting requirements.

He also expressed concerns that although EPA is poised to soon begin requiring stationary sources to install "best achievable control technology" to curb their greenhouse gases, the agency has not yet offered a clear idea of what BACT for greenhouse gases should be for large industrial facilities. EPA has convened a working group to help draft guidance for industries about what those requirements will be.

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[Click here](#) to read the environmentalists' letter.

[Click here](#) to read Strickland's letter.

*Reporter Darren Samuelsohn contributed.*

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01268-EPA-3682

**Richard Windsor/DC/USEPA/US**  
03/19/2010 08:46 AM

To: David McIntosh, "Gina (Sheila) McCarthy"  
cc  
bcc  
Subject: Re: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

Cool. Tx.  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/19/2010 08:44 AM EDT  
**To:** Richard Windsor; Gina McCarthy  
**Subject:** Fw: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

FYI, please see below. (b)(5) Deliberative



----- Forwarded by David McIntosh/DC/USEPA/US on 03/19/2010 08:40 AM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 03/19/2010 08:39 AM  
Subject: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

This E&E Daily story was sent to you by: mcintosh.david@epa.gov

Personal message:



An E&E Publishing Service

**CLIMATE: Senate Dems, states wary of draft bill's pre-emption language** *(Friday, March 19, 2010)*  
**Robin Bravender, E&E reporter**  
 Some Democratic senators and state and local air regulators are concerned that the latest draft of a Senate climate and energy bill would unduly strip authority from U.S. EPA and states.  
 Details emerged earlier this week that draft legislation from Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) would curb EPA's authority to regulate greenhouse gases under the Clean Air Act and would limit states' climate laws and regulations. But that decision is not sitting well with some Democrats. "I don't think it should pre-empt EPA from anything," said Sen. Dianne Feinstein (D-Calif.), chairwoman of the subcommittee that oversees EPA's budget.  
 Sen. Sheldon Whitehouse (D-R.I.) said that EPA and state pre-emption would certainly be factors he considers when deciding whether to vote for the bill. "There are a lot of

states that are out on this already, and a lot depends on my perception of whether we're undercutting their efforts and how rigorous our process is," Whitehouse said. An industry official who met Wednesday in a closed-door session with architects of the bill said the legislation would block EPA from requiring New Source Review and Title V operating permits from stationary sources based on their greenhouse gas emissions. The draft would also block the agency from regulating greenhouse gases as air toxics and from setting nationwide emission limits -- known as National Ambient Air Quality Standards (NAAQS) -- based on the emissions' effects on climate change, that person said. Additionally, it would pre-empt state and regional cap-and-trade programs. Industries are eager to streamline any forthcoming climate rules under a consistent federal program.

"We believe there should be one uniform congressional policy on greenhouse gases -- not state by state, not overlapping with other environmental requirements -- one program," the industry official said.

But state regulators are wary that the draft bill could overly restrict their authority. "I hope the sponsors, in pursuing support from the U.S. Chamber of Commerce and other industrial groups, have not crossed the line on pre-emption," said Bill Becker, executive director of the National Association of Clean Air Agencies. Becker's group represents state and local air pollution control agencies nationwide.

"Climate change is such a monumental problem that action at all levels -- local, state and federal -- is essential if we are serious about achieving our ultimate goals," Becker added. "Future climate legislation should build upon this successful partnership, not supplant it, and preserve the rights of state and local governments to take more stringent actions where needed."

Bill Snape, senior counsel for the Center for Biological Diversity, said his group would oppose Clean Air Act limitations. "I think if there are Clean Air Act pre-emptions in it, it's a deal-killer," Snape said. "We're going to go after it as hard as we know how." Snape's group has been a vocal proponent of preserving EPA's Clean Air Act authorities under any climate legislation. The organization was also among 26 environmental groups that sent a [letter](#) to senators this week urging them to oppose a bill sponsored by Sen. Jay Rockefeller (D-W.Va.) that seeks to postpone EPA climate rules for stationary sources for two years.

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Graham is a co-sponsor of a measure from Sen. Lisa Murkowski (R-Alaska) that would block EPA's authority to regulate greenhouse gases.

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"It wasn't in our earlier bills, but in terms of getting this energy independence, job-creating carbon pollution bill going, this gives the business community the predictability that they need. It's very important to them," Lieberman said.

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01268-EPA-3683

Gina McCarthy/DC/USEPA/US

To Richard Windsor, David McIntosh, "Gina (Sheila) McCarthy"

03/19/2010 09:12 AM

cc

bcc

Subject Re: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

Fine by me. David - Thanks (b)(5) Deliberative .  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 03/19/2010 08:46 AM EDT

**To:** David McIntosh; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>

**Subject:** Re: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

Cool. Tx.

David McIntosh

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

**From:** David McIntosh

**Sent:** 03/19/2010 08:44 AM EDT

**To:** Richard Windsor; Gina McCarthy

**Subject:** Fw: From E&E Daily -- CLIMATE: Senate Dems, states wary of draft bill's pre-emption language

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To: David McIntosh/DC/USEPA/US@EPA  
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01268-EPA-3688

**Richard Windsor/DC/USEPA/US**  
03/19/2010 10:12 PM

To Bob Sussman  
cc  
bcc

Subject Re: KY press release on 27 NPDES permits

Ok. Tx.  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/19/2010 07:11 PM EDT  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; thompson.diane@epa.gov  
**Subject:** Fw: KY press release on 27 NPDES permits

Kentucky has, as expected, moved ahead with the 27 mining permits (b)(5) Deliberative

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/19/2010 07:09 PM -----

From: Stan Meiburg/R4/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, silva.peter@epa.gov, peck.gregory@epa.gov, Nancy Stoner/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA  
Cc: perciasepe.bob@epa.gov, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, banister.beverly@epa.gov, gordon.scott@epa.gov, Jim Giattina/R4/USEPA/US@EPA, Chris Thomas/R4/USEPA/US@EPA, William Early/R3/USEPA/US, Bharat Mathur/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Philip Mancusi-Ungaro/R4/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Steven Neugeboren/DC/USEPA/US@EPA, Linda Boornazian/DC/USEPA/US@EPA, Jim Hanlon  
Date: 03/19/2010 05:49 PM  
Subject: KY press release on 27 NPDES permits

Below is a press release we received today on 27 coal NPDES permits in KY. The wording of the press release is ambiguous as to whether the permits got officially signed today or will, as we had believed, be signed on Monday. Regardless, it is consistent with what we expected.

(b)(5) Deliberative

Stan

[attachment "Kentucky NPDES Letter jdj final draft 3.18.10.doc" deleted by Richard Windsor/DC/USEPA/US]

A. Stanley Meiburg  
Acting Regional Administrator  
EPA Region 4  
Sam Nunn Atlanta Federal Center

61 Forsyth Street, SW  
Atlanta, GA 30303

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

## Commonwealth of Kentucky Energy and Environment Cabinet

**Steven L. Beshear, Governor**

**Len Peters, Secretary**

**FOR IMMEDIATE RELEASE**

**CONTACT: Dick Brown**

**(502)**

**564-5525**

### **Kentucky Department for Environmental Protection Modifies 27 Pending Water Quality Permits for Coal Mining**

*Agreement reached on process to monitor water quality in coal mining  
areas*

**FRANKFORT, Ky. – (March 19, 2010)** – The Kentucky Department for Environmental Protection (DEP) today announced it is moving forward with the issuance of 27 pending water quality permits for mining operations following an extensive review process. The reviews centered on results from changes made in the Clean Water Act 402 permits by DEP. The modifications were negotiated as a result of concerns expressed by EPA during the permit review process. The concerns addressed by those comments are incorporated into the permits being issued by the Division of Water.

"This action today is a strong indication that everyone involved in this process recognizes the need to safeguard our environment while still meeting the energy and economic needs of Kentucky," said Gov. Steve Beshear. "This collaborative effort that allowed all interested parties to work toward a viable solution demonstrates the concern that we all have in making certain coal is mined properly and that all environmental issues are addressed."

In January of this year, the Kentucky Energy and Environment Cabinet, through DEP and the Department for Natural Resources (DNR), announced new protocol to minimize impacts on streams from mining operations while maintaining Approximate Original Contour (AOC). This collaborative effort between DNR, the

federal Office of Surface Mining, the U.S. Army Corps of Engineers, the mining industry, and environmental interests was formalized as the Fill Placement Optimization Protocol (FPOP) in a Reclamation Advisory Memorandum (RAM 145).

"The Reclamation Advisory Memorandum has been a key element in making this process work," said Energy and Environment Cabinet Secretary Len Peters. "We must continue the diligent work of monitoring the streams that could be impacted by any mining operation and following this protocol is essential to that success." Kentucky Coal Association President Bill Bissett applauded the signing of the water permits.

"The coal producers in Kentucky are prepared to work with federal and state agencies to make certain the process works for everyone's best interest. The approval of these 27 permits is a clear indicator that these coal companies have met these more stringent guidelines and that the process does work," said Bissett.

The Cabinet intends to process other pending coal mining Kentucky Pollutant Discharge Elimination System (KPDES) individual permits over the course of the next several weeks as information is received and reviewed. These permits will contain Kentucky's proposed changes in response to the EPA comments on the initial 27 public-noticed CWA 402 permits. CWA 402 permits are issued and reissued with a term of five years.

###

Dick Brown  
Executive Director  
Office of Communications and Public Outreach  
Public Protection/Energy and Environment/Labor Cabinets  
Office - 502-564-5525  
Cell - 502-545-1035

01268-EPA-3698

**Richard Windsor/DC/USEPA/US**  
03/24/2010 11:07 AM

To Michelle DePass, Diane Thompson  
cc Heidi Ellis, Seth Oster  
bcc  
Subject Re: S&ED

[Redacted] (b)(5) Deliberative [Redacted]

Michelle DePass

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

**From:** Michelle DePass  
**Sent:** 03/24/2010 09:29 AM EDT  
**To:** Richard Windsor; Diane Thompson  
**Cc:** Heidi Ellis; Seth Oster  
**Subject:** S&ED

Administrator,

[Redacted] (b)(5) Deliberative [Redacted]

■ [Redacted]

■ [Redacted]

[Redacted]

■ [Redacted]  
■ [Redacted]  
■ [Redacted]  
■ [Redacted]

[Redacted]

■ [Redacted]  
■ [Redacted]

Thank you,

Michelle

---

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International Affairs  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Phone: 202-564-6600  
Fax: 202-565-2407  
Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Vanessa Fleeton  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-4762  
Fax: 202-565-2407  
Email: [fleeton.vanessa@epa.gov](mailto:fleeton.vanessa@epa.gov)

01268-EPA-3699

**Michelle  
DePass/DC/USEPA/US**  
03/24/2010 01:09 PM

To Richard Windsor, Diane Thompson  
cc Heidi Ellis, Seth Oster  
bcc  
Subject Re: S&ED

**(b)(5) Deliberative**  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/24/2010 11:07 AM EDT  
**To:** Michelle DePass; Diane Thompson  
**Cc:** Heidi Ellis; Seth Oster  
**Subject:** Re: S&ED

**(b)(5) Deliberative**

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**Subject:** S&ED

Administrator,

**(b)(5) Deliberative**

■ [Redacted]

■ [Redacted]

[Redacted]

■ [Redacted]

(b)(5) Deliberative

Thank you,  
Michelle

---

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International Affairs  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Phone: 202-564-6600  
Fax: 202-565-2407  
Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Vanessa Fleeton  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-4762  
Fax: 202-565-2407  
Email: [fleeton.vanessa@epa.gov](mailto:fleeton.vanessa@epa.gov)

01268-EPA-3700

**Richard Windsor/DC/USEPA/US**  
03/25/2010 07:00 AM

To "David McIntosh"  
cc  
bcc

Subject Fw: A washingtonpost.com link from:  
windsor.richard@epa.gov

(b)(5) Deliberative

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

From: Richard Windsor  
Sent: 03/25/2010 06:57 AM AST  
To: Richard Windsor  
Subject: A washingtonpost.com link from: windsor.richard@epa.gov

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01268-EPA-3701

**David  
McIntosh/DC/USEPA/US**  
03/25/2010 07:13 AM

To Richard Windsor  
cc  
bcc

Subject Re: A washingtonpost.com link from:  
windsor.richard@epa.gov

(b)(5) Deliberative

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

From: Richard Windsor  
Sent: 03/25/2010 07:00 AM EDT  
To: "David McIntosh" <mcintosh.david@epa.gov>  
Subject: Fw: A washingtonpost.com link from: windsor.richard@epa.gov

(b)(5) Deliberative

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

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Sent: 03/25/2010 06:57 AM AST  
To: Richard Windsor  
Subject: A washingtonpost.com link from: windsor.richard@epa.gov

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[http://views.washingtonpost.com/climate-change/post-carbon/2010/03/more\\_climate\\_huddling.html?referrer=emalmlink](http://views.washingtonpost.com/climate-change/post-carbon/2010/03/more_climate_huddling.html?referrer=emalmlink)

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01268-EPA-3702

**Richard Windsor/DC/USEPA/US**  
03/26/2010 03:21 PM

To Arvin Ganesan  
cc "Seth Oster", "Shawn Garvin", "Adora Andy"  
bcc  
Subject Re: Gov Manchin called.

Yes. Just did [redacted] (b)(5) Deliberative [redacted]

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 03/26/2010 03:08 PM EDT  
**To:** Richard Windsor  
**Subject:** Fw: Gov Manchin called.

did you connect with him?

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

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/26/2010 03:08 PM -----

From: Aaron Dickerson/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 03/26/2010 02:01 PM  
Subject: Gov Manchin called.

Following up from your earlier call. He will be available anytime after 2:30pm. His number is [redacted] (b) (6)

01268-EPA-3703

**Richard Windsor/DC/USEPA/US**  
03/26/2010 04:31 PM

To Seth Oster  
cc  
bcc

Subject Re: Idea for Next Speakers Series -- Thoughts?

(b)(5) Deliberative

Seth Oster

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

**From:** Seth Oster  
**Sent:** 03/26/2010 02:01 PM EDT  
**To:** Richard Windsor  
**Subject:** Idea for Next Speakers Series -- Thoughts?

We have our next idea for the speakers series – but need to make sure it's something that interests you. (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

. (b)(5) Deliberative

[Redacted]

[Redacted]

**Thoughts?**

01268-EPA-3704

**Richard Windsor/DC/USEPA/US**  
03/26/2010 05:07 PM

To Betsaida Alcantara, Adora Andy, Bob Perciasepe  
cc  
bcc  
Subject Re: Spruce Clips - Part 1 of 2

(b)(5) Deliberative

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 03/26/2010 05:01 PM EDT  
**To:** Adora Andy; Bob Perciasepe; Richard Windsor  
**Subject:** Re: Spruce Clips - Part 1 of 2

FYI - (b)(5) Deliberative

Betsaida Alcantara Spruce Clips - Part 1 of 2 Washing... 03/26/2010 04:58:31 PM

**From:** Betsaida Alcantara/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
**Cc:** Adora Andy/DC/USEPA/US@EPA  
**Date:** 03/26/2010 04:58 PM  
**Subject:** Spruce Clips - Part 1 of 2

## **Spruce Clips – Part 1 of 2**

### **Washington Post: EPA proposes stopping West Virginia 'mountaintop' coal mine that has permit**

By David A. Fahrenthold  
Washington Post Staff Writer  
Friday, March 26, 2010; 3:26 PM

The U.S. Environmental Protection Agency on Friday took a rare step against a proposed "mountaintop" coal mine in West Virginia -- proposing to block the mine, despite the fact that it already has a federal permit.

The move is one of the most aggressive to come out of the Obama administration's reexamination of mountaintop mining, where peaks are scraped and blasted away to reach coal seams inside. The EPA has reviewed dozens of permits and approved one large mine in January after environmental improvements were promised.

### **AP: EPA recommends veto of W.Va. mining permit**

By BRIAN FARKAS

Associated Press Writer

CHARLESTON, W.Va. (AP) -- The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

Regional Administrator Shawn Garvin said talks with Mingo Logan Coal Corp. failed to produce an agreement to reduce potential harm at the Spruce No. 1 mine. The agency said the mining plan, which includes mountaintop removal and valley fills, would cover 2,278 acres, and would bury 7 miles of headwater streams and degrade water quality.

## [[FULL TEXT BELOW]]

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Washington Post Staff Writer  
Friday, March 26, 2010; 3:26 PM

The U.S. Environmental Protection Agency on Friday took a rare step against a proposed "mountaintop" coal mine in West Virginia -- proposing to block the mine, despite the fact that it already has a federal permit.

The move is one of the most aggressive to come out of the Obama administration's reexamination of mountaintop mining, where peaks are scraped and blasted away to reach coal seams inside. The EPA has reviewed dozens of permits and approved one large mine in January after environmental improvements were promised.

But, in this case, the agency is threatening to stop the Spruce Number One mine in Logan County, W.Va., entirely -- or at least stop it from using "valley fills," depositing excess rock and rubble in nearby streams. Under the federal Clean Water Act, the EPA has the power to veto projects that would cause an "unacceptable adverse impact," but it has only used that power 12 times since 1972.

And it has never used the power in a case like this, where the mine already has a permit.

EPA will now take public comments on the proposal for 60 days and hold a

hearing on the proposal in West Virginia.

The EPA says the Spruce Number One mine, in a region of southern West Virginia about 300 miles from Washington, would bury about seven miles of streams. As toxic chemicals flow downstream from the mine rubble, the agency said, they could harm aquatic life including one of the richest concentrations of salamanders in the world.

The mine was issued a federal permit in 2007, under the Bush administration, but major mining was delayed by lawsuits from environmental groups. After the Obama White House raised questions about the mine's environmental consequences last year, the EPA began negotiations with Arch Coal, the mine's St. Louis-based parent company.

The EPA said Friday that those negotiations had failed to resolve the impasse.

"Coal, and coal mining, is part of our nation's energy future, and for that reason EPA has made repeated efforts to foster dialogue and find a responsible path forward," Shawn Garvin, EPA's regional administrator for the mid-Atlantic, said in a written press release. "But we must prevent the significant and irreversible damage that comes from mining pollution -- and the damage from this project would be irreversible."

In a statement, Arch Coal said it was "disappointed" with the decision.

"We are evaluating all possible options for relief from the government's actions and intend to vigorously defend the Spruce permit by all legal means," a company statement said.

West Virginia Gov. Joe Manchin III, who has advocated for the coal industry on this issue, issued a statement saying "I am obviously very disappointed, because, the way it stands now, it means a major loss of potential jobs."

The news was cheered by environmental groups -- some of whom had criticized the federal government for sending mixed messages, for and against mountaintop mining.

"It seems that EPA Administrator [Lisa P.] Jackson's concern over the impacts of mountaintop removal coal mining on human health and waterways is now translating into meaningful action," the Rainforest Action Network said in a statement. "We hope that the Spruce Mine veto is a sign that EPA is going to begin using its full authority to stop this devastating practice."

Mountaintop mining -- also called "mountaintop removal" mining -- accounts for about 10 percent of U.S. coal production, though it plays an outsized role in parts of Appalachia. Coal companies say the practice is essential, extracting coal that could not be reached another way.

But environmentalists say the practice destroys mountain ecosystems, buries stream valleys under tons of rubble and poisons stream life for miles downstream.

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By BRIAN FARKAS  
Associated Press Writer

CHARLESTON, W.Va. (AP) -- The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

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The U.S. Army Corps of Engineers issued the permit in 2007. But EPA said it wanted to exercise its authority under the federal Clean Water Act to review the permit further.

EPA's proposal was issued Friday, the deadline set by a federal judge for the agency to make a decision.

"This recommendation is consistent with our broader Clean Water Act efforts in Central Appalachia. EPA has a duty under the law to protect water quality and safeguard the people who rely on these waters for drinking, fishing and swimming," Garvin said in a prepared statement.

The permit is the subject of a federal lawsuit challenging the corps' authority to issue clean water permits for large mountaintop removal mines. U.S. District Judge Robert Chambers has allowed mining to occur at the Logan County mine until the case is resolved.

The Ohio Valley Environmental Coalition is a plaintiff in the lawsuit. Co-Director Dianne Bady said she was pleased by EPA's decision.

"We are so glad to see the Obama administration based its decision on sound science," she said.

Several members of West Virginia's congressional delegation said they were upset by the decision.

Mingo Logan is a subsidiary of St. Louis-based Arch Coal. The company said it was disappointed by EPA's action and was assessing its legal options.

"The Spruce permit is the most scrutinized and fully considered permit in West Virginia's history," the company said in statement. "The 13-year permitting process included the preparation of a full environmental impact statement, the only permit in the eastern coal fields to ever undergo such review."

Arch Coal said it would ask Chambers to rule on the company's request for summary judgment in the lawsuit. The Department of Justice asked Chambers on Friday to delay any decisions until EPA issues a final decision following a 60-day public comment period.

It's the first time since 1972 that EPA has used its authority to veto a permitted project. In nearly four decades the agency has used its authority only 12 times before a permit was issued.

Garvin said EPA determined that rock, dirt and other mining wastes from Spruce No. 1 would affect water quality, fish and wildlife in the Coal River watershed. The watershed is already one of the state's more heavily mined areas.

The mine would release high levels of total dissolved solids and selenium, which in high concentrations can create birth defects in fish and other aquatic life.

Also, the plan to replace ecological resources lost during mining was inadequate, EPA said.

The federal agency has focused on coal mining in Central Appalachia since President Barack Obama took office. The agency has concentrated on mines where mountaintop removal mining is used to expose multiple coal seams. Studies have shown the mining practice has buried hundreds of miles of streams under valley fills, that were permitted under the dredge and fill section of the Clean Water Act.

Last fall, EPA said it had identified 79 permits in West Virginia, Virginia, Kentucky and Tennessee where the mining practice is used. In September, EPA said it wanted to review the Spruce No. 1 permit.

Garvin said EPA will hold a 60-day comment period on its recommendation before it makes a final decision. The agency also plans to hold a public hearing in the state.

01268-EPA-3705

**Bob Sussman/DC/USEPA/US**

03/26/2010 06:19 PM

To David McIntosh

cc Arvin Ganesan, Bob Perciasepe, Gina McCarthy, Lisa  
Heinzerling, Richard Windsor, Seth Oster  
bcc

Subject Re: Senators' letter to you about the boiler MACT rulemaking

**(b)(5) Deliberative**

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

David McIntosh

Administrator: Attached is a letter about...

03/26/2010 03:54:32 PM

From: David McIntosh/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA  
 Cc: Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob  
 Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth  
 Oster/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
 Date: 03/26/2010 03:54 PM  
 Subject: Senators' letter to you about the boiler MACT rulemaking

Administrator: Attached is a letter about the boiler MACT rulemaking that Senators Voinovich, Brown, Cornyn, Lugar, Alexander, Bayh, Bond, Warner, and Webb have just send to you, cc'ing Gina, Bob, Bob, Cass Sunstein, and Larry Summers.

-David

----- Forwarded by David McIntosh/DC/USEPA/US on 03/26/2010 03:50 PM -----

From: "Johnston, Todd (Voinovich)" <Todd\_Johnston@voinovich.senate.gov>  
 To: David McIntosh/DC/USEPA/US@EPA  
 Date: 03/26/2010 03:48 PM  
 Subject: Letter to Administrator Jackson

David – This letter has several CCs at EPA, including: Gina McCarthy, Robert Perciasepe and Robert Sussman.

Thanks,

Todd

[attachment "Letter to Administrator Lisa Jackson, March 26, 20100001.pdf" deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3706

Heidi Ellis/DC/USEPA/US

03/26/2010 06:28 PM

To Michelle DePass, Richard Windsor, Diane Thompson

cc Seth Oster

bcc

Subject Re: S&ED

I took a harder look at that time frame and there are some items on the tail end of June, and in mid to late July.

Some items include the CEC Meeting in Mexico on June 28 & 29th, LULAC in NM on July 12-17th, and events in Aspen on July 24-26th.

(b)(5) Deliberative

I will work with OIA on these options, but I wanted to loop everyone into what we had on deck.

Thanks.

Michelle DePass

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

**From:** Michelle DePass

**Sent:** 03/24/2010 01:09 PM EDT

**To:** Richard Windsor; Diane Thompson

**Cc:** Heidi Ellis; Seth Oster

**Subject:** Re: S&ED

(b)(5) Deliberative  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 03/24/2010 11:07 AM EDT

**To:** Michelle DePass; Diane Thompson

**Cc:** Heidi Ellis; Seth Oster

**Subject:** Re: S&ED

(b)(5) Deliberative

Michelle DePass

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

**From:** Michelle DePass

**Sent:** 03/24/2010 09:29 AM EDT

**To:** Richard Windsor; Diane Thompson

**Cc:** Heidi Ellis; Seth Oster

**Subject:** S&ED

Administrator,

(b)(5) Deliberative

(b)(5) Deliberative

- [REDACTED] (b)(5) Deliberative

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

Thank you,  
Michelle

---

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International Affairs  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Phone: 202-564-6600  
Fax: 202-565-2407  
Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Vanessa Fleeton  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-4762  
Fax: 202-565-2407  
Email: [fleeton.vanessa@epa.gov](mailto:fleeton.vanessa@epa.gov)

01268-EPA-3707

**Richard Windsor/DC/USEPA/US**  
03/26/2010 06:50 PM

To Bob Sussman  
cc  
bcc

Subject Re: Senators' letter to you about the boiler MACT rulemaking

Tx.

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/26/2010 06:19 PM EDT  
**To:** David McIntosh  
**Cc:** Arvin Ganesan; Bob Perciasepe; Gina McCarthy; Lisa Heinzerling; Richard Windsor; Seth Oster  
**Subject:** Re: Senators' letter to you about the boiler MACT rulemaking  
**(b)(5) Deliberative**

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

David McIntosh Administrator: Attached is a letter about... 03/26/2010 03:54:32 PM

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA  
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-David

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Date: 03/26/2010 03:48 PM  
Subject: Letter to Administrator Jackson

David – This letter has several CCs at EPA, including: Gina McCarthy, Robert Perciasepe and Robert Sussman.

Thanks,

Todd

[attachment "Letter to Administrator Lisa Jackson, March 26, 20100001.pdf"  
deleted by Bob Sussman/DC/USEPA/US]

01268-EPA-3708

**Richard Windsor/DC/USEPA/US**  
03/26/2010 08:12 PM

To Adora Andy, Betsaida Alcantara, Bob Perciasepe  
cc  
bcc

Subject Re: Dow Jones corrected story

Well done BA. !  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 03/26/2010 07:30 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor; Bob Perciasepe  
**Subject:** Re: Dow Jones corrected story

(b)(5) Deliberative

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 03/26/2010 07:01 PM EDT  
**To:** Richard Windsor; Adora Andy; Bob Perciasepe  
**Subject:** Dow Jones corrected story

(b)(5) Deliberative

EPA Moves to Deny Arch Coal Permit

· By Ian Talley  
· Of DOW JONES NEWSWIRES  
·

¶ WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency said Friday it plans to revoke Arch Coal's (ACI) Spruce No. 1 coal mining permit, saying it would have adverse environmental impacts.

¶ The agency said its decision would "significantly restrict or prohibit" operations at the mine. The proposed permit veto is subject to public comment for 60 days before the agency can finalize the ruling.

¶ The EPA denial of the project--which would have been the largest mountaintop coal mine in central Appalachia--follows failed negotiations with the company, the EPA said.

¶ The company said it would vigorously defend the permit "by all legal means."

¶ "Arch Coal is disappointed that EPA has chosen to take the unprecedented action to initiate the veto process ... against a validly issued and existing permit," the company said in a statement.

¶ The announcement reflects a tough stance from the Obama administration on mountain top coal mining, which involves blasting off mountain tops to get at the coal underneath. The agency has received sharp criticism from environmentalists seeking to curb the industry, but has also faced strong pressure from the coal lobby and coal-state Democrats.

¶ West Virginia politicians condemned the decision. Sen. Jay Rockefeller, a Democrat, said he would push EPA officials to find a long-term solution. Gov. Joe Manchin, also a Democrat, said it would mean a major loss of jobs.

¶ "However, it is my understanding that the door is not completely closed on this process and Arch Coal will now need to look at its options on moving forward with continued discussions," Manchin said.

¶ The agency last year put a hold on the Spruce No. 1 permit in Logan County, W.Va., and this is the first time in 37 years the EPA has used its power to revoke a previously issued mountaintop mining permit.

¶ The agency is reviewing dozens of coal-mine permits and has allowed others to go forward.

¶ Shawn Garvin, an EPA regional administrator for the Mid-Atlantic, said while coal and coal mining is part of the nation's future, "we must prevent the significant and irreversible damage that comes from mining pollution, and the damage from this project would be irreversible."

¶ The agency said the project would adversely affect drinking water, human communities and the

surrounding ecosystems.

¶ EPA said it "believes that the Spruce No. 1 project, in conjunction with numerous other mining operations either under construction or proposed for the Coal River basin, will contribute to the cumulative loss of water quality, aquatic systems, and forest resources."

¶ While environmentalists saw the decision as a victory, industry said it inserted additional uncertainty about the future of coal mining in the area.

¶ "It seems that EPA Administrator Jackson's concern over the impacts of mountaintop removal coal mining on human health and waterways is now translating into meaningful action," said Amanda Starbuck, global finance campaign director for Rainforest Action Network.

¶ Ed Hopkins, Sierra Club's Director of Environmental Quality, said he hoped the agency would follow through on the recommendation.

¶ "This massive mine would bury seven miles of streams, destroy thousands of acres of land and disrupt local communities," he said.

¶ The National Mining Association said EPA's proposed action "adds further uncertainty for jobs and economic security throughout Appalachia. We remain hopeful this and other permitting obstacles can be favorably resolved in the near future."

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

--0-

Richard Windsor

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

**From:** Richard Windsor

**Sent:** 03/26/2010 05:07 PM EDT

**To:** Betsaida Alcantara; Adora Andy; Bob Perciasepe

**Subject:** Re: Spruce Clips - Part 1 of 2

Tx

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 03/26/2010 05:01 PM EDT

**To:** Adora Andy; Bob Perciasepe; Richard Windsor

**Subject:** Re: Spruce Clips - Part 1 of 2

FYI - (b)(5) Deliberative

Betsaida Alcantara Spruce Clips - Part 1 of 2 Washing... 03/26/2010 04:58:31 PM

From: Betsaida Alcantara/DC/USEPA/US  
 To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
 Cc: Adora Andy/DC/USEPA/US@EPA  
 Date: 03/26/2010 04:58 PM  
 Subject: Spruce Clips - Part 1 of 2

## Spruce Clips – Part 1 of 2

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By David A. Fahrenthold  
 Washington Post Staff Writer  
 Friday, March 26, 2010; 3:26 PM

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Associated Press Writer

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Friday, March 26, 2010; 3:26 PM

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The EPA says the Spruce Number One mine, in a region of southern West Virginia about 300 miles from Washington, would bury about seven miles of streams. As toxic chemicals flow downstream from the mine rubble, the agency said, they could harm aquatic life including one of the richest concentrations of salamanders in the world.

The mine was issued a federal permit in 2007, under the Bush administration, but major mining was delayed by lawsuits from environmental groups. After the Obama White House raised questions about the mine's environmental consequences last year, the EPA began negotiations with Arch Coal, the mine's St. Louis-based parent company.

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West Virginia Gov. Joe Manchin III, who has advocated for the coal industry on this issue, issued a statement saying "I am obviously very disappointed, because, the way it stands now, it means a major loss of potential jobs."

The news was cheered by environmental groups -- some of whom had criticized the federal government for sending mixed messages, for and against mountaintop mining.

"It seems that EPA Administrator [Lisa P.] Jackson's concern over the impacts of mountaintop removal coal mining on human health and waterways is now translating into meaningful action," the Rainforest Action Network said in a statement. "We hope that the Spruce Mine veto is a sign that EPA is going to begin using its full authority to stop this devastating practice."

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Associated Press Writer

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"This recommendation is consistent with our broader Clean Water Act efforts in Central Appalachia. EPA has a duty under the law to protect water quality and safeguard the people who rely on these waters for drinking, fishing and swimming," Garvin said in a prepared statement.

The permit is the subject of a federal lawsuit challenging the corps' authority to issue clean water permits for large mountaintop removal mines. U.S. District Judge Robert Chambers has allowed mining to occur at the Logan County mine until the case is resolved.

The Ohio Valley Environmental Coalition is a plaintiff in the lawsuit. Co-Director Dianne Bady said she was pleased by EPA's decision.

"We are so glad to see the Obama administration based its decision on sound science," she said.

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Also, the plan to replace ecological resources lost during mining was inadequate, EPA said.

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Last fall, EPA said it had identified 79 permits in West Virginia, Virginia, Kentucky and Tennessee where the mining practice is used. In September, EPA said it wanted to review the Spruce No. 1 permit.

Garvin said EPA will hold a 60-day comment period on its recommendation before it makes a final decision. The agency also plans to hold a public hearing in the state.

01268-EPA-3709

**Richard Windsor/DC/USEPA/US**  
03/27/2010 08:02 AM

To Heidi Ellis, Michelle DePass, Diane Thompson  
cc Seth Oster  
bcc  
Subject Re: S&ED

(b)(5) Deliberative

Heidi Ellis

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

**From:** Heidi Ellis  
**Sent:** 03/26/2010 06:28 PM EDT  
**To:** Michelle DePass; Richard Windsor; Diane Thompson  
**Cc:** Seth Oster  
**Subject:** Re: S&ED

I took a harder look at that time frame and there are some items on the tail end of June, and in mid to late July.

Some items include the CEC Meeting in Mexico on June 28 & 29th, LULAC in NM on July 12-17th, and events in Aspen on July 24-26th.

(b)(5) Deliberative

I will work with OIA on these options, but I wanted to loop everyone into what we had on deck.

Thanks.

Michelle DePass

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

**From:** Michelle DePass  
**Sent:** 03/24/2010 01:09 PM EDT  
**To:** Richard Windsor; Diane Thompson  
**Cc:** Heidi Ellis; Seth Oster  
**Subject:** Re: S&ED

(b)(5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/24/2010 11:07 AM EDT  
**To:** Michelle DePass; Diane Thompson  
**Cc:** Heidi Ellis; Seth Oster  
**Subject:** Re: S&ED

(b)(5) Deliberative

Michelle DePass

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

**From:** Michelle DePass  
**Sent:** 03/24/2010 09:29 AM EDT  
**To:** Richard Windsor; Diane Thompson  
**Cc:** Heidi Ellis; Seth Oster  
**Subject:** S&ED

Administrator,

(b)(5) Deliberative  
[Redacted]

- [Redacted]

- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
- [Redacted]

Thank you,  
Michelle

---

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International Affairs  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Phone: 202-564-6600  
Fax: 202-565-2407  
Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Vanessa Fleeton  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-4762

Fax: 202-565-2407

Email: [fleeton.vanessa@epa.gov](mailto:fleeton.vanessa@epa.gov)

01268-EPA-3710

**Bob  
Perciasepe/DC/USEPA/US**  
03/28/2010 09:35 PM

To Richard Windsor, Diane Thompson, Sarah Pallone  
cc  
bcc  
Subject ECOS

Lisa, Diane and Sarah:

After thinking about the ECOS meeting last week I thought I would share a few thoughts and observations.

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711  
(c) +1 (b)(6) Privacy



01268-EPA-3711

**Richard Windsor/DC/USEPA/US**  
03/28/2010 09:58 PM

To Bob Perciasepe, Diane Thompson, Sarah Pallone  
cc  
bcc  
Subject Re: ECOS

Interesting idea. Tx.  
Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 03/28/2010 09:35 PM EDT  
**To:** Richard Windsor; Diane Thompson; Sarah Pallone  
**Subject:** ECOS

Lisa, Diane and Sarah:

After thinking about the ECOS meeting last week I thought I would share a few thoughts and observations.

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe  
Deputy Administrator

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(c) +1 (b)(6) Privacy

01268-EPA-3712

**Mathy  
Stanislaus/DC/USEPA/US**  
03/29/2010 07:03 PM

To "Richard Windsor"  
cc  
bcc

Subject Fw: Lisa Jackson

Can you do a video for this event?

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

From: mvprince  
Sent: 03/29/2010 10:59 PM GMT  
To: Mathy Stanislaus  
Subject: Fw: Lisa Jackson

Sent from my Verizon Wireless BlackBerry

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

From: "Elizabeth C. Yeampierre" <Elizabeth@uprose.org>  
Date: Mon, 29 Mar 2010 18:54:27  
To: Lisa Garcia<Garcia.Lisa@epamail.epa.gov>  
Subject: Lisa Jackson

Dear Lisa,

On April 16th and 17th , UPROSE is hosting the NYC Climate Justice Youth Summit. It is the first time that young people of color throughout the city will be brought together to learn about the impact of climate change in their communities and given the opportunity to engage in a very local way. All of the NYCEJA groups and several social justice organizations are part of our planning team. The event is being funded by FYCO, NYPA, EPA and hopefully Con Ed. All the mainstream enviro's and a few unions have agreed to table the event and distribute literature to our young people. Groups all over the country have called because they want to participate and we've had to explain that we are focusing on local leadership development, but that the Summit is a replicable model. We've heard from Black Mesa Coalition, ELVEJO in Chicago, VAYLA in New Orleans and some groups in North Carolina. The Summit has taken on a life of it's own. Teachers are calling us from schools from Washington Hts to East New York because they want to bring their students. It is very exciting. EPA is also tabling and a staffer is coming to present for OEJ (Aaron Bell)

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Please let me know at your earliest convenience (we have to send the docs to the printer) whether it's possible to get a letter.

Thanks so much-

Elizabeth

Elizabeth C. Yeampierre  
Executive Director  
UPROSE  
166A 22nd Street  
Brooklyn, NY 11232  
718-492-9307

elizabeth@uprose.org

UPROSE

Education either functions as an instrument which is either used to facilitate integration of the younger generation into the logic of the present system and bring about conformity or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world. Paulo Freire

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APRIL 16, 2010 3PM-9PM  
APRIL 17, 2010 9AM-9PM

**Urban Assembly High School for Green Careers**  
145 West 84th Street, New York

For More Information Contact: YouthJustice@uprose.org

THE POINT PUBLIC ALLIES EL PLENTE New York Power Authority YMPJ FUREE

Elizabeth C. Yeampierre  
Executive Director  
UPROSE  
166A 22nd Street  
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01268-EPA-3713

**Richard Windsor/DC/USEPA/US**  
03/29/2010 07:05 PM

To Mathy Stanislaus  
cc "Allyn Brooks-Lasure"  
bcc  
Subject Re: Lisa Jackson

Yes - provided Allyn can schedule.

----- Original Message -----  
From: Mathy Stanislaus  
Sent: 03/29/2010 07:03 PM EDT  
To: Richard Windsor  
Subject: Fw: Lisa Jackson

Can you do a video for this event?

----- Original Message -----  
From: mvprince  
Sent: 03/29/2010 10:59 PM GMT  
To: Mathy Stanislaus  
Subject: Fw: Lisa Jackson

Sent from my Verizon Wireless BlackBerry

-----Original Message-----  
From: "Elizabeth C. Yeampierre" <Elizabeth@uprose.org>  
Date: Mon, 29 Mar 2010 18:54:27  
To: Lisa Garcia<Garcia.Lisa@epamail.epa.gov>  
Subject: Lisa Jackson

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Elizabeth

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For More Information Contact: [YouthJustice@uprose.org](mailto:YouthJustice@uprose.org)

**THE POINT**   **PUBLIC ALLIES**   **EL PUENTE**   **New York Power Authority**   **YMPJ**   **FURED**

Elizabeth C. Yeampierre  
Executive Director  
UPROSE

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Brooklyn, NY 11232  
718-492-9307

[elizabeth@uprose.org](mailto:elizabeth@uprose.org)



**UPROSE**

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01268-EPA-3714

**Mathy  
Stanislaus/DC/USEPA/US**  
03/29/2010 07:10 PM

To Richard Windsor  
cc "Allyn Brooks-Lasure"  
bcc  
Subject Re: Lisa Jackson

Thanks

----- Original Message -----  
From: Richard Windsor  
Sent: 03/29/2010 07:05 PM EDT  
To: Mathy Stanislaus  
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>  
Subject: Re: Lisa Jackson

Yes - provided Allyn can schedule.

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Date: Mon, 29 Mar 2010 18:54:27  
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01268-EPA-3719

**Richard Windsor/DC/USEPA/US**  
03/31/2010 08:19 PM

To Betsaida Alcantara  
cc Seth Oster, Adora Andy  
bcc  
Subject Re: MTM guidance press rls

Looks grt. Tx.  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 03/31/2010 06:50 PM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Adora Andy  
**Subject:** MTM guidance press rls

**Administrator,**

Here's the press release for tomorrow's MTM announcement. Let us know if you have any changes.

## **EPA Issues Comprehensive Guidance to Protect Appalachian Communities From Harmful Environmental Impacts of Mountain Top Mining**

*Guidance Provides Additional Clarity and Ensures Stronger Protection at Projects in Ohio, Pennsylvania, West Virginia, Kentucky, Virginia and Tennessee*

**WASHINGTON** - The U.S. Environmental Protection Agency (EPA) today announced a set of actions to further clarify and strengthen environmental permitting requirements for Appalachian mountaintop removal and other surface coal mining projects, in coordination with federal and state regulatory agencies. Using the best available science and following the law, the comprehensive guidance sets clear benchmarks for preventing significant and irreversible damage to Appalachian watersheds at risk from mining activity.

Mountaintop removal is a form of surface coal mining in which explosives are used to access coal seams, generating large volumes of waste that bury adjacent streams. The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and rendering streams unfit for swimming, fishing and drinking.

It is estimated that almost 2,000 miles of Appalachian headwater streams have been buried by mountaintop coal mining.

"The people of Appalachia shouldn't have to choose between a clean, healthy environment in which to raise their families and the jobs they need to support them. That's why EPA is providing even greater clarity on the direction the Agency is taking to confront pollution from mountain top removal," said EPA Administrator Lisa P. Jackson. "We will continue to work with all stakeholders to find a way forward that follows the science and the law. Getting this right is important to Americans who rely on affordable coal to power homes and businesses, as well as coal communities that count on jobs and a livable environment, both during mining and after coal companies move to other sites."

#### **EPA's Actions:**

- **Improved Guidance and Clarity:** EPA is communicating comprehensive guidance to its Regional offices with permitting responsibility in Appalachian states. The guidance clarifies existing requirements of the Section 402 and 404 Clean Water Act permitting programs that apply to pollution from surface coal mining operations in streams and wetlands. The guidance details EPA's responsibilities and how the Agency uses its Clean Water Act (CWA) authorities to ensure that future mining will not cause significant environmental, water quality, and human health impacts. EPA also expects this information will provide improved consistency and predictability in the CWA permitting process and help to strengthen coordination with other federal and state regulatory agencies and mining companies.
- **Strong Science:** EPA is making publicly available two scientific reports prepared by its Office of Research and Development (ORD). One summarizes the aquatic impacts of mountaintop mining and valley fills. The second report establishes a scientific benchmark for unacceptable levels of conductivity (a measure of water pollution from mining practices) that threaten stream life in surface waters. These reports are being published for public comment and submitted for peer review to the EPA Science Advisory Board.
- **Increased transparency:** EPA is creating a permit tracking website so that the public can determine the status of mining permits subject to the EPA- Army Corps Enhanced Coordination Procedure (ECP).

A growing body of scientific literature, including previous and new studies performed by EPA, show significant damage to local streams that are polluted with the mining runoff from mountain top removal. To protect water quality, EPA has identified a range of conductivity (a measure of the level of salt in the water) of 300 to 500 microSiemens per centimeter. The maximum

benchmark conductivity of 500 microSiemens per cm is a measure of salinity that is roughly five times above normal levels. The conductivity levels identified in the clarifying guidance are intended to protect 95% of aquatic life and fresh water streams in central Appalachia.

EPA will be soliciting public comments on the new guidance. The guidance will be effective immediately on an interim basis. EPA will decide whether to modify the guidance after consideration of public comments and the results of the SAB technical review of the EPA scientific reports.

The EPA guidance identifies improvements in mining practices and operations that will reduce adverse impacts on water quality. EPA will continue to work with coal companies who are interested in modifying their projects to reduce their environmental footprint and prevent harm to water quality and human health. Earlier this year, EPA approved the Hobet 45 permit in West Virginia. Working with the mining company, EPA was able to reduce stream impacts by almost 50 percent and minimize mine runoff into surface waters. Those changes helped permanently protect local waters, maximize coal recovery and reduce costs for the operators.

In contrast, EPA recently proposed to significantly restrict or prohibit mountaintop mining at the Spruce No. 1 surface mine in Logan County, West Virginia. Attempts at dialogue with the company failed to ensure a significant decrease of environmental and water quality impacts from the project. The Spruce No. 1 mine, as proposed, would bury over 7 miles of headwater streams, directly impact 2,278 acres of forestland, and degrade water quality in streams adjacent to the mine. The project was permitted in 2007 and subsequently delayed by litigation.

EPA's guidance offers recommendations to its Regions on the application of the National Environmental Policy Act to surface coal mining projects permitted by the Army Corps of Engineers. The Corps is separately announcing plans for rulemaking to expand the scope of NEPA review. EPA is supportive of this effort and will work closely with the Army Corps.

All of the documents are available at  
<http://www.epa.gov/owow/wetlands/guidance/mining.html>

**PRESS RELEASE FACT SHEET ON EPA GUIDANCE AND SCIENTIFIC REPORTS**

## **Additional Comprehensive Guidance**

EPA is issuing comprehensive guidance clarifying the standards that its Regions should apply in permitting reviews of Appalachian surface coal mining projects under the Clean Water Act. This guidance directs EPA field staff to coordinate with their Federal and state regulatory partners to strengthen the environmental review of new Appalachian surface coal mining projects and to improve protection of the communities' local water and environment. More specifically, the guidance:

- Incorporates the latest scientific information in clarifying how Clean Water Act (CWA) permits should assure compliance with existing water quality standards to protect the use of streams by communities and to ensure healthy aquatic life.
- Clarifies how CWA requirements apply to the disposal of mining overburden in streams to reduce the size and number of valley fills, to limit water quality contamination of streams near mining operations, and to prevent significant environmental degradation of streams and wetlands.
- Improves opportunities for the voices of adversely affected Appalachian communities to be heard in the process of reviewing proposed new mining operations.

## **EPA Releases Two Draft Scientific Reports for Public Comment**

- Field-Based Aquatic Life Benchmark for Conductivity

This draft report adapts EPA's traditional approach for developing water quality criteria to field data in central Appalachia in order to develop a conductivity benchmark protective of stream life in Appalachian surface waters. Conductivity is a measure of the level of salinity (salt) in the water. There are mining materials that are dumped or runoff into water that can raise the salinity level that turns fresh water into salty water. When this happens, living organism have difficulty surviving because they cannot tolerate the high salinity level.

The draft report makes the following conclusions:

- o The salinity of water has been shown to negatively affect aquatic organisms (stream life).
- o By plotting the conductivity levels at which organisms are no longer

- observed in streams, we can determine a level of conductivity that results in their loss. EPA identified a benchmark of 300 microSiemens per cm (units of conductivity) that protects 95% of aquatic organisms living in streams in central Appalachia.
- o EPA derived this benchmark using more than 2,000 field samples collected in West Virginia. These results were validated using data from Kentucky.
  - o Although the method is applicable to any region, the value 300 is only applicable to Central Appalachian streams containing the types of salts found in those streams.
  - o Additional analyses demonstrate that the observed effects on the aquatic community are due types of salts that are consistent with minerals leached from mountaintop mining operations and not to other variables that were evaluated.

· Mountaintop Mining / Valley Fill Impacts Report

EPA's Office of Research and Development (ORD) conducted a literature review of peer-reviewed studies focusing on aquatic environmental and water quality impacts of mountaintop mining and valley fills. The draft report among other conclusions, found:

- o Burial of headwater streams by valley fills causes permanent loss of ecosystems.
- o Concentrations of salts as measured by conductivity are, on average, 10 times higher downstream of mountaintop mines and valley fills than in un-mined watersheds.
- o The increased levels of salts disrupt the life cycle of freshwater aquatic organisms and some cannot live in these waters.
- o Water with high salt concentrations downstream of mountaintop mines and valley fills is toxic to stream organisms. To date, there is no evidence that streams that undergo a restoration process have returned to their normal ecological functions after the mining is completed.

01268-EPA-3723

**Richard Windsor/DC/USEPA/US**  
04/01/2010 03:32 PM

To Seth Oster  
cc  
bcc

Subject Re: SENATOR BYRD RESPONSE

Agreed!  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/01/2010 03:20 PM EDT  
**To:** Richard Windsor; Bob Sussman; Diane Thompson; Bob Perciasepe  
**Subject:** Fw: SENATOR BYRD RESPONSE

Great statement from Byrd.

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

----- Forwarded by Seth Oster/DC/USEPA/US on 04/01/2010 03:20 PM -----

From: Adora Andy/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Cc: Alisha Johnson/DC/USEPA/US@EPA  
Date: 04/01/2010 03:11 PM  
Subject: SENATOR BYRD RESPONSE

Sent from my Blackberry Wireless Device

**From:** "Jacobs, Jesse (Byrd)" [Jesse\_Jacobs@byrd.senate.gov]  
**Sent:** 04/01/2010 02:54 PM AST  
**To:** Arvin Ganesan  
**Subject:** fyi

News From

U.S. Senator  
**Robert C. Byrd**  
West Virginia  
Phone (202) 224-3904

For Immediate Release: Thursday, April 1, 2010

**BYRD RESPONDS TO EPA GUIDELINES**

## ON MINING PERMIT PROCESS

*"Asked for 'clarity' of procedures to end uncertainty in coalfields"*

Washington, DC – U.S. Senator Robert C. Byrd, D-W.Va., today responded to the Environmental Protection Agency's (EPA) announcement of guidelines relating to water quality issues and the mining permit process. Byrd has met and discussed with EPA Administrator Lisa Jackson on several occasions and has asked her to clarify and develop a clear set of parameters for issuing mining permits to end uncertainty in the coalfields.

"Today's announcement will hopefully now have everyone reading off the same page."

"I, along with other elected officials, coal operators, the mining community, and environmentalists from West Virginia have been asking for a clearer, concise policy on moving forward with mountaintop mining permits and water quality issues."

"I am pleased that EPA Administrator Jackson took our concerns about the need to provide clarity very seriously and has responded with these guidelines."

###

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

From: (b)(6) On Behalf Of Ry Rivard

Sent: Thursday, April 01, 2010 2:04 PM

To: Jacobs, Jesse (Byrd)

Subject: What does the Senator think of the new EPA standards?

EPA Administrator Jackson said, in announcing them, that, "Senator Byrd has often spoken about providing a clearer path for the future of coal...The steps we are taking today will help outline that clearer path."

She also said the standards mean "no or very few valley fills."

-Ry

--

Ry Rivard  
Reporter  
Charleston Daily Mail  
1001 Virginia St. E.  
Charleston, WV 25301  
304-348-5185 fax: 304-348-4847



01268-EPA-3725

**Bob Sussman/DC/USEPA/US** To "Lisa P. Jackson"  
 04/04/2010 11:46 AM cc  
 bcc  
 Subject Fw: Great work on MTM

Lisa. This is but one of several positive e-mails from EPA staff. While I can take some small credit for helping us get there, you're the person who set the goal and had the courage to stick to it despite false-starts and incredible political heat. You've done many great things at EPA but I think this is one of your finest accomplishments and will endure after we're all gone. (b)(5) Deliberative

ities. I felt proud on Thursday to be at our side.  
 John Pomponio

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

**From:** John Pomponio  
**Sent:** 04/02/2010 08:45 AM EDT  
**To:** Bob Sussman  
**Subject:** Re: Great work on MTM

Thanks Bob,

This has been one of the high points of my 34 years here at EPA. I think we all owe a special thanks to you and Lisa Jackson for demonstrating that science, law, and transparency are not just buzz words. You and Lisa backed them up and show a real trust and appreciation of Regional and HQ staff. Lisa's political courage is also remarkable.

I think the entire team should find an appropriate way to express our appreciation to Lisa for her support.

John R. (Randy) Pomponio, Director  
 Environmental Assessment & Innovation Division  
 U.S. Environmental Protection Agency, Region III  
 1650 Arch Street  
 Philadelphia, PA 19103

(215) 814-2702  
 pomponio.john@epa.gov

Bob Sussman Nancy captures my sentiments precisel... 04/02/2010 07:46:55 AM

**From:** Bob Sussman/DC/USEPA/US  
**To:** Lisa Garcia/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, "Randy Pomponio" <pomponio.john@epa.gov>, Jim Giattina/R4/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Jon Capacasa/R3/USEPA/US@EPA, "Dave Evans" <evans.david@epa.gov>, Brian Frazer/DC/USEPA/US@EPA, "Michael Slimak" <Slimak.Michael@epamail.epa.gov>  
**Cc:** Suzi Ruhl/DC/USEPA/US@EPA, Cliff Rader/DC/USEPA/US@EPA  
**Date:** 04/02/2010 07:46 AM  
**Subject:** Re: Great work on MTM

---

Nancy captures my sentiments precisely. Yesterday was an exciting day that made me proud to be at EPA. We achieved a historic advance for the environment. It took a huge amount of teamwork, expertise, hard work and commitment from all of you and many more. The administrator provided the leadership and political will but you provided the substance. We have a big challenge ahead of us implementing the guidance but have created a strong foundation to build on. The administrator thanks you for your incredible contribution.

Lisa Garcia

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

**From:** Lisa Garcia

**Sent:** 04/01/2010 07:35 PM EDT

**To:** Nancy Stoner; Bob Sussman; Betsaida Alcantara; Gregory Peck; Kevin Minoli; Seth Oster; Shawn Garvin; Stan Meiburg; "Randy Pomponio" <pomponio.john@epa.gov>; Jim Giattina; Tinka Hyde; Adora Andy; Denise Keehner; Matthew Klasen; Paul Anastas; Cynthia Giles-AA; Jon Capacasa; "Dave Evans" <evans.david@epa.gov>; Brian Frazer

**Cc:** Suzi Ruhl; Cliff Rader

**Subject:** Re: Great work on MTM

Could not have said it better. This was really a great collaborative effort! Thanks Team

Lisa g

Nancy Stoner

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

**From:** Nancy Stoner

**Sent:** 04/01/2010 07:17 PM EDT

**To:** Bob Sussman; Betsaida Alcantara; Gregory Peck; Kevin Minoli; Seth Oster; Shawn Garvin; Stan Meiburg; Randy Pomponio <pomponio.john@epa.gov>; Jim Giattina; Tinka Hyde; Adora Andy; Denise Keehner; Matthew Klasen; Paul Anastas; Cynthia Giles-AA; Lisa Garcia; Jon Capacasa; Dave Evans <evans.david@epa.gov>; Brian Frazer

**Subject:** Great work on MTM

I just want to thank all of you for your terrific work over the past several years to get to today's announcements on MTM. I'm just glad I arrived in time to participate in the roll out of this guidance and the associated science reports, which will make a huge improvement in protecting streams in Appalachia. I'm just delighted to be associated with this work and with all of you. Congrats!

01268-EPA-3726

Michael Moats/DC/USEPA/US  
04/05/2010 12:07 PM

To Richard Windsor, Betsaida Alcantara  
cc  
bcc

Subject ACTION Earth Day OpEd

Sorry to bother you on vacation. This is an oped that will run as part of an Earth Day insert in the Washington Post. They're asking for it by COB today. Seth has signed off, and we wanted to get your thoughts if you have a moment to look. Thanks.

Mike

**DRAFT**

(b)(5) Deliberative

[Redacted]

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-3727

**Richard Windsor/DC/USEPA/US**  
04/05/2010 12:15 PM

To Michael Moats  
cc  
bcc  
Subject Re: ACTION Earth Day OpEd

Looks good. Perhaps there is a typo in this sentence (b)(5) Deliberative  
[Redacted]

Better check for typos throughout one last time. Tx.  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/05/2010 12:07 PM EDT  
**To:** Richard Windsor; Betsaida Alcantara  
**Subject:** ACTION Earth Day OpEd

Sorry to bother you on vacation. This is an oped that will run as part of an Earth Day insert in the Washington Post. They're asking for it by COB today. Seth has signed off, and we wanted to get your thoughts if you have a moment to look. Thanks.

Mike

**DRAFT**

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

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(b)(5) Deliberative

[Redacted]

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[Redacted]

[Redacted]

(b)(5) Deliberative  
[Redacted text block]

[Redacted text block]

[Redacted text block]

(b)(5) Deliberative

A large block of text is redacted with black bars. The redaction consists of seven horizontal black bars of varying lengths, completely obscuring the text underneath. The first bar is the longest and contains the text "(b)(5) Deliberative".

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

01268-EPA-3728

**David  
McIntosh/DC/USEPA/US**  
04/05/2010 01:51 PM

To Richard Windsor  
cc Heidi Ellis, Robert Goulding  
bcc  
Subject your likely appearance before the House Energy and  
Commerce Committee

Hi Administrator,

You're now tentatively scheduled to testify before the full House Energy and Commerce Committee on the morning of April 28, at a hearing on climate change and climate-change policy (b)(5) Deliberative

-David

01268-EPA-3729

**Richard Windsor/DC/USEPA/US**  
04/05/2010 02:34 PM

To David McIntosh  
cc  
bcc

Subject Re: your likely appearance before the House Energy and Commerce Committee

K. Tx.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/05/2010 01:51 PM EDT  
**To:** Richard Windsor  
**Cc:** Heidi Ellis; Robert Goulding  
**Subject:** your likely appearance before the House Energy and Commerce

Committee

Hi Administrator,

You're now tentatively scheduled to testify before the full House Energy and Commerce Committee on the morning of April 28, at a hearing on climate change and climate-change policy (b)(5) Deliberative

-David

01268-EPA-3731

**Richard Windsor/DC/USEPA/US**  
04/05/2010 07:05 PM

To "Bicky Corman"  
cc  
bcc

Subject Re: Regulate, Baby, Regulate

Agreed!

---

**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]  
**Sent:** 04/05/2010 06:24 PM AST  
**To:** Richard Windsor  
**Subject:** FW: Regulate, Baby, Regulate

Great title!

Bicky Corman  
General Counsel  
District Department of the Environment  
Government of the District of Columbia  
1200 1st St., N.E., 5th Floor  
Washington, DC 20002  
(202) 535-1951 (Direct)  
(202) 535-2881 (Fax)  
(202) 870-6004 (Cell)  
Bicky.Corman@dc.gov  
[www.ddoe.dc.gov](http://www.ddoe.dc.gov)

**From:** Fisher, David (OAG)  
**Sent:** Monday, April 05, 2010 5:02 PM  
**To:** Corman, Bicky (DDOE)  
**Subject:** FW: Regulate, Baby, Regulate

## [Newsweek](#)

Sponsored by  
Your friend, Pat\_Fisher@fws.gov, wants you to check out this article:  
**Can EPA Chief Lisa Jackson Force a Climate Deal?**

EPA chief Lisa Jackson is taking on the president's next big challenge: climate change. Will her hardball tactics persuade Congress to play along?

Are you making DC Count? You still have time to make a difference for your community.  
Be sure to fill out and mail back your 2010 Census Form.  
[www.census.dc.gov](http://www.census.dc.gov) or for additional assistance call 1-866-872-6868.



01268-EPA-3732

**Richard Windsor/DC/USEPA/US**  
04/07/2010 11:27 AM

To Adora Andy, Arvin Ganesan, David McIntosh, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Bob Perciasepe, Diane Thompson

cc

bcc

Subject Re: FYI: CNN Congressman Nick Rahall

(b)(5) Deliberative

Adora Andy

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

**From:** Adora Andy

**Sent:** 04/07/2010 11:15 AM EDT

**To:** Richard Windsor; Arvin Ganesan; David McIntosh; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; Bob Perciasepe; Diane Thompson

**Subject:** FYI: CNN Congressman Nick Rahall

(b)(5) Deliberative

At 5:35 Rahall says, "We're not talking about abolishing the coal industry here. We're talking about doing it in a responsible manner, both environmentally and safety-wise. And the price of a coal miners life. You can not put a price on that and there should be no corners cut when it comes to protecting the health and safety of our most precious resource which is the coal miner him or herself."

[attachment "CNNRahall04072010.wmv" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3733

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor, McIntosh.David

cc Joseph Goffman

04/07/2010 02:05 PM

bcc

Subject Endangerment Finding Petition timeline

(b)(5) Deliberative



01268-EPA-3734

**David McIntosh/DC/USEPA/US**  
04/07/2010 02:23 PM

To: Gina McCarthy  
cc: Joseph Goffman, Richard Windsor  
bcc:

Subject: Re: Endangerment Finding Petition timeline

(b)(5) Deliberative

Gina McCarthy (b)(5) Deliberative or... 04/07/2010 02:05:35 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, McIntosh.David@EPA.GOV  
Cc: Joseph Goffman/DC/USEPA/US@EPA  
Date: 04/07/2010 02:05 PM  
Subject: Endangerment Finding Petition timeline

Quick Question: OGC tells me that in order to argue in court against an expected motion to stay the

(b)(5) Deliberative

(b)(5) Deliberative

01268-EPA-3736

Gina McCarthy/DC/USEPA/US

To "Richard Windsor"

04/07/2010 10:29 PM

cc

bcc

Subject Fw: EPA Coal Mine Methane program and the Upper Big Bend Mine Disaster

Fyi

---

**From:** Dina Kruger

**Sent:** 04/07/2010 09:49 PM EDT

**To:** Gina McCarthy

**Subject:** EPA Coal Mine Methane program and the Upper Big Bend Mine Disaster

Gina,

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Dina

Dina Kruger  
Director, Climate Change Division  
USEPA

202-343-9039 (phone)  
202-343-2290 (fax)

01268-EPA-3737

Heidi Ellis/DC/USEPA/US  
04/08/2010 08:47 AM

To Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Dickerson.Aaron, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b)(6), Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject \*\*UPDATED\*\*Thursday, April 8, 2010 Schedule for Lisa P. Jackson

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

**Schedule for Lisa P. Jackson EPA Administrator  
Thursday, April 8, 2010**

Notes:		
Drivers	Shift Leaders	Staff Contact
(b)(6)	(b)(6)	Robert Goulding 202-596-0245
08:00 AM - 08:45 AM	Residence	Depart for Ariel Rios
08:45 AM - 09:15 AM	Administrator's Office	Daily Meeting
09:15 AM - 10:00 AM	Administrator's Office	Briefing to discuss Coal Ash Ct: Georgia Bednar (OA) 564-9816  Bob Perciasepe, Bob Sussman, Diane Thompson (OA) Seth Oster (OPA) Mathy Stanislaus, Lisa Feldt (OSWER) Lisa Heinzerling (OPEI) Scott Fulton (OGC) Arvin Ganesan (OCIR)
10:00 AM - 11:00 AM	Administrator's Office	Office Time
11:00 AM - 11:15 AM	Administrator's Office	Meet and Greet with Vicki Ekstrom Ct: Mike Moats (OPA) 564-1687
11:30 AM - 12:00 PM	Studio 1, 6330 ARN	Urban Waters Video Taping Ct: Mike Moats (OPA) 564-1687

		Staff: Mike Moats, Ron Slotkin, Vicki Ekstrom (OPA)
12:00 PM - 12:15 PM	Studio 1, 6330 ARN	Video Message Taping Subj: UPROSE  Ct: Allyn Brooks-LaSure (OPA) 564-1540  Staff: Allyn Brooks-LaSure, Mike Moats, Ron Slotkin (OPA)
12:30 PM - 12:50 PM	Administrator's Office	Mtg w/ Bob P and Bob S
01:00 PM - 01:30 PM	Administrator's Office	NO MEETINGS
01:30 PM - 01:45 PM	Administrator's Office	Interview Subj: USA Today - CBC tour and EJ - Brian Winter  Ct: Betsaida Alcantara (OPA) 564-1692  Staff: Allyn Brooks-LaSure, Betsaida Alcantara (OPA)
01:45 PM - 02:15 PM	Administrator's Office	Meeting with Bob Perciasepe and Diane Thompson Ct: Chris Busch (OA) 564-6999
02:30 PM - 03:15 PM	Ariel Rios	Depart for Residence
06:00 PM - 07:00 PM	Residence	Depart for DCA The Administrator will depart on US Air flight 3247 at 7:35 PM(EDT)  Plane arrives in NOLA at 9:19 PM (CDT)

\*\*\* 04/08/2010 08:46:25 AM \*\*\*

01268-EPA-3738

Heidi Ellis/DC/USEPA/US  
04/08/2010 10:40 AM

To Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Dickerson.Aaron, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b)(6) Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject \*\*UPDATED\*\*Thursday, April 8, 2010 Schedule for Lisa P. Jackson

Please note that the video tapings have been removed from today's schedule. A call and briefing have been added.

Thank you.

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

**Schedule for Lisa P. Jackson EPA Administrator  
Thursday, April 8, 2010**

Notes:		
Drivers	Shift Leaders	Staff Contact
(b)(6)	(b)(6)	Robert Goulding 202-596-0245
08:00 AM - 08:45 AM	Residence	Depart for Ariel Rios
08:45 AM - 09:15 AM	Administrator's Office	Daily Meeting
09:15 AM - 10:00 AM	Administrator's Office	Briefing to discuss Coal Ash Ct: Georgia Bednar (OA) 564-9816  Bob Perciasepe, Bob Sussman, Diane Thompson (OA) Seth Oster (OPA) Mathy Stanislaus, Lisa Feldt (OSWER) Lisa Heinzerling (OPEI) Scott Fulton (OGC) Arvin Ganesan (OCIR)
10:00 AM - 11:00 AM	Administrator's Office	Office Time

11:00 AM - 11:15 AM	Administrator's Office	Meet and Greet with Vicki Ekstrom Ct: Mike Moats (OPA) 564-1687
11:15 AM - 12:00 PM	Administrator's Office	Office Time
12:00 PM - 12:30 PM	Adminsitrator's Office	NOLA Briefing Staff: Diane Thompson, Rob Goulding, Heidi Ellis (OA) Betsaida Alcantara, Allyn Brooks-LaSure (OPA) Sarah Pallone (OCIR)
12:30 PM - 12:50 PM	Administrator's Office	Mtg w/ Bob P and Bob S
01:00 PM - 01:30 PM	In car	Phone Call with Gina McCarthy Ct: Cindy Huang 564-7404
01:30 PM - 01:45 PM	Administrator's Office	Interview Subj: USA Today - CBC tour and EJ - Brian Winter  Ct: Betsaida Alcantara (OPA) 564-1692  Staff: Allyn Brooks-LaSure, Betsaida Alcantara (OPA)
01:45 PM - 02:15 PM	Administrator's Office	Meeting with Bob Perciasepe and Diane Thompson Ct: Chris Busch (OA) 564-6999
02:30 PM - 03:15 PM	Ariel Rios	Depart for Residence
06:00 PM - 07:00 PM	Residence	Depart for DCA The Administrator will depart on US Air flight 3247 at 7:35 PM(EDT)  Plane arrives in NOLA at 9:19 PM (CDT)

\*\*\* 04/08/2010 10:37:59 AM \*\*\*

01268-EPA-3739

**Richard Windsor/DC/USEPA/US**  
04/08/2010 03:56 PM

To David McIntosh, Seth Oster, Bob Perciasepe, "Diane Thompson", Arvin Ganesan, "Scott Fulton"  
cc  
bcc

Subject Re: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

[Redacted] (b)(5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/08/2010 03:16 PM EDT  
**To:** Richard Windsor; Seth Oster; Bob Perciasepe; thompson.diane@epa.gov; Arvin Ganesan  
**Subject:** Fw: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

Just FYI

Dina Kruger

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

**From:** Dina Kruger  
**Sent:** 04/08/2010 03:13 PM EDT  
**To:** David McIntosh; Joseph Goffman; Carol Holmes; John Hannon; Diann Frantz; Patricia Haman  
**Subject:** Fw: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

FYI

Dina Kruger  
Director, Climate Change Division  
USEPA

202-343-9039 (phone)  
202-343-2290 (fax)

----- Forwarded by Dina Kruger/DC/USEPA/US on 04/08/2010 03:10 PM -----

From: Rick Beusse/RTP/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Wade Najjum/OIG/USEPA/US@EPA, Brian Mclean/DC/USEPA/US@EPA, Dina Kruger/DC/USEPA/US@EPA, Jeremy Martinich/DC/USEPA/US@EPA, Jackie Krieger/DC/USEPA/US@EPA, David LaRoche/DC/USEPA/US@EPA, Bill Roderick/OIG/USEPA/US@EPA, Mark Bialek/OIG/USEPA/US@EPA, Melissa Heist/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA, Patricia Hill/OIG/USEPA/US@EPA, Stephen Nesbitt/OIG/USEPA/US@EPA, Elizabeth Grossman/OIG/USEPA/US, Jim Hatfield/RTP/USEPA/US@EPA, Bao Chuong/R3/USEPA/US@EPA, Andrew Lavenburg/RTP/USEPA/US, John Manibusan/OIG/USEPA/US@EPA, Rick Beusse/RTP/USEPA/US@EPA  
Date: 04/08/2010 01:07 PM

Subject: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

---

Attached is a memorandum to inform you that the EPA Office of Inspector General plans to begin an evaluation of the *Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases* (Assignment Number 2010-OPE-0007). We are initiating this assignment based on a request from Senator James M. Inhofe, Ranking Member, Senate Committee on Environment and Public Works (attached). Our objective is to determine whether EPA followed key federal and Agency regulations and policies in developing and reviewing the technical data used to support and make its endangerment finding.

We will contact you or your staff in the near future to arrange a mutually agreeable time for an entrance conference to discuss the assignment plans. If you or your staff have any questions, please contact Rick Beusse at (919)541-5457, or Jim Hatfield, Project Manager, at (919)541-1030.

Best regards,

*J. Rick Beusse*  
for

Wade T. Najjum  
Assistant Inspector General for Program Evaluation  
EPA Office of Inspector General

attachments - 2

[attachment "GHG Endangerment Finding Assignment Notification Memo--04-08-10.doc" deleted by Richard Windsor/DC/USEPA/US]

[attachment "4-7 epa ig letter.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-3740

**David McIntosh/DC/USEPA/US**  
04/08/2010 03:59 PM

To Richard Windsor, Seth Oster, Bob Perciasepe, "Diane Thompson", Arvin Ganesan, "Scott Fulton"  
cc  
bcc

Subject Re: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

(b)(5) Deliberative  
[Redacted]

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/08/2010 03:56 PM EDT  
**To:** David McIntosh; Seth Oster; Bob Perciasepe; "Diane Thompson" <thompson.diane@epa.gov>; Arvin Ganesan; "Scott Fulton" <fulton.scott@epa.gov>  
**Subject:** Re: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment

(b)(5) Deliberative  
[Redacted]

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/08/2010 03:16 PM EDT  
**To:** Richard Windsor; Seth Oster; Bob Perciasepe; thompson.diane@epa.gov; Arvin Ganesan  
**Subject:** Fw: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

Just FYI

Dina Kruger

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

**From:** Dina Kruger  
**Sent:** 04/08/2010 03:13 PM EDT  
**To:** David McIntosh; Joseph Goffman; Carol Holmes; John Hannon; Diann Frantz; Patricia Haman  
**Subject:** Fw: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

FYI

Dina Kruger  
Director, Climate Change Division  
USEPA

202-343-9039 (phone)  
202-343-2290 (fax)

----- Forwarded by Dina Kruger/DC/USEPA/US on 04/08/2010 03:10 PM -----

From: Rick Beusse/RTP/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: Wade Najjum/OIG/USEPA/US@EPA, Brian Mclean/DC/USEPA/US@EPA, Dina Kruger/DC/USEPA/US@EPA, Jeremy Martinich/DC/USEPA/US@EPA, Jackie Krieger/DC/USEPA/US@EPA, David LaRoche/DC/USEPA/US@EPA, Bill Roderick/OIG/USEPA/US@EPA, Mark Bialek/OIG/USEPA/US@EPA, Melissa Heist/OIG/USEPA/US@EPA, Eileen McMahon/OIG/USEPA/US@EPA, Patricia Hill/OIG/USEPA/US@EPA, Stephen Nesbitt/OIG/USEPA/US@EPA, Elizabeth Grossman/OIG/USEPA/US, Jim Hatfield/RTP/USEPA/US@EPA, Bao Chuong/R3/USEPA/US@EPA, Andrew Lavenburg/RTP/USEPA/US, John Manibusan/OIG/USEPA/US@EPA, Rick Beusse/RTP/USEPA/US@EPA  
Date: 04/08/2010 01:07 PM  
Subject: Notification Memo - Evaluation of the Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases (Assignment Number 2010-OPE-0007).

---

Attached is a memorandum to inform you that the EPA Office of Inspector General plans to begin an evaluation of the *Development of EPA's Endangerment and Cause or Contribute Findings for Greenhouse Gases* (Assignment Number 2010-OPE-0007). We are initiating this assignment based on a request from Senator James M. Inhofe, Ranking Member, Senate Committee on Environment and Public Works (attached). Our objective is to determine whether EPA followed key federal and Agency regulations and policies in developing and reviewing the technical data used to support and make its endangerment finding.

We will contact you or your staff in the near future to arrange a mutually agreeable time for an entrance conference to discuss the assignment plans. If you or your staff have any questions, please contact Rick Beusse at (919)541-5457, or Jim Hatfield, Project Manager, at (919)541-1030.

Best regards,

*J. Rick Beusse*  
*for*

Wade T. Najjum  
Assistant Inspector General for Program Evaluation  
EPA Office of Inspector General

attachments - 2

[attachment "GHG Endangerment Finding Assignment Notification Memo--04-08-10.doc" deleted by Richard Windsor/DC/USEPA/US]

[attachment "4-7 epa ig letter.pdf" deleted by Richard Windsor/DC/USEPA/US]

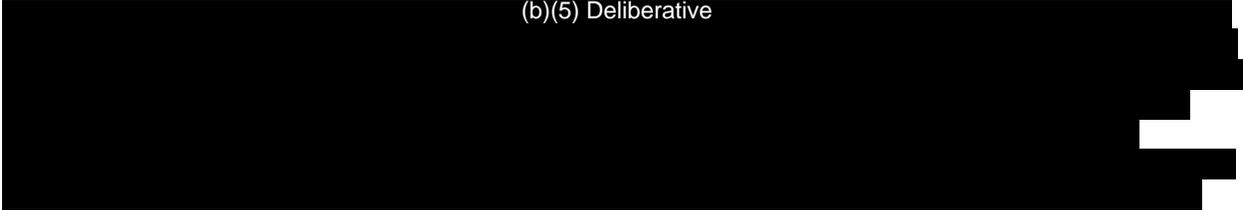


01268-EPA-3746

**David  
McIntosh/DC/USEPA/US**  
04/08/2010 08:58 PM

To Richard Windsor, Lisa Heinzerling  
cc  
bcc  
Subject Re: interesting

(b)(5) Deliberative



Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/08/2010 08:23 PM EDT  
**To:** Lisa Heinzerling; David McIntosh  
**Subject:** interesting

<http://www.grist.org/article/2010-04-08-the-problem-with-a-green-economy-economics-hates-the-environment/>

01268-EPA-3747

**Richard Windsor/DC/USEPA/US**  
04/08/2010 09:15 PM

To David McIntosh, Lisa Heinzerling  
cc  
bcc  
Subject Re: interesting

(b)(5) Deliberative

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/08/2010 08:58 PM EDT  
**To:** Richard Windsor; Lisa Heinzerling  
**Subject:** Re: interesting

(b)(5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/08/2010 08:23 PM EDT  
**To:** Lisa Heinzerling; David McIntosh  
**Subject:** interesting

<http://www.grist.org/article/2010-04-08-the-problem-with-a-green-economy-economics-hates-the-environment/>

01268-EPA-3756

**Bob Sussman/DC/USEPA/US**

04/13/2010 08:21 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Lisa  
Heinzerling, Scott Fulton

cc

bcc

Subject Thoughts on Remaining Boiler Issues

I've had discussions today with OAR, OGC and OSWER on different facets of the boiler rule and wanted to offer some thoughts on the remaining issues in advance of our meeting tomorrow.

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative

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

01268-EPA-3757

**Bob Perciasepe/DC/USEPA/US**  
04/13/2010 09:43 PM

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

Subject Re: Thoughts on Remaining Boiler Issues

Bob

Thanks. One quick question (b)(5) Deliberative

[Redacted]

[Redacted]

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

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

**From:** Bob Sussman

**Sent:** 04/13/2010 08:21 PM EDT

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Lisa Heinzerling; Scott Fulton

**Subject:** Thoughts on Remaining Boiler Issues

I've had discussions today with OAR, OGC and OSWER on different facets of the boiler rule and wanted to offer some thoughts on the remaining issues in advance of our meeting tomorrow.

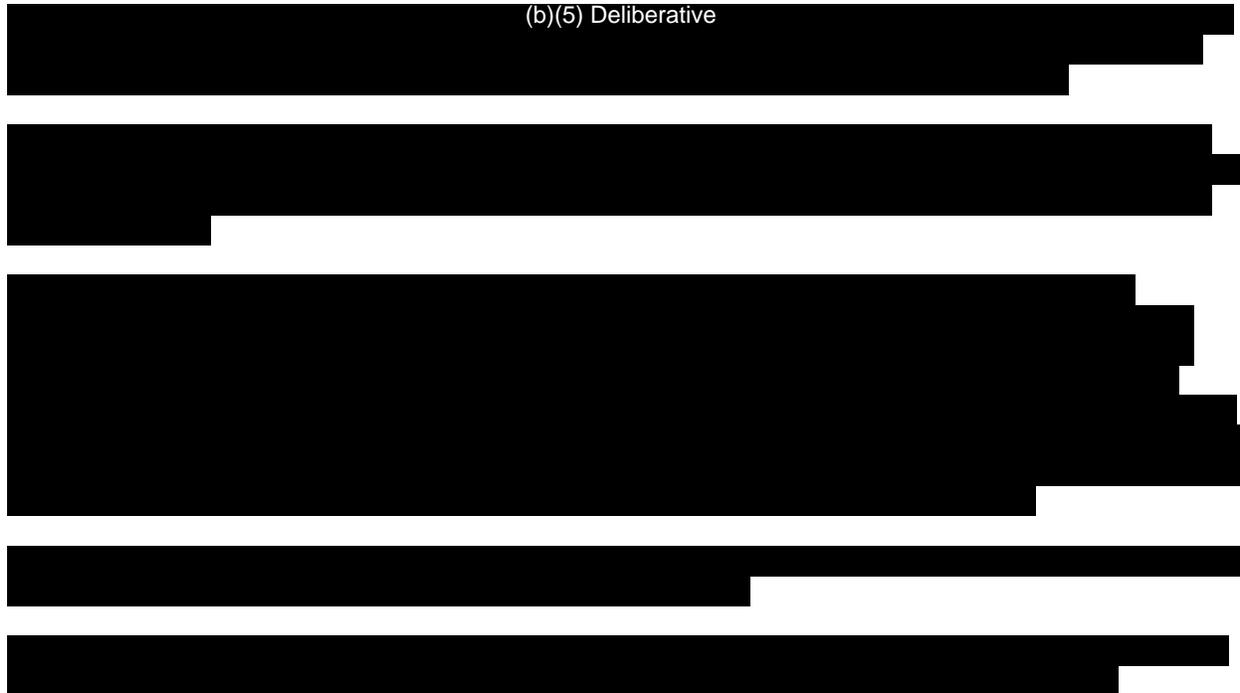
(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



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

01268-EPA-3759

**Bob Sussman/DC/USEPA/US**

To Bob Perciasepe

04/14/2010 06:03 AM

cc Diane Thompson, Lisa Heinzerling, Richard Windsor, Scott  
Fulton

bcc

Subject Re: Thoughts on Remaining Boiler Issues

Bob -- good issues to explore with mathy. (b)(5) Deliberative

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

Bob Perciasepe Bob Thanks. One quick question. I tho... 04/13/2010 09:43:23 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Diane  
Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott  
Fulton/DC/USEPA/US@EPA  
Date: 04/13/2010 09:43 PM  
Subject: Re: Thoughts on Remaining Boiler Issues

Bob

Thanks. One quick question (b)(5) Deliberative

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

Bob Sussman

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

**From:** Bob Sussman

**Sent:** 04/13/2010 08:21 PM EDT

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Lisa Heinzerling;  
Scott Fulton

**Subject:** Thoughts on Remaining Boiler Issues

I've had discussions today with OAR, OGC and OSWER on different facets of the boiler rule and wanted to offer some thoughts on the remaining issues in advance of our meeting tomorrow.

(b)(5) Deliberative

(b)(5) Deliberative



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

01268-EPA-3762

Heidi Ellis/DC/USEPA/US  
04/14/2010 10:43 AM

To Darlene Yuhas, Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Dickerson.Aaron, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b)(6) Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject \*\*UPDATED\*\*Wednesday, April 14, 2010 Schedule for Lisa P. Jackson

\* Please note that the Boiler MACT discussion has been moved to the Bullet Room.

Thank you.

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

**Schedule for Lisa P. Jackson EPA Administrator  
Wednesday, April 14, 2010**

---

Notes:

Drivers

[REDACTED]

(b) (6)

[REDACTED]

Staff Contact

Robert Goulding  
202-596-0245

08:00 AM - 08:45 AM	Residence	Depart for Ariel Rios
08:00 AM - 08:30 AM	In car	<p>Good Housekeeping Phone Interview Ct: Alisha Johnson (OPA) 564-4373</p> <p>8:00am - Betsaida will call the Administrator 8:15am - Betsaida will conference in the reporter for a 15-20 minute interview.</p> <p>Staff: Betsaida Alcantara (OPA)</p>
08:45 AM - 09:15 AM	Deputy Administrator's Office	<p>FYI-Daily Meeting *This meeting will take place in the Deputy Administrator's Office.</p>
09:15 AM - 09:30 AM	Ariel Rios	Depart for Hart Building

09:30 AM - 10:00 AM	Hart Building Room 709	Meeting with Senator Murkowski Ct: Kristen Daimler-Nothdurft (202) 224-6665 kristen_daimler-nothdurft@murkowski.senate.gov  Staff:  David McIntosh, Arvin Ganesan (OCIR)
10:00 AM - 10:15 AM	Hart Building	Depart for Ariel Rios
10:30 AM - 11:00 AM	Administrator's Office	1 on 1 with Cameron Davis Ct: Linda Sliwa (R5) 312-353-4891 Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)
11:00 AM - 12:00 PM	Bullet Room	Briefing with the State Department to discuss the Africa Trip Ct: Cristina Meecurio (OIA) 564-6481  Staff:  Mike Stahl, Jane Metcalfe, Christina Mercurio (OIA) Marcus McClendon, Clay Diette, Sarah Dale, Heidi Ellis, Robert Goulding, (b) (6)  Chris Smith (OA) Allyn Brooks-LaSure (OPA) Steven Williams (OHS) Optional: Diane Thompson (OA)  Attendees:  Geeta Pasi, Acting Deputy Assistant Secretary for East African Affairs, State Department Robert Scott, Deputy Director for West African Affairs, State Department  Nole Garey, Ghana Desk Officer, State Department Susan Driano, Kenya Desk Officer, State Department
12:00 PM - 01:00 PM	Administrator's Office	HOLD- Time w/ Diane T
01:00 PM - 01:15 PM	Studio 1, 6330 ARN	Video Message Taping Subj: ECO Boys and Girls Film for NEA  Ct: Stephanie Owens (OPO)  Staff: Mike Moats, Stephanie Owens, Ron Slotkin (OPA)
01:30 PM - 02:30 PM	Bullet Room	Briefing to discuss PSD Ct: Teri Porterfield (OAR) 564-7404  Staff: Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

		Gina McCarthy, Janet McCabe, Joe Goffman, Rob Brenner (OAR) Lisa Heinzerling (OPEI) David McIntosh (OCIR) Scott Fulton, Avi Garbow (OGC) Seth Oster (OPA)
02:30 PM - 03:00 PM	Administrator's Office	Reuters Newsmakers Interview Ct: Alisha Johnson (OPA) 564-4373  Staff: Adora Andy, Alisha Johnson (OA)  Subj: In-person interview on Admin's life/biography
03:00 PM - 03:30 PM	Bullet Room	Discussion on Boiler MACT Ct: Cindy Huang (OAR) 564-1850  Staff: Bob Sussman, Bob Perciasepe, Diane Thompson (OA) Gina McCarthy, Janet McCabe (OAR) Scott Fulton (OGC) Paul Anastas (ORD) Lisa Heinzerling (OPEI) Lisa Garcia (OECA) Mathy Stanislaus (OSWER)
03:30 PM - 04:30 PM	Bullet Room	Senior Policy Meeting Staff:  Bob Perciasepe, Bob Sussman, Diane Thompson, Scott Fulton, Eric Wachter, Robert Goulding, Heidi Ellis, Larry Elworth, Daniel Kanninen (OA) David McIntosh, Arvin Ganesan, Sarah Pallone (OCIR) Lisa Heinzerling, Robert Verchick (OPEI) Cynthia Giles, Lisa Garcia, Matthew Bogoshian (OECA) Pete Silva, Nancy Stoner (OW) Steve Owens (OPPTS) Michelle DePass, Shalini Vajjhala (OIA) Mathy Stanislaus, Lisa Feldt (OSWER) Gina McCarthy, Janet McCabe (OAR) Seth Oster, Allyn Brooks-LaSure (OPA) Craig Hooks, Raul Soto (OARM) Barbara Bennett (OCFO) Paul Anastas (ORD) Peter Grevatt (OCHP) Debbie Dietrich (OHS)  (hookup to Admin's conference line needed)
04:45 PM - 05:30 PM	Bullet Room	Briefing to discuss SO2 Ct: Cindy Huang (OAR) 564-7404  Staff: Bob Sussman, Bob Perciasepe (OA) Gina McCarthy, Janet McCabe, Rob Brenner, Don Zinger, Steve Page, Richard

Wayland, Anna Wood, Lydia Wegman (OAR)  
Lisa Heinzerling, Charlotte Bertrand (OPEI)  
Scott Fulton, Kevin McLean, Richard Ossias, Manisha Patel, Steven  
Silverman,  
Padmini Singh, Sara Schneeberg (OGC)  
Paul Anastas, Sarah Mazur, Mimi Dannel (ORD)  
Bharat Mathur, John Summerhays, Eileen Deamer, Bob Tolpa (R5)  
Optional: Diane Thompson (OA)

(hookup to Admin's conference line needed)

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\*\*\* 04/14/2010 10:41:56 AM \*\*\*

01268-EPA-3767

Heidi Ellis/DC/USEPA/US  
04/14/2010 05:55 PM

To Darlene Yuhas, Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Dickerson.Aaron, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b)(6) Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject **\*\*UPDATED\*\***Thursday, April 15, 2010 Schedule for Lisa P. Jackson

\*The video taping sessions have been consolidated.

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

**Schedule for Lisa P. Jackson EPA Administrator  
Thursday, April 15, 2010**

Notes:		
Drivers	Shift Leaders	Staff Contact
(b)(6)	(b)(6)	Robert Goulding 202-596-0245
07:45 AM - 08:30 AM	Residence	Depart for Grand Hyatt Hotel
08:30 AM - 09:15 AM	Grand Hyatt Hotel 1000 H St, NW Washington, DC	Remarks at the Coming Together for Clean Water Conference Ct: Shawna Bergman (OW) 202-564-3641 Advance Ct: Sarah Dale 202-384-6996
09:15 AM - 09:30 AM	Grand Hyatt Hotel	Depart for Ariel Rios
<b>10:00 AM - 10:45 AM</b>	<b>Studio 1, 6330 ARN</b>	<b>Video Message Taping Subj: Serve.gov and Lautenberg Video  Ct: Deb Berlin (OPA) 564-4914  Staff: Mike Moats, Ron Slotkin (OPA)</b>
11:00 AM - 11:45 AM	Administrator's Office	No Meetings
11:45 AM - 01:30 PM	Green Room	EPA Speaker Series Speaker: William Ruckelshaus

This speaking event will take place from 12:15 - 1:30 PM

Former Administrator Ruckelshaus and Green for All Political Director  
Jessy

Tolkan will speak and be moderated by Gwen Ifill

---

02:00 PM - 02:30 PM	Administrator's Office	Pre-Brief for Arch Coal Meeting Ct: Georgia Bednar (OA) 564-9816  Staff: Bob Sussman (OA) Shawn Garvin (R3) Scott Fulton (OGC)
02:30 PM - 03:30 PM	Administrator's Office	Office Time
03:30 PM - 04:00 PM	Administrator's Office	1 on 1 with Cameron Davis Ct: Linda Sliwa (R5) 312-353-4891 Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)
04:15 PM - 04:30 PM	Ariel Rios	Depart for Grand Hyatt Hotel
04:30 PM - 05:00 PM	Grand Hyatt Hotel	Water Summit Closing Remarks by the Deputy Administrator Advance Ct: Sarah Dale 202-384-6996
05:00 PM - 05:15 PM	Grand Hyatt Hotel	Depart for Ariel Rios
05:30 PM - 07:30 PM	USDA 1400 Independence Ave., S.W. Washington, DC 20250	FYI-American's Great Outdoors Initiative Conference VIP Reception Hold room is 108A

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\*\*\* 04/14/2010 05:54:32 PM \*\*\*

01268-EPA-3769

**Bob Sussman/DC/USEPA/US**

04/15/2010 07:39 AM

To Gina McCarthy, Mathy Stanislaus

cc Richard Windsor, Scott Fulton, Bob Perciasepe, Lisa  
Heinzerling, Diane Thompson, Lisa Feldt, Avi Garbow, Janet  
McCabe

bcc

Subject Path Forward on Secondary materials

I wanted to summarize where I think we landed after yesterday's meeting with the Administrator on Boiler MACT/Incinerator MACT/Definition of Solid Waste issues.

(b)(5) Deliberative



If I've left anything out or misstated our discussion, please speak up.

I'm happy to review draft preamble language as it emerges and provide feedback.

(b)(5) Deliberative



Thanks.

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

01268-EPA-3771

Heidi Ellis/DC/USEPA/US  
04/15/2010 10:20 AM

To Darlene Yuhas, Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Dickerson.Aaron, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b)(6) Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject \*\*UPDATED\*\*Thursday, April 15, 2010 Schedule for Lisa P. Jackson

\* The Administrator will attend the America's Great Outdoors Reception.

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

**Schedule for Lisa P. Jackson EPA Administrator  
Thursday, April 15, 2010**

Notes:		
Drivers	(b) (6)	Staff Contact
[Redacted]	[Redacted]	Robert Goulding 202-596-0245
07:45 AM - 08:30 AM	Residence	Depart for Grand Hyatt Hotel
08:30 AM - 09:15 AM	Grand Hyatt Hotel 1000 H St, NW Washington, DC	Remarks at the Coming Together for Clean Water Conference Ct: Shawna Bergman (OW) 202-564-3641 Advance Ct: Sarah Dale 202-384-6996
09:15 AM - 09:30 AM	Grand Hyatt Hotel	Depart for Ariel Rios
10:00 AM - 10:45 AM	Studio 1, 6330 ARN	Video Message Taping Subj: Serve.gov and Lautenberg Video  Ct: Deb Berlin (OPA) 564-4914  Staff: Mike Moats, Ron Slotkin (OPA)
11:00 AM - 11:45 AM	Administrator's Office	No Meetings
11:45 AM - 01:30 PM	Green Room	EPA Speaker Series Speaker: William Ruckelshaus

This speaking event will take place from 12:15 - 1:30 PM

Former Administrator Ruckelshaus and Green for All Political Director  
Jessy  
Tolkan will speak and be moderated by Gwen Ifill

---

02:00 PM - 02:30 PM	Administrator's Office	Pre-Brief for Arch Coal Meeting Ct: Georgia Bednar (OA) 564-9816  Staff: Bob Sussman (OA) Shawn Garvin (R3) Scott Fulton (OGC)
02:30 PM - 03:30 PM	Administrator's Office	Office Time
03:30 PM - 04:00 PM	Administrator's Office	1 on 1 with Cameron Davis Ct: Linda Sliwa (R5) 312-353-4891 Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)
04:15 PM - 04:30 PM	Ariel Rios	Depart for Grand Hyatt Hotel
04:30 PM - 05:00 PM	Grand Hyatt Hotel	Water Summit Closing Remarks by the Deputy Administrator Advance Ct: Sarah Dale 202-384-6996
05:00 PM - 05:15 PM	Grand Hyatt Hotel	Depart for Ariel Rios
05:30 PM - 06:00 PM	USDA 1400 Independence Ave., S.W. Washington, DC 20250	American's Great Outdoors Initiative Conference VIP Reception Ct: Malcolm Eve, 202-431-7990.  The hold is room 108 (A) in the Witten Building. She should be there by 5:45PM.  The actual reception is in the Patio of the Witten Building, which is the atrium-type area in the middle of the building.  *The Administrator will offer short remarks. (Order of remarks TBD)  The event runs from 5:30-7:30PM.
06:45 PM - 09:00 PM	Dirksen Building, Capital Hill	HOLD- Screening Details: TBD

---

\*\*\* 04/15/2010 10:18:26 AM \*\*\*

01268-EPA-3772

Heidi Ellis/DC/USEPA/US  
04/15/2010 10:32 AM

To Darlene Yuhas, Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Dickerson.Aaron, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b)(6) Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject \*\*UPDATED\*\*Thursday, April 15, 2010 Schedule for Lisa P. Jackson(2)

\*Travel information has been edited.

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

**Schedule for Lisa P. Jackson EPA Administrator**  
**Thursday, April 15, 2010**

Notes:		
Drivers	(b) (6)	Staff Contact
		Robert Goulding 202-596-0245
07:45 AM - 08:30 AM	Residence	Depart for Grand Hyatt Hotel
08:30 AM - 09:15 AM	Grand Hyatt Hotel 1000 H St, NW Washington, DC	Remarks at the Coming Together for Clean Water Conference Ct: Shawna Bergman (OW) 202-564-3641 Advance Ct: Sarah Dale 202-384-6996
09:15 AM - 09:30 AM	Grand Hyatt Hotel	Depart for Ariel Rios
10:00 AM - 10:45 AM	Studio 1, 6330 ARN	Video Message Taping Subj: Serve.gov and Lautenberg Video  Ct: Deb Berlin (OPA) 564-4914  Staff: Mike Moats, Ron Slotkin (OPA)
11:00 AM - 11:45 AM	Administrator's Office	No Meetings
11:45 AM - 01:30 PM	Green Room	EPA Speaker Series Speaker: William Ruckelshaus

This speaking event will take place from 12:15 - 1:30 PM

Former Administrator Ruckelshaus and Green for All Political Director  
 Jessy  
 Tolkan will speak and be moderated by Gwen Ifill

02:00 PM - 02:30 PM	Administrator's Office	Pre-Brief for Arch Coal Meeting Ct: Georgia Bednar (OA) 564-9816  Staff: Bob Sussman (OA) Shawn Garvin (R3) Scott Fulton (OGC)
02:30 PM - 03:30 PM	Administrator's Office	Office Time
03:30 PM - 04:00 PM	Administrator's Office	1 on 1 with Cameron Davis Ct: Linda Sliwa (R5) 312-353-4891 Optional attendees: Bob Perciasepe, Diane Thompson, Bob Sussman (OA)
04:15 PM - 04:30 PM	Ariel Rios	Depart for Grand Hyatt Hotel
04:30 PM - 05:00 PM	Grand Hyatt Hotel	Water Summit Closing Remarks by the Deputy Administrator Advance Ct: Sarah Dale 202-384-6996
05:00 PM - 05:15 PM	Grand Hyatt Hotel	Depart for USDA * Rob Goulding will ride with the Administrator.
05:30 PM - 06:00 PM	USDA 1400 Independence Ave., S.W. Washington, DC 20250	American's Great Outdoors Initiative Conference VIP Reception Ct: Malcolm Eve, (b) (6)  The hold is room 108 (A) in the Witten Building. She should be there by 5:45PM.  The actual reception is in the Patio of the Witten Building, which is the atrium-type area in the middle of the building.  *The Administrator will offer short remarks. (Order of remarks TBD)  The event runs from 5:30-7:30PM.
06:45 PM - 09:00 PM	Dirksen Building, Capital Hill	HOLD- Screening Details: TBD

\*\*\* 04/15/2010 10:29:34 AM \*\*\*

01268-EPA-3773

Gina McCarthy/DC/USEPA/US

To Bob Sussman, Mathy Stanislaus

04/15/2010 11:05 AM

cc Richard Windsor, Scott Fulton, Bob Perciasepe, Lisa Heinzerling, Diane Thompson, Lisa Feldt, Avi Garbow, Janet McCabe

bcc

Subject Re: Path Forward on Secondary materials

Just two clarification's (b)(5) Deliberative

[Redacted]

Thanks  
Bob Sussman

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

**From:** Bob Sussman

**Sent:** 04/15/2010 07:39 AM EDT

**To:** Gina McCarthy; Mathy Stanislaus

**Cc:** Richard Windsor; Scott Fulton; Bob Perciasepe; Lisa Heinzerling; Diane Thompson; Lisa Feldt; Avi Garbow; Janet McCabe

**Subject:** Path Forward on Secondary materials

I wanted to summarize where I think we landed after yesterday's meeting with the Administrator on Boiler MACT/Incinerator MACT/Definition of Solid Waste issues.

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

If I've left anything out or misstated our discussion, please speak up.

I'm happy to review draft preamble language as it emerges and provide feedback.

As I mentioned, we'll have some edits and questions on the new health threshold discussion, I'll try to share these later today and then a sit-down discussion may be in order.

Thanks.

Robert M. Sussman  
Senior Policy Counsel to the Administrator

Office of the Administrator  
US Environmental Protection Agency

01268-EPA-3777

**Bob Perciasepe/DC/USEPA/US**  
04/18/2010 08:28 PM

To Adora Andy, "Richard Windsor", Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", Stephanie Owens  
cc "Betsaida Alcantara", "Brendan Gilfillan", Michael Moats, Vicki Ekstrom, Alisha Johnson  
bcc

Subject Re: WSJ: Why the Clean Air Act May Be Past Its Prime

(b)(5) Deliberative  
[Redacted]

Just thoughts.  
Bob Perciasepe  
Office of the Administrator  
(o)202 564 4711  
(c) (b)(6) Privacy  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 04/18/2010 08:13 PM EDT  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens  
**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; Vicki Ekstrom; Alisha Johnson  
**Subject:** WSJ: Why the Clean Air Act May Be Past Its Prime  
April 17, 2010

Why the Clean Air Act May Be Past Its Prime

Challenges such as global warming are beyond the scope of the law, they argue—and even some experts who think the law is beneficial complain that the Environmental Protection Agency could implement it more effectively.

By Stephen Power

Is the venerable Clean Air Act of 1970 up to addressing the pollution problems of the 21st century?

Since it was implemented some 40 years ago, the law, which required the government to identify and set standards for pollutants identified as harmful to human health and the environment, has drastically curbed pollution from industry and automobiles. But as regulators use it to address a more ambitious agenda—dealing with greenhouse-gas emissions that many scientists say contribute to global warming—longstanding problems with the law are being put into focus.

Some critics argue that an old complaint about the law—regulators don't have to consider costs when setting pollution standards—is all the more urgent when facing a problem as broad as global warming. Even some experts who think the law is beneficial say its implementation has been overly expensive:

Because the law is so rigid, they argue, innovative pollution-fighting ideas are sometimes stifled, driving up costs.

"The Clean Air Act has been very effective, but it's not been cost-effective," says Dallas Burtraw, an economist with Resources for the Future, a nonpartisan Washington think tank.

Other critics say the law has a big blind spot: It gives the Environmental Protection Agency too little authority to combat pollution from one state that drifts into another—even though studies show that air quality in a given area can be affected by pollutants from a different region, nation or continent.

#### A Global Challenge

Over the years, the Clean Air Act has been credited by its supporters with reducing emissions of toxic lead, sulfur dioxide and carbon monoxide, and raising consciousness among ordinary Americans about the importance of pollution control. The question of whether 1970s-era environmental laws are suited to today's problems is gaining urgency as the Obama administration moves to tackle climate change through its powers under the act.

Business groups and critics in Congress say that the measure wasn't designed to address global warming, and that the law's provisions will lead to regulations that wind up stifling growth and killing jobs.

The Obama administration says the effects of greenhouse gases compel action, as does a 2007 Supreme Court decision. The court found that the Clean Air Act authorizes the EPA to regulate greenhouse-gas emissions if the agency determines they cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Moreover, administration officials say, the EPA has the authority to tweak the thresholds, so as to regulate only big emitters, such as power plants and refineries, and minimize the economic costs.

The EPA hasn't said how much it expects new controls on greenhouse-gas emissions would cost the economy. But in a recent speech, the EPA's administrator, Lisa Jackson, noted that dire predictions about the Clean Air Act's implementation have often been wrong. Auto makers and the U.S. Chamber of Commerce howled when the EPA mandated unleaded gasoline and catalytic converters 30 years ago, Ms. Jackson said. "Yet the auto industry survived," and later studies estimated the rule produced health benefits of \$17 billion per year, she added.

For another measure, a 2004 study by the National Research Council of the National Academies—the nation's top scientific-advisory group—concluded that the act's implementation "has had and will probably continue to have substantial net economic benefits."

#### Hard to Meet

At the same time, though, the report criticized the EPA's implementation of the act, saying it has been overly bureaucratic, with a focus on process rather than results. While the law's benefits outweigh its costs, the report argued, the costs have been higher than necessary.

Under the law, the EPA sets air-quality standards and requires states to submit plans laying out how they'll meet those standards. States that don't submit plans risk losing federal highway dollars. But because the law calls for separate standards for different pollutants, the EPA tends to approach pollution problems in piecemeal fashion, even though some, such as ozone and particulate matter, are caused by the same sources and could be controlled with related technologies.

According to the National Research Council report, states and cities spend "extensive amounts" of time and money on "a legalistic, and often frustrating, proposal and review process" that "discourages innovation and experimentation," overtaxes budgets, and diverts time and money from "the more germane issues" of actually meeting air-quality standards.

Mr. Burtraw, who served on the NRC panel, cites efforts to improve air quality by reducing emissions of

ammonia and methane from animal feedlots. Technology exists that could allow feedlot operators to enclose manure piles and capture the ammonia and methane they generate, while providing biogas to allow the feedlots to produce their own electricity. Capturing the ammonia would reduce fine particulates that cause respiratory problems, and reduce odor.

But doing so also would release small amounts of nitrogen oxide that contribute to ozone. Clean Air Act-directed controls on ozone tend to discourage permitting of electricity generation at animal feedlots. As a result, Mr. Burtraw says, the conversion and cleanup of animal-feedlot operations is undermined and made more expensive.

EPA officials say they are working with states and cities to reduce some of the burdens associated with implementing the law while still improving air quality. "We're continually looking for innovative approaches that will help states and EPA to minimize procedural issues and maximize health and environmental protections," the agency said in a written statement.

#### The Wrong Emphasis?

Many state and local governments, meanwhile, grumble about another aspect of the law: Even when they ratchet down emissions in their backyard, they say, they still wind up violating federal standards, because of pollution that blows from other jurisdictions. Michael Morris, director of transportation for the North Central Texas Council of Governments, estimates that roughly half the air pollution responsible for ozone in his region actually comes from power plants, refineries and other facilities located in jurisdictions beyond his members' control.

The EPA has moved to address such criticisms. In 2004, the agency announced a new regulation that attempted to control power-plant pollution that drifts across state lines. In 2008, however, a federal appeals court struck down the rule. The EPA is at work on a new rule, expected to be unveiled in the coming weeks. But it's not clear whether the new regulation will satisfy the court. The Senate is considering a measure that would give the EPA broader authority to crack down on interstate pollution. But the bill's fate is highly uncertain, partly because of lawmakers' preoccupation with other issues—including whether to pass separate legislation aimed at controlling greenhouse-gas emissions.

Mr. Power is a staff reporter in The Wall Street Journal's Washington bureau. He can be reached at [stephen.power@wsj.com](mailto:stephen.power@wsj.com).

01268-EPA-3780

**Richard Windsor/DC/USEPA/US**  
04/19/2010 01:02 PM

To Seth Oster  
cc  
bcc  
Subject Re: FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

(b)(5) Deliberative  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/19/2010 12:46 PM EDT  
**To:** Richard Windsor  
**Subject:** FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

*Lisa P. Jackson is the Administrator of the U.S. Environmental Protection Agency*

01268-EPA-3781

**Richard Windsor/DC/USEPA/US**  
04/19/2010 01:23 PM

To Seth Oster  
cc  
bcc

Subject Re: FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

(b)(5) Deliberative

Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/19/2010 01:07 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

(b)(5) Deliberative

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

Richard Windsor (b)(5) Deliberative 04/19/2010 01:02:51 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Seth Oster/DC/USEPA/US@EPA  
**Date:** 04/19/2010 01:02 PM  
**Subject:** Re: FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

(b)(5) Deliberative

Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/19/2010 12:46 PM EDT  
**To:** Richard Windsor  
**Subject:** FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

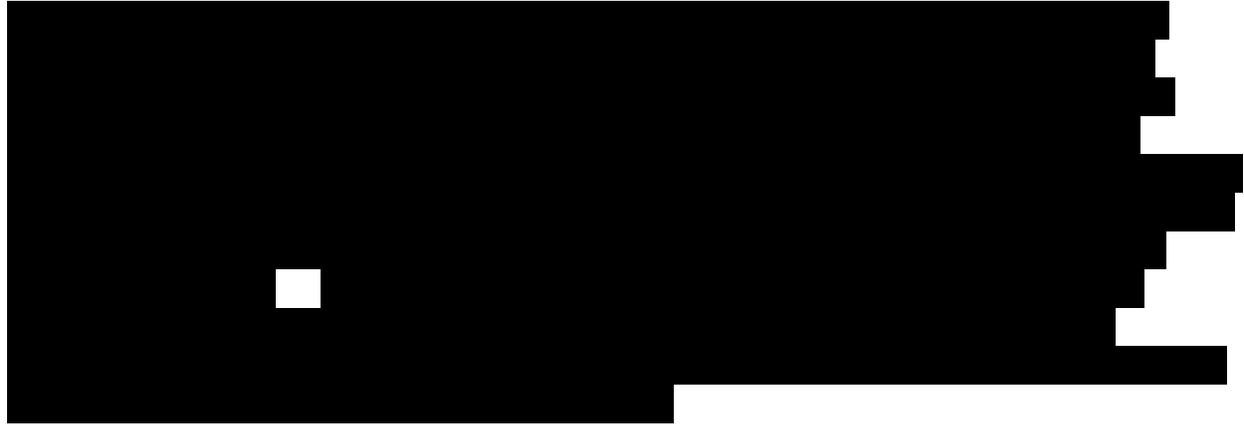
(b)(5) Deliberative

(b)(5) Deliberative

(b)(5)  
Deliberative

[Redacted text block]

(b)(5) Deliberative

A large rectangular area of the document is completely redacted with black ink. The text "(b)(5) Deliberative" is centered at the top of this redacted area.A large rectangular area of the document is completely redacted with black ink. A small white square is visible within the redacted area on the left side.A large rectangular area of the document is completely redacted with black ink.

*Lisa P. Jackson is the Administrator of the U.S. Environmental Protection Agency*

01268-EPA-3785

**Richard Windsor/DC/USEPA/US**  
04/20/2010 07:14 AM

To Seth Oster  
cc  
bcc

Subject Re: Tomorrow Night's GW Event

Its all good. Tx.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/19/2010 10:26 PM EDT  
**To:** windsor.richard@epa.gov  
**Subject:** Tomorrow Night's GW Event

[REDACTED] (b)(5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Seth

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

01268-EPA-3786

David  
McIntosh/DC/USEPA/US  
04/20/2010 08:26 AM

To Richard Windsor  
cc Seth Oster  
bcc  
Subject for Letterman

Hi Administrator. (b)(5) Deliberative

[Redacted]

(b)(5) Deliberative

[Redacted]

01268-EPA-3787

**Richard Windsor/DC/USEPA/US**  
04/20/2010 08:27 AM

To David McIntosh  
cc  
bcc  
Subject Re: for Letterman

Cool.

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/20/2010 08:26 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster  
**Subject:** for Letterman

Hi Administrator. (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

01268-EPA-3788

**Richard Windsor/DC/USEPA/US**  
04/20/2010 02:12 PM

To Seth Oster  
cc David McIntosh  
bcc  
Subject Re: conversation with Bob Semple

Tx.  
Seth Oster

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

**From:** Seth Oster  
**Sent:** 04/20/2010 01:52 PM EDT  
**To:** Richard Windsor  
**Cc:** David McIntosh  
**Subject:** Fw: conversation with Bob Semple

Administrator --(b)(5) Deliberative



Seth

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

----- Forwarded by Seth Oster/DC/USEPA/US on 04/20/2010 01:49 PM -----

From: David McIntosh/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA  
Date: 04/20/2010 12:27 PM  
Subject: conversation with Bob Semple

(b)(5) Deliberative





01268-EPA-3789

**Richard Windsor/DC/USEPA/US**  
04/20/2010 05:01 PM

To Seth Oster  
cc  
bcc

Subject Fw: Google Alert - lisa jackson epa

(b)(5) Deliberative Tx.

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/20/2010 05:01 PM -----

From: Google Alerts <googlealerts-noreply@google.com>  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/20/2010 03:26 PM  
Subject: Google Alert - lisa jackson epa

---

## Google Web Alert for: **lisa jackson epa**

[Frank Sesno Watch Interview with EPA Administrator Lisa Jackson ...](#)

Time to Act? What's Next for Climate Policy With Special Guest: **Lisa Jackson**.

[www.huffingtonpost.com/.../watch-interview-with-epa\\_b\\_544...](http://www.huffingtonpost.com/.../watch-interview-with-epa_b_544...)

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-3790

**Mathy Stanislaus/DC/USEPA/US**  
04/20/2010 07:17 PM

To "Richard Windsor"  
cc "Lisa Feldt"  
bcc

Subject Fw: Regrets Re TSCA Meeting Today

Let me think about this - (b)(5) Deliberative

---

**From:** lisapjackson  
**Sent:** 04/20/2010 09:26 PM GMT  
**To:** Mathy Stanislaus  
**Cc:** Seth Oster  
**Subject:** Fw: Regrets Re TSCA Meeting Today

Thoughts?

Sent via BlackBerry by AT&T

---

**From:** (b) (6)  
**Date:** Tue, 20 Apr 2010 16:13:28 -0400 (EDT)  
**To:** (b)(6) Privacy  
**Subject:** Re: Regrets Re TSCA Meeting Today  
Thanks!

Please have your media people contact me if they want to do a release on the worker participation policy. Perhaps the week of the Blue Green Alliance conference, May 4-6, where the story would get picked up by labor media and other press attending the conference? I can certainly work with them to get favorable labor quotes from national union officers.

Warm wishes,

Rick

Rick Engler  
Director  
New Jersey Work Environment Council  
On the web at [www.niwec.org](http://www.niwec.org)  
142 West State Street - Third Floor  
Trenton, New Jersey 08608  
**Telephone: (201) 389-3189 (with forward to cell when I am not at this number)**

In a message dated 4/20/2010 2:58:13 P.M. Eastern Daylight Time, (b)(6) Privacy writes:  
You were missed. V happy about the worker standard. Tx.

Sent via BlackBerry by AT&T

---

**From:** (b) (6)

**Date:** Tue, 20 Apr 2010 14:21:29 -0400 (EDT)  
**To:** <[REDACTED] (b)(6) Privacy>  
**Subject:** Regrets Re TSCA Meeting Today

Hi Lisa:

Sorry I could not join you, at least by phone, for the Blue Green Alliance meeting with you on TSCA reform. Your staff said that a phone "call in" was not possible.

On a separate note, thank you, thank you, thank you for issuing the policy on worker/union participation in EPA 112(r) inspections -- and so quickly!

Warm wishes,

Rick

PS Christie's Red Tape Review group issued their report yesterday. God help us. Here is WEC's first response:

The New Jersey Work Environment Council (WEC), an alliance of 70 labor, environmental, and community organizations working for safe, secure jobs and a healthy, sustainable environment issued the following statement today concerning the Christie Administration's *Red Tape Review Group Findings and Recommendations* issued on April 19, 2010:

According to WEC Director Rick Engler, "Governor Christie's Red Tape Review Group is a blueprint for endangering workers and community members who suffer from deadly toxic chemical exposures. **Eliminating the Toxic Catastrophe Prevention rules would place at risk thousands of New Jerseyans who live nearby or work in our states most hazardous chemical plants. Withdrawing the Executive Order establishing the Environmental Justice Advisory Council helps perpetuate the disproportionate polluting of New Jersey's low-income communities.**

The Red Tape recommendations are a wish fulfilled for corporate executives who want increased profits, but there is no evidence that implementing them will save or create one job."

The full report is at: [http://www.nj.gov/governor/news/news/552010/pdf/20100419\\_rtr\\_final\\_report.pdf](http://www.nj.gov/governor/news/news/552010/pdf/20100419_rtr_final_report.pdf)

Rick Engler  
Director  
New Jersey Work Environment Council  
On the web at [www.njwec.org](http://www.njwec.org)  
142 West State Street - Third Floor  
Trenton, New Jersey 08608  
**Telephone: (201) 389-3189 (with forward to cell when I am not at this number)**

01268-EPA-3794

**Richard Windsor/DC/USEPA/US**  
04/21/2010 07:46 PM

To Michael Moats  
cc Betsaida Alcantara, Allyn Brooks-LaSure  
bcc  
Subject Re: ACTION DUE TONIGHT Grio.com ED piece

[REDACTED] (b)(5) Deliberative

Michael Moats

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

**From:** Michael Moats  
**Sent:** 04/21/2010 07:38 PM EDT  
**To:** Richard Windsor  
**Cc:** Betsaida Alcantara; Allyn Brooks-LaSure  
**Subject:** ACTION DUE TONIGHT Grio.com ED piece

Administrator, attached and pasted below is a draft piece for The Grio to post tomorrow for Earth Day. Allyn -- changes are still tracked on the original doc, if you want to restore any of the edits I made. This is due tonight. Apologies for the rush.

[attachment "20100422 TheGrio Civil Rights.doc" deleted by Richard Windsor/DC/USEPA/US]

-----

**DRAFT**

**Administrator Lisa P. Jackson**  
**Grio.com Earth Day Piece**

[REDACTED] (b)(5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----  
Michael Moats  
Chief Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436



01268-EPA-3795

Richard  
Windsor/DC/USEPA/US  
04/22/2010 10:30 AM

To David McIntosh  
cc Seth Oster, Robert Goulding  
bcc

Subject Re: From E&E Daily -- CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill

Why???

David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/22/2010 08:36 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Robert Goulding  
**Subject:** Fw: From E&E Daily -- CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill



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**CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill** *(Thursday, April 22, 2010)*  
**Robin Bravender, E&E reporter**

Architects of the Senate climate bill yesterday confirmed plans to limit state and federal climate change programs but signaled that a sweeping measure from Sen. George Voinovich goes further than they plan to.

"The regulatory system set up in our bill would pre-empt the state governments and the federal government, including the power that EPA has certified by the court on greenhouse gases," said Sen. Joe Lieberman (I-Conn.), who will roll out draft climate legislation Monday with Sens. John Kerry (D-Mass.) and Lindsey Graham (R-S.C.).

"We are definitely looking at saying that if our bill passes, it would be the law of the land to provide predictability," Lieberman added.

Limiting the ability of states or U.S. EPA to regulate greenhouse gas emissions outside the authority of a climate bill has been an ongoing fight for more than a year, but Voinovich (R-Ohio) threw a new wrinkle in the debate yesterday.

Voinovich is circulating a **proposal** that would go beyond Clean Air Act pre-emptions to block the federal government from regulating greenhouse gas emissions under laws including the Endangered Species Act, the Clean Water Act and the National Environmental Policy Act. The amendment would fully prohibit states from regulating greenhouse gases based on their effects on climate change and would prohibit public nuisance litigation related to climate change.

Notably, Voinovich's measure would also prevent EPA from moving forward with its part of a joint rulemaking finalized this month with the Transportation Department. The rules seek to raise the fuel economy of the nation's passenger fleet while imposing the first-ever greenhouse gas standards on cars and trucks.

But Voinovich's measure would give the Transportation Department exclusive authority to regulate greenhouse gases from automobiles and "would not allow EPA to move forward with its tailpipe standards," a Voinovich aide said yesterday.

"We're kicking EPA out of that, but quite frankly, we didn't think EPA should have been there anyway," the aide added.

The proposal expands significantly on the pre-emption language included in the House-passed climate bill (**H.R. 2454**) and in previous versions of Senate climate bills. The House bill from Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.) would

block U.S. EPA from regulating greenhouse gases under certain Clean Air Act provisions and would impose a five-year timeout during which states and localities could not implement or enforce their own caps on greenhouse gas emissions. And a climate bill from Sen. Barbara Boxer (D-Calif.) that cleared the Environment and Public Works Committee last year would also curtail EPA's ability to regulate greenhouse gases under some Clean Air Act provisions and included a five-year timeout on state emission caps.

Voinovich, who is retiring at the end of the year, said his vote on a climate bill is partially dependent on the measure including the pre-emption language. "To get my support on any climate change legislation, it must include a comprehensive pre-emption provision that goes well beyond language included in previous climate bills," Voinovich said in a statement.

Neither Lieberman or Kerry had read the proposed amendment, but Lieberman said Monday's climate bill will have language is "similar" to the measure being floated by Voinovich but that it sounds like the Ohio Republican's amendment "goes a little further."

Kerry said he would oppose the amendment from Voinovich. Asked whether the authors had an alternative, he said, "We hope to have a rational approach," but he declined to offer details.

Voinovich's bill immediately drew the ire of environmentalists pressing to preserve EPA and state regulatory authority.

"What Senator Voinovich is proposing is simply outrageous," said Earthjustice senior legislative representative Sarah Saylor. "He is saying is that the most fundamental and effective environmental laws that this country has had in place for decades should not apply to the single-most pressing environmental threat today."

Bill Snape, senior counsel at the Center for Biological Diversity, said Voinovich is "setting down a marker of what it's going to take to get his vote, and I think to get his vote under the conditions that he's setting isn't worth it."

This is not the first attempt from Voinovich to limit state and EPA climate rules. He floated a draft bill in 2008 as an alternative to climate legislation from Lieberman and then-Sen. John Warner (R-Va.) that called for the pre-emption of all state climate laws and an end to the Clean Air Act's New Source Review permit program.

Some senators hoping to limit EPA and state rules signaled support yesterday for Voinovich's measure.

Sen. John Thune (R-S.D.), who has supported past efforts to block EPA, said he "can't imagine [Kerry, Graham and Lieberman] agreeing to it," but "that's what we've been trying to get." Thune added, however, that he would not likely support the forthcoming climate bill.

Sen. Jay Rockefeller (D-W.Va.) also said he would support the amendment. Rockefeller last month introduced legislation ([S. 3702](#)) that would block EPA for two years from regulating greenhouse gases from industrial sources like power plants, manufacturers and other large facilities.

*Reporter Darren Samuelsohn contributed.*

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01268-EPA-3796

David  
McIntosh/DC/USEPA/US  
04/22/2010 10:48 AM

To Richard Windsor  
cc Seth Oster, Robert Goulding  
bcc

Subject Re: From E&E Daily -- CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill

(b)(5) Deliberative

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/22/2010 10:30 AM EDT  
**To:** David McIntosh  
**Cc:** Seth Oster; Robert Goulding

**Subject:** Re: From E&E Daily -- CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill

Why???

David McIntosh

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

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**Sent:** 04/22/2010 08:36 AM EDT  
**To:** Richard Windsor  
**Cc:** Seth Oster; Robert Goulding

**Subject:** Fw: From E&E Daily -- CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill



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This is not the first attempt from Voinovich to limit state and EPA climate rules. He floated a draft bill in 2008 as an alternative to climate legislation from Lieberman and then-Sen. John Warner (R-Va.) that called for the pre-emption of all state climate laws and an end to the Clean Air Act's New Source Review permit program.

Some senators hoping to limit EPA and state rules signaled support yesterday for Voinovich's measure.

Sen. John Thune (R-S.D.), who has supported past efforts to block EPA, said he "can't imagine [Kerry, Graham and Lieberman] agreeing to it," but "that's what we've been trying to get." Thune added, however, that he would not likely support the forthcoming climate bill.

Sen. Jay Rockefeller (D-W.Va.) also said he would support the amendment. Rockefeller last month introduced legislation ([S. 3702](#)) that would block EPA for two years from regulating greenhouse gases from industrial sources like power plants, manufacturers and other large facilities.

*Reporter Darren Samuelsohn contributed.*

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01268-EPA-3797

**Richard Windsor/DC/USEPA/US**  
04/22/2010 12:20 PM

To "Bicky Corman"  
cc  
bcc

Subject Re: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

Haha. Ewww.

---

**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]  
**Sent:** 04/22/2010 12:17 PM AST  
**To:** Richard Windsor  
**Subject:** Fw: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

(b) (6) Privacy



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---

**From:** U.S. EPA <usaepa@govdelivery.com>  
**To:** Corman, Bicky (DDOE)  
**Sent:** Thu Apr 22 11:18:22 2010  
**Subject:** Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

**CONTACT:**  
Latisha Petteway  
[petteway.latisha@epa.gov](mailto:petteway.latisha@epa.gov)  
202-564-3191  
202-564-4355

**FOR IMMEDIATE RELEASE**  
April 22, 2010

## April 24 and 25: EPA Celebrates 40<sup>th</sup> Earth Day with Events on the National Mall

**WASHINGTON** - The U.S. Environmental Protection Agency (EPA) will hold free events for the public on the National Mall this weekend to celebrate the 40<sup>th</sup> anniversary of Earth Day. The events will feature interactive, fun and educational exhibits related to environmental protection. Administrator Lisa P.

Jackson will be at the EPA Earth Day tent on Saturday between 12 p.m.-2 p.m. Senior EPA officials will also be in attendance.

The exhibits will include an environmental crime scene forensics demonstration, cutting edge automotive technology, climate change habitat loss exhibits, environmental videos, an interactive kids booth about environmental hazards, backyard composting demonstrations, a Chesapeake Bay water model, and live mascots teaching kids about recycling and protecting nature, and others.

EPA will also be showcasing the creative efforts of more than 40 college teams and their design solutions to sustainability challenges around the world. The participants of the exhibit will compete for a \$75,000 prize as part of EPA's National Sustainable Design Expo and P3 (People, Prosperity, and the Planet) competition. The expo highlights designs that address alternative energy technologies; collection, purification and distribution of water; agricultural practices to reduce pesticide run-off; new technologies for green buildings and other innovative approaches to improve society's sustainability.

In addition to EPA's events, Earth Day Network will be sponsoring a free concert on Sunday, April 25th with Sting, John Legend, The Roots, Bob Weir, Patrick Stump, Mavis Staples, Passion Pit, Q-Tip, Booker T and more. Also attending will be the Reverend Jesse Jackson, director James Cameron, and author Margaret Atwood. Administrator Jackson will be introducing John Legend at the Earth Day Network concert on Sunday afternoon.

**WHO:** EPA Administrator Lisa P. Jackson  
Senior EPA officials from the agency's various programs

**WHAT:** EPA's 40<sup>th</sup> Anniversary Earth Day Celebration  
EPA's 6<sup>th</sup> Annual National Sustainable Design Expo featuring EPA's People, Prosperity and the Planet (P3) Exhibits

**WHEN:** Saturday, April 24, 10 a.m. – 6 p.m.  
Sunday, April 25, 10 a.m. – 5 p.m.

**WHERE:** National Mall, 4<sup>th</sup> to 7<sup>th</sup> Streets, N.W., Washington, D.C.  
(Closest metro stops include Federal Center S.W. on the Orange and Blue lines and L'Enfant Plaza Station Metro)

More information on the celebration: <http://www.epa.gov/earthday>

More information on the expo and P3: <http://www.epa.gov/P3/>

Updates on EPA's Twitter account: <http://twitter.com/epalive>

Information on the Earth Day Network's concert: <http://earthday.org/climaterally>

### **EPA's 4th Annual eCycling Event**

In addition to events on the National Mall, on Saturday, April 24<sup>th</sup>, EPA is sponsoring an eCycling event at

the National Harbor. Area residents, organizations and small business owners can bring any make or model computer and related equipment, including monitors, printers, scanners, keyboards, and mouse devices. EPA and partnering organizations will collect equipment at no cost, and recycle it in an environmentally safe manner.

Recycling electronics is something every American can do to protect the planet and to encourage the sustainable reuse of materials. More than 2 million tons of used electronics are disposed of annually that may contain toxics such as lead and mercury. Recyclers can recover more than 100 million pounds of materials from these electronics, including glass, steel, and plastic.

**WHAT:** EPA's 4th Annual eCycling Event

**WHEN:** Saturday, April 24, 10 a.m. – 3 p.m.

**WHERE:** The Plateau near National Harbor  
Prince George's County, Md.

More information on the event: <http://www.epa.gov/oei/ecycling>

R124

Note: If a link above doesn't work, please copy and paste the URL into a browser.

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01268-EPA-3798

**Richard Windsor/DC/USEPA/US**  
04/22/2010 12:20 PM

To "Bicky Corman"  
cc  
bcc

Subject Re: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

In Harlem at a great event. Beautiful day.

---

**From:** "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]  
**Sent:** 04/22/2010 12:17 PM AST  
**To:** Richard Windsor  
**Subject:** Fw: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

(b) (6) Privacy



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---

**From:** U.S. EPA <usaepa@govdelivery.com>  
**To:** Corman, Bicky (DDOE)  
**Sent:** Thu Apr 22 11:18:22 2010  
**Subject:** Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

**CONTACT:**  
Latisha Petteway  
[petteway.latisha@epa.gov](mailto:petteway.latisha@epa.gov)  
202-564-3191  
202-564-4355

**FOR IMMEDIATE RELEASE**  
April 22, 2010

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**WHO:** EPA Administrator Lisa P. Jackson  
Senior EPA officials from the agency's various programs

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EPA's 6<sup>th</sup> Annual National Sustainable Design Expo featuring EPA's People, Prosperity and the Planet (P3) Exhibits

**WHEN:** Saturday, April 24, 10 a.m. – 6 p.m.  
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**WHERE:** The Plateau near National Harbor  
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More information on the event: <http://www.epa.gov/oei/ecycling>

R124

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01268-EPA-3799

**Richard Windsor/DC/USEPA/US**  
04/22/2010 02:55 PM

To Arvin Ganesan  
cc  
bcc

Subject Re: inside EPA on TSCA

Congrats! Well done!  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 04/22/2010 01:22 PM EDT  
**To:** Richard Windsor  
**Subject:** inside EPA on TSCA

(b)(5) Deliberative

See this quote :

"But the GOP appears to be holding back from criticizing the bill, at least while lawmakers digest the legislation and hold out the possibility of reaching bipartisan consensus. "We believe that the Lautenberg effort is a sincere effort," says a Senate GOP source. "

## **Pursuing Bipartisan Talks, Republicans Hold Fire On TSCA Reform Bills**

Republicans are holding fire and reserving comment on just-introduced bills to overhaul the Toxic Substances Control Act (TSCA) and are working with Democrats on bipartisan talks over reforming federal toxics law, with one industry source saying the GOP has nothing to gain by attacking the bills at a "premature date."

Industry has raised early concerns about TSCA reform legislation introduced this month by Sen. Frank Lautenberg (D-NJ) and a House discussion draft bill floated by Reps. Henry Waxman (D-CA) and Bobby Rush (D-IL), warning the bill's safety standards could be impossible to meet and could stymie innovation.

But the GOP appears to be holding back from criticizing the bill, at least while lawmakers digest the legislation and hold out the possibility of reaching bipartisan consensus. "We believe that the Lautenberg effort is a sincere effort," says a Senate GOP source. Republican Senate staffers are currently working with Lautenberg's office on the bill, including the possibility of future hearings at an undetermined date, according to the source.

The industry source says that the GOP may be holding its fire on the TSCA reform bills because it can only be seen to say "no" on a certain

number of issues, and has already done so on climate, health care and financial legislation. "How many things can you go negative on at one time?" the source asks.

Further, because industry groups support the need for some sort of TSCA reform, "there would be no payday for Republicans at this point" to criticize the bill. Industry has also only recently started analyzing the Senate bill and House discussion draft and have yet to communicate their analysis to lawmakers, the source says.

House lawmakers are already holding a series of stakeholder meetings continuing through May on the lower chamber's bill, beginning April 19 with a session on data development and testing. The industry source says the first meeting was "good" and says House Democrats are "listening" to stakeholders.

The broad efforts to reach out to industry and the GOP on the bills could help Lautenberg in his expressed desire to use his introduced bill as "an invitation for all to play a part" in TSCA reform. Lautenberg said at a March 9 Senate Environment & Public Works Committee (EPW) hearing, "I look forward to working with Senators on both sides of the aisle to refine the bill so it makes our environment cleaner, our children healthier and our economy stronger."

EPA Administrator Lisa Jackson -- a proponent of TSCA reform to strengthen EPA's authority to regulate new and existing chemicals -- has also said she would prefer a bipartisan approach to the legislation.

### **Jackson Statements**

At an April 20 event at George Washington University in Washington, DC, Jackson said of TSCA reform, "I think that there will be real momentum -- again, I hope bipartisan -- behind the idea that in this day and age, in the year 2010, we have a right to expect more control of chemicals. And that companies that want to import these chemicals or produce them do all the testing and get that data out and make it available publicly."

Senate Republicans' willingness to work with Lautenberg on his bill could provide some room for negotiation to incorporate key GOP principles for TSCA reform in chemicals management legislation.

Sen. James Inhofe (R-OK), ranking member on EPW, in a Sept. 30 statement said that TSCA currently "protects human health and the environment." However, Inhofe said he is "open to considering changes

to the law, but only if those changes modernize chemical reviews, increase public understanding of the process, and strengthen protections for human health and the environment," according to the senator's statement.

Inhofe outlined "fundamental" principles for TSCA reform, that include: using data based on the best available risk-based science; including cost-benefit considerations for the private sector and consumers; protecting proprietary business information; prioritizing reviews for existing chemicals; not including any provision that encourages litigation or citizen suits; and not including any provision that "compels product substitution."

"I look forward to working with EPA, stakeholders, and other lawmakers to ensure that any changes to TSCA follow these general principles," Inhofe said.

While stakeholders are still reviewing the 100-plus page bills, industry has identified initial areas of concern. For example, on an April 15 conference call, Cal Dooley of the American Chemistry Council raised concerns about the safety standard in the Senate bill, while a key former EPA official has noted "bias" against new chemicals in the data requirements laid out in the bill that could stymie innovation ([see related story](#)).

At least one Senate Republican is also raising questions about whether innovation would be stymied under the proposal. In an April 20 statement, Sen. John Barrasso (R-WY) reiterated calls that reform be "based upon science and not emotion" and not stifle innovation. "We cannot adopt a bill that sets the bar so high that we prevent the development of the next life-saving chemical that can improve the lives of all Americans," he said.

The industry source also questions the broad scope of TSCA reform, because the bills focus on the production process, as well as the content of a product. "The bill would regulate everything," the source says, adding that the provisions could stir up the interest of other industry groups not engaged in the discussion, such as electronics and auto makers.

There are also questions about whether a bill could pass in the remaining congressional session, especially after EPA toxics chief Steve Owens recently said passage of TSCA reform this year is "unlikely"([see related story](#)).

The industry source says there could be a better chance for bipartisanship after the 2010 mid-term elections, because until then Democrats are "playing to their core" and the Republicans "have no reason to give Democrats a win." Beyond the election, Republicans could be more inclined not to offer amendments "contrary to the basic thrust of the law," as in the health care debate.

Richard Denison, of the Environmental Defense Fund, speaking at an April 16 American Law Institute-American Bar Association event in Washington, DC, said that the House's aggressive schedule could lead to a bill this year, though with the bills introduced the debate will "enter the next Congress with an enormous head of steam." -- *Aaron Lovell*

---

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

01268-EPA-3802

**Robert  
Goulding/DC/USEPA/US**  
04/23/2010 06:02 PM

To Richard Windsor  
cc  
bcc

Subject Re: Fw: adaptation center

Cool. Yes. (b)(5) Deliberative  
(or if your preferred method is email, then cool).

---  
Robert Goulding  
US EPA  
Administrator's Office  
202-564-0473  
Sent via Blackberry  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 04/23/2010 05:59 PM EDT  
**To:** Robert Goulding  
**Subject:** Re: Fw: adaptation center

Perfect - can you get me a cover letter to put on top to Cowen? Tx. Lisa

Robert Goulding Hey, Rob V, Janet, Charles and I had... 04/23/2010 01:12:51 PM

From: Robert Goulding/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/23/2010 01:12 PM  
Subject: Fw: adaptation center

Hey,

Rob V, Janet, Charles and I had a long talk about the Gulf, and the recovery process down there, in general. (b)(5) Deliberative

Robert Goulding  
US EPA - Office of the Administrator  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(p) 202-564-0473 - (f) 202-501-1450

\*Please consider the environment before printing this e-mail

----- Forwarded by Robert Goulding/DC/USEPA/US on 04/23/2010 12:54 PM -----

From: Robert Verchick/DC/USEPA/US  
To: Robert Goulding/DC/USEPA/US@EPA  
Cc: Charles Imohiosen <(b) (6)>, Janet Woodka/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 04/23/2010 09:21 AM  
Subject: adaptation center

Hi Robert,

(b)(5) Deliberative



Suggestions and edits are, of course, welcome.

Best,

Rob

[attachment "Adaptation center draft.doc" deleted by Robert Goulding/DC/USEPA/US]

Robert R. Verchick  
Deputy Associate Administrator  
Office of Policy, Economics, and Innovation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3513 E, Ariel Rios North  
Mail Code: 1804A  
Washington, DC 20460  
Phone: (202) 564-4332 (main line)

01268-EPA-3805

**David  
McIntosh/DC/USEPA/US**  
04/24/2010 08:09 PM

To windsor.richard  
cc  
bcc

Subject Fw: Kerry

Oh dear.

---

**From:** "Goo, Michael" [Michael.Goo@mail.house.gov]  
**Sent:** 04/24/2010 08:03 PM AST  
**To:** <rmiller@capitolsolutions.com>; Joseph Goffman; David McIntosh  
**Subject:** Re: Kerry

FOR IMMEDIATE RELEASE: April 24, 2010 CONTACT: Whitney Smith, (202) 224-4159 Senator Kerry on Today's News About Climate and Energy Legislation WASHINGTON, D.C. - Senators John Kerry (D-Mass.) today released the following statement on today's news about climate and energy legislation in the Senate: "For more than six months, Lindsey Graham, Joe Lieberman, and I have been meeting for hours each day to find a bi-partisan path forward and build an unprecedented coalition of stakeholders to pass a comprehensive climate and energy bill this year. We all believe that this year is our best and perhaps last chance for Congress to pass a comprehensive approach. We believe that we had reached such an agreement and were excited to announce it on Monday, but regrettably external issues have arisen that force us to postpone only temporarily." I remain deeply committed to this effort which I have worked on for more than twenty years. We have no choice but to act this year. The American people deserve better than for the Senate to defer this debate or settle for an energy-only bill that won't get the job done." Senator Graham came forward and has made a significant contribution to both the process and the product. Joe and I deeply regret that he feels immigration politics have gotten in the way and for now prevent him from being engaged in the way he intended. But we have to press forward. Lindsey has helped to build an unprecedented coalition of stakeholders from the environmental community and the industry who have been prepared to stand together behind a proposal. That can't change. We can't allow this moment to pass us by." Joe and I will continue to work together and are hopeful that Lindsey will rejoin us once the politics of immigration are resolved. We will continue to work and we will do everything necessary to be ready when the moment presents itself. The White House and Senate Leadership have told us from this start that this is the year for action, and until they tell us otherwise we're pressing forward." # # # ----- Whitney Smith Press Secretary Senator John Kerry (D-Mass.) (202) 224-4159 www.kerry.senate.gov <http://www.kerry.senate.gov>

-----  
Sent using BlackBerry

---

**From:** Rachel Miller <rmiller@capitolsolutions.com>  
**To:** Goo, Michael; Goffman.Joseph@epamail.epa.gov <Goffman.Joseph@epamail.epa.gov>; mcintosh.david@epa.gov <mcintosh.david@epa.gov>  
**Sent:** Fri Apr 23 09:44:02 2010  
**Subject:** Re: Kerry

Re API, they have already bought air time but now not expected to use it. Just heard chamber will also stand down. Game changers?

---

**From:** Goo, Michael <Michael.Goo@mail.house.gov>  
**To:** Goffman.Joseph@epamail.epa.gov <Goffman.Joseph@epamail.epa.gov>; Rachel Miller; mcintosh.david@epa.gov <mcintosh.david@epa.gov>  
**Sent:** Fri Apr 23 09:11:23 2010

**Subject:** Re: Kerry

Kerry: Three Big Oil Companies Likely to Back Climate Bill— By Kate Sheppard| Thu Apr. 22, 2010 4:43 PM PDT

When Sens. John Kerry, Lindsey Graham and Joe Lieberman release their climate bill on Monday, they expect to have the backing of three of the five major oil companies, Mother Jones has learned. In a conference call with a coalition of progressive business leaders on Thursday evening, Kerry said he believes those companies will "actively participate in supporting this bill." He hopes the other big oil companies will at least hold their fire on the bill, and added that he believes the American Petroleum Institute (API), the oil industry's major trade group, will call off its ad campaign attacking the legislation. Kerry also said that the Edison Electric Institute—the main trade group representing utilities—will support their measure. "We are bringing to the table a significant group of players who were never there for the Waxman-Markey bill," Kerry said. (While Edison supported Waxman-Markey, it was opposed by several big oil companies and API). In the teleconference, organized by the We Can Lead coalition, Kerry outlined specific details from the bill that have not previously been publicly available. Here's a rundown:

- The bill would remove the Environmental Protection Agency's authority to regulate carbon dioxide under the Clean Air Act, and the states' authority to set tougher emissions standards than the federal government.
- There will be no fee—or "gas tax"—on transportation fuels. Instead, oil companies would also be required to obtain pollution permits but will not trade them on the market like other polluters. How this would work is not yet clear.
- Agriculture would be entirely exempt from the cap on carbon emissions.
- Manufacturers would not be included under a cap on greenhouse gases until 2016.
- The bill would provide government-backed loan guarantees for the construction of 12 new nuclear power plants.
- It will contain at least \$10 billion to develop technologies to capture and store emissions from coal-fired power plants.
- There will be new financial incentives for natural gas.
- The bill would place an upper and lower limit on the price of pollution permits, known as a hard price collar. Businesses like this idea because it ensures a stable price on carbon. Environmental advocates don't like the idea because if the ceiling is set too low, industry will have no financial incentive to move to cleaner forms of energy.
- The energy bill passed by the Energy and Natural Resources Committee last year will be adopted in full, which has sparked concerns among environmentalists for its handouts to nuclear and fossil fuel interests. Some elements of the legislation remain in flux, Kerry said. The senators still haven't figured out how to deal with the contentious question of offshore drilling. He added that they are still trying to secure the support of the Chamber of Commerce, another prime foe of the House measure, but remain hopeful that they might endorse the bill.

**Notes:**

Senator Kerry just held a phone briefing explaining the provisions of the KGL bill they are "introducing on Monday". Below are my notes based on his comments:

When Senator Kerry was asked about agriculture he pointed out that farms are not covered under the bill, that farmers will receive the same rebates (through allowance rebates to utilities) that all energy users will receive and that there will be abundant offset opportunities in this bill. There was no mention of international offsets but he was not asked about them.

In the last few hours they have EEI, John Rowe, Jim Rogers, various consumer groups and three of the big five oil companies committed to supporting the bill on Monday.

Bill begins enactment in 2013 and will include caps of 17 percent target by 2020, 80 percent by 2050

There is a four year cushion for trade impacted/energy intensive entities

2/3 of all revenues go back to consumers through LDCs

\$10 billion to coal for clean coal technology with an accelerated bonus for early deployment

Nuclear title that includes loan guarantees and liability protections for up to 12 plants. They encourage modular and standardization of new plants

Vehicles: incentives for natural gas and electric vehicles

Oil companies will retire allowances at a certain date and have to buy allowances rather than a linked fee. Kerry says they will have documents issued by the CBO stating that this provision is not a tax. In order to gain the support of the Truckers Associations, they set aside all diesel oil fuel revenues and direct them to the Highway Trustfund.

Includes the entire energy bill as passed by the Senate Energy and Natural resources Committee

States and the EPA will be preempted unless the emission reduction goals stated in the bill are not met. At which point, the EPA will have some authority to ensure additional emission reductions until the goals have been met but not beyond.

Hard price collar with ceiling and floor.

I expect to hear more in the coming days/hours.

-----  
Sent using BlackBerry

---

**From:** Goffman.Joseph@epamail.epa.gov <Goffman.Joseph@epamail.epa.gov>  
**To:** Rachel Miller <rmiller@capitolsolutions.com>; Goo, Michael  
**Sent:** Fri Apr 23 07:20:25 2010  
**Subject:** Re: Kerry

So, do we think there are 60 votes - and enough time?

---

**From:** "Rachel Miller" [rmiller@capitolsolutions.com]  
**Sent:** 04/22/2010 08:59 PM AST  
**To:** Joseph Goffman; <michael.goo@mail house.gov>  
**Subject:** Kerry

Had a call with enviros, all's well on noah's ark. Bill out monday.

Eei will support. Let the good times roll!

01268-EPA-3806

**Mike Moats**  
<[REDACTED] (b) (6) >  
04/25/2010 05:15 PM

To Seth Oster, Brendan Gilfillan  
cc Richard Windsor, "mcclandon.marcus@epa.gov"  
bcc  
Subject TPs for now

**\*\*\*TALKING POINTS ONE PAGER\*\*\***

**Administrator Lisa P. Jackson**  
**Climate Rally on the National Mall**

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



(b)(5) Deliberative

Sent from my iPhone

01268-EPA-3807

Michael Moats/DC/USEPA/US  
04/25/2010 05:17 PM

To Robert Goulding, Marcus McClendon, Seth Oster, "Brendan Gilfillan", Sarah Dale, "Richard Windsor"

cc

bcc

Subject ONE PAGER for today

Just sent these from gmail but in case they dont come through:

Administrator Lisa P. Jackson  
Climate Rally on the National Mall

(b)(5) Deliberative

[Redacted content]

---

**From:** Robert Goulding  
**Sent:** 04/25/2010 05:15 PM EDT  
**To:** Michael Moats; Marcus McClendon; Seth Oster; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Sarah Dale  
**Subject:** Re: ONE PAGER for today

Just got this. Sorry.  
---  
Robert Goulding  
US EPA  
Administrator's Office  
202-564-0473  
Sent via Blackberry

---

**From:** Michael Moats  
**Sent:** 04/25/2010 08:17 AM EDT  
**To:** Robert Goulding; Marcus McClendon; Seth Oster; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Sarah Dale  
**Subject:** ONE PAGER for today

Can someone make sure she gets these? Thx.

Mike

---

**From:** Michael Moats [REDACTED (b) (6)]  
**Sent:** 04/25/2010 08:15 AM AST  
**To:** Michael Moats  
**Subject:** ONE PAGER for today

01268-EPA-3808

**Marcus  
McClendon/DC/USEPA/US**  
04/25/2010 05:25 PM

To Michael Moats, Robert Goulding, Seth Oster, "Brendan  
Gilfillan", Sarah Dale, Richard Windsor  
cc  
bcc

Subject Re: ONE PAGER for today

We're printing now.  
Marcus McClendon  
Director of Advance | U.S EPA  
Office of the Administrator  
202 564 0452 Office  
202 501 1480 Fax  
202 590 0333 Cell  
mcclendon.marcus@epa.gov

---

**From:** Michael Moats  
**Sent:** 04/25/2010 05:17 PM EDT  
**To:** Robert Goulding; Marcus McClendon; Seth Oster; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Sarah Dale; Richard Windsor  
**Subject:** ONE PAGER for today

Just sent these from gmail but in case they dont come through:

Administrator Lisa P. Jackson  
Climate Rally on the National Mall

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

**From:** Robert Goulding  
**Sent:** 04/25/2010 05:15 PM EDT  
**To:** Michael Moats; Marcus McClendon; Seth Oster; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Sarah Dale  
**Subject:** Re: ONE PAGER for today

Just got this. Sorry.

---

Robert Goulding  
US EPA  
Administrator's Office  
202-564-0473  
Sent via Blackberry

---

**From:** Michael Moats  
**Sent:** 04/25/2010 08:17 AM EDT  
**To:** Robert Goulding; Marcus McClendon; Seth Oster; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Sarah Dale  
**Subject:** ONE PAGER for today

Can someone make sure she gets these? Thx.

Mike

---

**From:** Michael Moats [REDACTED (b) (6)]  
**Sent:** 04/25/2010 08:15 AM AST  
**To:** Michael Moats  
**Subject:** ONE PAGER for today

01268-EPA-3812

David  
McIntosh/DC/USEPA/US  
04/27/2010 02:29 PM

To Richard Windsor  
cc  
bcc

Subject Fw: Reuters: Senator Kerry says EPA to start climate bill analysis

FYI. 1(b)(5) Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 04/27/2010 02:28 PM -----

From: Brendan Gilfillan/DC/USEPA/US  
To: Seth Oster <oster.seth@epa.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA  
Cc: David McIntosh/DC/USEPA/US@EPA  
Date: 04/27/2010 02:27 PM  
Subject: Reuters: Senator Kerry says EPA to start climate bill analysis

## Senator Kerry says EPA to start climate bill analysis

The EPA will examine the economic impact the bill would have from provisions aimed at reducing pollution blamed for global warming.

"We are sending the bill to be modeled now with Lindsey Graham's consent," the Democratic senator told reporters.

On Saturday, Republican Senator Graham announced that he was dropping out of the effort with Kerry and Independent Senator Joseph Lieberman to craft a climate change bill, which would also encourage U.S. production of nuclear energy and offshore oil.

Graham said he was angered by Senate Democratic leaders and the White House talking up the possibility of tackling immigration reform prematurely, complaining it could take away time in the Senate for a climate debate.

On Monday, Graham, speaking to reporters, seemed to go further by saying that any discussion of immigration reform this year, even if it is after passage of a climate bill, would be "breaking faith with me."

Kerry did not respond directly when asked whether he would go ahead with a public unveiling of climate change bill without Graham's support.

"We're working to get this back on track, that's my goal, that's other people's goal and we're sticking by that," Kerry said.

The EPA analysis is an important step in the legislative process. The Congressional Budget

Office also is likely to conduct its own analysis, and the oil industry wants the Energy Department's Energy Information Administration to take an independent look.

#### JUNE DEBATE IN THE SENATE

Over the past six months, Kerry, Graham and Lieberman have been writing a bill aimed at reducing U.S. emissions of carbon dioxide and other greenhouse gases by 17 percent by 2020, from 2005 levels.

That goal is in line with commitments President Barack Obama made in Copenhagen last December during an international summit that attempted to set new global goals for tackling environmental problems associated with climate change.

The EPA analysis of their bill could take more than a month to complete and legislation could not be queued up for a full Senate debate until the results are disseminated.

That would put the climate bill on the Senate floor in June at the earliest, but more likely in July. But that assumes that political divisions, of which there are many in addition to Graham's concerns, get resolved.

Last week, the National Research Council reported that the chemistry of the world's oceans was changing at "an unprecedented rate," rapidly becoming more acidic, because of carbon dioxide pollution.

That change threatens coral reefs and some fish species.

Other looming global warming problems, according to scientists, include more severe droughts, flooding of island nations and coastal cities as sea levels rise from ice melt, and worsening refugee problems.

Kerry also has been casting the climate debate in national security tones. He joined veterans of the Iraq war to unveil a clock that counted U.S. revenues Iran would be deprived of as the United States lowers carbon emissions from burning imported oil and from fostering energy independence.

The clock, adorned with Iranian President Mahmoud Ahmadinejad's picture, is measuring \$100 million a day in potential lost revenues to Tehran, which has been engaged in a war of words with Washington over its suspected nuclear weapons program and its alleged human rights violations.

01268-EPA-3813

**Richard Windsor/DC/USEPA/US**  
04/28/2010 01:08 PM

To David McIntosh  
cc  
bcc  
Subject Re: Modeling Specs

Cool  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 04/28/2010 01:02 PM EDT  
**To:** windsor.richard@epa.gov  
**Subject:** Fw: Modeling Specs

FYI. We just received the KGL (or now KL) modeling specs.  
Allen Fawcett

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

**From:** Allen Fawcett  
**Sent:** 04/28/2010 01:00 PM EDT  
**To:** David McIntosh  
**Subject:** Re: Modeling Specs

David,

(b)(5) Deliberative

Allen

Allen A. Fawcett, Ph.D.  
Climate Economics Branch  
Climate Change Division  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave (6207 J)  
Washington, DC 20460  
(202) 343-9436

"Risley, David (Lieberman)"    Allen, Please use these m...    04/28/2010 12:53:54 PM

**From:** "Risley, David (Lieberman)" <David\_Risley@lieberman.senate.gov>  
**To:** Allen Fawcett/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA  
**Cc:** "Rosengarten, Danielle (Lieberman)" <Danielle\_Rosengarten@lieberman.senate.gov>, "Frangione, Kathleen (Foreign Relations)" <Kathleen\_Frangione@foreign.senate.gov>, "Rimkunas, Matt (L. Graham)" <Matt\_Rimkunas@lgraham.senate.gov>  
**Date:** 04/28/2010 12:53 PM  
**Subject:** Modeling Specs

Allen,  
Please use these modeling specs to model the Kerry-Graham-Lieberman comprehensive energy and climate bill. I have attached the modeling specs narrative as well as the allocation. I have not included the draft legislative text at this time because we are still working through small details. However, these changes will not affect the modeling and we are requesting that you model the bill

based on these specs.

As you have questions and need clarification or additional information, please call or e-mail me and I will communicate the questions to the staffs to ensure a correct and consistent answer.

This modeling is absolutely imperative to our effort. I know that you all will do your best work. Let's be in touch once you've had a chance to digest some of this. God speed.

David

David Risley  
Office of Senator Joseph Lieberman  
202-224-9849

[attachment "EPA modeling specs 0427 2.doc" deleted by Allen Fawcett/DC/USEPA/US] [attachment "100422 Allocation table.xls" deleted by Allen Fawcett/DC/USEPA/US]

01268-EPA-3814

David  
McIntosh/DC/USEPA/US  
04/28/2010 02:08 PM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure, Diane Thompson, Bob Perciasepe  
bcc

Subject Fw: From Greenwire -- CLIMATE: Big fuel savings will be lost if 'endangerment' finding nullified -- Jackson

(b)(5) Deliberative . Great job.

----- Forwarded by David McIntosh/DC/USEPA/US on 04/28/2010 02:08 PM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 04/28/2010 02:08 PM  
Subject: From Greenwire -- CLIMATE: Big fuel savings will be lost if 'endangerment' finding nullified -- Jackson

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:



An E&E Publishing Service

**CLIMATE: Big fuel savings will be lost if 'endangerment' finding nullified -- Jackson** *(Wednesday, April 28, 2010)*  
**Robin Bravender, E&E reporter**  
 U.S. EPA Administrator Lisa Jackson today warned lawmakers that nullifying the agency's "endangerment finding" for greenhouse gases would limit the fuel savings and emission reductions anticipated under EPA's new rule to curb the heat-trapping gases from tailpipes. The joint EPA and Transportation Department standards finalized earlier this month seek to raise the fuel economy of the nation's passenger fleet and impose the first-ever federal greenhouse gas emissions standards on cars and trucks beginning next year. The combined standards will reduce the affected vehicles' lifetime oil consumption by more than 1.8 billion barrels and will eliminate more than 960 million metric tons of greenhouse gas pollution, Jackson told a subcommittee of the House Energy and Commerce Committee today. But congressional efforts to overturn the endangerment finding would eliminate EPA's standard, Jackson said, and would forfeit a quarter of the combined program's estimated fuel savings and a third of its greenhouse gas emission reductions. "I believe legislation that overturns the endangerment finding would certainly not only impact but would nullify the [auto] regulations ... because that finding of endangerment is the basis of those regulations."  
 Several efforts to overturn EPA's finding have been launched in both chambers of Congress. Sen. Lisa Murkowski (R-Alaska) and several House members have introduced disapproval resolutions that seek to void the endangerment finding and prevent EPA from issuing climate regulations. Top Democrats on the House panel today lauded the administration's automobile rule and the estimated reduction of oil consumption. "I can't think of any law or regulation that has saved that much oil," Rep. Henry Waxman of California, chairman of the committee and co-author of the House-passed energy and climate bill, said of the auto standards.  
 Rep. Ed Markey of Massachusetts, chairman of the Energy and Environment Subcommittee, noted that automakers have opposed congressional efforts to block EPA from regulating greenhouse gas emissions ([E&ENews PM](#), March 17).

Car dealers, however, have supported efforts to limit EPA's climate rules. The National Automobile Dealers Association has lent its support to the Murkowski effort, arguing it would have no impact on the administration's overall fuel economy and emissions goals, and would instead give automakers clearer targets ([E&ENews PM](#), March 2).

Several top House Republicans today blasted EPA's endangerment finding, arguing that the science underpinning the determination is deeply flawed.

"It's no secret that I don't believe the endangerment finding that the Environmental Protection Agency put out in April has been properly done," said Energy and Commerce Committee ranking member Joe Barton (R-Texas). Barton pressed Jackson on reports that the views of an EPA employee were suppressed as EPA prepared to issue its endangerment finding, but Jackson insisted that her staff had considered the employee's views during the comment period and that she had not seen anything to upend the science underpinning the endangerment finding.

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01268-EPA-3819

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor

cc

04/28/2010 07:25 PM

bcc

Subject Quick note

I know you like to send notes to staff and thought this may be of interest. If you are too swamped, I will send him a note for both of us.

The Center for Climate Change Communication at George Mason University honored Jason Sabenow, a climate scientist who works for Dina in the Climate Change Division, as their 2010 Climate Change Communicators of the Year. Jason, who is a meteorologist by training, has worked tirelessly for almost a decade to use communications as an effective tool to combat climate change. Over the past year, Jason was a contributor, and sometimes manager, of the federal Communications Interagency Working group of the U.S. Global Change Research Program. He has been instrumental in communicating climate change through the launch and management for several years of EPA's climate change website. Simply put, we rely on Jason's knowledge of climate science, as well as his abilities to clearly communicate about climate change to the general public.

01268-EPA-3820

**Richard Windsor/DC/USEPA/US**  
04/28/2010 07:32 PM

To Gina McCarthy  
cc "Aaron Dickerson"  
bcc  
Subject Re: Quick note

Thx. I'll send a handwritten note tomorrow. Lisa  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 04/28/2010 07:25 PM EDT  
**To:** Richard Windsor  
**Subject:** Quick note

I know you like to send notes to staff and thought this may be of interest. If you are too swamped, I will send him a note for both of us.

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01268-EPA-3821

Gina McCarthy/DC/USEPA/US To Richard Windsor  
04/28/2010 07:35 PM cc  
bcc  
Subject Re: Quick note

You are a good person. Thanks

Richard Windsor Thx. I'll send a handwritten note tomor... 04/28/2010 07:32:11 PM

From: Richard Windsor/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 04/28/2010 07:32 PM  
Subject: Re: Quick note

---

Thx. I'll send a handwritten note tomorrow. Lisa

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 04/28/2010 07:25 PM EDT  
**To:** Richard Windsor  
**Subject:** Quick note

I know you like to send notes to staff and thought this may be of interest. If you are too swamped, I will send him a note for both of us.

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01268-EPA-3822

**Richard Windsor/DC/USEPA/US**  
04/28/2010 09:31 PM

To Aaron Dickerson  
cc  
bcc

Subject Re: Fw: Pictures from JHU Visit

(b)(5) Deliberative

Aaron Dickerson

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

**From:** Aaron Dickerson  
**Sent:** 04/28/2010 06:01 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: Fw: Pictures from JHU Visit

(b)(5) Deliberative

[attachment "\_JHU1773.jpg" deleted by Richard Windsor/DC/USEPA/US]  
[attachment "\_JHU1780.jpg" deleted by Richard Windsor/DC/USEPA/US]

(b) (6) Sent via BlackBerry by AT&T -----Origin... 04/28/2010 01:56:39 PM

**From:** (b)(6) Privacy  
**To:** Aaron Dickerson/DC/USEPA/US@EPA  
**Date:** 04/28/2010 01:56 PM  
**Subject:** Fw: Pictures from JHU Visit

Sent via BlackBerry by AT&T

**From:** Mary Vitale <(b) (6)>  
**Date:** Fri, 23 Apr 2010 16:33:19 -0400  
**To:** <(b)(6) Privacy>  
**Subject:** Pictures from JHU Visit

Administrator Jackson,

I hope you are doing well. It was so wonderful to hear you speak at Hopkins and to have dinner with you. (b) (6)

[Redacted content]

(b) (6)

I have not yet received everyone's pictures from the event, but I have attached the pictures I have received so far.

Sincerely,

Mary Vitale

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01268-EPA-3824

**Richard Windsor/DC/USEPA/US**  
04/29/2010 09:50 AM

To Bob Sussman  
cc Arvin Ganesan  
bcc  
Subject Re: GAO Review of CWA Coal Permitting

Tx  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 04/29/2010 09:27 AM EDT  
**To:** Richard Windsor  
**Cc:** Arvin Ganesan  
**Subject:** Fw: GAO Review of CWA Coal Permitting

FYI -- House Resources (Rahall) has asked GAO to examine coal mine permitting under Section 404 and the working relationship between EPA and the Corp.

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 04/29/2010 09:26 AM -----

From: Gregory Peck/DC/USEPA/US  
To: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 04/29/2010 08:14 AM  
Subject: GAO Review of CWA Coal Permitting

---

By the nature of the questions, we can imagine who requested this review. I'll see if I can find out more.

[attachment "Notification letter 361195.pdf" deleted by Richard Windsor/DC/USEPA/US]

---

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

202-564-5778