01268-EPA-126

Adora Andy/DC/USEPA/US
04/27/2009 10:45 AM

To Bob Sussman
cc Allyn Brooks-LaSure, Arvin Ganesan, Diane Thompson, Richard Windsor
bcc
Subject Re: Mountain Top Mining -- Big Developments Tomorrow

Thanks for the heads up, Bob. Press Secretaries will be discussing on our WH call at 11am with CEQ, interior, energy, etc and I'll let you know what comes out of it.I understand that DOI will do a 1pm conference with pens and pads only to announce this.

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

Bob Sussman Robert M. Sussman Senior Policy Cou... 04/27/2009 09:50:22 AM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Date: 04/27/2009 09:50 AM
Subject: Mountain Top Mining -- Big Developments Tomorrow

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

Lisa -- tomorrow will be a big day on MTM.

(b) (5) Deliberative

[redacted]

[redacted] We will need to be prepared from a communications standpoint, which is why I'm looping in Allyn and Adora.

(b) (5) Deliberative

[redacted]

From: Laura_Davis@ios.doi.gov [mailto:Laura_Davis@ios.doi.gov]
Sent: Sunday, April 26, 2009 1:47 PM
To: Sobeck,Eileen (ENRD); Boots, Michael J.; Boling, Edward A.
Cc: Art.Gary@sol.doi.gov; Williams,Jean (ENRD); David_Hayes@ios.doi.gov; Cruden,John (ENRD); Haugrud,Jack (ENRD); Hirsch,Sam
Subject: Re: Stream buffer rule

As requested here is a draft press statement for likely announcement tomorrow. Please get me your comments by first thing tomorrow. Thank you.

(b) (5) Deliberative

(b) (5) Deliberative

-----"Sobeck, Eileen (ENRD)" <Eileen.Sobeck@usdoj.gov> wrote: -----
To: Laura Davis/SIO/OS/DOI@DOI, Art Gary@sol, "Williams, Jean (ENRD)" <Jean.Williams@usdoj.gov>, David Hayes/SIO/OS/DOI@DOI
From: "Sobeck, Eileen (ENRD)" <Eileen.Sobeck@usdoj.gov>
Date: 04/24/2009 11:54AM
cc: "Cruden, John (ENRD)" <John.Cruden@usdoj.gov>, "Haugrud, Jack (ENRD)" <Jack.Haugrud@usdoj.gov>, "Hirsch, Sam" <Sam.Hirsch@usdoj.gov>
Subject: Re: Stream buffer rule

All - (b) (5) Attorney Client, (b) (5) Deliberative

call me if you have any questions. Eileen. W 514 0943. C (b) (6) Privacy

Sent Using U.S. DOJ/ENRD BES Server

From : Sobeck, Eileen (ENRD)
To : 'Laura_Davis@ios.doi.gov' <Laura_Davis@ios.doi.gov>; 'Art.Gary@sol.doi.gov' <Art.Gary@sol.doi.gov>
Cc : Cruden, John (ENRD); Haugrud, Jack (ENRD); Hirsch, Sam
Sent : Thu Apr 23 18:00:41 2009
Subject : Stream buffer rule

Laura – I wanted to get back to you quickly regarding the stream buffer rule – I (b) (5) Attorney Client, (b) (5) Deliberative Pls feel free to call me – Eileen. (b) (6) Privacy

01268-EPA-184

"Depass, Michelle"
<M.Depass@fordfound.org>
06/19/2009 08:03 AM

To Richard Windsor
cc
bcc
Subject Fw: CEQ

In Shalini's role at Resources for the Future, she has been attending meetings at CEQ. This week they mentioned that they were negotiating some Rockefeller money to bring people on temporarily. I told her she could quietly tell them that she is moving through the system for OIA so they would back off. Below was their response.
What do you think?
Shalini is an expert on adaptation and we were planning on making that a signature piece of our Copenhagen and beyone climate push. So, it does figure that they are trying to get her their (thankfully, we got her first-phew!)
On the other hand it could be helpful for OIA in the future for her to stake our claim their. Also, no idea how far Shalini's paperwork is right now.
Thanks,
Md
Sent from My BlackBerry

----- Original Message -----
From: Vajjhala, Shalini <Shalini@rff.org>
To: Depass, Michelle
Sent: Fri Jun 19 07:27:26 2009
Subject: CEQ

Hi Michelle,

I chatted with Jason Bordoff at CEQ again after we talked yesterday. I mentioned (quietly) that I was planning to join OIA and the paperwork was moving through the system.

He was glad to hear it, and opened up the chance to spend a short time at CEQ (as a detailee, still on RFF's payroll and staff) until the move to EPA was finalized.

CEQ is trying to tackle international climate adaptation finance and coordination issues with (USAID, MMC, NOAA, OSTP and others). He framed it as a chance to get in at the ground level on the White House adaptation working group and then carry any conversations straight to OIA.

What do you think? Am I missing something here? I don't want to do anything that would interfere with the move to EPA, but it seems like a really exciting opportunity, and a great lead-in to dealing with a lot of the international climate, EJ, and related trade/finance issues that are already part of the OIA portfolio.

Of course, I still need to make sure that RFF is okay with paying me to be at the White House for a short while. That said, any suggestions on how to proceed?

Thanks!
Shalini

01268-EPA-185

"Depass, Michelle" <M.Depass@fordfound.org>
06/19/2009 11:06 AM

To Richard Windsor
cc
bcc
Subject RE: CEQ

Cool thanks. I sent Diane a little inquiry too this morning.

Michelle DePass
Program Officer
The Ford Foundation
Community and Resource Development
320 East 43rd Street
New York, N.Y. 10017
Tel:212-573-4641
Fax:212-351-3659
m.depass@fordfound.org
For questions about scheduling, please contact my Administrative Assistant, Brian Mori (b.mori@ fordfound.org).
For questions about a current grant, please contact my Grants Administrator, Rowena Nixon (r.nixon@fordfound.org).

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:03 AM
To: Depass, Michelle
Subject: Re: CEQ

I think its a fine idea and can only help EPA in the long-run. I'll check with Diane.

From: "Depass, Michelle" [M.Depass@fordfound.org]
Sent: 06/19/2009 08:03 AM AST
To: Richard Windsor
Subject: Fw: CEQ

In Shalini's role at Resources for the Future, she has been attending meetings at CEQ. This week they mentioned that they were negotiating some Rockefeller money to bring people on temporarily. I told her she could quietly tell them that she is moving through the system for OIA so they would back off. Below was their response.
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Shalini is an expert on adaptation and we were planning on making that a signature piece of our Copenhagen and beyone climate push. So, it does figure that they are trying to get her their (thankfully, we got her first-phew!)
On the other hand it could be helpful for OIA in the future for her to stake our claim their. Also, no idea how far Shalini's paperwork is right now.
Thanks,
Md
Sent from My BlackBerry

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

From: Vajjhala, Shalini <Shalini@rff.org>
To: Depass, Michelle
Sent: Fri Jun 19 07:27:26 2009
Subject: CEQ

Hi Michelle,

I chatted with Jason Bordoff at CEQ again after we talked yesterday. I mentioned (quietly) that I was planning to join OIA and the paperwork was moving through the system.

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What do you think? Am I missing something here? I don't want to do anything that would interfere with the move to EPA, but it seems like a really exciting opportunity, and a great lead-in to dealing with a lot of the international climate, EJ, and related trade/finance issues that are already part of the OIA portfolio.

Of course, I still need to make sure that RFF is okay with paying me to be at the White House for a short while. That said, any suggestions on how to proceed?

Thanks!
Shalini

01268-EPA-186

"Depass, Michelle" <M.Depass@fordfound.org>
06/19/2009 11:17 AM

To Diane Thompson, Richard Windsor
cc (b) (6) Privacy
bcc
Subject RE: CEQ

Thanks Diane, I will wait a day or two to see if we hear from Mary Grace, but will suggest that timing also.

Michelle DePass
Program Officer
The Ford Foundation
Community and Resource Development
320 East 43rd Street
New York, N.Y. 10017
Tel:212-573-4641
Fax:212-351-3659
m.depass@fordfound.org
For questions about scheduling, please contact my Administrative Assistant, Brian Mori (b.mori@ fordfound.org).
For questions about a current grant, please contact my Grants Administrator, Rowena Nixon (r.nixon@fordfound.org).

From: Thompson.Diane@epamail.epa.gov [mailto:Thompson.Diane@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:16 AM
To: Windsor.Richard@epamail.epa.gov
Cc: (b) (6) Privacy Depass, Michelle
Subject: Re: CEQ

My thought exactly. The more inside connections the better. I have Marygrace going back to White House personnel on timing, but it is always hard to predict. Should could propose short-term thru July 27 when Michelle is going to start, or until she is cleared, whichever comes later. DT

****

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: "Michelle DePass" <m.depass@fordfound.org>
Date: 06/19/2009 11:02 AM
Subject: Re: CEQ

I think its a fine idea and can only help EPA in the long-run. I'll check with Diane.

From: "Depass, Michelle" [M.Depass@fordfound.org]
Sent: 06/19/2009 08:03 AM AST
To: Richard Windsor
Subject: Fw: CEQ

In Shalini's role at Resources for the Future, she has been attending meetings at CEQ. This week they mentioned that they were negotiating some Rockefeller money to bring people on temporarily. I told her she could quietly tell them that she is moving through the system for OIA so they would back off. Below was their response.
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Shalini is an expert on adaptation and we were planning on making that a signature piece of our Copenhagen and beyone climate push. So, it does figure that they are trying to get her their (thankfully, we got her first-phew!)
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Thanks,
Md
Sent from My BlackBerry

----- Original Message -----
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To: Depass, Michelle
Sent: Fri Jun 19 07:27:26 2009
Subject: CEQ

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He was glad to hear it, and opened up the chance to spend a short time at CEQ (as a detailee, still on RFF's payroll and staff) until the move to EPA was finalized.

CEQ is trying to tackle international climate adaptation finance and coordination issues with (USAID, MMC, NOAA, OSTP and others). He framed it as a chance to get in at the ground level on the White House adaptation working group and then carry any conversations straight to OIA.

What do you think? Am I missing something here? I don't want to do anything that would interfere with the move to EPA, but it seems like a really exciting opportunity, and a great lead-in to dealing with a lot of the international climate, EJ, and related trade/finance issues that are already part of the OIA portfolio.

Of course, I still need to make sure that RFF is okay with paying me to be at the White House for a short while. That said, any suggestions on how to proceed?

Thanks!
Shalini

01268-EPA-187

Arvin Ganesan/DC/USEPA/US

06/22/2009 09:27 PM

To Richard Windsor
cc
bcc
Subject Re: PM version of FEMA_EPA letter

Lisa,
[redacted] (b) (5) Deliberative

Arvin
Sent from my Blackberry Wireless Device
Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 06/22/2009 07:35 PM EDT
To: Bob Sussman
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Re: PM version of FEMA_EPA letter

All,

This is the first I am hearing of this issue [redacted] (b) (5) Deliberative

[redacted]

In future, [redacted] (b) (5) Deliberative . Tx.
Bob Sussman

----- Original Message -----
From: Bob Sussman
Sent: 06/22/2009 07:02 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Fw: PM version of FEMA_EPA letter

Lisa -- [redacted] (b) (5) Deliberative

[redacted]

(b) (5) Deliberative

Let us know what you think.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/22/2009 06:46 PM -----

From: Mathy Stanislaus/DC/USEPA/US
To: "Sussman Bob" <sussman.bob@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/22/2009 05:11 PM
Subject: Fw: PM version of FEMA_EPA letter

See note below - (b) (5) Deliberative

Matt Straus

----- Original Message -----
From: Matt Straus
Sent: 06/22/2009 05:05 PM EDT
To: Mathy Stanislaus; breen.barry@epa.gov; Randy Deitz
Cc: Ellyn Fine; Jennifer Wilbur
Subject: Fw: PM version of FEMA_EPA letter

Just to let you know, (b) (5) Deliberative

----- Forwarded by Matt Straus/DC/USEPA/US on 06/22/2009 04:55 PM -----

From: Matt Straus/DC/USEPA/US
To: "Wright, Roy" <Roy.E.Wright@dhs.gov>
Date: 06/22/2009 02:44 PM
Subject: RE: PM version of FEMA_EPA letter

Roy, any word???

"Wright, Roy" I will get back to you shortly. ~Roy 06/22/2009 12:01:50 PM

From: "Wright, Roy" <Roy.E.Wright@dhs.gov>
To: Matt Straus/DC/USEPA/US@EPA
Date: 06/22/2009 12:01 PM
Subject: RE: PM version of FEMA_EPA letter

I will get back to you shortly.

~Roy

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 10:52 AM
To: Wright, Roy
Subject: RE: PM version of FEMA_EPA letter

(See attached file: FEMAresponselttr(2).doc) Roy, my folks believe (b) (5) Deliberative Lets see if this works.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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| Date: |
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|06/22/2009 10:13 AM
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| Subject: |
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|RE: PM version of FEMA_EPA letter
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Matt, a little sense of my past week here.

~Roy

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 9:23 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: PM version of FEMA_EPA letter

(See attached file: FEMAresponselttr.doc) Roy, we have a few tweeks we would like for you to make to the letter. Can you please get back to me by about 11:30 am this morning if these are OK with you. Mathy Stanislaus will be going into a Senior Staff meeting at 1 pm and I will need to let him know before than whether you can agree with these few changes. Thanx for everything.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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|06/19/2009 03:18 PM
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|PM version of FEMA_EPA letter
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EPA:

Here is the version that seeks to reconcile the issues from EPA, USACE, and DHS-NPPD.

I'm willing to facilitate a conference call with the principals this afternoon if we need to discuss further.

Roy Wright
Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:41 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Roy, I am having trouble getting stuff through to you, but can you please consider the following additional edit to the letter.

(b) (5) Deliberative

[redacted]

I hope its not to late for you to consider this additional edit.

Thanx.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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|06/19/2009 10:51 AM
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| Subject: |
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|Re: Conference Call Today at 4 pm
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We are, indeed, including your suggested edits.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----
From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Wright, Roy <Roy.E.Wright@dhs.gov>
Cc: Ingram, Deborah <deborah.ingram@dhs.gov>; Fine.Ellyn@epamail.epa.gov
<Fine.Ellyn@epamail.epa.gov>; Deitz.Randy@epamail.epa.gov
<Deitz.Randy@epamail.epa.gov>
Sent: Fri Jun 19 08:16:26 2009
Subject: RE: Conference Call Today at 4 pm

Roy, I presume in your editing, you are also considering the suggested
edits we sent you the other day.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA

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|06/19/2009 08:06 AM
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|RE: Conference Call Today at 4 pm
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Matt,

(b) (5) Deliberative
I will share a revised version back with you later this morning.

Again, sorry for the delays on our end.

We're also reviewing the Boxer letters from the principals.

~Roy

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Thursday, June 18, 2009 6:21 PM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Any new? (b) (5) Deliberative
If you could let me know where things stand, that would be great. Thanx.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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|Matt Straus/DC/USEPA/US@EPA, "Ingram, Deborah"
<deborah.ingram@dhs.gov>
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|Ellyn Fine/DC/USEPA/US@EPA
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|Re: Conference Call Today at 4 pm
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We are awaiting edits from DHS and FEMA General Counsel. Once we have those, we will share them. I apologize for the delay on our end.

We look forward to seeing the draft of the response from the principals and the fact sheet.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate | Federal Emergency Management Agency | 202.646.3461

----- Original Message -----
From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Ingram, Deborah <deborah.ingram@dhs.gov>
Cc: Fine.Ellyn@epamail.epa.gov <Fine.Ellyn@epamail.epa.gov>; Wright, Roy <Roy.E.Wright@dhs.gov>
Sent: Wed Jun 17 13:26:01 2009
Subject: RE: Conference Call Today at 4 pm

Wanted to just touch base to see when we are likely to hear back from you on the suggested edits we sent you on your letter yesterday evening. Also, on the letter to Senator Boxer, we have a draft and expect to circulate it through the Congressional Affairs offices hopefully this afternoon. Also, we discussed preparing a Fact Sheet that we thought it important for you to review. We also hope to send that over this afternoon, also probably through the Congressional Affairs office. Please email or call me (202-566-0178) if you have any questions. Thanx.

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| From: |
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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Cc:

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|Ellyn Fine/DC/USEPA/US@EPA, "Wright, Roy" <Roy.E.Wright@dhs.gov>
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Date:

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|06/16/2009 12:45 PM
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Subject:

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|RE: Conference Call Today at 4 pm
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Thanks. On my end, I'll likely have Roy Wright, Deputy Director, Risk Reduction Divison/Mitigation.

We will talk to you at 4:00.

Deb Ingram
Acting Deputy Assistant Administrator
Mitigation Directorate
FEMA/DHS
202-646-2856

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Tuesday, June 16, 2009 12:38 PM
To: Ingram, Deborah
Cc: Fine.Ellyn@epamail.epa.gov
Subject: Conference Call Today at 4 pm

Per our discussion, the Conference call on the letter that you plan to send to EPA will be with Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response, Barry Breen, the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response, Matt Straus, Advisor and Matt Hale, Director of the Office of Resource Conservation and Recovery or Betsy Devlin, Deputy Director of the Materials Recovery and Waste Management Division. The call in number is (b) (6) Privacy access code (b) (6) Privacy Please email me or call me (202-566-0178) if you have questions. Thanx.

[attachment "Dam Safety Response to EPA re Coal Ash Dams 061909 pm.doc" deleted by Matt Straus/DC/USEPA/US]

01268-EPA-311

Arvin Ganesan/DC/USEPA/US

09/14/2009 06:02 PM

To "Richard Windsor", "Diane Thompson", "Bob Sussman", "Steve Owens"

cc

bcc

Subject Fw: memo to WH on TSCA

Good evening administrator,

I'm attaching a memo with bob and steve's edits to the WH on TSCA, its status and our principles (which will be attached). Do you have any thoughts or edits?

Thanks.

Sent from my Blackberry Wireless Device

From: Arvin Ganesan [(b) (6) Privacy]
Sent: 09/14/2009 05:59 PM AST
To: Arvin Ganesan
Subject: memo to WH on TSCA

TSCA

Attached file could not be opened, file is same as attachment to 01268-EPA-312

01268-EPA-312

Arvin Ganesan/DC/USEPA/US

09/14/2009 06:18 PM

To "Richard Windsor", "Diane Thompson", "Bob Sussman", "Steve Owens"

cc

bcc

Subject Fw: TSCA memo

Apparently the last emails attachment didn't work. Try this, which should.

Sent from my Blackberry Wireless Device

From: Arvin Ganesan [(b) (6) Privacy
Sent: 09/14/2009 06:16 PM AST
To: Arvin Ganesan
Subject: TSCA memo

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

TSCA memo.doc

01268-EPA-326

Seth Oster/DC/USEPA/US
09/17/2009 01:22 PM

To Richard Windsor
cc Diane Thompson
bcc
Subject Quote in CES Oceans Policy Release

Hi. See below - a release being issued by CEQ on the release of the Interagency Ocean Policy Task Force Interim report.

They've asked (b) (5) Deliberative

If I don't hear from you, we'll go in that direction.

Seth

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative

[redacted]

###

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

01268-EPA-397

Scott Fulton/DC/USEPA/US
11/04/2009 06:13 AM

To "Richard Windsor"
cc
bcc
Subject Fw: Methane to markets

Fyi, although [redacted] (b) (5) Deliberative [redacted].

From: Beth Craig
Sent: 11/03/2009 04:43 PM EST
To: fulton.scott@epa.gov
Cc: kasman.mark@epa.gov; [redacted] (b) (6) Personal Privacy
Subject: Methane to markets

Dear Scott,

We have been in touch with OAP. [redacted] (b) (5) Deliberative [redacted]

Thanks, Beth

01268-EPA-554

Scott Fulton/DC/USEPA/US
02/10/2010 09:30 AM

To sussman.bob
cc windsor.richard
bcc
Subject Fw: CLOSE HOLD Interagency Review of Draft National Environmental Policy Act Guidance on Climate Change, Mitigation & Monitoring, and Categorical Exclusions

Here's the incoming for the CEQ draft guidance. Cheers, Scott
Nicole Owens

----- Original Message -----
From: Nicole Owens
Sent: 02/08/2010 10:10 AM EST
To: Beth Craig; Don Zinger; Mike Shapiro; Susan Bromm; Avi Garbow
Cc: Lisa Heinzerling; Robert Verchick; Alexander Cristofaro; Lucinda Power
Subject: CLOSE HOLD Interagency Review of Draft National Environmental Policy Act Guidance on Climate Change, Mitigation & Monitoring, and Categorical Exclusions

Hi,

I hope you are enjoying the snow!

OMB provided the following three draft guidance documents, for close-hold review, which the Council on Environmental Quality (CEQ) has prepared for public comment.

1. DRAFT NEPA GUIDANCE ON CONSIDERATION OF THE EFFECTS OF CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS. In response to citizens' group petitions, CEQ has prepared draft guidance for public comment on when and how federal agencies must consider the climate change impacts of proposed Federal actions. (b) (5) Deliberative [redacted] CEQ plans to seek public comment for 90 days on this draft.

2. DRAFT NEPA GUIDANCE FOR MITIGATION AND MONITORING. (b) (5) Deliberative [redacted]

(b) (5) Deliberative . CEQ plans to seek public comment for 60 days on this draft.

3. DRAFT NEPA GUIDANCE FOR ESTABLISHING, APPLYING, AND REVISING CATEGORICAL EXCLUSIONS. This is a re-publication of draft guidance issued in September of 2006. It now contains (b) (5) Deliberative While CEQ previously has sought public comments on this matter, CEQ plans to seek public comment for 45 days on this revision.

Comments are due to me and Lucinda Power by **COB on Thursday, February 11**.

Please let me know if you have any questions,
Nicole

(b) (5) Deliberative NEPA Feb 2 Mitigation.docx

(b) (5) Deliberative NEPA Feb 2 CE Draft Guidance Jan 13 (2).docx

(b) (5) Deliberative NEPA Feb 2 GHG Guidance.docx

01268-EPA-830

Aaron Dickerson/DC/USEPA/US
10/01/2010 04:39 PM

To Richard Windsor, Diane Thompson
cc
bcc
Subject Fw: Additional materials for Administrator's Monday WH meeting

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 10/01/2010 04:39 PM -----

From: Cate Hight/DC/USEPA/US
To: Veronica Burley/DC/USEPA/US@EPA
Cc: Heidi Ellis/DC/USEPA/US@EPA, dickerson.aaron@epa.gov, Diane Thompson/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
Date: 10/01/2010 04:20 PM
Subject: Fw: Additional materials for Administrator's Monday WH meeting

Apologies - there was one additional change to the TPs. Please find the final docs attached below. Coming down now with hard copies.

From: Cate Hight/DC/USEPA/US
To: Veronica Burley/DC/USEPA/US@EPA
Cc: Heidi Ellis/DC/USEPA/US@EPA, dickerson.aaron@epa.gov, Diane Thompson/DC/USEPA/US@EPA
Date: 10/01/2010 04:11 PM
Subject: Additional materials for Administrator's Monday WH meeting

Hello Veronica,

As we discussed, here are the additional materials for the Administrator's Monday meeting at the White House:

Additional Administrator talking points on BACT guidance :

(b) (5) Deliberative

BACT guidance timing TPs 1 Oct 2010 CLEAN.doc

An "update" handout to distribute at the meeting :

(b) (5) Deliberative

UPDATE 1 Oct 2010.doc

I will bring a copy of the TPs and several copies of the update down to you shortly.

Cate Hight
Special Assistant
Office of Air and Radiation
U.S. Environmental Protection Agency

ARN Room 5406 E
(202) 564-3277
http://www.epa.gov/air/

01268-EPA-834

Joseph Goffman/DC/USEPA/US
10/04/2010 08:56 AM

To Richard Windsor
cc Gina McCarthy
bcc
Subject Re: Fwd: Additional materials for Administrator's Monday WH meeting

Please see the attached. Thanks

(b) (5) Deliberative

CAA_UPDATE_1_Oct_2010 det edits.doc

Joseph Goffman
Senior Counsel to the Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency
202 564 3201

Richard Windsor Joe - can you fill in the NSPS section... 10/04/2010 07:42:48 AM

From: Richard Windsor/DC/USEPA/US
To: Joseph Goffman/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 10/04/2010 07:42 AM
Subject: Re: Fwd: Additional materials for Administrator's Monday WH meeting

Joe - can you fill in the NSPS section below. Diane and I simplified this even more for the WH mtg. Tx. Lisa

Diane Thompson Lisa, I edited Joe's version to focus it... 10/02/2010 06:02:12 PM

[attachment "CAA_UPDATE_1_Oct_2010 det edits.doc" deleted by Joseph Goffman/DC/USEPA/US]

01268-EPA-850

Seth Oster/DC/USEPA/US
10/21/2010 01:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Gina McCarthy, David McIntosh, Arvin Ganesan, Sarah Pallone, Joseph Goffman, Janet McCabe, Jared Blumenfeld, Robert Goulding, Bob Sussman, Lisa Heinzerling
cc Michael Moats, Adora Andy, Daniel Kanninen, Brendan Gilfillan, Betsaida Alcantara, Alisha Johnson
bcc
Subject Prop 23 in CA

From the White House....

Here is very quick background and TPs on Prop 23 in CA, as well as a LA Times post that went up yesterday with quotes from our comms shop. [redacted] (b) (5) Deliberative [redacted]

Background:
Prop 23 is an initiative that will be on the ballot this November in California. If passed, it would suspend the state's ambitious 2006 climate legislation (AB 32), which was designed to reduce state-wide greenhouse gas emissions to 1990 levels by 2020. Prop. 23 would effectively put AB 32 on hold until California's unemployment levels fell to 5.5% or below for one full year, which has happened only three times since 1980

Does the administration oppose this initiative?
The President is opposed to Prop 23 -- a veiled attempt by corporate polluters to block progress towards a clean energy economy. This initiative would stifle innovation, investment in R&D and cost jobs for the state of California.

And if passed, the impacts could affect us all. If successful, corporate special interests will set their sights nationwide to undermine our economy, our national security, and our environment.

http://latimesblogs.latimes.com/greenspace/2010/10/prop-23-obama-global-warming-climate-change.html

Obama: No on Prop. 23 and 'corporate polluters'

October 20, 2010 | 5:15 pm

Arnold Schwarzenegger, George Shultz, Robert Redford, Bill Gates, James Cameron, Leonardo Di Caprio and Al Gore have all weighed in to oppose California's Proposition 23, a November ballot initiative. Now comes the uber-endorsement for the No on 23 campaign: President Obama.

"The president is opposed to Prop. 23 -- a veiled attempt by corporate polluters to block progress towards a clean energy economy," White House spokesman Adam Abrams announced Wednesday. "If passed, the initiative would stifle innovation, investment in R&D and cost jobs for the state of California."

But it is not just about the Golden State. Abrams added, "The impacts could affect us all. If successful, corporate special interests will set their sights nationwide."

The White House might well be worried: Both proponents and opponents of the measure, which would suspend the implementation of California's sweeping global warming law, say that as California goes, so go national prospects for climate change legislation.

Congress last spring killed a comprehensive bill aimed at cutting greenhouse gas emissions and spurring alternative energy, leaving California with the only economy-wide greenhouse gas law in the nation. Scientists say that carbon dioxide and other heat-trapping gases, spewed into the atmosphere by cars, trucks and industrial plants, are trapping heat in the atmosphere and disrupting the global climate.

Europe has forged ahead with strict curbs, and some U.S. states have adopted more modest laws than California's. California is set to enact rules in December aimed at slashing its carbon footprint down to 1990 levels by 2020.

Proposition 23 would suspend the regulations until unemployment in the state drops to 5.5% for a year -- a level the state has achieved only three times in the last four decades. It is backed by oil refiners that say their electricity costs and other fees would rise dramatically, as well as the California Manufacturer and Technology Assn., a Sacramento-based trade group.

-- Margot Roosevelt

Photo: Protesters march in Wilmington against Proposition 23. Texas-based Valero Energy Corp. and Tesoro Corp., the main funders of the ballot initiative, own refineries in Wilmington.

Credit: Wally Skalij /Los Angeles Times

01268-EPA-905

Cynthia Giles-AA/DC/USEPA/US
12/14/2010 02:52 PM

To Richard Windsor
cc Bob Sussman, Aaron Dickerson
bcc
Subject TVA

I attach a draft memo from you to OMB Director Lew re [redacted] (b) (5) Deliberative, (b) (5) Atty Work Prod
Please advise if you would like any changes to the proposed memo from you and/or would like me to send it through for signature. [redacted] (b) (5) Deliberative, (b) (5) Atty Work Prod

Cynthia

[redacted] (b) (5) Deliberative, (b) (5) Atty Work Prod

[redacted] (b) (5) Deliberative, (b) (5) Atty Work Prod

EPA memo to OMB re TVA 12-14-10.docx CEQ TVA Memo DRAFT Dec 10.docx

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

01268-EPA-1288

Seth Oster/DC/USEPA/US
08/17/2011 09:01 PM

To Richard Windsor
cc
bcc
Subject Re: Harsh Words for E.P.A. From Most G.O.P. Candidates NY Times: "Harsh Words for EPA From Most G.O.P. Candidates

Yup. [redacted] (b) (5) Deliberative .
Oh, well.

We should talk at somet point when you can. [redacted] (b) (5) Deliberative

Have some thoughts on this and how to proceed. Am going to be on the call with the RAs tomorrow and will ask them for ideas. Would like to convene the scheduling team early next week to discuss.

Hope you're having more fun where you are.

Seth

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

-----Richard Windsor/DC/USEPA/US wrote: -----
To: Seth Oster/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 08/17/2011 08:54PM
Subject: Re: Harsh Words for E.P.A. From Most G.O.P. Candidates NY Times: "Harsh Words for EPA From Most G.O.P. Candidates

Gauntlet tossed...

From: Seth Oster
Sent: 08/17/2011 08:42 PM EDT
To: "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; Bob Sussman; Scott Fulton; Lisa Garcia; Bicky Corman; Michael Goo; Daniel Kanninen; Barbara Bennett; Laura Vaught; (b) (6) Privacy Sarah Pallone; Mathy Stanislaus; Steve Owens; Malcolm Jackson; Gina McCarthy; Regional Administrators; Janet Woodka; "Paul Anastas" <anastas.paul@epa.gov>; Cynthia Giles-AA; Charles Imohiosen; Avi Garbow; Janet McCabe; Matt Bogoshian; "Michelle DePass" <depass.michelle@epa.gov>; Joseph Goffman; Lisa Feldt
Cc: Betsaida Alcantara; Brendan Gilfillan; David Bloomgren; Stephanie Owens; Shira Sternberg; Andra Belknap; Alisha Johnson; Michael Moats; Vicki Ekstrom; Christopher Busch
Subject: Harsh Words for E.P.A. From Most G.O.P. Candidates NY Times: "Harsh Words for EPA From Most G.O.P. Candidates

All,

The story below will run in the NY Times tomorrow.

Seth

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

NEW YORK TIMES
August 17, 2011

Harsh Words for E.P.A. From Most G.O.P. Candidates

By JOHN M. BRODER

WASHINGTON — The Environmental Protection Agency is emerging as a favorite target of the Republican presidential candidates, who portray it as the very symbol of a heavy-handed regulatory agenda imposed by the Obama administration that they say is strangling the economy.

Representative Michele Bachmann of Minnesota wants to padlock the E.P.A.'s doors, as does former Speaker Newt Gingrich. Gov. Rick Perry of Texas wants to impose an immediate moratorium on environmental regulation.

Representative Ron Paul of Texas wants environmental disputes settled by the states or the courts. Herman Cain, a businessman, wants to put many environmental regulations in the hands of an independent commission that includes oil and gas executives. Jon M. Huntsman Jr., the former Utah governor, thinks most new environmental regulations should be shelved until the economy improves.

Only Mitt Romney, the former Massachusetts governor, has a kind word for the E.P.A., and that is qualified by his opposition to proposed regulation of carbon dioxide and other gases that contribute to global warming.

Opposition to regulation and skepticism about climate change have become tenets of Republican orthodoxy, but they are embraced with extraordinary intensity this year because of the faltering economy, high fuel prices, the Tea Party passion for smaller government and an activist Republican base that insists on strict adherence to the party's central agenda.

But while attacks on the E.P.A., climate-change science and environmental regulation more broadly are surefire applause lines with many Republican primary audiences, these views may prove a liability in the general election, pollsters and analysts say. The American people, by substantial majorities, are concerned about air and water pollution, and largely trust the E.P.A., national surveys say.

"Not only are these positions irresponsible, they're politically problematic," said David Jenkins of Republicans for Environmental Protection, a group that believes that conservation should be a core value of the party. "The whole idea that you have to bash the E.P.A. and run away from climate change to win a Republican primary has never been borne out. Where's the evidence?"

But the leading Republican candidates are all linking environmental regulation to jobs and the economy, suggesting that the nation cannot afford measures that impose greater costs on businesses and consumers. Mrs. Bachmann drew loud applause 10 days ago at a rally in Iowa when she declared: "I guarantee you the E.P.A. will have doors locked and lights turned off, and they will only be about conservation. It will be a new day and a new sheriff in Washington, D.C."

In an earlier debate she said the agency should be renamed the "job-killing organization of America." She has called global-warming science a hoax.

The White House disputes the accusation that it is burdening the economy with regulations. It says that it issued fewer new rules in its first two years than the George W. Bush administration issued in its final two years.

"This administration has shown a clear commitment to taking steps to protect our families from dangerous pollution, while at the same time ensuring those steps are implemented in a way that minimizes costs, maximizes flexibility and does not impede our economic recovery," said Clark Stevens, a White House spokesman.

Mr. Perry has been at war with the E.P.A. almost since the day he took office as governor.

He is leading a group of states in a lawsuit seeking to block the agency from putting in place rules limiting greenhouse gas emissions from power plants, refineries and other large sources.

On Monday, Mr. Perry called on Mr. Obama to halt all regulations because, Mr. Perry said, “his E.P.A. regulations are killing jobs all across America.”

In his book, “Fed Up, Our Fight to Save America from Washington,” Mr. Perry described global-warming science as “one contrived phony mess that is falling apart under its own weight” and a “secular carbon cult” led by false prophets like Al Gore.

Such regulatory and financial sentiments are shared by many Republicans in Congress and are encouraged by industries that are reliable financial supporters of Republican candidates — the petroleum industry, utilities, coal companies, heavy manufacturers and the U.S. Chamber of Commerce. Republican presidential candidates cross these interests at their peril.

“It remains to be seen of course, but my guess is that in order to get the nomination you’re going to have to be pretty solid on these issues,” said Myron Ebell, of the Competitive Enterprise Institute, a libertarian research and advocacy organization in Washington. “It’s going to be a litmus test or shorthand way for voters to see how the candidate thinks about not only big issues like global warming and energy rationing policies, but it’s indicative of other things as well.”

Mr. Ebell said that Mr. Romney, Mr. Gingrich and Mr. Huntsman, who have all said that global warming is real and at least tentatively attributed it to human actions, would suffer for it in the Republican primaries.

Mr. Perry’s anti-E.P.A. stance has been popular with Republicans in Texas and could carry him far in the primaries, said Ken Kramer, director of the Texas chapter of the Sierra Club. It may prove a liability in a general election, Mr. Kramer said.

“That kind of rhetoric is popular with a certain segment here,” he said. “But a lot of other Texans, especially those in major cities with air pollution problems, are not necessarily supportive of the governor’s war on the E.P.A.”

He added, “My sense is there’s definitely a difference between what plays well in Texas from a political standpoint and what plays well in other parts of country.”

Mr. Paul holds rather more complex views of the environment and regulation. He generally favors a hands-off approach to federal regulation, although he has backed some tax incentives for clean energy development.

He opposes tax breaks for oil and gas companies but supports Arctic drilling. He is skeptical about climate change but said in 2008 that there were unexplained anomalies in global temperatures.

Mr. Romney’s position may be the most complicated of all. In Massachusetts, he proposed plans to reduce greenhouse gas emissions and was a sponsor of a regional carbon cap-and-trade program. He has mostly backed away from those positions, but he says there is still an important place for regulation.

“I believe we should keep our air and our water clean,” Mr. Romney said at a town hall-style meeting in New Hampshire last month.

“Do I support the E.P.A.?” he said. “In much of its mission, yes; but in some of its mission, no.”

Despite a Supreme Court ruling to the contrary, Mr. Romney said the federal law did not give the agency authority to regulate carbon emissions. “I don’t think that was the intent of the original legislation,” he said, “and I don’t think carbon is a pollutant in the sense of harming our bodies.”

01268-EPA-1354

Arvin Ganesan/DC/USEPA/US

09/21/2011 09:13 AM

To "Richard Windsor", "Bob Perciasepe", "Seth Oster", "Laura Vaught", "Bob Sussman", "Michael Goo"

cc

bcc

Subject Fw: USCAN letter to President Obama on NSPS GHG delay

Fyi

Sent from my Blackberry Wireless Device

----- Original Message -----
From: Kate Smolski [ksmolski@climatenetwork.org]
Sent: 09/21/2011 09:11 AM AST
To: Joseph Goffman; Arvin Ganesan; Michael Goo
Subject: USCAN letter to President Obama on NSPS GHG delay

Hello Michael, Arvin and Joe,

I hope you are all well. Please find attached a letter to President Obama from members and allies of the US Climate Action Network in regards to the recent EPA announcement delaying the NSPS GHG standard for power plants. The letter was sent to the White House this morning.

Please be in touch with any questions and thank you for your attention to the letter.

Best,
Kate

USCAN Letter on NSPS Delay Final.pdf

Kate Smolski
Domestic Policy Director
US Climate Action Network

1810 16th Street, NW
Washington DC 20009
(w) 202-621-6235
(c) 202-415-3105
www.usclimatenetwork.org

USCAN
CLIMATE ACTION NETWORK

September 21, 2011

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

Dear Mr. President:

As the nation's largest network focused on climate change, representing millions of supporters and allied organizations across the country, we call on you to swiftly issue meaningful standards to reduce greenhouse gases from power plants under the Clean Air Act. We are deeply concerned that the Environmental Protection Agency will not meet the September 30 deadline to issue standards that limit climate-changing pollution from new and existing power plants. Any significant delay in setting this standard is unacceptable.

Americans and the rest of the world are already suffering from the impacts of climate change. A shift towards more extreme weather including devastating drought in Texas and the Horn of Africa, and violent wildfires in Arizona and Russia is an expected consequence of a continually warming world. Further delay in reducing carbon pollution will greatly increase the risks of economic, public health, and environmental consequences due to a warming planet and increased extreme weather events.

Power plants are the largest industrial sources of the dangerous pollution that drives climate change accounting for more than 2.4 billion tons of carbon dioxide emissions each year. The science continues to affirm it has never been more urgent to act boldly in the short timeframe needed to protect the public from the risks to health and welfare posed by climate change. Yet there are currently *no national limits* on the amount of carbon pollution being dumped into the air.

Strong action to reduce harmful emissions from power plants will improve the air quality and public health of local communities and move the U.S. one step closer to taking meaningful action to help reduce global greenhouse gas emissions. A national standard will be based on existing technology that is available, proven and affordable for power plants. Utilities and investors will benefit from the certainty provided by these standards so they can begin to make the necessary long-term investments to ensure an orderly transition to a cleaner, more efficient electricity system.

Clean Air Act standards for power plant greenhouse gas pollution are long overdue. The 2007 Supreme Court decision *Massachusetts vs. EPA* ruled that greenhouse gas pollution endangers

public health and welfare and again in June of this year the Court unanimously reaffirmed that it is the EPA's responsibility to protect Americans from climate-changing pollution. Yet the schedule for setting achievable limits has again been delayed.

The EPA must issue meaningful standards as swiftly as possible for new and existing power plants as the Clean Air Act requires addressing the harmful effects of climate change. USCAN is a network of 90 member organizations, working at the local, state, federal and international levels of the debate, to support the design and development of an effective, equitable, and sustainable strategy to reduce greenhouse gas emissions. We call on you to instruct the EPA to adhere to an aggressive schedule for proposing these standards without further delay and for completing them as soon as possible in 2012.

Sincerely,

350.org
ActionAid USA
Alliance for Affordable Energy
Center for Biological Diversity
Center for Community, Democracy and Ecology (CCDE)
Center for Food Safety
Ceres
Chesapeake Climate Action Network
Citizens for Pennsylvania's Future (PennFuture)
Clean Air Task Force
Climate Protection Campaign
Climate Solutions
Conservation Law Foundation
Ecoequity
Energy Action Coalition
Environment Northeast (ENE)
Fresh Energy
Friends Committee on National Legislation
Global Exchange
Greenpeace USA
Health Care Without Harm
Interfaith Power and Light
International Center for Technology Assessment
International Forum on Globalization
International Rivers
Institute for Policy Studies
Kyoto USA
Natural Resources Defense Council
North Carolina Conservation Network

Rainforest Action Network
Sierra Club
Southern Alliance for Clean Energy
Sustainable Energy & Economy Network
The Center for the Celebration of Creation
The Wilderness Society
Union of Concerned Scientists
Unitarian Universalist Ministry for Earth
US Climate Action Network
Voces Verdes
Voices for Progress
Will Steger Foundation
World Wildlife Fund

01268-EPA-1406

Sarah Pallone/DC/USEPA/US
10/18/2011 09:07 AM

To Richard Windsor
cc Aaron Dickerson
bcc
Subject WI Legislature Letter

Because I am a dinosaur, I could not figure out how to reprint the letter in yesterday's reading file. The original is on pg. 27. I noticed you have a call with Johnson Timber today and thought this would be important information to have. My apologies if this has already been included in your materials.


Daily Reading File.10.17.11.pdf

WISCONSIN LEGISLATURE

P. 0. Box 7882 **Madison, WI 53707-7882**

Lisa Jackson
Adm mi strator, Environ mental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

Our Wisconsin Senate districts comprise approximately the northern half of the state, a largely rural area that is heavily forested and sustains countless jobs that rely on the forest industry. As you know, the forest products industry employs more than 160,000 people statewide. The industry contributes $5.3 billion in GSP from private forests alone.

Despite *35* years of forest road management practices to the contrary, the U.S. Court of Appeals for the Ninth Circuit ruled in May 2011 that the Environmental Protection Agency lacked authority to designate forest roads and associated storm water runoff systems as "nonpoint" sources. This means that forest roads and their runoff systems will be subject to the Clean Water Act's National Pollutant Elimination Discharge System (NPDES) permit system, and each culvert or drainage ditch on a forest logging road will be consider a "point source," much like a factory or coal-burn ing power plant. The state of Oregon and other defendants in the case recently appealed the decision to the Supreme Court.

Pending that appeal, the decision by the Court of Appeals has left the EPA in a difficult position. As the Agency decides how to respond to the court's decision, I ask that you carefully consider the impact any action will have on the forest industry and choose the least burdensome solution possible.

Environmental practices in place over the last 30 years have both protected our valued forest resource and allowed the forest products industry to succeed. The forest industry is a critical employer in Wisconsin and thousands of families and businesses in the state are reliant upon the jobs the industry provides. With unemployment well over 9% in Northern Wisconsin we simply cannot afford to see more jobs lost at this time.

Thank you for your consideration of our concerns. Please do not hesitate to contact us if we can be of further assistance.

Senator Robert Jauch, 25th1 District Senator Jim Holperin, 12111 District

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

Correspondence Management System

Control Number: AX-11-001-7147

Printing Date: October 14, 2011 03:04:29

Citizen Information

Citizen/Originator: **Borut, Donald J**
Organization: National League of Cities
Address: 1301 Pennsylvania Avenue, N.W., Washington, DC 20004-1763

Weaver, Robert C
Organization: Kelly & Weaver
Address: 1601 Connecticut Avenue, NW, Washington, DC 20009

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7147	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 11, 2011	**Received Date:**	Oct 14, 2011
Addressee:	DA-Deputy Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	N/A	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File-On behalf of the 19,000 cities and towns represented by the National League of Cities (NLC), I am writing to express our support for the purposes of the Water Quality Protection and Job Creation Act of 201 1, which include authorizing appropriations for state water pollution control revolving funds and establishing a new sewer overflow control grant for municipalities.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R4 - Region 4 -- Immediate Office
R5 - Region 5 -- Immediate Office
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Correspondence Management System

Control Number: AX-11-001-7147

Printing Date: October 14, 2011 03:04:29

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Oct 14, 2011
(b) (6) Personal Privacy	OEX	Forward control to OW	Oct 14, 2011

Comments

Commentator	Comment	Date
No Record Found.		

NATIONAL LEAGUE of CITIES

2011 Officers

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Council Member
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Immediate Past President
Ronald O. Loveridge
Mayor
Riverside, California

Executive Director
Donald J. Borut

October 11, 2011

The Honorable Timothy H. Bishop
Ranking Member
Water Resources and Environment Subcommittee
U.S. House of Representative s
306 Cannon House Office Building
Washington, DC 20515

The Honorable Nick J. Rahall II
Ranking Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2307 Rayburn House Office Building
Washington, DC 20515

The Honorable Steven C. LaTourette
U.S. House of Representatives
2371 Rayburn House Office Building
Washington, DC 20515

The Honorable Tom Petri
Chair, Aviation Subcommittee
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Bishop, Ranking Member Rahall, Representative LaTourette and Chairman Petri:

On behalf of the 19,000 cities and towns represented by the National League of Cities (NLC), I am writing to express our support for the purposes of the Water Quality Protection and Job Creation Act of 2011, which include authorizing appropriations for state water pollution control revolving funds and establishing a new sewer overflow control grant for municipalities.

NLC is a strong supporter of the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Loan Fund (SRF). The Clean Water SRF, along with the Drinking Water SRF, are integral tools used by our communities for providing clean, drinkable, and swimmable water to the American people. Additionally, a new grant program for municipalities to carry out projects to control municipal combined sewer overflows and sanitary sewer overflows will aid in pollution control and help protect our nation's water resources.

As you know, despite the fact that local governments fund 95 to 98 percent of all water and wastewater infrastructure investment, the needs in our communities continue to grow according to EPA surveys. The EPA's most recent Clean Watersheds Needs Survey indicates that the 20 year investment needed to upgrade our nation's total wastewater and stormwater management infrastructure to meet the water quality goals set in the Clean Water Act to be $298.1 billion. And, according to our studies, these investment levels are actually an underestimate given the advancing age of our infrastructure, the burden of unfunded federal regulatory mandates, and factors not yet known as a result of our changing climate.

Accordingly, local governments need a reliable, long-term source of substantial capital for municipal water infrastructure systems to help close the gap between current expenditures and anticipated needs to enhance and maintain critical water infrastructure in our communities.

In closing, you should know that local governments remain committed to meeting the growing water infrastructure needs in our communities. We hope the federal government remains committed to being a full partner in this important endeavor. Because the nation's cities are working to improve aging infrastructure, meet federal regulatory requirements, create and retain jobs, and foster a climate of economic growth in our communities, a federal investment in our nation's infrastructure is essential. We look forward to working with you on a long-term solution to our nation's water infrastructure needs.

Very truly yours,

Donald J. Borut
Executive Director

Correspondence Management System

Control Number: AX-11-001-7211

Printing Date: October 17, 2011 12:46:15

Citizen Information

Citizen/Originator: **Hood, Darryl B.**
Organization: Department of Neuroscience and Pharmacology MeHarry Medical College
Address: 1161 21st Ave S # D3300, Nashville, TN 37208

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7211	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 7, 2011	**Received Date:**	Oct 13, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- I just felt compelled to convey to you that my research group here at Meharry Medical College is extremely proud of the job that you are doing at the EPA.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OEAEE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
ORD - Office of Research and Development -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Oct 17, 2011

Message Information

Date 10/07/2011 11:19 AM
From "Hood, Darryl B." <dhood@mmc.edu>
To LisaP Jackson/DC/USEPA/US@EPA
cc "SAB_Staff@EPA.epa.gov" <SAB_Staff@EPA.epa.gov>
Subject Just a note of thanks from the disproportionately impacted...

Message Body

Department of Neuroscience and Pharmacology
Environmental-Health Disparities and Medicine
Center for Molecular and Behavioral Neuroscience

October 7, 2011

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

Administrator Jackson,

I was recently in New York the week of September 27, 2011 speaking to second year law students at Fordham University in a series entitled "*The Law and Neuroscience.*" The seminar series examines a variety of cutting-edge, at times controversial, linkages between law and neuroscience ranging from the legal implications of neuro-imaging to preventing environmental injustice in disproportionately impacted minority communities from coal-fired electrical power plants (see attached file). Leading experts from around the country- come and discuss their work with law students showing them how discoveries in neuroscience intersect with legal policy decision-making. I spoke on the latter topic above.

The fight, struggle, difficulties, trials and tribulations that you are currently enduring were highlighted in my presentation. The law students were so moved by the presentation and efforts of the EPA in this regard. I just felt compelled to convey to you that my research group here at Meharry Medical College is extremely proud of the job that you are doing at the EPA. Please, please hang in there and continue to fight-the-fight so that we can continue to contribute to the database to address: why low income and medically underserved populations that work, reside, attend school, and play in environmentally contaminated neighborhoods have disproportionate adverse health outcomes.

Best regards,
Darryl B. Hood, Ph.D.
Professor

Department of Neuroscience and Pharmacology
Initiative for Environmental-Health Disparities and Medicine http://envirotox.mmc.edu
Center for Molecular and Behavioral Neuroscience
Meharry Medical College
615.327.6358(Office)
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and

Adjunct Associate Professor
Department of Pharmacology
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From: Nugent.Angela@epamail.epa.gov [mailto:Nugent.Angela@epamail.epa.gov] **On Behalf Of** SAB_Staff@epamail.epa.gov
Sent: Tuesday, October 04, 2011 1:15 PM
To: Angela_Nugent/DC/USEPA/US@EPA.epa.gov
Subject: EPA SAB/CASAC/Council Monthly Update: October, 2011

If you cannot read this Update, you can Click Here to view it on the Web

Monthly Update from the SAB Staff Office
October 4, 2011

For the most up-to-date-information, consult the Web sites below:
www.epa.gov/sab | www.epa.gov/casac | www.epa.gov/advisorycouncilcaa

Advice provided last month

- Review of EPA's Draft National-Scale Mercury Risk Assessment, EAP-SAB-11-017 More information...
- Review of EPA's Draft Oil Spill Research Strategy, EPA-SAB-11-016 More information...
- Review of EPA's Photochemical Assessment Monitoring Stations (PAMS) Network Re-engineering Project , EPA-CASAC-11-010 More information...
- SAB Evaluation of the Effectiveness of Partial Lead Service Line Replacements, EPA-SAB-11-015 More informa

Administrator's response(s) received to the following reports

- SAB Review of EPA's Draft Hydraulic Fracturing Study Plan, EPA-SAB-11-012 More information...
- Review of EPA Draft Documents on Monitoring and Methods for Oxides of Nitrogen (NOx) and Sulfur (SOx), EPA-CASAC-11-006 More information...

Meetings this month

Blueprint for Communicating Risk and Preventing Environmental Injustice

Shereitte C. Stokes IV, MPH, MIAD, PhD
Darryl B. Hood, PhD
Jeanne Zokovitch, JD, MES
Fran T. Close, PhD

Abstract: Toxic environmental emissions have the potential to harm already susceptible populations living in close proximity to industries with pollutant emissions such as coal-fired electrical power plants. The organized dissemination of information in communities that find themselves susceptible to occupation by industries with pollutant emissions is a crucial step in the long and arduous process of preventing such harm. Here, we present a blueprint that can be used by community organizations to prevent industries that pollute the environment from locating in communities that are already disproportionately exposed to pollution (referred to here as *environmental justice communities*). We base this blueprint on a specific case in Taylor County, Florida, where the steps outlined successfully prevented the Taylor Energy Center (TEC) consortium from obtaining the necessary permits for the operation of a proposed coal-fired electrical power plant, thereby minimizing the risks of additional toxicant exposure to the affected community.

Key words: Toxic emissions, polycyclic aromatic hydrocarbons, benzo(a)pyrene, environmental justice, risk communication, coal-fired electrical power plant, community-based participatory research, susceptibility-exposure paradigm, community-based organization, health disparities.

There are legitimate concerns regarding the deleterious effects upon human health and welfare caused by exposure to emissions from coal-fired electrical power plants. Environmental contaminants and pollutants emitted as a result of the combustion of fossil fuels include, but are not limited to, polycyclic aromatic hydrocarbons (PAHs), sulfur dioxide (SO_2), oxides of nitrogen (NO_x), carbon monoxide (CO), ozone (O_3), volatile organic compounds (VOCs), heavy metals and particulates. Exposure to such pollutants can lead to adverse effects on the respiratory, cardiovascular, nervous, urinary and digestive systems, as well as on the developing fetus.[1-5] As mentioned above,

***DR. STOKES** is affiliated with Florida A&M University (Environmental Sciences Institute) in Tallahassee, where **DR. CLOSE** is also affiliated (College of Pharmacy and Pharmaceutical Sciences). **MS. ZOKOVITCH** is affiliated with WildLaw, A Nonprofit Environmental Law Firm in St. Petersburg, Florida. **DR. HOOD** is affiliated with Meharry Medical College. Please address correspondence to Dr. Hood at Meharry Medical College, Neurobiology and Neurotoxicology, 1005 D.B. Todd Blvd., Ctr. for Molecular and Behavioral Neuroscience, Nashville, TN 37208; (615) 327-6358; dhood@mmc.edu.*

Correspondence Management System

Control Number: AX-11-001-7309

Printing Date: October 17, 2011 02:57:33

Citizen Information

Citizen/Originator: **Johnston, Matthew**
Organization: Chesapeake Research Consortium
Address: 645 Contees Wharf Road PO Box 28, Edgewater, MD 21037

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7309	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 7, 2011	**Received Date:**	Oct 17, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - STAC Evaluation of the Effectiveness of SAV Restoration Approaches in the Chesapeake Bay
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: cc sent to Jeff Corbin via lotus notes (jl)
CC: Lawrence Elworth - AO-IO
OEAEE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	R3	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to R3	Oct 17, 2011

<steve.giordano@noaa.gov>; Ted Graham <tgraham@mwcog.org>; Tim Wilke <twilke@chesapeakebay.net>; Todd Haymore <todd.haymore@governor.virginia.gov>; "Tom Grizzard (grizzard@vt.edu)" <grizzard@vt.edu>; "Tom Simpson (tsimpson@umd.edu)" <tsimpson@umd.edu>; "Troy Hartley (thartley@vims.edu)" <thartley@vims.edu>; "Verna Harrison (vharrison@campbellfoundation.org)" <vharrison@campbellfoundation.org>; "Victoria Kilbert (vkilbert@chesapeakebay.net)" <vkilbert@chesapeakebay.net>; Vincent Gray <eom@dc.gov>; Ann Regn <amregn@deq.virginia.gov>; Bruce Vogt <bruce.vogt@noaa.gov>; Chris Brosch <cbrosch@chesapeakebay.net>; Frank Coale<fjcoale@umd.edu>; Hank Zygmunt <hankzyg@comcast.net>; Heather Bennett<heather_bennett@nps.gov>; Jack Bricker <jack.bricker@va.usda.gov>; Jeffrey Halka <jhalka@dnr.state.md.us>; Jennifer Pauer <jennifer.pauer@wv.gov>; Jennifer Sincock/R3/USEPA/US@EPA; Joe Maroon <joseph.maroon@verizon.net>; John Davy <john_davy@nps.gov>; John Schneider<john.schneider@state.de.us>; Kurt Dyroff <kdyroff@ducks.org>; Larry Merrill/R3/USEPA/US@EPA; Lee Karrh <lkarrh@dnr.state.md.us>; Leo Miranda <leopoldo_miranda@fws.gov>; Mark Bryer <mbryer@tnc.org>; Mary Andrews<mary.andrews@noaa.gov>; Melanie Steinkamp <melanie_steinkamp@fws.gov>; Michael Helfrich <lowsusriver@hotmail.com>; Mike Slattery <michael_slattery@fws.gov>; Normand Goulet <ngoulet@novaregion.org>; Rebecca Hanmer <rwhanmer@yahoo.com>; Sarah Brzezinski <sarah_brzenzinski@partner.nps.gov>; Shannon Sprague <shannon.sprague@noaa.gov>; Stephen Earsom <steve.earsom@dot.gov>; Tanya Spano <tspano@mwcog.org>; Thomas O'Connell <toconnell@dnr.state.md.us>

cc

Subject STAC Evaluation of the Effectiveness of SAV Restoration Approaches in the Chesapeake Bay

Message Body

Dear STAC members and interested parties,

Please see the attached report titled, "Evaluation of the Effectiveness of SAV Restoration Approaches in the Chesapeake Bay." This report details the findings of a STAC independent, scientific review of the Chesapeake Bay Program's SAV restoration efforts. This review was requested by the Chesapeake Bay Program's SAV Workgroup. You can learn more about this review by visiting the review's website at: http://www.chesapeake.org/OldStac/savrestreview.html.

Thank you for your continued interest in sound science for the Chesapeake Bay.

Matthew Johnston
STAC Coordinator
Chesapeake Research Consortium
645 Contees Wharf Rd.
P.O. Box 28
Edgewater, MD 21037
Work: 410-798-1283
Fax: 410-798-0816

About the Scientific and Technical Advisory Committee

The Scientific and Technical Advisory Committee (STAC) provides scientific and technical guidance to the Chesapeake Bay Program on measures to restore and protect the Chesapeake Bay. As an advisory committee, STAC reports periodically to the Implementation Committee and annually to the Executive Council. Since its creation in December 1984, STAC has worked to enhance scientific communication and outreach throughout the Chesapeake Bay watershed and beyond. STAC provides scientific and technical advice in various ways, including (1) technical reports and papers, (2) discussion groups, (3) assistance in organizing merit reviews of CBP programs and projects, (4) technical conferences and workshops, and (5) service by STAC members on CBP subcommittees and workgroups. In addition, STAC has the mechanisms in place that will allow STAC to hold meetings, workshops, and reviews in rapid response to CBP subcommittee and workgroup requests for scientific and technical input. This will allow STAC to provide the CBP subcommittees and workgroups with information and support needed as specific issues arise while working towards meeting the goals outlined in the Chesapeake 2000 agreement. STAC also acts proactively to bring the most recent scientific information to the Bay Program and its partners. For additional information about STAC, please visit the STAC website at www.chesapeake.org/stac.

Publication Date:
October 7, 2011

Publication Number:
11-03

STAC Administrative Support Provided by:
Chesapeake Research Consortium, Inc.
645 Contees Wharf Road
Edgewater, MD 21037
Telephone: 410-798-1283; 301-261-4500
Fax: 410-798-0816
http://www.chesapeake.org

EXECUTIVE SUMMARY

Submerged aquatic vegetation (SAV) has declined dramatically in the Chesapeake Bay and worldwide, largely as a result of stress from poor water quality. In response, the Chesapeake Bay Program established a goal of achieving 185,000 acres of SAV bay wide, recognizing that this level of restoration would be dependent upon improved water quality. As part of this restoration strategy, the Bay Program set a goal of "direct restoration" of 1000 acres of SAV via planting of whole plants or seeds in areas of historic beds, with the expectation that these restored beds would help to "kick-start" broader expansion of SAV beds. Years after establishing these goals, results have fallen far short of the original targets. Consequently, STAC was requested to conduct a review of the effectiveness of direct SAV restoration efforts, evaluate the efficacy of the direct restoration strategy for accelerating broader SAV recovery and, if appropriate, provide guidance on how to improve the restoration efforts.

To accomplish these tasks a committee comprised of STAC members and SAV experts from outside the region reviewed published and unpublished data provided by the Bay's SAV Workgroup. The committee considered the success of these restoration efforts on several levels: (*i*) operational success (progress towards 1000-acre goal), (*ii*) functional success (persistence and spread of planted beds and performance of SAV ecosystem functions), and (*iii*) programmatic success (knowledge gained towards achieving restoration goals). The review committee evaluated program techniques, such as site selection, planting, monitoring and the implementation of adaptive management. It also considered the overall effectiveness of the direct restoration approach towards meeting the larger goal of restoring 185,000 acres of SAV. Finally, the committee made recommendations related to techniques, program evaluation and the need for more integration of research and adaptive management approaches towards restoring SAV to Chesapeake Bay.

The initial estimate of the cost to plant and monitor 1000 acres of SAV was $31,386,000 (CBP 2003) of which only $5,063,000 was provided. Within this context, the program was operationally successful in planting 150 acres, a proportion of the 1000-acre target that approximates the level of funding received. Nevertheless, the large funding shortfall limited the program's ability to achieve its goal. Functional success was not generally achieved since the majority of beds planted did not persist beyond one year and did not spread beyond the original planting area. However, some important exceptions to this pattern were beds in the York and James rivers that persisted and expanded far beyond their initial planting areas. The restoration effort has shown modest programmatic success, employing adaptive management as new knowledge has been gained. Site selection tools and planting techniques were improved over time and some lessons learned from successes and failures were applied to improve restoration choices.

Our review generally supports the techniques used for planting and monitoring SAV. Evidence from the York and James rivers and from Virginia's Coastal Bays supports the premise that SAV beds can be successfully restored using these techniques where water quality is sufficient. The majority of direct SAV restoration efforts were undertaken with eelgrass *Zostera marina*. The rationale for focusing most of the effort on this species—its wide distribution, established restoration techniques and historic low levels—was sound. However, if more resources had been available to develop techniques, direct restoration with other species would have been desirable.

The primary means of selecting restoration sites was a GIS-based decision tool, which incorporated information on water quality, water depth, current and historical SAV distribution, important fisheries habitat, and potential disturbance from clam fisheries. Though this site selection model was arguably state-of-the-art at the time it was developed, it fell short in meeting its intended use. A review of the

model's effectiveness revealed that it was adequate for predicting sites where germination of SAV seeds would occur, but not for predicting persistence of beds beyond one year. Shortcomings of the model include (*i*) limitations on the data available to parameterize it, (*ii*) failure to include temperature as a stressor, and (*iii*) perhaps most importantly, reliance on multi-year average water quality, rather than variances and even extremes. This latter limitation was evident in numerous instances when data used to select restoration sites were collected in dry or average rainfall years and restoration was then followed by high rainfall (and thus poor water quality) years. The need to incorporate longer-term data sets, multiple stressors and environmental extremes into the site selection model is now apparent.

This report is organized into four sections: 1. Charge to the Committee 2. Review of SAV Workgroup Efforts and 3. Summary and Conclusions. 4. Specific recommendations for any future program are provided at the end of the report.

Correspondence Management System
Control Number: AX-11-001-7325
Printing Date: October 14, 2011 02:45:20

Citizen Information

Citizen/Originator: **Earle, Steve**
Organization: United Mine Workers of America
Address: 1285 Island Ford Road, Madisonville, KY 42431

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-7325 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 14, 2011
Addressee: POTUS-President of the United States **Addressee Org:** White House
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: N/A **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-I am writing on behalf of the 14,566 members of UMWA District 12 because we are concerned about the loss of coal mining jobs due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 14, 2011

REGION III

ARKANSAS
ILLINOIS
INDIANA
IOWA
KANSAS
KENTUCKY
LOUISIANA
MICHIGAN
MINNESOTA
MISSOURI
OKLAHOMA
TEXAS
WISCONSIN

REGION III Office
1285 Island Ford Road
Madisonville, KY 42431
270-821-2774
Fax: 270-821-9438

Steve Earle, ***District 12 Vice President/Region III Director***

October 7, 2011

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

Re: EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of the 14,566 members of UMWA District 12 because we are concerned about the loss of coal mining jobs due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants. We believe that the recently issued Transport Rule for reducing utility emissions of NOx and SO2 will compound the risk of job losses at a time of high coalfield unemployment and weak growth prospects.

The Transport Rule's deadlines are simply not feasible. Utilities cannot reasonably be expected to retrofit controls by 2012. Many plants will not have time to retrofit scrubbers by the second phase deadline of January 1, 2014. We hope that you will request EPA to grant the petitions for an administrative stay and reconsideration of this rule.

Providing additional time for compliance with EPA's MACT and Transport rules would increase the number of coal-based generating units that are upgraded with retrofit controls, increasing construction jobs and reducing unemployment due to coal market disruptions and plant closures.

The UMWA knows from experience that cap-and-trade regulations like the Transport Rule can inflict unacceptably large job losses due to fuel-switching. More than 30,000 mining jobs were lost under the 1990 acid rain

program, as production shifted from eastern to western mines. We see little opportunity to meet the stringent reductions of the Transport Rule without large-scale fuel-switching. We particularly object to the rule's emission allocation scheme that severely penalizes many well-controlled plants equipped with SO2 scrubbers and advanced NOx emission controls.

Hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits proposed last March. Job losses would occur in economically-depressed areas already suffering from high unemployment. Worse, the MACT rule would preclude the construction of state-of-the-art new coal plants because of the stringency of its proposed emission limits for mercury and other air toxics.

A UMWA analysis indicates that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and rail transport may be at risk of near-term closure. Our estimates are confirmed by preliminary studies by the Federal Energy Regulatory Commission. FERC staff estimate that up to 81,000 Megawatts of coal-based capacity could be lost due to pending EPA regulations.

EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. This is the most expensive utility rule ever proposed by EPA, and the agency should ask the court for additional time to develop a final rule.

Finally, we are asking that you use your authority under the Clean Air Act to provide at least a two-year extension of the three-year compliance deadline for MACT. Providing more time to install controls at more than 1,000 units impacted by this rule is critical given the 4-5 year lead time for retrofitting scrubbers at powerplants.

Thank you for your consideration of our concerns.

Yours truly,

Steve Earle

Vice President
United Mine Workers of America
District 12

Correspondence Management System

Control Number: AX-11-001-7330

Printing Date: October 14, 2011 04:05:10

Citizen Information

Citizen/Originator: **Mourad, Fadi**
Organization: DTE Energy Resources
Address: 414 South Main Street, Ann Arbor, MI 48104

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-7330 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 7, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: N/A **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-Petition to increase allowances for DTE Stoneman L.L.C. under the CSAPR N.) FIP for the NOx Annual, NOx Ozone Season, and SO 2 Annual programs (76 Fed. Reg. 48208 (Aug. 8, 2011); EPA Docket No. EPA-HQ-OAR-2009-0491)
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 14, 2011

414 South Main Street, Suite 600
Ann Arbor, Michigan 48104
Tel: 734.302.4800 Fax: 734.302-4802

DTE Energy

DTE Energy Resources

October 7, 2011

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

RE: Petition to increase allowances for DTE Stoneman L.L.C. under the CSAPR FIP for the NOx Annual, NOx Ozone Season, and SO_2 Annual programs (76 Fed. Reg. 48208 (Aug. 8, 2011); EPA Docket No. EPA-HQ-OAR-2009-0491)

For the purposes of the Cross State Air Pollution Rule, DTE Stoneman, LLC is hereby submitting this petition to the USEPA Administrator requesting reconsideration of the allowance allocation provided to its facility located in Cassville, Wisconsin. We believe the facility was unfairly treated by providing very little allowances to cover its projected emissions after the repowering using 100% wood biomass renewable fuel. The Boilers at the DTE Stoneman facility, boilers B1 and B2, are treated by USEPA as existing units while they should be classified as "New Units" and allocated SO_2 and NOx allowances to cover 100% of their projected emissions according to the "New Unit" allocation methodology. The allowances provided by EPA, under the current approach, is well short of what the plant needs to cover its projected emissions as shown in the summary table below.

2012

SO2 Annual	**NOx Annual**	**NOx Ozone**
Projected Emissions: 411 tpy	Projected Emissions:560 tpy	Projected Emissions:233 tpy
Allowances: 132 tpy	Allowances: 49 tpy	Allowances: 18 tpy
Short: 279 tpy (68% short)	Short: 511 tpy (91% short)	Short: 215 tpy (92% short)

2014

SO2 Annual	**NOx Annual**	**NOx Ozone**
Projected Emissions: 411 tpy	Projected Emissions:560 tpy	Projected Emissions:233 tpy
Allowances: 65 tpy	Allowances: 47 tpy	Allowances: 18 tpy
Short: 346 tpy (84% short)	Short: 513 tpy (92% short)	Short: 215 tpy (92% short)

It is DTE Stoneman's position that the repowered renewable energy plant that underwent New Source Review permitting and resulted in fuel switching to wood biomass with low sulfur content and installation of SNCR and OFA as BACT for NOx control, be afforded sufficient allowances to cover 100% of its projected emissions (see table above) or

significantly increase its allowance allocation under the current approach by relying on projected heat input. The basis for this petition, besides the severe economic hardship that the current EPA approach will impose on the facility, are the errors we identified in EPA's application of the allowance allocation methodology and include:

- Classification of the units as "existing" versus "new"
- Erroneous inputs (e.g. projected actual emissions for 2012 and 2014) to the IPM model under the current approach
- Emissions Reductions already achieved through New Source Review consistent with intent of the CSAPR rule
- If classified as "existing", EPA should not rely on historical heat input from the facility as this data does not reflect future plans for plant operation. It should rely on projected heat input.

Severe Economic Hardship

USEPA's current allocation as finalized will unfairly impose an economic hardship on a plant that invested significant capital into the facility, the community, and in establishing a wood biomass renewable fuels market which created jobs during our current weak economic environment. DTE Stoneman invested significant capital to reconstruct and repurpose an aging coal plant and create renewable power for the plant's customer in Wisconsin. This is a merchant power plant. Purchasing the allowances necessary to operate the plant and to retrofit utility scale emission controls such as SCR and/or wet scrubber is not economical, both in initial capital costs and continuing maintenance costs for a facility of this size. This plant cannot file a rate case to recover the cost as a utility would be able to. Therefore, this rule imposes an unfairly severe economic hardship on the plant.

DTE Stoneman Repowering and Classification of Boilers as "New Units"

The facility consists of two 340 mmbtu/hr rated boilers serving through cross connected steam headers, 33 MW and 18 MW generators. Emissions are through a common stack. The two units were originally built in 1949 and 1951 and designed to burn coal. DTEES purchased the facility in May 2008. Prior to the purchase, the previous owner operated the plant intermittently, selling the electricity through the Midwest Independent System Operator (MISO) at market rates. After the facility was purchased by DTEES, the units were operated intermittently to burn down the remaining coal pile in preparation for the conversion from coal to wood biomass firing. The remaining coal pile was depleted in March 2009. The facility was shut down during the March 2009 to August 2010 period while the units were permanently disabled by removal of the lower half of each unit and replacing boiler tubes. The units were replaced by new stoker grate units to enable combustion of wood biomass. The units underwent New Source Review permitting which required as BACT the installation of add-on emission controls for NOx including SNCR and OFA. The conversion of the plant from coal to wood biomass provided

significant reduction in SO_2 emissions due to the low sulfur content of wood biomass. These new stoker grate units started the commissioning process on July 28, 2010 and began commercial operation on October 8, 2010. Since commercial operation began after January 1, 2010 the units should receive allowances from the new unit set aside and not be allocated allowances as existing units.

Erroneous Input to IPM Model

The IPM modeling assumes an incorrect amount of NOx and SO_2 emissions in 2012 and 2014. The "ptipm_2012" tab has 110 NOx tons per year for both Point IDs B21 and B22. This value should be 280 NOx tons per year. The "ptipm_2012" tab also has 44 SO2 tons per year for both Point IDs B21 and B22. This value should be 205 SO_2 tons per year. The "ptipm_2014" tab has 184 NOx tons per year for both Point IDs B21 and B22. This value should be 280 NOx tons per year. The "ptipm_2014" tab has 74 SO_2 tons per year for both Point IDs B21 and B22. This value should be 205 SO_2 tons per year. The "ptipm_2014ctrl" tab has 184 NOx tons per year for both Point IDs B21 and B22. This value should be 280 NOx tons per year. The "ptipm_2014ctrl" has 74 SO_2 tons per year for both Point IDs B21 and B22. This value should be 205 SO_2 tons per year.

Intent of CSAPR

DTE Stoneman should receive significantly higher allowances than currently provided. The intent of the rule and allowance allocation approach EPA took is not to penalize units for choosing cleaner fuels or installing pollution controls. DTE Stoneman converted the plant to 100% wood biomass, reduced fuel sulfur content and installed SNCR and OFA as BACT for NOx control. Wood biomass is a cleaner burning fuel than coal, which resulted in significantly reduced SO_2 emission rate. It also installed SNCR and overfire air as add-on emission controls to reduce NOx emissions. With the fuel conversion, the use of SNCR and overfired air, the current EPA approach in allocating allowances provided DTE Stoneman very little to cover future emissions. DTE Stoneman previously fulfilled the intent of the rule by converting to biomass and now is being asked to buy a significant number of allowances and retrofit with additional pollution controls that are not economical and likely not technically feasible.

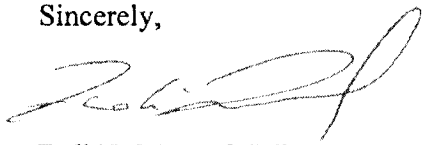
Projected Heat Input vs. Historical Heat Input

DTE Stoneman should receive significantly higher allowances than currently provided. The allocation method EPA chose for the final CSAPR consists of the use of historical heat input to allocate allowances instead of projected heat input. Though this approach may make sense for units that have not undergone reconstruction during the look back period, it is not a logical way to appropriately allocate allowances for DTE Stoneman. The plant was unfairly penalized for converting the plant from 100% coal to 100% Biomass and for installing SNCR and OFA. The reconstruction occurred between April 2009 and July 2010, during the baseline period. Prior to the reconstruction, the facility

did not operate often combusting coal (capacity factors in the 3% to 17% range). EPA should allocate based on DTE Stoneman's projected emissions using limited operation data from 2010 and extrapolating for a full year operation and projected capacity factor rather than using the highest 3-yr average between 2006 and 2010 which is not representative of the biomass plant we currently have and future operating conditions.

Due to the extraordinary reasons listed above, DTE Stoneman should receive a significant increase in the allocated allowances to be consistent with the intent of the rule and not cause severe economic hardship to this renewable energy facility. Your consideration is appreciated. Please contact me if you have any questions or need additional information.

Sincerely,



Fadi K. Mourad, P.E.
Designated Representative – DTE Stoneman, LLC
Director of Environmental Affairs - DTE Energy Resources

C: Mr. Steve Sorrentino - DTE Energy Services
Mr. Richard Nelson - DTE Stoneman, L.L.C.
Ms. Kyra Fleming - DTE Energy Services

Correspondence Management System
Control Number: AX-11-001-7342
Printing Date: October 14, 2011 04:36:57

Citizen Information

Citizen/Originator: **Mire, Alainna Renee**
Organization: City of Alexandria, Louisiana
Address: Post Office Box 71, Alexandria, LA 71309-0071

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7342	**Alternate Number:**	870087287306
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 7, 2011	**Received Date:**	Oct 14, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Docket No. EPA-HQ-OAR-2009-0941: Request for Reconsideration and Stay of EPA's Final Rule entitled Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States signed July 6, 2011
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Oct 14, 2011

Alexandria Louisiana

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

October 7, 2011

Administrator Lisa P. Jackson
USEPA Headquarters
Room 3000, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2009-0941: Request for Reconsideration and Stay of EPA's Final Rule entitled *Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States* signed July 6, 2011.

Dear Administrator Jackson:

The City of Alexandria, Louisiana (the "City" or "Alexandria") herby requests that the United States Environmental Protection Agency ("EPA") reconsider and stay the effectiveness of its Final Rule entitled *Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States*, published at 76 Fed. Reg. 48,208 on August 8, 2011 ("Final Rule").

Alexandria is a home rule charter municipality organized under the Constitution and the statutes of the State of Louisiana as a municipal corporation in the Parish of Rapides with a population of approximately 50,000. The City owns and operates a not-for-profit electric utility system, which currently includes 140 MW of generating capacity located at Alexandria's D.G. Hunter Generating Station. The City is also entitled to approximately 55 MW of the output of Rodemacher Unit No. 2 pursuant to terms of an agreement between the City and the Louisiana Electric Power Authority.

Jacques M. Roy
Mayor
{0023904.DOCX \ }

Alainna Renee' Mire
Assistant City Attorney
Post Office Box 71
Alexandria, Louisiana 71309-0071
Tel (318) 449-5046 · Fax (318) 449-5019
e-mail: alainna.mire@cityofalex.com

The City has not previously filed comments in this proceeding. When the EPA issued its proposed rule in this proceeding, the nitrogen oxide ("NOx") emissions budget for the State of Louisiana was 21,220 tons for the 2012 ozone season. When the Final Rule was issued, however, the City learned for the first time that the EPA had cut the state's NOx budget to 13,432 tons – a 37% reduction in the NOx emissions permitted from the state's electric generating units ("EGUs") for the 2012 ozone season. As discussed in the Request for Reconsideration and Stay filed by the State of Louisiana Department of Environmental Quality in this proceeding on October 5, 2011, the reduction to the state's NOx budget contained in the Final Rule has far-reaching implications for the state's EGUs – including those units owned by the City.

Because the City became aware of the potential impact of the Final Rule only after it was issued, the City has been denied its right to meaningfully participate in this proceeding. The City has never been presented an opportunity to study and comment on the impact of a 13,432 ton budget for the 2012 ozone season on its electric utility operations. Nor has the City or any other interested party been given an opportunity to comment on the reasonable amount of time needed to permit compliance with the EPA's revised NOx emissions levels for 2012 and beyond.

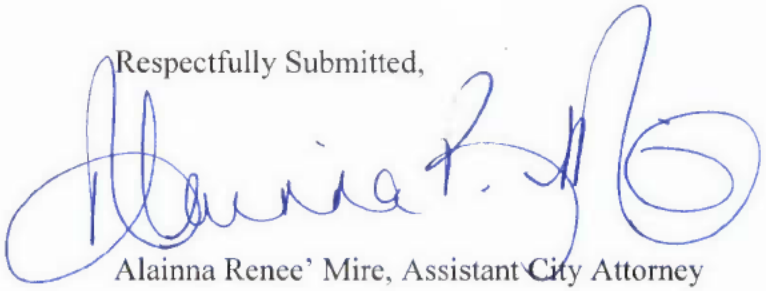
The Administrative Procedures Act, 5 U.S.C. § 101 *et seq.*, provides that "[a]fter notice...the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments...." 5 U.S.C. § 553. Similarly, section 307(d)(3) of the Clean Air Act requires that the EPA must provide adequate notice of, and the opportunity to comment on the elements of its rulemakings. The City could not comment on the impact of a 13,432 ton NOx emission budget for the State of Louisiana for the 2012 ozone season because it had no reason to believe that the EPA was considering a budget that was a full 37% lower than what it had initially proposed in this proceeding.

The opportunity for the City to submit these comments after the promulgation of the Final Rule is an insufficient remedy under the APA. "Section 553 [of the APA] is designed to ensure that affected parties have an opportunity to participate in and influence agency decision making at an early stage, when the agency is more likely to give real consideration to alternative ideas." *United States Steel Corp. v. EPA*, 595 F.2d 207, 214 (5th Cir. 1979). Nor could the City have reasonably anticipated that the Final Rule would depart from the proposed rule in such a significant manner. The D.C. Circuit has held that "[g]iven the strictures of the notice-and-comment rulemaking, an agency's proposed rule and its final rule may differ only insofar as the latter is a 'logical outgrowth' of the former." *Envtl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005). The court explained further that a final rule is a logical outgrowth of a proposed rule "only if interested parties should have anticipated that the change was possible, and thus reasonably should have filed their comments on the subject during the notice-and-comment period." *Id.* at 998. The City, however, had no reason to believe that the EPA would

change its rule so significantly from the proposal stage when issuing the Final Rule. Nor could the City have submitted meaningful comments on a hypothetical NOx emissions budget and the reasonable amount of time necessary to comply with that emissions budget.

The City of Alexandria therefore respectfully requests that the Administrator convene a proceeding for reconsideration of the Final Rule and afford the City and other interested parties the opportunity to comment on the reasonableness of the proposed NOx baseline for the State of Louisiana. The City requests further that the Administrator stay the effectiveness of the Final Rule during the pendency of the reconsideration for the maximum time allowed by law.

Respectfully Submitted,



Alainna Renee' Mire, Assistant City Attorney

Correspondence Management System

Control Number: AX-11-001-7345

Printing Date: October 14, 2011 04:28:42

Citizen Information

Citizen/Originator: **Jauch, Robert**
Organization: Wisconsin Legislature
Address: P.O. Box 7882, Madison, WI 53707-7882

Holperin, Jim
Organization: Wisconsin Legislature
Address: P.O. Box 7882, Madison, WI 53707-7882

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7345	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 7, 2011	**Received Date:**	Oct 14, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Impact on forest roads and their runoff systems subject to the Clean Water Act's National Pollutant Elimination Discharge System permit system
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Lawrence Elworth - AO-IO
OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OW	Oct 14, 2011

History

WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 7, 2011

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

Dear Administrator Jackson,

Our Wisconsin Senate districts comprise approximately the northern half of the state, a largely rural area that is heavily forested and sustains countless jobs that rely on the forest industry. As you know, the forest products industry employs more than 160,000 people statewide. The industry contributes $5.3 billion in GSP from private forests alone.

Despite 35 years of forest road management practices to the contrary, the U.S. Court of Appeals for the Ninth Circuit ruled in May 2011 that the Environmental Protection Agency lacked authority to designate forest roads and associated storm water runoff systems as "nonpoint" sources. This means that forest roads and their runoff systems will be subject to the Clean Water Act's National Pollutant Elimination Discharge System (NPDES) permit system, and each culvert or drainage ditch on a forest logging road will be consider a "point source," much like a factory or coal-burning power plant. The state of Oregon and other defendants in the case recently appealed the decision to the Supreme Court.

Pending that appeal, the decision by the Court of Appeals has left the EPA in a difficult position. As the Agency decides how to respond to the court's decision, I ask that you carefully consider the impact any action will have on the forest industry and choose the least burdensome solution possible.

Environmental practices in place over the last 30 years have both protected our valued forest resource and allowed the forest products industry to succeed. The forest industry is a critical employer in Wisconsin and thousands of families and businesses in the state are reliant upon the jobs the industry provides. With unemployment well over 9% in Northern Wisconsin we simply cannot afford to see more jobs lost at this time.

Thank you for your consideration of our concerns. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Bob Jauch

Jim Holperin

Senator Robert Jauch, 25th District

Senator Jim Holperin, 12th District

Correspondence Management System

Control Number: AX-11-001-7353
Printing Date: October 17, 2011 12:54:27

Citizen Information

Citizen/Originator: **Casperson, Tom**
Organization: The Senate of the State of Michigan
Address: P.O. Box 30036, Lansing, MI 48909-7536

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7353	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Oct 31, 2011	**# of Extensions:**	0
Letter Date:	Sep 29, 2011	**Received Date:**	Oct 14, 2011
Addressee:	Jon Carson	**Addressee Org:**	White House
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	AA-OW-Assistant Administrator - OW	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- I am deeply concerned that a recent court ruling by the U.S. Ninth Circuit Court of Appeals will weaken the vital timber industry in Michigan by increasing operating costs.

Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW

Instruction Note: N/A

General Notes: Cc: Stoner, Shapiro, Schneider, Peck, Gilinsky, Lousberg

CC: Lawrence Elworth - AO-IO
OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OW	Oct 17, 2011	Oct 31, 2011	N/A
	Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW				
Wanda Fields	OW	OW-OWM	Oct 17, 2011	Oct 27, 2011	N/A
	Instruction: Cc: Stoner, Shapiro, Schneider, Peck, Gilinsky, Lousberg				

Supporting Information

Supporting Author: N/A

TOM CASPERSON
38TH DISTRICT
P.O. BOX 30036
LANSING, MI 48909-7536
PHONE: (517) 373-7840
FAX: (517) 373-3932
sentcasperson@senate.michigan.gov

THE SENATE
STATE OF MICHIGAN

September 29, 2011

Mr. Jon Carson
Director, Office of Public Engagement
Executive Office of the President
Eisenhower Executive Office Building,
1650 Pennsylvania Avenue, NW
Washington, D.C. 20501

Dear Mr. Carson:

As a State Senator in the Michigan Legislature, I am well aware of the industries that drive our state's economy. My district, in the Upper Peninsula, includes a majority of Michigan's forest lands. Timber plays a major role in our state, providing employment and economic growth. With 19 million acres that cover 53 percent of the state, Michigan's forests support 150,000 jobs and contribute more than $12 billion to Michigan's economy annually. Michigan's timberland acreage is the fifth largest in the nation. I am deeply concerned that a recent court ruling by the U.S. Ninth Circuit Court of Appeals will weaken this vital industry in Michigan by increasing operating costs for business that produce and transport forest products.

Overturning decades of existing EPA practice, the Ninth Circuit earlier this year determined that the Environmental Protection Agency could not define forest roads and their storm water runoff systems as a "nonpoint" sources. Drainage ditches on logging roads will now be categorized as "point" sources, like factories or mining operations. As a result, temporary logging roads will be part of the National Pollutant Elimination Discharge System (NPDES), and those who own and operate these roads must receive special permits. Delays and litigation created by the new permitting process will burden forest owners in Michigan. The state stands to lose countless jobs. The Michigan Department of Environmental Quality (DEQ) and Department of Natural Resources (DNR) set standards for stewardship of our forestlands and are in a better position to

Correspondence Management System

Control Number: AX-11-001-7355

Printing Date: October 14, 2011 03:56:29

Citizen Information

Citizen/Originator: **Cross, R.D.**
Organization: City of Gilmer (Texas)
Address: P.O. Box 760, Gilmer, TX 75644

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-7355 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 5, 2011 **Received Date:** Oct 14, 2011
Addressee: POTUS-President of the United States **Addressee Org:** White House
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: N/A **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants.
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Oct 14, 2011

October 5, 2011

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

Dear Mr. President:

I am writing to you today regarding the Environmental Protection Agency's soon to be final regulation for utility maximum achievable control technology (MACT) standards for hazardous air pollutants. As the mayor of [Insert City] I strongly urge the Administration to utilize all of the flexibility tools it has available under the Clean Air Act and to provide utilities with greater compliance flexibility.

As you know, EPA is required to finalize the Utility MACT by November 16. I am concerned that the final rule, unless it is modified, could negatively impact [INSERT CITY] and my constituents at a time when we are making every effort possible to create new jobs and restore economic growth. These facilities will be required to be in compliance with the new standards within three years of the rule's effective date, which is impractical, resulting in premature plant closures and unnecessary rate hikes to our citizens.

I believe EPA's proposed three-year implementation schedule is too short and does not adequately take into account the unprecedented number of controls that will need to be installed in our region and across the country, at nearly the same time. EPA can and should extend the compliance deadline for one additional year for all units that are installing new pollution control equipment; that are being replaced or repowered; or whose closure requires expanded transmission capacity for reliability purposes. Such an extension would give utilities more flexibility and would be in line with Executive Order 13563 that states regulations "must promote predictability and reduce uncertainty."

Your Administration has many available tools under the CAA when implementing the Utility MACT and we encourage you to use them all, including, in appropriate circumstances, the

Presidential exemption provisions. I hope that you will agree that additional implementation flexibility will improve the rule and will minimize the compliance costs for customers, reduce regulatory uncertainty, and help to protect electric reliability, while still achieving the desired emissions reductions.

Thank you for your personal attention to this matter.

Sincerely,

R.D. Cross

R.D. Cross, Mayor

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

Correspondence Management System

Control Number: AX-11-001-7363

Printing Date: October 14, 2011 04:18:16

Citizen Information

Citizen/Originator: **Robyn, Dorothy**
Organization: Department of Defense
Address: 3000 Defense Pentagon, Washington, DC 20301

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7363	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Sep 30, 2011	**Received Date:**	Oct 14, 2011
Addressee:	DA-Deputy Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Proposed District of Columbia Municipal Separate Storm Sewer System (MS4) permit
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OW	Oct 14, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OW	Oct 14, 2011

Comments

DAILY READING FILE

OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

SEP 30 2011

The Honorable Robert Perciasepe
Deputy Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Perciasepe:

I appreciate the willingness of senior management at the U.S. Environmental Protection Agency (EPA) to work so closely with their counterparts at the Department of Defense (DoD) regarding the proposed District of Columbia (DC) Municipal Separate Storm Sewer System (MS4) permit. I am pleased that this Clean Water Act permit applies the same performance criteria to federal and non-federal facilities. DoD is committed to maximizing our efforts to reduce storm water pollution throughout the District and to complying fully with federal laws, regulations and directives, including Presidential Executive Orders 13508 and 13514, the Energy Independence and Security Act (EISA), and the Clean Water Act. In addition, as I stated in my January 2010 Policy Memorandum, "DoD Implementation of Storm Water Requirements under Section 438 of [EISA]," DoD will implement EPA's technical guidance on Section 438 of EISA.

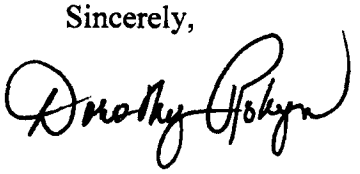
DoD supports EPA's proposal to have federal agencies sign a Memorandum of Understanding (MOU) on Storm Water Management in Washington, DC, which would specify concrete actions they are willing to take beyond what the permit requires. Such actions could include:

- Development of metrics and best management practices, including a tracking mechanism for greater transparency;
- Implementation of storm water retention technologies at highly developed properties, where feasible and supported by the latest research;
- Incorporation of "Low Impact Development" or "Green Infrastructure" approaches to reduce the volume and rate of storm water discharges for redevelopment projects;
- Dissemination of information that demonstrates agencies' full compliance with the storm water requirements in the Clean Water Act and Section 438 of the EISA;
- Implementation of storm water actions necessary to meet pollution load reductions contained in the DC Watershed Implementation Plan under the Chesapeake Bay Total Maximum Daily Loads; and
- Exploration of additional innovative opportunities for using preserved open-space on federal properties to improve storm water retention.

DoD would support EPA efforts to expand the number of federal signatories, so as to enhance the exchange of information and lessons learned.

DoD is committed to helping address storm water issues in Washington, DC. I look forward to working with you over the next six months to develop an MOU and to improve in other ways the management of storm water in the Nation's capital.

Sincerely,



Dorothy Robyn
Deputy Under Secretary of Defense
(Installations and Environment)

Correspondence Management System

Control Number: AX-11-001-7366

Printing Date: October 17, 2011 01:52:17

Citizen Information

Citizen/Originator: **McLaughlin, Gayle**
Organization: City of Richmond
Address: 450 Civic Center Plaza, Richmond, CA 94804-1630

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7366	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 4, 2011	**Received Date:**	Oct 17, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_167_a Transitory Files Record copy

Subject: DRF - Keynote Speaker Invitation - Federal Interagency Working Group on Environmental Justice, Richmond, California, November 3, 2011; SCH002-Scheduling Request - Invitation - Keynote Speaker- Federal Interagency Working Group on Environmental Justice, Richmond, California, November 3, 2011

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: Event Date: 11/3/11 Location: Richmond, California Contact: Gayle McLaughlin, (510) 620-6503, gayle_mclaughlin@ci.richmond.ca.us or Shasa Curl, (510) 412-2091, shasa_curl@ci.richmond.ca.us

CC: Linda Huffman - OECA
OEAEE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	Noah Dubin	Oct 17, 2011

History

MAYOR'S OFFICE

City of Richmond

2011 OCT 17 AM 6:10

October 4, 2011

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

RE: Keynote Speaker Invitation - Federal Interagency Working Group on Environmental Justice, Richmond, California, November 3, 2011

Dear Administrator Jackson:

We would be honored to have you join us as the keynote speaker for the Federal Interagency Working Group on Environmental Justice's (IWG) West Coast convening: "Plan for a Sustainable and Livable Richmond for All" in Richmond, California on November 3, 2011. The meeting is co-sponsored by the City of Richmond, US EPA Region 9, San Francisco Federal Reserve Bank, Urban Habitat and five other environmental and community based organizations. Your participation would provide inspiration and leadership at this first-of-its-kind meeting to create green jobs and move towards the goal of achieving environmental justice.

Together with our partners, we are addressing high unemployment (18% in the City of Richmond), environmental health, access to affordable housing, and other health inequities affecting our community. Your leadership in all of these critical areas is deeply appreciated.

As examples of the Richmond community's work that would be showcased and built upon at the convening, we have:

- Established RichmondBUILD, a green workforce development program that has built an international reputation for placing at risk residents, including youths, in full time jobs. Coupled with financial incentives, RichmondBUILD has helped the City achieve the highest percent of homes with rooftop solar systems in the Bay Area.

- Created an innovative Community Health and Wellness Element of the General Plan Update (pending approval November 2011), ensuring that environmental health and wellness criteria will be met in new projects in the City.

- Implemented a downtown revitalization program and funded transit-oriented development at the Richmond Intermodal Transit Station (BART/Amtrak/Bus), creating jobs, affordable housing, and reducing greenhouse gas and toxic air emissions.

450 Civic Center Plaza, Richmond, CA 94804-1630
Telephone: (510) 620-6503 Fax: (510) 620-6542 www.ci.richmond.ca.us

Your participation as keynote speaker for the Federal Interagency Working Group meeting and on behalf of our "Plan for a Sustainable and Livable Richmond for All" would be of great importance to us. I appreciate your consideration. Please do not hesitate to contact me with any questions at (510) 620-6503 or gayle_mclaughlin@ci.richmond.ca.us, or Shasa Curl at (510) 412-2091 or shasa_curl@ci.richmond.ca.us.

Sincerely,

Gayle McLaughlin
Mayor, City of Richmond

cc: Hon. George Miller, Member of Congress
Hon. Jared Blumenfeld, US EPA Region 9 Administrator
Lisa Garcia, Associate Assistant Administrator for Environmental Justice

450 Civic Center Plaza, Richmond, CA 94804-1630
Telephone: (510) 620-6503 Fax: (510) 620-6542 www.ci.richmond.ca.us

Correspondence Management System

Control Number: AX-11-001-7368

Printing Date: October 17, 2011 01:09:19

Citizen Information

Citizen/Originator: **Dalpiaz, Mike R.**
Organization: United Mine Workers of America
Address: 525 East 100 South, Price, UT 84501

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-11-001-7368 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Oct 31, 2011 **# of Extensions:** 0
Letter Date: Oct 3, 2011 **Received Date:** Oct 17, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: AA-OAR-Assistant Administrator - OAR **Signature Date:** N/A
File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: Daily Reading File- We are concerned about the loss of coal mining jobs and all the affected jobs related to coal mining due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants.
Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R8 - Region 8 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Oct 17, 2011	Oct 31, 2011	N/A
	Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

United Mine Workers of America

MICHAEL R. DALPIAZ, SR.
INTERNATIONAL VICE PRESIDENT
DISTRICT 22
525 EAST 100 SOUTH
PRICE, UT 84501

TELEPHONE
(435) 637-2066
FAX (435) 637-9456

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

October 3, 2011

Re: EPA Electric Utility Regulations

Dear President Obama:

I am writing on behalf of our 6000 members of UMWA District 22 (Western United States) because we are concerned about the loss of coal mining jobs and all the affected jobs related to coal mining due to proposed EPA regulations for Maximum Achievable Control Technology at electric utility plants. We believe that the recently issued Transport Rule for reducing utility emissions of NOx and SO2 will compound the risk of job losses at a time of high coalfield unemployment and weak growth prospects.

The Transport Rule's deadlines are simply not feasible. Utilities cannot reasonably be expected to retrofit controls by 2012. Many plants will not have time to retrofit scrubbers by the second phase deadline of January 1, 2014. We hope that you will request EPA to grant the petitions for an administrative stay and reconsideration of this rule.

Providing additional time for compliance with EPA's MACT and Transport rules would increase the number of coal-based generating units that are upgraded with retrofit controls, increasing construction jobs and reducing unemployment due to coal market disruptions and plant closures.

The UMWA District 22 knows from experience that cap-and-trade regulations like the Transport Rule can inflict unacceptably large job losses due to fuel-switching. More than 30,000 mining jobs were lost under the 1990 acid rain program, as production shifted from eastern to western mines. We see little opportunity to meet the stringent reductions of the Transport Rule without large-scale fuel-switching. We particularly object to the rule's

emission allocation scheme that severely penalizes many well-controlled plants equipped with SO2 scrubbers and advanced NOx emission controls.

Hundreds of smaller and older coal-based generating units may not be able to achieve one or more of the MACT emission limits proposed last March. Job losses would occur in economically-depressed areas already suffering from high unemployment. Worse, the MACT rule would preclude the construction of state-of-the-art new coal plants because of the stringency of its proposed emission limits for mercury and other air toxics.

A UMWA analysis indicates that 54,000 direct jobs and more than 250,000 total jobs related to utility, mining and rail transport may be at risk of near-term closure. Our estimates are confirmed by preliminary studies by the Federal Energy Regulatory Commission. FERC staff estimate that up to 81,000 Megawatts of coal-based capacity could be lost due to pending EPA regulations.

EPA lacks sufficient time to respond to the issues raised by comments on the proposed MACT rule. This is the most expensive utility rule ever proposed by EPA, and the agency should ask the court for additional time to develop a final rule.

Finally, we are asking that you use your authority under the Clean Air Act to provide at least a two-year extension of the three-year compliance deadline for MACT. Providing more time to install controls at more than 1,000 units impacted by this rule is critical given the 4-5 year lead time for retrofitting scrubbers at powerplants.

Thank you for your consideration of our concerns.

Yours truly,

Mike R. Dalpiaz
International Vice President
District 22, U.M.W. of A.

Correspondence Management System

Control Number: AX-11-001-7381

Printing Date: October 17, 2011 03:05:20

Citizen Information

Citizen/Originator: **Williams, Charles**
Organization: N/A
Address: 26 Homestead Avenue, West Haven, CT 06516

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7381	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	Nov 1, 2011	**# of Extensions:**	0
Letter Date:	Oct 14, 2011	**Received Date:**	Oct 17, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	DIR-OEX-Director - OEX	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Thank you
Instructions: Immediate Closure
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Assign Eric Wachter as lead	Oct 17, 2011
(b) (6) Privacy	OEX	Retracted Assignment	Oct 17, 2011
(b) (6) Privacy	OEX	Changed Status Pending For Your Information	Oct 17, 2011
(b) (6) Privacy	OEX	Changed File Code 404-141-02-01_141_b Controlled	Oct 17, 2011

Message Information

Date 10/14/2011 12:38 AM
From "Charles Williams" <charles@picturestruth.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Thank you

Message Body

Dear Ms. Jackson,

I recently discovered that the EPA's ninety-five million dollar grant to Johnson Control's lithium ion battery plant in Jacksonville, Florida is the reason I am employed today. This past July I was laid-off from my job at Agissar Corp. (see attached resume). My goal after I was laid-off was to find a job at a company that was producing systems, or parts of sustainable energy systems. I now have a temporary position as a Senior Electronics Technician in the Test Department at Digatron Firing Circuits. They are making the test and formation equipment for Johnson Controls.

After reading your bio on the EPA website, I wanted to write this letter to thank you for the government's insightful investment in our national economy, and in the environment. I am a parent of two young adult children, and I want them to see that working in the green sustainable energy field is needed now. President Obama was correct when he announced that the nation which harnesses sustainable clean energy, will be the nation that leads the world. In reality, if this nation plans to survive the present economic meltdown, then it must immediately shift energy generation to clean sustainable (solar, wind, geothermal, and hydro) sources.

Your established priorities at the EPA on pure drinking water, clean air, job creation, and action on greenhouse gases (causes of severe climate change) are commendable. Again, thank you for your efforts.

Best regards,

Charles Williams CFW_CV_21jul11.doc

OEX Processing Information

Processed Date:
Processed By
PO Office Category:
Message Count

CHARLES F. WILLIAMS

26 Homestead Ave.
West Haven, CT 06516
914.714.1238 | 203.937.7278
charles@picturestruth.com

OBJECTIVE

To incorporate traditional expertise in electronics with developing green technologies to solve real world problems.

EXPERIENCE

Site Manager/ Electronics Technician 1998 – 2011
Agissar Corporation, Stratford, CT

- Performed preventive maintenance, and repaired mail sorting and mail opening equipment at our client's headquarters in Englewood Cliffs, NJ.
- Edited sort schemes and modified thickness files in the sort control computers.
- Responsible for fixing malfunctioning machines by refurbishing or replacing the faulty components.
- Sustained a parts inventory, purchased tools, and supervised the other on-site Agissar technicians.
- In-house electronics engineer/field service engineer at the corporate office from 1999 – 2011.
- Improved or modified machine circuitry, and performed quarterly preventive maintenance on machines in the NY/CT area.
- Installed new equipment at customer's sites, and trained customer's employees on machine operations.

Electronics Technician 1986 – 1997
US Postal Service, Stamford, CT

- Repaired, and performed maintenance on various mail cancellation, and sorting machines at the US Postal facility in Stamford, CT.
- Secured, and sustained LAN/WAN system, and AB programmable logic controlled conveyors.
- Maintained video capture (wide area bar code reader) equipment, and printers.
- Obtained prerequisite grades at the US Postal Technical Training Center, in Norman, OK, for all machines to be serviced.

Electro-Mechanic Technician 1984 – 1986
Clairex Corporation, Mount Vernon, NY

- Repaired, and adjusted silicon wafer aligners and developers, aluminum, and gold evaporators, furnaces, reverse osmosis machine, compressors, and pumps.
- Built printed circuit boards from schematic drawings, and tested them for proper functionality.
- Fixed plumbing, and maintained logs for gases used in silicon wafer processing.

Test Technician 1980 – 1984
Magnetic Analysis Corporation, Mount Vernon, NY

- Refurbish malfunctioning units from the field.
- Used Non-Destructive Testing (NDT) methods to detect defects in rolled bar stock, tubes, and metal parts.
- Update, troubleshoot, adjust, and repair new and used equipment.
- Tested, debugged, adjusted, and electronically aligned new equipment.

SKILLS

Programmed AB programmable logic controllers. Experienced in use of digital multi-meters, frequency generators, oscilloscopes, and frequency counters. Soldered electronic parts, and sweat copper pipe joints. Microsoft Office.

EDUCATION

UL University – National Electrical Code for Photovoltaics 2010
Porter and Chester Institute – HVACR *2005*
Electronics Warfare Technician "A" school (rating required secret clearance)
US Naval Reserves – Electricity and Electronics
SUNY Stony Brook – BA Environmental Studies

Correspondence Management System

Control Number: AX-11-001-7398

Printing Date: October 17, 2011 01:02:52

Citizen Information

Citizen/Originator: **Laskey, Frederick A.**
Organization: Massachusetts Water Resources Authority
Address: 100 First Avenue, Building 39, Boston, MA 02129

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7398	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 7, 2011	**Received Date:**	Oct 17, 2011
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- MWRA has made significant design decisions based on EPA's UV Guidance Manual and has begun construction of a $29 million, UV treatment project at our Water Treatment Plant and are in the final design stage of a smaller UV project at the Quabbin Reservoir
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
R1 - Region 1 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OW	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OW	Oct 17, 2011

MASSACHUSETTS WATER RESOURCES AUTHORITY
Charlestown Navy Yard
100 First Avenue, Building 39
Boston, MA 02129

Frederick A. Laskey
Executive Director

Telephone: (617) 242-6000
Fax: (617) 788-4899
TTY: (617) 788-4971

October 7, 2011

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

Dear Administrator Jackson:

In order to ensure compliance with the Environmental Protection Agency's (EPA) Long Term 2 Enhanced Surface Water Treatment Rule, the Massachusetts Water Resources Authority (MWRA) has made significant design decisions based on EPA's UV Guidance Manual and has begun construction of a $29 million, UV treatment project at our John J. Carroll Water Treatment Plant which serves over 2 million people in the metropolitan Boston area, and are in the final design stage of a smaller UV project at the Quabbin Reservoir. However, MWRA, like other water utilities across the country, has recently learned of developments in the science of ultraviolet disinfection which call into question assumptions made by EPA in the development of said UV Guidance Manual.

It is MWRA's understanding that recent studies raise the possibility that the assumptions in the EPA UV Guidance Manual may overestimate the UV dose delivery with regard to *Cryptosporidium* inactivation for all medium pressure UV reactors. While it appears that there is substantial activity by UV manufacturers, academics, and industry experts to understand the issue, ultimately EPA action will be required to definitively assess and resolve the matter.

MWRA is very concerned that given the fact that MWRA is already in construction on a complicated and tight schedule, that any delay in definitively resolving the issue may result in the need for costly construction delays and/or expensive rework, as well as the potential of violating the compliance deadline.

Frankly, MWRA finds itself in a classic "Catch 22" situation. Whether we plow ahead with construction to meet the compliance deadline and the standard then changes, or we put the project on hold and miss the deadline, MWRA could find itself in non-compliance with federal law.

In closing, I respectfully request that you do all in your power to resolve this situation in an expeditious manner, so that MWRA has clear guidance on how to proceed. MWRA staff stands ready to assist in any possible.

I thank you in advance for your attention to this important matter.

Sincerely,

Frederick A. Laskey
Executive Director

cc: H. Curtis Spalding, EPA Region 1 Administrator
Kenneth L. Kimmel, Mass DEP Commissioner

Correspondence Management System

Control Number: AX-11-001-7406

Printing Date: October 17, 2011 01:33:30

Citizen Information

Citizen/Originator: **Elkins, Arthur A**
Organization: U.S. Environmental Protection Agency
Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-11-001-7406	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Oct 13, 2011	**Received Date:**	Oct 17, 2011
Addressee:	DA-Deputy Administrator	**Addressee Org:**	EPA
Contact Type:	MEM (Memo)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Acceptance of Corrective Action Plan for OIG Report No. 11-P-0315, Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase EPA Efficiency, July 6, 2011
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OP - Office of Policy
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	R7	Oct 17, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to R7	Oct 17, 2011

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

OCT 13 2011

THE INSPECTOR GENERAL

MEMORANDUM

SUBJECT: Acceptance of Corrective Action Plan for OIG Report No. 11-P-0315, *Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase EPA Efficiency,* July 6, 2011

TO: Bob Perciasepe
Deputy Administrator

This memorandum serves to acknowledge the receipt and acceptance of the revised corrective action plan dated October 6, 2011, for the subject report.

In accordance with EPA Manual 2750, you provided a written response to the findings and recommendations presented in the final report. We agree that your final corrective action plan meets the intent of the recommendations. We appreciate your constructive approach to the issues raised in our report.

With this memorandum, we are closing out this assignment. As reminder, please provide us with regular updates on your corrective actions, and notify us when you complete the corrective action plan and inactivate the assignment in MATS.

If you or your staff have any questions regarding this memo, please contact Melissa Heist, Assistant Inspector General for Audit, at (202) 566-0899; or Richard Eyermann, Director, Efficiency Audits, at (202) 566-0565.

Arthur A. Elkins, Jr.

01268-EPA-1497

Arvin Ganesan/DC/USEPA/US

12/13/2011 09:42 PM

To Joel Beauvais

cc Alex Barron, Betsaida Alcantara, Bob Perciasepe, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Laura Vaught, Michael Goo, Richard Windsor, Seth Oster, Stephanie Owens

bcc

Subject RE: Internal FERC emails show rift with EPA over utility MACT

Attached.

-----Joel Beauvais/DC/USEPA/US wrote: -----
To: Gina McCarthy/DC/USEPA/US@EPA
From: Joel Beauvais/DC/USEPA/US
Date: 12/13/2011 09:17PM
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Subject: RE: Internal FERC emails show rift with EPA over utility MACT

Would it be possible for someone with a Pro subscription to circulate the Issa letter and the emails that are linked to in the article?

-----Gina McCarthy/DC/USEPA/US wrote: -----
To: Laura Vaught/DC/USEPA/US@EPA
From: Gina McCarthy/DC/USEPA/US
Date: 12/13/2011 09:09PM
Cc: "Alcantara.Betsaida@epamail.epa.gov" <Alcantara.Betsaida@epamail.epa.gov>, "Barron.Alex@epamail.epa.gov" <Barron.Alex@epamail.epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Ganesan.Arvin@epamail.epa.gov" <Ganesan.Arvin@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Goo.Michael@epamail.epa.gov" <Goo.Michael@epamail.epa.gov>, "Kanninen.Daniel@epamail.epa.gov" <Kanninen.Daniel@epamail.epa.gov>, "Oster.Seth@epamail.epa.gov" <Oster.Seth@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Thompson.Diane@epamail.epa.gov" <Thompson.Diane@epamail.epa.gov>, "Vaught.Laura@epamail.epa.gov" <Vaught.Laura@epamail.epa.gov>, "Windsor.Richard@epamail.epa.gov" <Windsor.Richard@epamail.epa.gov>, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Subject: RE: Internal FERC emails show rift with EPA over utility MACT

(b) (5) Deliberative

(b) (5) Deliberative You get the idea.

From: Laura Vaught/DC/USEPA/US
To: Bob Perciasepe/DC/USEPA/US
Cc: "Alcantara.Betsaida@epamail.epa.gov" <Alcantara.Betsaida@epamail.epa.gov>, "Barron.Alex@epamail.epa.gov" <Barron.Alex@epamail.epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, Brendan Gilfillan/DC/USEPA/US, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Ganesan.Arvin@epamail.epa.gov" <Ganesan.Arvin@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Goo.Michael@epamail.epa.gov" <Goo.Michael@epamail.epa.gov>, "Kanninen.Daniel@epamail.epa.gov" <Kanninen.Daniel@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Oster.Seth@epamail.epa.gov" <Oster.Seth@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Thompson.Diane@epamail.epa.gov" <Thompson.Diane@epamail.epa.gov>, "Vaught.Laura@epamail.epa.gov" <Vaught.Laura@epamail.epa.gov>, "Windsor.Richard@epamail.epa.gov" <Windsor.Richard@epamail.epa.gov>
Date: 12/13/2011 08:50 PM
Subject: RE: Internal FERC emails show rift with EPA over utility MACT

Attached are some FERC quotes from a hearing that might be helpful.

RE: Internal FERC emails show rift with EPA over utility MACT

Bob Perciasepe to: Brendan Gilfillan, Windsor.Richard@epamail.epa.gov, Thompson.Diane@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Alcantara.Betsaida@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, Vaught.Laura@epamail.epa.gov, Goo.Michael@epamail.epa.gov, Kanninen.Daniel@epamail.epa.gov, Barron.Alex@epamail.epa.gov, Joel Beauvais, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman
12/13/2011 08:37 PM

Hi Brendan

(b) (5) Deliberative

Bob Perciasepe
Deputy Administrator
US EPA
202 564 4711

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

From : Brendan Gilfillan/DC/USEPA/US
To : Windsor.Richard@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov, Thompson.Diane@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Alcantara.Betsaida@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, Vaught.Laura@epamail.epa.gov, Goo.Michael@epamail.epa.gov, Kanninen.Daniel@epamail.epa.gov, Barron.Alex@epamail.epa.gov, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>
Cc :
Sent on : 12/13/2011 07:39:31 PM
Subject : Fw: Internal FERC emails show rift with EPA over utility MACT

Please see the below story. [redacted] (b) (5) Deliberative [redacted]

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 12/13/2011 07:33 PM EST
To: Brendan Gilfillan
Subject: Internal FERC emails show rift with EPA over utility MACT

Internal FERC emails show rift with EPA over utility MACT

By Erica Martinson
12/13/11 7:31 PM EST

Internal emails between FERC and the White House show that the EPA may have discounted Energy Department concerns about how its mercury and air

toxics rule for power plants could affect power grid reliability.

FERC officials were also frustrated with EPA's intransigence on the issue during the draft rule phase, according to the emails.

"I don't think there is any value in continuing to engage EPA on the issues," FERC senior economist David Kathan wrote in a March email. "EPA has indicated that these are their assumptions and have made it clear" that they will not change "anything on reliability or gas availability in the proposed rule."

"As it has done in other responses, EPA continues to make a lot of assumptions and does not directly answer anything associated with local reliability," Kathan wrote. "They provide the standard response that there will be enough time and they are confident that regional processes will accommodate any local capacity deficiency problem early in the process, or they do not directly respond to the question."

EPA is expected to issue its utility MACT rule on Friday, per a court agreement.

The requirements of the rule will lead to the closure of many coal-fired power plants, and idling of some coal-fired power generation units. Partisan fervor has risen in recent months over concerns that the pollution-control requirements will have dramatic impacts on electric reliability.

House Oversight and Government Reform Committee leaders cited internal FERC and OMB emails to say that EPA shirked its responsibility to appropriately consider reliability concerns.

Chairman Darrell Issa (R-Calif.) and Regulatory Affairs subpanel Chairman Jim Jordan (R-Ohio) sent a letter Tuesday to White House Office of Management and Budget regulatory chief Cass Sunstein citing the emails and asking that the rule be returned to EPA to more fully consider the impact on jobs and electric reliability.

Originally, EPA mentioned concerns about reliability in its draft, requesting comment on the issue. But on March 3, while the draft rule was under review, Ellen Brown of FERC sent an email to OIRA expressing concern that EPA was planning to ask commenters to "opine on the scope of our authority to ensure compliance with our regulations," according to the emails.

So EPA removed the request from comment before releasing the rule.

Doing so without requesting input from other FERC offices or commissioners, the committee said in the letter to Sunstein, "does a disservice to the

rulemaking process."

During the March interagency review of the proposed rule, the Energy asked EPA to change a notation that it "has worked closely" with FERC and DOE on the potential impacts to reliability to say "will continue to work" with the agencies.

"In light of this new information, we are writing to request that the Office of Information and Regulatory Affairs immediately return the utility MACT rule to EPA and require that EPA and the Federal Energy Regulatory Commission complete a proper assessment of the rule that includes an analysis of its impact on grid reliability," the House letter says.

EPA has repeatedly said that it will allow flexibility to ensure that FERC's reliability needs are met, and also notes that independent assessments of the outcome of EPA's air toxics rules tends to overstate the rules' requirements.

To read and comment online:
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First attachment corrupted, could not open/attach.

[attachment "FERC Reliability Quotes.doc" removed by Joel Beauvais/DC/USEPA/US] - 2011-12-13_dei_jordan_to_sunstein_re_oira_ferc_reliability_2.pdf.crdownload - emails_1.pdf - email_2.pdf

From: Ellen Brown
Sent: Thursday, March 03, 2011 11:57 AM
To: Mason Emnett
Cc: David Andrejcak; David Kathan; Julie Simon; Gerald Thomas; Richard Palmer
Subject: FW: EPA proposed rule ---RE: EGU MACT

Mason--For your info., I forwarded your office's comments to OMB (below). Thank you.

From: Ellen Brown
Sent: Thursday, March 03, 2011 11:53 AM
To: 'Higgins, Cortney'
Cc: 'Kymn, Christine J.'
Subject: EPA proposed rule ---RE: EGU MACT

Cortney--- FERC has the following comments thus far on the draft EPA rule. We may have further comments, for example, from the two telephone conferences that you scheduled for today or on the other materials that you sent last night.

1. At pages 394-395 and 418-421, EPA rejects the option of fuel switching based its concerns about natural gas availability and environmental impacts of hydraulic fracturing associated with shale gas production. FERC's seasonal market reports have found adequate natural gas supplies to meet U.S. generation requirements. We suggest that EPA acknowledge our forecasts and clarify their concerns about long-term availability.

2. Page 463: EPA says it will work with DOE, FERC and others to reduce the adverse health impacts of power generation "while continuing to assure electric reliability is *achieved*." Given that we generally use the term "maintain" with respect to reliability, we suggest they do so as well (since we currently "achieve" reliability).

3. Page 476: EPA invites comments on the impact of the proposed rule on reliability and the authority available to EPA and other agencies to ensure compliance with EPA requirements while maintaining grid reliability. Similarly, on page 561, EPA in addressing the impact of the regulations on grid reliability, asks for comments on the scope of various authorities to ensure, and to exercise discretion in relation to, compliance with the regulations. We have some concern with EPA asking commenters to opine on the scope of our authority to ensure compliance with our regulations.

4. Page 506: EPA says that potential uncontrolled SO2 emissions were calculated using monthly delivered fuel receipts and fuel quality data from EIA forms EIA-923, EIA-423 and *FERC-423*. While historical data is available from FERC Form No. 423, the Commission discontinued use of the Form in March, 2008, pursuant to Order No. 709.

5. Page 540: EPA asks for comments on the impact of reliance on combined heat and power and whether it is appropriate to recognize the environmental benefit of distributed generation in reducing line losses. Line loss has been a controversial issue in our wholesale markets and it isn't clear whether EPA intends to make recommendations to FERC on wholesale market design based on comments in this rulemaking. We suggest that EPA clarify where it's coming from in asking the question.

Please contact me if you have any questions.

Ellen Brown
Federal Energy Regulatory Commission

Information Clearance Officer
[redacted]

From: Higgins, Cortney [mailto:[redacted]]
Sent: Wednesday, March 02, 2011 5:24 PM
To: Asha Mathew ([redacted]); Daniel Hall; DOE Reg Mailbox; Elizabeth Kohl; Ellen Brown; 'Feeney, Megan'; Felix Mestey; Gormsen, Eric T; 'Grahame, Thomas'; Jarad Daniels; 'Joanne Littlefair'; Johnson, Katrina M.; Kevin Jones ; Khan, Sikander; Kislear, Jordan; Maierhofer, Justin C; Newton, Drek CIV NFESC; Nivin Elgohary; Richard Palmer; Rostker, David J.; Smith, Odin; [redacted]; Weller, Jason; Wendy Miller
Subject: EGU MACT: Comments Deadline Reminder

Hi all,
As a reminder, if possible, please submit comments on the EGU MACT (preamble and RIA, supplemental information) **today.** If you plan to submit comments but they are not ready yet, please let me know.

If applicable, please direct those comments through your agency's central regulatory contact.

Regards,
Cortney

Cortney Higgins
Policy Analyst
OMB/OIRA/NRE
[redacted]

From: David Kathan
Sent: Tuesday, March 15, 2011 1:25 PM
To: Julie Simon; Mason Emnett
Cc: Michael Tita
Subject: RE: EPA proposed rule --FW: EGU MACT: Response to Interagency Comments (3/4 and 3/10 comments)

Julie and Mason,

I have looked at the most recent documents. While their answers do not fully resolve our issues and questions, I don't think there is any value in continuing to engage EPA on the issues. EPA has indicated that these are their assumptions and have made it clear that are not changed anything on reliability or gas availability in the proposed rule. I suspect that all these issues will be brought up in comments on the rule.

I have cited their responses and my commentary on key responses below.

As it has done in other responses, EPA continues to make a lot of assumptions and does not directly answer anything associated with local reliability. They provide the standard response that there will be enough time and they are confident that regional processes will accommodate any local capacity deficiency problem early in the process, or they do not directly respond to the question.

On flexibility they made the following statement saying that there may be additional flexibility if NERC raises a reliability concern in response to a query:

> *With the three years (or four years for installation of controls at the discretion of the permitting authority) that power plants have to determine and install their selected method of compliance with the Utility MACT, it is our expectation that most, if not all, of the reliability issues that are related to whether a specific unit will comply through unit retirement will be identified and addressed by the system operator and the source prior to the compliance deadline. We recognize that it is possible that a reliability issue may arise close to the MACT compliance deadline. Again, our expectation is that normal prudent system planning activities will both identify these issues as well as a solution in time to allow for any necessary unit retirement without unacceptable impacts on reliability. Where an operator continues to operate a unit after the MACT deadline without meeting the requirements of the Rule, it is subject to enforcement action. If NERC issues an advisory that taking the plant offline could create a justified reliability concern, EPA would work with NERC (and any other pertinent regulatory bodies) and together look to the statutory criteria set out in the Clean Air Act and other applicable statutes and implementing regulations and evaluate all relevant factors*

including any whether the unit is required for reliability and the steps taken by the owner/operator of the unit to come into compliance.

In response to a question on how their modeling addresses transfer of reserves between regions, especially when there are constraints and areas where additional reserves are needed, EPA does not directly answer the question and only states that they model firm capacity exchanges.

> In cases where it is economic to transfer reserves from a neighboring region rather than supply reserves from within a region, IPM will transfer reserves, subject to summer and winter limits that are designed to ensure that these reserves can be transferred reliably. If transmission has not been modeled how can this occur? (regarding first bullet above) Some specific IPM regions have known congestion constraints (e.g., NYC, NJ/DE, etc.) so if it is not economical to transfer reserves, what do those dependent regions do to move forward without a reliability event?
>
> For example, the retired coal capacity in TVA (1,084 MW) is replaced by a net increase in transfer of reserves to TVA (1,097 MW). Where is that capacity transferred from? Is it possible to transfer power into the TVA region?
>
> *Response: EPA's power sector modeling assumes the ability for firm transfers of capacity between modeling regions subject to interregional firm transfer constraints based on current operation of the grid and known constraints. These assumptions can be found in our modeling documentation at* http://www.epa.gov/airmarkt/progsregs/epa-ipm/BaseCasev410.html#documentation.

EPA did respond to our questions. For most of the questions, they provide a rationale in their answer or say they will change the language. However, they are sticking to their opinion that hydraulic fracturing should not be relied upon to provide a resource boost. I am not sure whether there will be another revision of the preamable to reflect our comments or not. The previous version did not address these or do the edits that they say will be done.

> [Pages 394-395 and 418-421] EPA rejects the option of fuel switching based its concerns about natural gas availability and environmental impacts of hydraulic fracturing associated with shale gas production. FERC's seasonal market reports have found adequate natural gas supplies to meet U.S. generation requirements. **We suggest that EPA acknowledge FERC's forecasts and clarify the concerns about long-term availability.**
>
> *Response: EPA could remove this from the justification for the rejecting the beyond-the-floor analysis if FERC believes there is sufficient gas for all coal- and oil-fired electric generation to be replaced by natural gas without the use of hydraulic fracturing.*
>
> [Page 463] EPA says it will work with DOE, FERC and others to reduce the adverse health impacts of power generation "while continuing to assure electric reliability is

achieved." Given that FERC generally uses the term "maintain" with respect to reliability, we suggest EPA use this as well (since we currently "achieve" reliability).

Response: We will edit the text.

[Page 476] EPA invites comments on the impact of the proposed rule on reliability and the authority available to EPA and other agencies to ensure compliance with EPA requirements while maintaining grid reliability. Similarly, on page 561, EPA in addressing the impact of the regulations on grid reliability, asks for comments on the scope of various authorities to ensure, and to exercise discretion in relation to, compliance with the regulations. We have some concern with EPA asking commenters to opine on the scope of our authority to ensure compliance with our regulations.

Response: EPA will remove this request for comment.

[Page 506] EPA says that potential uncontrolled SO2 emissions were calculated using monthly delivered fuel receipts and fuel quality data from EIA forms EIA-923, EIA-423 and *FERC-423*. While historical data is available from FERC Form No. 423, the Commission discontinued use of the Form in March, 2008, pursuant to Order No. 709. We suggest EPA check their data source and clarify this information if necessary.

Response: We used delivered fuel data from the 423 forms prior to 2008 and used the 923 data for 2008 & 2009.

[Page 540]: EPA asks for comments on the impact of reliance on combined heat and power and whether it is appropriate to recognize the environmental benefit of distributed generation in reducing line losses. Line loss has been a controversial issue in our wholesale markets and it isn't clear whether EPA intends to make recommendations to FERC on wholesale market design based on comments in this rulemaking. We suggest that EPA clarify why it is asking this question.

Response: We do not intend to make any recommendations to FERC. The proposed approach would divide the electrical output of CHP facilities by 0.95 (increasing the electric output used in determining compliance) and make compliance "easier" for owner/operators of CHP facilities.

While it was not our comment – I thought a response to a DOE should be mentioned. In response to a DOE question about EPA's statement that they have been working closely with DOE and FERC, EPA says that it will change how they will refer to this working arrangement:

[Page 557] DOE suggests (and requests) that the sentence be revised to say, "...will continue to work..." instead of "has worked closely". DOE has not evaluated the potential impact of the rule on the grid, but it has generated some proxy scenarios, which were developed before seeing the proposed rule. Referenced Text: *In developing this proposed rule, EPA has worked closely with other agencies, including the Federal Energy Regulatory Commission (FERC) and the Department of Energy (DOE), to evaluate the potential impact of the final regulation on the grid.*

Response: We will make the edit.

David Kathan
Office of Energy Policy and Innovation
Federal Energy Regulatory Commission
888 First St., NE, Washington, DC 20426
[redacted]

From: Julie Simon
Sent: Tuesday, March 15, 2011 8:58 AM
To: David Kathan
Cc: Michael Tita
Subject: FW: EPA proposed rule --FW: EGU MACT: Response to Interagency Comments (3/4 and 3/10 comments)

As you have done with the other EPA docs, Mason asked you to take a look and see if they said anything interesting (or anything about our comments). Thanks.

From: Ellen Brown
Sent: Tuesday, March 15, 2011 8:18 AM
To: David Andrejcak; David Kathan; Mason Emnett; Julie Simon; Nano Sierra; John Carlson; Christy Walsh
Cc: Richard Palmer; Gerald Thomas
Subject: EPA proposed rule --FW: EGU MACT: Response to Interagency Comments (3/4 and 3/10 comments)

See below. The files Cortney sent are posted at P:\OMB-Information Collections\Other Agencies' Rulemakings\EPA ReduceToxicPollutants from PowerPlants\3_14_11_518pm response to interagency comments.doc .

Ellen.

> **From:** Higgins, Cortney [mailto:[redacted]]
> **Sent:** Monday, March 14, 2011 5:18 PM
> **To:** Asha Mathew ([redacted]); Daniel Hall; DOE Reg Mailbox; Elizabeth Kohl; Ellen Brown; 'Feeney, Megan'; Felix Mestey; Gormsen, Eric T; 'Grahame, Thomas'; Jarad Daniels; 'Joanne Littlefair'; Johnson, Katrina M.; Kevin Jones ; Khan, Sikander; Kislear, Jordan; Maierhofer, Justin C; Meigel, Robin - Washington, DC; Newton, Drek CIV NFESC; Nivin Elgohary; Richard Palmer; Rostker, David J.; Smith, Odin; [redacted]; Weller, Jason; Wendy Miller
> **Subject:** EGU MACT: Response to Interagency Comments (3/4 and 3/10 comments)
>
> Hi all,
> Please find for review EPA's responses to interagency comments dated 3/4 (sent to you on 3/8) and interagency comments dated 3/10.

The deadline for signature of this rule is Wednesday (3/16) so please let me know immediately if you have a concern with the response(s). If applicable, please direct your comment through your agency's central regulatory office.

Regards,
Cortney

Cortney Higgins, PhD
Policy Analyst
OMB/OIRA/NRE
[redacted]

01268-EPA-1520

Stephanie Owens/DC/USEPA/US
12/21/2011 09:49 PM

To Richard Windsor, "Stephanie Owens"
cc
bcc
Subject Re: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

Ok.

From: Richard Windsor
Sent: 12/21/2011 09:46 PM EST
To: "Stephanie Owens" <Owens.Stephanie@epa.gov>
Subject: Fw: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

(b) (5) Deliberative

From: Enckj
Sent: 12/21/2011 09:36 PM EST
To: Richard Windsor
Subject: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

fyi

From: feedback@lcv.org
To: (b) (6) Personal Privacy
Sent: 12/21/2011 3:07:55 P.M. Eastern Standard Time
Subj: BREAKING: Obama Sets New Mercury Pollution Limits

Thank you, President Obama, for setting strong standards to limit mercury and other toxic air pollution.

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ere I watched EPA Administrator Lisa Jackson make one of the most important public health announcements in the history of EPA.

The Obama administration has set the first-ever national standards for mercury and other toxic air pollution for power plants. These historic new health standards will save lives, prevent illnesses like asthma and bronchitis, avoid hospitalizations and missed days at work, and create jobs in pollution control technology.

Our children have waited long enough to breathe clean air without the threat of inhaling toxic air pollution from coal-fired power plants. The Obama administration's new standards will help protect us from many airborne toxins, including mercury, arsenic, lead, dioxins, acid gases and other harmful pollutants.

Click here to send a message to President Obama thanking him for setting the first-ever limits on mercury and other toxic air pollution from power plants.

LCV members submitted more than 50,000 public comments, attended public hearings and rallied in support of these new standards when they were first proposed earlier this year. **In fact, more than 900,000 Americans submitted comments to the EPA – *the most comments ever received on an EPA rule* .** And the overwhelmingly majority of those comments were in support of the rule. This massive display grassroots support demonstrates that together we can affect meaningful change.

The significance of these new standards cannot be understated. The negative health impacts of toxic air pollution are well-known and documented – and the EPA is estimating that these new standards will save thousands of lives, prevent up to 120,000 cases of childhood asthma and avert 11,000 cases of acute childhood bronchitis every year starting in 2015.

Click here to send a message to President Obama thanking him for setting the first-ever limits on mercury and other toxic air pollution from power plants.

With the support of LCV members like you, we will continue working with the Obama administration in the new year to take meaningful steps to reduce harmful air pollution, protect our waterways and advance cleaner energy sources.

Thank you for fighting for a safer, healthier environment.

Sincerely,

Gene Karpinski
President
League of Conservation Voters

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To Unsubscribe Click Here

1920 L Street, NW Suite 800
Washington, DC 20036
202-785-8683

01268-EPA-1521

Richard Windsor/DC/USEPA/US
12/21/2011 09:49 PM

To Stephanie Owens
cc
bcc
Subject Re: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

Tx!

From: Stephanie Owens
Sent: 12/21/2011 09:49 PM EST
To: Richard Windsor; "Stephanie Owens" <Owens.Stephanie@epa.gov>
Subject: Re: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

Ok.

From: Richard Windsor
Sent: 12/21/2011 09:46 PM EST
To: "Stephanie Owens" <Owens.Stephanie@epa.gov>
Subject: Fw: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

[redacted] (b) (5) Deliberative

From: Enckj
Sent: 12/21/2011 09:36 PM EST
To: Richard Windsor
Subject: Fwd: BREAKING: Obama Sets New Mercury Pollution Limits

fyi

From: feedback@lcv.org
To: [redacted] (b) (6) Personal Privacy
Sent: 12/21/2011 3:07:55 P.M. Eastern Standard Time
Subj: BREAKING: Obama Sets New Mercury Pollution Limits

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Click here to send a message to President Obama thanking him for setting the first-ever limits on mercury

and other toxic air pollution from power plants.

With the support of LCV members like you, we will continue working with the Obama administration in the new year to take meaningful steps to reduce harmful air pollution, protect our waterways and advance cleaner energy sources.

Thank you for fighting for a safer, healthier environment.

Sincerely,

Gene Karpinski
President
League of Conservation Voters

1920 L Street, NW Suite 800
Washington, DC 20036
202-785-8683

01268-EPA-1544

Elizabeth Ashwell/DC/USEPA/US
01/13/2012 10:38 AM

To
cc
bcc
Subject Meeting with U.S. Climate Envoy Todd Stern

Meeting

Date 01/19/2012
Time 04:30:00 PM to 05:00:00 PM
Chair Elizabeth Ashwell
Invitees
Required
Optional
FYI
Location Administrator's Office

Ct: Liz Ashwell - (b) (6) Privacy
External VasquezVN@state.gov or 202.297.0724 Cell Direct (b) (6) Privacy

Attendees:

-Todd Stern - United States Special Envoy for Climate Change

-Dan Reifsnyder - Deputy Assistant Secretary for Environment and Sustainable Development at U.S. Department of State

Staff:
Gina McCarthy, Mike Flynn (OAR)
Michael Stahl (OITA)

01268-EPA-1557

Stephanie Owens/DC/USEPA/US
01/23/2012 08:34 PM

To Bob Perciasepe, Richard Windsor
cc Brendan Gilfillan
bcc
Subject Fw: Embargoed: Sportsmen Ad - Clean Air Act

Bob - [redacted] (b) (5) Deliberative [redacted] ?

Stephanie Owens
Deputy Associate Administrator
Office of External Affairs and Environmental Education
U.S. EPA
Phone: 202.564.6879

-----Forwarded by Stephanie Owens/DC/USEPA/US on 01/23/2012 08:26PM -----

(See attached file: Sportsmen Politico Ad 1-19-12.pdf)

Embargoed till the 25th.

From: Joe Mendelson [mailto:mendelsonj@nwf.org]
Sent: Monday, January 23, 2012 12:17 PM
To: Patel, Rohan; Carson, Jon; Zichal, Heather R.
Subject: Embargoed: Sportsmen Ad

Jon, Heather and Rohan,

I wanted to let you know that the attached ad will be running in Politico on January 25th.

My best,

Joe

Joseph Mendelson III

Director of Policy

Climate and Energy Program

National Wildlife Federation

901 E Street NW, Suite 400

Washington, DC 20004

ph. 202.797.6898 | cell 703.244.1724

www.nwf.org

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********** ATTACHMENT NOT DELIVERED **********

This Email message contained an attachment named
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which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

********** ATTACHMENT NOT DELIVERED **********

- Image.image001.jpg@01CCD9C8.D1600800.PLAIN - Sportsmen Politico Ad 1-19-12.pdf

Could not open first attachment

America's Sportsmen Support the Clean Air Act

American Canoe Association
American Fisheries Society
Bull Moose Sportsmen's Alliance
Federation of Fly Fishers
Izaak Walton League of America
National Wildlife Federation
The Resource Institute, Inc.
Trout Unlimited
Alabama Wildlife Federation
Alaska Adventures, Inc.
Alaska Alpine Adventures, Inc.
Alaska Backcountry Hunters and Anglers
Arctic Treks
Arctic Wild LLC
Capt. Pete's Alaska
Wilderness Birding Adventures
Arizona Fly Casters
Arkansas Canoe Club
Arkansas Conservation Coalition
Arkansas Wildlife Federation
Trout Unlimited, North Bay Chapter
Trout Unlimited, Truckee Chapter
Trout Unlimited, Upper Bear River Chapter
Colorado Wildlife Federation
Florida Wildlife Federation
Atlanta Fly Fishing School
Trout Unlimited, Georgia Council
Trout Unlimited, Gold Rush Chapter
Conservation Council for Hawaii
Trout Unlimited, Idaho State Council
Trout Unlimited, Ted Trueblood Chapter
Illinois Bass Federation
Trout Unlimited, Elliot Donnelly Chapter
Trout Unlimited, Illinois Council
Trout Unlimited, Oak Brook Trout Chapter
American Fisheries Society, Iowa Chapter
Iowa Division, IWLA
Trout Unlimited, North Bear Chapter
Kansas Wildlife Federation
Louisiana Wildlife Federation
Buxton Hollis Rod and Gun Club
Fort Fairfield Rifle and Pistol Club
Maine Atlantic Salmon Federation
Maine Chapter of the Wildlife Society
Maine Path & Paddle Guides
Maine Wilderness Guides Association
North Berwick Rod and Gun Club
Sportsmen's Alliance of Maine
West Gardiner Rod & Gun Club
Izaak Walton League, Lois Green Sligo Chapter
Izaak Walton League, Talbot County Chapter
Ashfield Rod and Gun Club
Berkshire County League of Sportsmen
Billerica Rod and Gun Club
Easton Rod and Gun Club
Falmouth Rod and Gun Club
Framingham State Universities Wildlife Club
Gardner Fish and Gun Club
Gun Owners' Action League
Hanson Rod and Gun Club
Holyoke Revolver Club
Hopedale Pistol and Rifle Club
Lawrence Rod and Gun Club
League of Barnstable County Sportsmen's Clubs
Lenox Sportsmen's Club
Littleton Sportsman Club
Ludlow Fish and Game Club
Lynn Fish and Game Protective Assoc.
Malden Anglers Association
Massachusetts Sportsmen's Council
Nenameseck Sportsmen's Club
Norwood Sportsmen's Association
Pittsfield Sportsmen Club
Plainville Beagle Club, Inc.
Quabbin Fishermen's Association
Rod and Gun Club of New Bedford
St. John's Fishing Club
Taunton Rifle and Pistol Club
Tewksbury Rod and Gun Club
Trout Unlimited, Massachusetts Council
Tyngsboro Sportsmen's Club Inc
Zoar Outdoor Rafting and Kayaking Tours
Au Sable Big Water Preservation Association
Betsie Bay Marina
Big Bear Adventures
Bob Linsenman's Au Sable Resource
Chippewa Ottawa Resource Authority
Crystal Mountain Resort and Spa
Ecology Center
Friends of the Detroit River
Gates Au Sable Lodge
Great Lakes Council of the Federation of Fly Fishers
Kalamazoo River Sturgeon for Tomorrow
Ludington Area Charter Boat Assoc.
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
Michigan B.A.S.S. Federation Nation
Michigan Charter Boat Association
Michigan River Guide Association
Michigan United Conservation Clubs
Montmorency County Conservation Club
Straits Area Audubon Society
The River Specialist
Tip of the Mitt Watershed Council
Trout Unlimited, Adams Chapter
Trout Unlimited, Ann Arbor Chapter
Trout Unlimited, Challenge Chapter
Trout Unlimited, Clinton Valley Chapter
Trout Unlimited, Copper Country Chapter
Trout Unlimited, Ferris Chapter
Trout Unlimited, Frank "Bob" Perrin - Lansing
Trout Unlimited, Fred Warra Chapter
Trout Unlimited, Headwaters Chapter
Trout Unlimited, Kalamazoo Valley Chapter
Trout Unlimited, Lean T. Lartuch Chapter
Trout Unlimited, Mason Griffith Founders Chapter
Trout Unlimited, Michigan Council
Trout Unlimited, Miller Van Winkle Chapter
Trout Unlimited, Paul H. Young Chapter
Trout Unlimited, Pine River Area Chapter
Trout Unlimited, Schrems West Michigan
Trout Unlimited, Two Heart Chapter
Trout Unlimited, Vanguard Chapter
Trout Unlimited, William B. Mershon Chapter
Voices for Earth Justice
WATCH, Water and Air Team Charlevoix
Audubon Chapter of Minneapolis
Audubon Minnesota
Coalition for a Clean Minnesota River
Friends of Minnesota Valley
Friends of the Mississippi River
Izaak Walton League of America, Midwest Office
Izaak Walton League of America, Minnesota Division
Minnesota Anglers for Habitat
Minnesota Backcountry Hunters & Anglers
Minnesota Becker County Sportsman's Club
Minnesota Black Feather Knives
Minnesota Bluffland Whitetails Association
Minnesota CLC Natural Resource Club-Brainerd Lakes
Minnesota Conservation Federation
Minnesota FowlNation
Minnesota Lake City Sportsman's Club
Minnesota Lewiston Sportsman's Club
Minnesota Muskie and Pike Alliance
Minnesota North America Wild Turkey Federation
Minnesota Ornithologists Union
New Ulm Area Sport Fishermen
Sierra Club North Star Chapter
Trout Unlimited, Minnesota Council
Zumbro Valley Audubon
Conservation Federation of Missouri
Missouri Prairie Foundation
Missouri Stream Team #57
Southern Council of the Federation of Fly Fishers
Southwest Missouri Fly Fishers
Big Sky Anglers
Big Sky Upland Bird Association
Blue Ribbon Flies
Bud Lilly's Fly Shop
Dave Corcoran Outfitters
Gallatin Wildlife Association
Greater Yellowstone Fly Fishers
Headhunters Fly Shop
Helena Hunters & Anglers Association
Hellgate Hunters & Anglers
Libby Rod and Gun Club
Linehan Outfitting Company
Medicine River Canoe Club
Missoula Valley Outfitters
Montana Fishing Outfitters
Montana Fly Fishing Guides
Montana Trout Angler
Montana Wildlife Federation
Park County Rod and Gun Club
Polson Outdoors
Public Lands and Waters Access Association
River's Edge Fly Shop
Russell Country Sportsmen Association
Sweetwater Travel
The Bozeman Angler
Trout Unlimited, Madison & Gallatin Chapter
Trout Unlimited, Montana Council
Trout Unlimited, West Slope Chapter
Wapiti Waters
Yellow Dog Fly Fishing Adventures
Trout Unlimited, Great Basin Chapter
300 Archery
Andover Fish and Game Club
Belknap County Fish and Game Association
Brian's Archery Shop
Carroll County Fish, Game, and Shooting Club
Curt Golder's Angling Adventures
Dave's Taxidermy
Fish Tales Taxidermy
Frenchey's Bait and Tackle
Friends of the Suncook River
Granite State Rod and Reel
Hampton Rod and Gun Club
Hillside Taxidermy
Horse Pond Fish and Game Club
Lake Side Bait and Tackle
M&D Archery, Dog Training and Guiding LLC
Milford Archery
Morse Sporting Goods
NH Archery and Outdoor Sports
NH Bass Federation
NH Bear Hunters Association
NH Trappers Association
NH Wildlife Federation
Northern River Guides Service
Paul's Bait Rig and Tackle
Pelletiers Sports Shop
Pointer Fish and Game Club
Rick Forge Outdoors, Inc.
Riley's Sport Shop
Rise and Shine Retrievers
Robert D. Wyatts Guide Service
Screaming Wolf Taxidermy
Smith River Trading Post
Steve's Sport Shop
Suds N Soda Sport Shop
Sunrise Taxidermy
Temple Mountain Anglers Club
The Family Barber and Bait Shop
The Fish'n Shanty
The Sportsmen's Den
TNT Guide Service
Trout Unlimited, Ammomoosuc River Chapter
Trout Unlimited, Basil Woods Chapter
Trout Unlimited, Great Bay Chapter
Trout Unlimited, Merrimack River Valley
Trout Unlimited, Monadnock Chapter
Trout Unlimited, NH Council
Trout Unlimited, Pemigewassett River Chapter
Trout Unlimited, Saco River Chapter
Wildlife Sports & Taxidermy
Trout Unlimited, Mohawk Valley Chapter
Trout Unlimited, New York State Council
Albemarle Conservation & Wildlife Chapter
Audubon of North Carolina
Fowl Play Game Calls
Greater Raleigh Outdoors and Wildlife Chapter
Habitat and Wildlife Keepers
Headwaters
Lake James Area Wildlife and Nature Society
Lake Norman Wildlife Conservationists
Mountain Island Lake Wildlife Stewards
Mountain Wild Chapter, NCWF
Nat Greene Fly Fishers
NC Camouflage Coalition
North Carolina BASS Federation Nation
North Carolina Wildlife Federation
Trout Unlimited, NC Council
Trout Unlimited, Rocky River Chapter
Trout Unlimited, Table Rock Chapter
Trout Unlimited, Tuckaseigee Chapter
Nebraska Wildlife Federation
New Mexico Wildlife Federation
American Fisheries Society, Ohio Chapter
Columbiana County Federation of Conservation Clubs
Hard Core Decoys
Huntducks.com
Nook Industries, Inc.
Ohio Huskie Muskie Club, Inc.
Silvertip Productions, Ltd.
Arrow Head Point Lodge
D&D Outfitters
Enos Mall on Lake Texoma
Green Country Midsouth Hunting, Fishing, and Tackle Show
Montgomery Productions
Oklahoma Tackle and Hunting Show
Shooters of Faith
Woody's Custom Rods
Bob Rees' Fishing Guide Service
Northwest Angling Experience
NW Guides and Anglers Association
Oregon River Trails Outfitters
The Guides Forecast
Trout Unlimited, Oregon Council
Appalachian Outdoors
Citizens for Pennsylvania's Future
Endless Mountains Outfitters
Fly Fisher's Paradise
Izaak Walton League of America, PA Division
Izaak Walton League, Berks County
Izaak Walton League, Brownsville Area
Izaak Walton League, Fairmount Springs
Izaak Walton League, Franklin County
Izaak Walton League, Harry Enstrom
Izaak Walton League, John Harris
Izaak Walton League, Lancaster Red Rose
Izaak Walton League, Lebanon County
Izaak Walton League, Oil City
Izaak Walton League, Uniontown
Izaak Walton League, York
Joe Humphrey's Professional Fly Fishing Enterprises
PA Chapter of The Wildlife Society
Pike County Chapter PA Federation of Sportsmen's Clubs
The Sporting Gentleman
Tom Baltz Angling Adventures
Trout Unlimited, Adams County
Trout Unlimited, Arrowhead Chapter
Trout Unlimited, Art Bradford-Northern Tier, #357
Trout Unlimited, Caldwell Creek #437
Trout Unlimited, Chestnut Ridge
Trout Unlimited, God's Country Chapter
Trout Unlimited, Iron Furnace Chapter
Trout Unlimited, Kettle Creek Chapter
Trout Unlimited, Mt. Laurel Chapter
Trout Unlimited, Neshannock #216
Trout Unlimited, Northwest PA #41
Trout Unlimited, State Chapter
Trout Unlimited, Valley Forge Chapter
Tussey Mountain Outfitters
West Chester Fish, Game and Wildlife
Federated Rhode Island Sportsmen's Clubs, Inc.
Northern Rhode Island Chapter, TU
South Carolina Wildlife Federation
Trout Unlimited, Chattooga River Chapter
Trout Unlimited, Mountain Bridge Chapter
Trout Unlimited, Saluda River Chapter
Trout Unlimited, SC Council
South Dakota Wildlife Federation
Tennessee Council of Trout Unlimited
Sensible Management of Aquatic Resources Team
Texas Association of Bass Clubs
Trout Unlimited, Utah Council
Friends of the Middle River
Riverfest
Trout Unlimited, Virginia Council
Trout Unlimited, Winchester #638
Virginia Anglers Club
Virginia Conservation Network
Wildlife Foundation of Virginia
Washington Wildlife Federation
West Virginia Rivers Coalition
Trout Unlimited, Aldo Leopold Chapter
Trout Unlimited, Blackhawk Chapter
Trout Unlimited, Coulee Region
Trout Unlimited, Kiap-TU-Wish Chapter
Trout Unlimited, Lakeshore Chapter
Trout Unlimited, Southeast Wisconsin Chapter
Trout Unlimited, Southern Wisconsin
Trout Unlimited, Wisconsin Council
Trout Unlimited, Upper Bear River Chapter

America's hunters, anglers, and the $79-billion industry that supports them are glad to see long overdue action to reduce mercury pollution. Limiting mercury and cutting carbon pollution will help protect our longstanding investment in our outdoor heritage. We thank the Administration and strongly urge Congress to prevent any rollback of the Clean Air Act.

NATIONAL WILDLIFE FEDERATION
TROUT UNLIMITED

For more information: www.nwf.org/cleanair

01268-EPA-1625

Bicky Corman/DC/USEPA/US
03/01/2012 09:13 AM

To Richard Windsor, Diane Thompson, Barbara Bennett, Michelle DePass
cc
bcc
Subject OECD/Chicago

Administrator:

In yesterday's morning meeting, I informed you of an OECD Roundtable of Ministers and Mayors conference in Chicago next week that Shalini and I are attending. This Roundtable is co-organized by the OECD, the City of Chicago, the C40 Cities Climate Leadership Group, HUD, and the Metropolitan Planning Council. (b) (5) Deliberative

[redacted]

This is the fourth Roundtable meeting. Evidently, the idea of the Roundtable meetings began in the 2010 meeting in Rio. The first three Roundtable meetings were held in Europe, so there were high level discussions about holding one of them in the U.S. Chicago was selected at least in part because the OECD Directorate involved has completed a "territorial review" of Chicago, which it will present at the conference.

(b) (5) Deliberative

[redacted]

Additional Background on the Fourth Meeting of the OECD Roundtable of Mayors

and Ministers

- The Chicago roundtable is organized and chaired by:

  - City of Chicago (Rahm Emanuel, Mayor of host city.)
  - OECD (Angel Gurria, OECD Secretary-General)
  - C40 Cities Climate Leadership Group (Michael Bloomberg, Chairman of C40)
  - HUD (Shaun Donovan, Secretary HUD)

- This meeting is entitled: "Mobilizing Investments for Urban Sustainability, Job Creation, and Resilient Growth." The four previous meetings were:

  "Cities and Green Growth" Roundtable, Paris, 2010
  "Competitive Cities and Climate Change" Roundtable, Milan, 2008

  "Rethinking the Urban Policy Agenda" Roundtable, Madrid, 2007

- US Delegation

  - HUD -6
  - DOC-Economic Development Administration (1)
  - EPA – 2 (Shalini and Bicky)
  - DOS -3
    - US Ambassador to OECD (always accompanies OECD General Secretary to US Meetings
    - Lawrence Gumbiner, Deputy Assistant Secretary (Rio+20 lead for State)
    - One additional

UNEP Sustainable Community Initiative under development for Rio+20

- (b) (5) Deliberative

Background on OECD Territorial Reviews: Competitive Cities in the Global Economy

- OECD published a report in 2006 that studied the 78 largest metro-regions in the OECD. Chicago is one of 22 US Cities in the report.

- Published by the OECD Directorate for Public Governance and Territorial Development (The Public Governance and Territorial Development Directorate (GOV), assists countries in adapting their public sector governance arrangements to the changing needs of society.)

(See attached file: OECD participants.xlsx)  - OECD participants.xlsx

First Name	Last Name	Mr./Ms. Dr./other
Anthony	Albanese	Honorable
Daniel	Barbar	Mr.
David	Hammond	Mr.
Robert	Doyle	Lord
Eduardo	Paes	Mr.
Rodrigo	Rosa	Mr.
Leandro	Matieli	Captain
Gregor	Robertson	Mr.
Gérald	Tremblay	Mr.
Eric	Marquis	Mr.
Tomas	Chalupa	Mr.
Vladislav	Dykast	Mr.
Katerina	Rysova	Ms.
Claes	Nilas	Mr.
Siim	Kiisler	Mr.
Priidu	Ristkok	Mr.
Hannu	Penttila	Mr.
Arab	Hoballah	Mr.
Yorgos	Kaminis	Mr.
Sutanto	Soehodho	Mr.
Orrada	Sinurat	Mr.
Jan	O'Sullivan	Ms.
Aidan	Culhane	Mr.
Aisling	Glynn	Ms.
Giorgio	Orsoni	Dr.
Antonio	Armellini	Dr.
Pierpaolo	Campostrini	Dr.
Keiichi	Ozawa	Mr.
Takeshi	Abe	Mr.
Taku	Honiden	Mr.
Sachio	Muto	Mr.
Claude	Wiseler	Dr.
Romain	Diederich	Mr.
Sara	Topelson Fridm	Ms.
Eduardo	Rivera Pérez	Mr.
Jose Ignacio	Kasusky	Mr.
Abdelouahed	Fikrat	Mr.
Nabil	Benabdallah Mc	Mr.
Henk	Ovink	Mr.
Carolien	Gehrels	Ms
Susana	Villaran de la Pu	Ms.
Rebeca	Panchano Petrc	Ms.
Piotr	Zuber	Mr.
Leszek	Drogosz	Mr.
Hanna	Gronkiewicz-W	Ms.
Elzbieta	Bienkowska	Ms.
Andrejz	Husband Mayor	Mr.
Birakane	Ndiaye.	Mr.
Khalifa	Ababacar Sall	Mr.
Lee/ MOS Lee	Yi Shyan	Mr.
Anders	Flanking	Mr.

Staffan	Tillander	Dr.
Ilmar	Reepalu	Mr.
Julia	Janiec	Ms
Guy	Morin	Dr.
Daniel	Wiener	Mr.
Erdoğan	Bayraktar	Mr.
Mehmet Ali	Kahraman	Mr.
Mücahit	Göğbulut	Mr.
Jessica	Bowles	Ms.
Richard	Leese	Sir
Neill	Coleman	Mr.
Shelley R.	Poticha	Ms.
Justin	Sheid	Mr.
Ana Marie	Argilagos	Ms.
Steward	Sarkozy-Banoc	Mr.
Amy Ann	Fraenkel	Ms.
Hilary	French	Ms
Cecilia	Martinez	Dr.
Shalini	Vajjhula	Dr.
Erika C.	Poethig	Ms.
Peter	TRUE	Mr.
Thomas	Dakich	Mr.
Peter	Feldman	Mr.
James	Brooks	Mr.
Derek	Douglas	Mr.
Stephen	Jordan	Mr.
Lawrence J.	Gumbiner	Mr.
Patrick H.	Hays	Mr.
Adele	Simmons	Ms.
Stephen	Hammer	Dr.
Rahm	Emanuel	Mr.
David	Spielfogel	Mr.
Eric	Phillips	Mr.
Tom	Alexander	Mr.
Marylinn	Rubio	Ms
George W.	McCarthy	Mr.
Don	Chen	Mr.
Michael	Schmitz	Mr.
Shaun	Donovan	Mr.
Raphael	Bostic	Dr.
Robert	Acker	Mr.
Thomas	Guevara	Mr.
Christopher B.	Coleman	Mr.
Timothy	Ossowski	Mr.
Karen	Kornbluh	Ms
Jill	Schuker	Ms.
Susan	Fridy	Ms.
Matthias	Rumpf	Mr.
Holly	Richards	Ms.
Nathalie	Girouard	Ms.
Adam	Ostry	Mr.
William	Tompson	Dr.
Olaf	Merk	Mr.
Alexis	Robert	Ms.
Suzanne	Leprince	Ms.

Javier	Sanchez-Reaza	Dr.
Yasushi	Yoshida	Dr.
Joaquim	Oliveira Martins	Mr.
Betty-Ann	Bryce	Ms.
Rolf	Alter	Mr.
Tadashi	Matsumoto	Mr.
Caitlin	Connelly	Ms.
Lamia	Kamal-Chaoui	Ms.
Jeanette	Duboys	Ms.
Justin	Kavanagh	Mr.
Alison	Benney	Ms

Title	City
Minister for Infrastructure and Transport	Canberra
Advisor to the Minister for Infrastructure and Transport	Canberra
Counsellor (Transport)	Washington
Mayor of Melbourne	Melbourne
Mayor	Rio de Janeir
Special Advisor to the Mayor of Rio de Janeiro	Rio de Janeir
Aide-de-camp to the Mayor	Rio de Janeir
Mayor	Vancouver
Mayor	Montreal
Délégué Général du Québec à Chicago	Chicago
Minister	Prague
	Prague
	Prague
Permanent Secretary of State	Copenhagen
Minister for Regional Affairs	Tallinn
Head of Regional Development Department	Tallinn
Mayor for City Planning and Real Estate	Helsinki
Chief, Sustainable Consumption and Production Branch	Paris
Mayor of Athens	Athens
Deputy Governor of Jakarta	Jakarta
Head of Sub Division for Technical and Foreign Cooperation	Jakarta
Minister for Housing and Planning	Dublin
Special Advisor to the Minister for Housing and Planning	Dublin
Observer Private Secretary to Jan O'Sullivan TD	Dublin
Mayor	Venice
International Relations Advisor	Venice
Managing Director	Venice
Vice-Minister for Land and Hokkaido Development	Tokyo
Advisor	Tokyo
Official	Tokyo
First Secretary	Washington
Ministre	Luxembourg
Premier Conseiller du Gouvernement	Luxembourg
Undersecretary of Urban and Regional Development	Mexico
Presidente Municipal/ Mayor of Puebla	Puebla
Director of Promotion	Puebla
Directeur Aménagement du Territoire	Rabat
Minister of Housing, Urbanism and Policy of the city	Rabat
Deputy Director General Spatial Planning	The Hague
Deputy Mayor	Amsterdam
Mayor	Lima
Assistant to the Mayor of Lima	Lima
Director of the Department of Structural Policy	Warsaw
Director of Infrastructure Department	Warsaw
Mayor of Warsaw	Warsaw
Minister for Regional Development	Warsaw
	Warsaw
Directeur de Cabinet du Maire de la Ville de Dakar	Dakar
Mayor	Dakar
Minister of State	Singapore
State Secretary	Stockholm

Ambassador	Stockholm
Mayor	Malmo
	Malmo
President of the Government of Basil	Basil
Chairman of the Global Energy Basil Foundation	Basil
Minister of Environment and Urbanisation	Ankara
General Director	Ankara
Security	Ankara
Head of City Policy, Manchester City Council	Manchester
Leader of the Council	Manchester
General Deputy Assistant Secretary of Public Affairs	Washington
Director Office of Sustainable Housing and Communities	Washington
Special Assistant Office for International and Philantropic Innovation	Washington
Deputy Assistant Secretary Office for International and Philantropic Innovation	Washington
Acting Director Office for International and Philantropic Innovation	Washington
Regional Director	Washington
Programme Officer	Washigton
Director	New York
Special Representative	Washington
Deputy Assistant Secretary	Washington
Public Affairs Officer	Washington
Observer Attorney	Indianapolis
Observer CEO and Principal	New York
Observer Program Director	Washington
Vice President of Civic Engagement	Chicago
Executive Director	Washington
Deputy Assistant Secretary	Washington
Mayor	North Little R
Observer Senior Executive	Chicago
Observer Lecturer in Energy Planning	Cambridge, M
Mayor of Chicago	Chicago
Chief of Policy and Strategic Planning	Chicago
	Chicago
Assistant Press Secretary	Chicago
	Chicago
	New York
Senior Program Officer	New York
Executive Director	Oakland
Secretary	Washington
Assistant Secretary Office of Policy Development and Research	Washington
ELO Assigning Officer	Washington
Deputy Assistant Secretary	Washington
Mayor of St Paul	St Paul
Director of Member Services	Washington
U.S. Ambassador to the OECD	Paris
Head of OECD	Washington C
Senior Manager for Public Affairs	Washington
Chief Media Officer	Washington I
Public Affairs Officer	Washington I
Green Growth Coordinator	Paris
Senio Councellor, Public Governance and Territorial Development Policy	Paris
	Paris
Administrator	Paris
Urban Policy Analist	Paris
Staff	Paris

Economist	Paris
Head of Division	Paris
Head of Division	Paris
Policy Analyst	Paris
Director, Public Governance and Territorial Development Policy	Paris
Senior Policy Analyst	Paris
Consultant	Paris
Head of the Urban Development Programme	Paris
Acting Communications Coordinator	Paris
Communications Support	Paris
Social Media Coordinator	Paris

Country	Government Department/ Agency/Organization	Yes 8 Mar
Australia	Parliament House	1
Australia	Parliament House	1
Australia	Embassy of Australia in Washington	1
Australia	City of Melbourne	1
Brazil	Prefeitura do Rio	1
Brazil	Prefeitura do Rio	1
Brazil	Prefeitura do Rio	1
Canada	City Council	1
Canada	City of Montréal	1
Canada	Gouvernement du Québec à Chicago	1
Czech Republic	Ministry of Environment	1
Czech Republic	Ministry of Environment	1
Czech Republic	Ministry of Environment	1
Denmark	Government of Denmark	1
Estonia	Estonian Ministry of the Interior	1
Estonia	Estonian Ministry of the Interior	1
Finland	City of Helsinki	1
France	UNEP	1
Greece		
Indonesia	Jakarta Capital City Government	1
Indonesia		
Ireland	Department of the Environment Community and local Government	1
Ireland	Department of the Environment Community and local Government	1
Ireland	Department of the Environment Community and local Government	1
Italy	City of Venice	1
Italy	City of Venice	1
Italy	CORILA (Consortium for Coordination of Research Activities Concerning the	1
Japan	Ministry of Land, Infrastructure, Transport and Tourism	1
Japan	Ministry of Land, Infrastructure, Transport and Tourism	1
Japan	Ministry of Land, Infrastructure, Transport and Tourism	1
Japan	Embassy of Japan	1
Luxembourg	Ministry of Sustainable Development and Infrastructures	1
Luxembourg	Gouvernement du Luxembourg	1
Mexico	Ministry of Urban and Regional Development	1
Mexico	City of Puebla	1
Mexico	City of Puebla	1
Morocco	Ministry of Housing, Urbanism and Policy of the City	1
Morocco	Ministry of Housing, Urbanism and Policy of the City	1
Netherlands	Ministry of Infrastructure and Environment	1
Netherlands	City of Amsterdam	1
Peru	City Council	1
Peru	City Council	1
Poland	Ministry of Regional Development	1
Poland	City of Warsaw	1
Poland	City of Warsaw	1
Poland	Ministry of Regional Development	1
Poland		
Senegal	City Council	1
Senegal	City Council	1
Singapore	Ministry of Trade and Industry & Ministry of National Development	1
Sweden	Ministry of Environment	1

Sweden	Permanent Mission of Sweden to the United Nations	1
Sweden	City of Malmo	1
Sweden	City of Malmo	1
Switzerland	City Council	1
Switzerland	City Council	1
Turkey	Ministry of Environment and Urbanization	1
Turkey	Ministry of Environment and Urbanization	1
Turkey	Ministry of Environment and Urbanization	1
United Kingdom	City Council	1
United Kingdom	City Council	1
USA	Department of Housing and Urban Development	1
USA	Department of Housing and Urban Development	1
USA	Department of Housing and Urban Development	1
USA	Department of Housing and Urban Development	1
USA	Department of Housing and Urban Development	1
USA	UNEP	1
USA	UNEP	1
USA	UN-Habitat	1
USA	EPA	1
USA	Department of Housing and Urban Development	1
USA	Department of Housing and Urban Development	1
USA	Observer	
USA	Observer	
USA	National League of Cities	1
USA	University of Chicago	1
USA	Business Civic Leadership Center	1
USA	US Department of State	1
USA	City Council	1
USA	Metropolis Strategies	1
USA	MIT Department of Urban Studies and Planning	1
USA	City of Chicago	1
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USA	Ford Foundation	1
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USA	ICLEI	1
USA	Department of Housing and Urban Development	1
USA	Department of Housing and Urban Development	1
USA	Department of State	1
USA	Department of Commerce, Economic Development Administration	1
USA	City of St Paul	1
USA	Business Forward	1
USA	US Department of State	1
USA	OECD	1
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Total Yes Day 1 **108**
Total Yes Day 2
Total Accompagning Delegate
Total Primary Delegate
Total Observer
Total OECD

Yes 9 Mar	Primary Delegate	Accompany Delegate	Other Delegate	Observer	OECD	Airline	Arrival Date
1	1					Quantas	3/6/2012 18:15
1			1			Quantas	3/6/2012 18:15
1			1			American A	3/6/2012 11:15
1	1						
	1					United Airli	3/8/2012 5:27
			1			United Airli	3/8/2012 5:27
			1			United Airli	3/8/2012 5:27
	1					United Airli	3/7/2012 17:20
	1						
			1				
	1					Swiss	3/6/2012 15:55
			1			Swiss	3/6/2012 15:55
			1			Swiss	3/6/2012 15:55
1	1					United Airli	3/7/2012 18:10
1	1					SAS	3/7/2012 18:10
1			1			SAS	3/7/2012 18:10
1	1					American A	3/7/2012 20:20
1			1				3/7/2012 16:35
1	1					JAL	3/7/2012 7:45
			1				
1	1					Aerlingus	3/6/2012 15:30
1			1			Aerlingus	3/6/2012 15:30
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1	1						
1			1				
1			1				
1	1					Japan Airlir	3/7/2012 7:45
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1	1					Lufthansa	07-03-2012 18:50p
1			1			Lufthansa	07-03-2012 18:50p
1	1					American A	3/7/2012 18:35
1	1					United Airli	3/7/2012 19:29
1			1			United Airli	3/7/2012 19:29
1			1			Air France	3/7/2012 19:20
1	1					Air France	3/7/2012 19:20
1					1		
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1	1						
1			1				
1			1			Polish Airlir	06-03-2012 19:45p
1			1			Polish Airlir	3/6/2012 19:45
1	1					Polish Airlir	3/4/2012 19:45
1	1					Polish Airlir	3/6/2012 19:45
				1		Polish Airlir	3/6/2012 19:45
1			1			Air France	07-03-2012 16:30p
	1					Air France	07-03-2012 16:30p
	1						3/7/2012 7:55
1	1					United Airli	07-03-2012 13:11p

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1		1			Scandinavi	3/7/2012 18:10
1	1				Swiss	3/7/2012 15:55
1		1			Swiss	3/7/2012 15:55
1	1				Turkish Air	3/7/2012 15:40
1		1			Turkish Air	3/7/2012 15:40
1		1			Turkish Air	3/7/2012 15:40
1		1			American A	3/7/2012 20:20
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1	1				United Airli	3/7/2012 18:37
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1	1				Delta	3/7/2012 18:45
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	1				Delta	3/8/2012 8:36
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1				1	United Airli	3/7/2012 15:02
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1				1	United Airli	3/7/2012 15:02
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1				1	Air France	3/6/2012 13:35
1				1	Delta	3/4/2012 10:40

1			1	American A	3/6/2012 18:35
1			1	United Airli	3/7/2012 15:02
1			1	United Airli	3/7/2012 15:02
1			1		
1			1	United Airli	3/7/2012 15:03
1			1	United Airli	3/7/2012 11:16
1			1		3/4/2012 10:40
1			1		
1			1	United Airli	3/5/2012 14:40
1			1	American A	3/5/2012 14:40
1			1		

92

43

35

14

21

Arrival Flight #	Departure Date	Departure Flight#	Interpretation Staff	Ground Transportation		Lunch Choice	Lunch	Fairmont Chicago
QF3013	3/9/2012 17:10					Chicken	1	1
QF3013	3/9/2012 17:10					Chicken	1	1
AA 467	3/9/2012 18:35	AA 1544				Chicken	1	1
UA 842	3/8/2012 21:30	UA 843			1	Beef	1	1
UA 842	3/8/2012 21:30	UA 843			1	Fish	1	1
UA 842	3/8/2012 21:30	UA 843			1	Fish	1	1
246	09-03-2012 8:50am				1	Vegetarian	1	
						Beef	1	
						Chicken	1	
LX8	3/8/2012 18:01	UA 972			1	Beef	1	1
LX8	3/8/2012 19:10	LX9			1	Beef	1	1
LX8	3/8/2012 19:10	LX9			1			1
UA 6939	3/9/2012 22:05				1	Beef	1	1
SK 943	3/10/2012 22:05	SK 944			1	Beef	1	
SK 943	3/10/2012 22:05	SK 944			1	Beef	1	
AA 91	3/11/2012 17:55	AA 54			1	Beef	1	
AC 0509	3/10/2012 11:30	KE 0038			1	Fish	1	
JL 10K	3/10/2012 10:15				1	Beef	1	1
EI 125	3/9/2012 19:15				1	Fish	1	1
EI 125	3/9/2012 19:15				1	Fish	1	1
EI 125	3/9/2012 19:15				1	Fish	1	1
						Beef	1	1
						Beef	1	1
						Fish	1	1
JL010	3/10/2012 12:15	JL7009	1			Beef	1	
JL010	3/10/2012 12:15	JL7009				Beef	1	
JL010	3/10/2012 12:15	JL7009				Beef	1	
LH434	10-03-2012 21:20p	LH435			1	Fish	1	1
LH434	10-03-2012 21:20p	LH435			1	Beef	1	1
AA 594	3/10/2012 14:55	AA 687			1	Fish	1	1
UA 542	3/11/2012 18:10	UA 624			1	Beef	1	
UA 542	3/11/2012 18:10	UA 624			1	Beef	1	
AF 9180	3/10/2012 16:50				1	Fish	1	
AF 9180	3/10/2012 16:50				1	Fish	1	
						Fish	1	
	3/10/2012 0:00					Fish	1	
					1	Chicken	1	
					1	Beef	1	
LO3	3/9/2012 17:25	LO2				Chicken	1	1
LO3	3/10/2012 17:25	LO2				Beef	1	1
LO3	3/10/2012 17:25	LO2				Chicken	1	1
LO3	09-03-2012 17:25p	LO2				Chicken	1	1
LO3	3/10/2012 17:25	LO2						
DL 5713	09-03-2012 18:29p/	DL 1863			1	Chicken	1	
DL 5713	09-03-2012 18:29p/	DL 1863			1	Fish	1	1
NH 12	09-03-2012 10:45a	NH 11			1	TBC	1	1
UA28	13-03-2012 20:15pm					Beef	1	

						Beef	1		
SK 0943	3/10/2012 22:05				1	Beef	1		
SK 0943	3/10/2012 22:05				1	Beef	1		
LX8	3/9/2012 19:10	LX9			1	Fish	1	1	
LX8	3/10/2012 8:40	UA 674				Fish	1	1	
TK 5	3/9/2012 17:15		1		1	Fish	1	1	
TK 5	3/9/2012 17:15		1		1	Fish	1	1	
TK 5	3/9/2012 17:15				1	Fish	1		
AA91	3/11/2012 17:55	AA84			1	Fish	1	1	
AA91	3/11/2012 17:55	AA84			1	Beef	1	1	
						Fish	1		
						Chicken	1		
						Fish	1		
						Fish	1		
						Fish	1		
UA 965	3/9/2012 13:50	UA 460			1	Chicken	1		
					1	Beef	1		
UA 1869	3/9/2012 18:15	UA 0267			1	Vegetarian	1	1	
						Fish	1		
						Fish	1		
						Chicken	1	1	
						Chicken	1	1	
						Beef	1		
						Fish	1		
3405	09-03-2012 6:29pm				1	Fish	1	1	
						Fish	1		
						Fish	1		
						Vegetarian	1		
5953	3/9/2012 19:30	west 1814				Fish	1	1	
						Fish	1		
						Beef	1		
						Fish	1		
	3/10/2012								
						Fish	1		
5717	3/8/2012 19:20	5752				Fish	1		
						Fish	1		
AA 041	3/9/2012 17:09	AA 544			1	Fish	1	1	
						Beef	1	1	
						Fish	1	1	
						Fish	1	1	
						Fish	1	1	
UA947	3/9/2012 18:17				1	Fish	1	1	
	3/10/2012 0:00					Fish	1	1	
943Z	3/9/2012 18:17				1	Fish	1	1	
						Fish	1	1	
AF 3602	3/9/2012 16:50	AF 3603				Beef	1	1	
DL 0593	3/10/2012 16:50	DL 0592				Beef	1	1	

AA 0596	3/10/2012 16:55		1	Beef	1	1
UA 9430	3/11/2012 10:55			Chicken	1	1
943Z	3/9/2012 18:17		1	Chicken	1	1
				Chicken	1	1
UA 9430	3/9/2012 0:00		1	Fish	1	1
UA 896	3/11/2012 10:55	UA 610	1	Beef	1	1
	3/9/2012 0:00			Vegetarian	1	1
				Vegetarian	1	1
UA 0041	3/10/2012 0:00			Fish	1	1
UA 0041	3/10/2012 9:45		1			1
				Beef	1	

101

58

Dinner YES	Dinner NO	From Cultural Center to	From Fairmont Hotel to	Back to the Fairmont	E-mail of Staff C	Contact E
1						
1						
1			1	1	david.hammond@infrastructure.g	
1		1	1	1	robert.doyle@melbourne.vic.gov.a	
					(b) (6) Privacy	
					(b) (6) Privacy	
					gregor.robertson@vancouver.ca	
1			1		marieclaudetherrien@ville.montre	
1			1		eric.marquis@mri.gouv.qc.ca	
					katerina.rysova@mzp.cz	
					katerina.rysova@mzp.cz	
					katerina.rysova@mzp.cz	
1				1	clni@mbbl.dk	
1		1			info@siseministeerium.ee	
1		1			info@siseministeerium.ee	
1			1	1	hannu.penttila@hel.fi	
					arab.hoballah@unep.fr	
1		1		1	(b) (6) Privacy	
1		1		1		
					ministerofstate@environ.ie	
					aidan.culhane@environ.ie	
					aisling@glynn@environ.ie	
1			1	1	international.relations@comune.v	
1			1	1	(b) (6) Privacy	
1			1	1	campostrini@corila.it	
1		1			ozawa-k2du@mlit.go.jp	
1		1			t.abe@jeri.co.jp	
1		1			honiden-t2ba@mlit.go.jp	
1		1			sachio.muto@mofa.go.jp	
					claude.wis Mr. Diederi romain.die	
					romain.diederich@mat.etat.lu	
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					spanchano@nunlima.gob.pe	
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					khalifa.sall@villededak vydia.tamb	
1		1	1	1		
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				raphael.w.bostic@hud.gov
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				susan.fridy@oecd.org
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				holly.richards@oecd.org
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1				adam.ostry@oecd.org
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				alexis.robert@oecd.org
1		1	1	suzanne.leprince@oecd.org

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1	1		1	tadashi.matsumoto@oecd.org
				(b) (6) Privacy
1		1	1	lamia.kamal-chaoui@oecd.org
				jeanette.duboys@oecd.org
				justin.kavanagh@oecd.org
1	1		1	alison.benney@oecd.org

Phone	DAY 2 Morning session	DAY 2 Lunch session	Afternoon Option A	Afternoon Option B
	1	1		
	1	1		
(1) 202 341 8683	1	1		
6139658 9825	1	1	1	1
5521 2976 9172/9114				
5521 8909 3148/ Hotel Fairmont 1(800) 526 2008				
5521 2976 9172				
604 873 7622				
(514) 872 6402				
(1) 312 645 03 92 ext. 59711				
(42) 0267122526/ (42) 0725755620				
(42) 0267122526				
(42) 0267122526				
(45) 4171 7701	1	1	1	
(372) 612 5049	1	1	1	
(372) 612 5049	1	1	1	
(358) 50331 3939				
(33) 0675 72 6664				
(62) 816 713 174	1	1		
	1	1		
(353) 87 243 02 99				
(353) 87 688 5172				
(353) 87 268 63 53				
(39) 412 7482 80	1	1		1
(39) 412 7478 23	1	1		1
(39) 412 4025	1	1		1
(81) 3 5253 8111/ 20051	1	1		
(81) 3 5280 6101	1	1		1
(81) 3 5253 8111/ 32204	1	1		1
(1) 212 238 6717	1	1		
(352) 247 83301				
(352) 621 54 14 16				
(52) 55 53 28 50 22	1	1	1	
(52) 222 309 46 00 ext 7055				
(52) 222 309 4600 ext. 7055				
(212) 661 76 196				
(212) 661 14 34 34	1	1	1	1
(31) 7045 61 491	1	1	1	
(31) 20 552 2200				
(51) 1 31 51300				
(51) 1 994 54 1024				
(44) 601 273 659	1	1		
(48) 22 443 35 85	1	1	1	
(48) 22 443 10 63	1	1	1	
(44) 601 273 659	1	1		
(221)76529 83 60				
(221)771181550				
(46) 8 405 20 53				

(1) 212 583 25 71				
(46) 40 34 10 02	1	1	1	
(46) 40 34 10 04/ (46) 705 97 07 47				
(41) 61 205 10 10				
(90) 312 419 61 64				
(90) 312 285 77 66				
(44)1612341366				
(44) 1612341366				
(1) 202 402 74 27				
(1) 202 402 60 45				
(1) 202 402 23 74				
(1) 202 402 54 21				
(1) 202 402 57 92				
(1) 202 847 1808				
(1) 202 974 18 15				
(1) 202 963 42 00/ (1) 917 374 41 38				
(1) 202 564 2789	1	1		
(1) 202 402 5613				
(1) 202 821 9125				
(1) 317 966 49 67				
(1) 646 383 4666				
(1) 202 626 3163				
(1) 773 702 6815				
(1) 202 463 3133	1	1	1	1
(1) 501 340 5301				
(1) 312 332 8161				
(1) 917 499 3463				
(1) 312 744 2818				
(1) 312 744 27 67				
(1) 312 744 33 66				
(1) 312 744 7092				
(1) 212 573 4778				
(1) 212 573 5092				
(1) 510 844 0699 ext 312	1	1		1
(1) 202 402 64 57				
(1) 202 708 1600				
(1) 619 992 8178				
(1) 202 482 5891				
(1) 651 266 8535	1	1		1
(1) 970 219 6412	1	1	1	1
(33) 145 24 74 14	1	1		
(1) 202 822 38 66	1	1		
(1) 202 822 38 69	1	1		
(1) 202 822 3865	1	1		1
(1) 202 255 7216	1	1		
(33)145 24 8482	1	1	1	1
(33) 6 27 67 22 14	1	1		1
(33) 145 24 15 76	1	1		
(33) 145 24 16 60				
(33) 145 24 83 19				

(33) 145 24 76 94	1	1		1
(33) 145 24 88 53				
(33) 145 24 15 38				
(33) 145 24 14 10	1	1		
(33) 145 24 93 45	1	1		1
(33) 145 24 15 90				
(33) 145 24 16 73				
(33) 145 24 76 27				
(33) 0681 588088				
(33) 145 24 80 24	1	1	1	
	41		**14**	**16**
		41		

Country	Name
Australia	Anthony Albanese Robert Doyle
Bolivia	Jorge Quiroga
Brazil	Eduardo Paes
Canada	Kim Campbell Gregor Robertson Gerald Tremblay
Colombia	Elena Uribe Botero
Czech Republic	Tomas Chalupa
Denmark	Claes Nilas (Deputy Minister)
Estonia	Siim Valmar Kiiser
Finland	Hannu Penttilä
Greece	Yorgos Kaminis
Indonesia	Sutanto Soehodho
Ireland	Jan O'Sullivan, TD
Italy	Giorgio Orsoni
Japan	Keiichi OZAWA (Vice Minister)
Luxembourg	Claude Wiseler
Mexico	Sara Topelson Eduardo Rivera Pérez
Morocco	Nabil Benabdellah Mohamed Sajid
Peru	Susan Villaran
Poland	Elzbieta Bieńkowska Hanna Gronkiewicz-Waltz
Russian Federation	Andrei Vladimirovich Sharonov
Senegal	Khalifa Ababacar Sall
Singapore	Lee Yi Shyan
Sweden	Anders Flanking Ilmar Reepalu
Switzerland	

	Guy Morin
The Netherlands	
	Carolien Gehrels
	Ruud Lubbers
Turkey	
	Erdoğan Bayraktar
United Kingdom	
	Sir Richard Leese
United States	
	Michael Bloomberg
	Christopher Coleman
	Shaun Donovan
	Rahm Emanuel
	Patrick Henry Hays
	Karen Kornbluh
	Reta Jo Lewis
UN HABITAT	
	Cecilia Martinez
UNEP	
	Amy Fraenkel
World Bank	
	Abha Joshi-Ghani

Total (by category)
Total confirmed (mixed)
Total high interest (mixed)

Title/Ministry	Status	Mayor
Leader of the House, Minister for Infrastructure and Transport	Confirmed	
Mayor of Melbourne	Confirmed	**1**
Former President, Club of Madrid	Confirmed	
Mayor of Rio	Confirmed	1
Former Prime Minister	Confirmed	
Mayor of Vancouver	Confirmed	1
Mayor of Montreal	Confirmed	1
Ministry of the Environment, Housing and Territorial Development	Confirmed	
Ministry of Environment	Confirmed	
Permanent Secretary of State	Confirmed	
Minister for Regional Affairs	Confirmed	
Mayor for City Planning and Real Estate	Confirmed	1
Mayor of Athens	Confirmed	1
Deputy Governor of Jakarta	Confirmed	1
Minister for Housing and Planning	Confirmed	
Mayor of Venice	Confirmed	1
Ministry of Land, Infrastructure, Transport and Tourism	Confirmed	
Minister of Sustainable Development and Infrastructures	Confirmed	
Undersecretary of Urban and Regional Development	Confirmed	
Mayor of Puebla	Confirmed	1
Ministry of Housing, Urbanism and Spatial Planning	Confirmed	
Mayor of Casablanca	Confirmed	1
Mayor of Lima	Confirmed	1
Minister of Regional Development	Confirmed	
Mayor of Warsaw	Confirmed	1
Deputy Mayor of Moscow	Confirmed	1
Mayor of Dakar	Confirmed	1
Minister of State, Ministry of Trade and Industry, Ministry of National Development	Confirmed	
State Secretary	Confirmed	
Mayor of Malmo	Confirmed	1

Mayor of Basel	Confirmed	1
Deputy Mayor of Amsterdam	Confirmed	1
Former Prime Minister, Club of Madrid	Confirmed	
Ministry of Environment	Confirmed	
Leader of the Council	Confirmed	1
Mayor of New York	Confirmed	1
Mayor of Saint Paul	Confirmed	1
Secretary Housing and Urban Development	Confirmed	
Mayor of Chicago	Confirmed	1
Mayor of North Little Rock	Confirmed	1
U.S. Ambassador to the OECD	Confirmed	
Special Representative for Global Intergovermental Affairs	Confirmed	
Director, UNHABITAT Office (New York)	Confirmed	
Director and Regional Director, UNEP Regional Office for North America	Confirmed	
Manager, Finance, Economics and Urban Department	Confirmed	

	Mayors
	22
	41
	0

Ministers	High interest	IGO	Club of Madrid	C40	C40 Interest	
	1					
					1	
				1		
					1	
				1		
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						1
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	1					
	1					

1

1

1

1

1

1

1

1

1

1

Ministers	High interest	IGO	Club	C40	C40 interested	Total Confirmed
16	**0**	**3**	**3**	**8**	**2**	44

01268-EPA-1674

Richard Windsor/DC/USEPA/US
04/05/2012 03:26 PM

To Lawrence Elworth, Jim Jones
cc
bcc
Subject Fw: Daily Reading File: April 4, 2012

see first article...

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/05/2012 03:25 PM -----

From: EPAExecSec
To: Aaron Dickerson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US, Heidi Ellis/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Elizabeth Ashwell/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, briefings@EPA
Date: 04/04/2012 04:32 PM
Subject: Daily Reading File: April 4, 2012
Sent by: (b) (6) Personal Privacy

Daily Reading File.4.4.12.pdf

Correspondence Management System

Control Number: AX-12-000-6065

Printing Date: April 04, 2012 03:56:11

Citizen Information

Citizen/Originator: **Lu, Chensheng Alex**
Organization: Harvard School of Public Health - Department of Environmental Health
Address: 401 Park Drive, Landmark Center West, Boston, MA 02215

Callahan, Richard
Organization: Worchester County Beekeepers Association
Address: 96 Twinbrook Drive, Holden, MA 01520

Warchol, Ken
Organization: Worchester County Beekeepers Association
Address: 137 Cooper Road, Northbridge, MA 01534

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6065	**Alternate Number:**	79820354505955
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 17, 2012	**# of Extensions:**	0
Letter Date:	Mar 23, 2012	**Received Date:**	Apr 3, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File-The link of neonicotinoid insecticides to honey bee's colony collapse disorder

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

Instruction Note: N/A

General Notes: N/A

CC: Carol Stangel - OCSPP-OPP-PRD
Lawrence Elworth - AO-IO
OEAEE - Office of External Affairs and Environmental Education
Richard Keigwin - OCSPP-OPP-PRD

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSPP	Apr 3, 2012	Apr 17, 2012	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				
Zelma Taylor	OCSPP	OCSPP-OPP	Apr 4, 2012	Apr 17, 2012	N/A
	Instruction: direct reply--Respond directly to this citizen's questions, statements or concerns				
Shirley Myers	OCSPP-OPP	OCSPP-	Apr 4, 2012	Apr 17, 2012	N/A

HARVARD SCHOOL OF PUBLIC HEALTH

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March 23rd, 2012

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

Subject: The link of neonicotinoid insecticides to honey bee's colony collapse disorder (CCD).

Dear Administrator Jackson,

We are writing to inform you about an important manuscript to be published in *Bulletin of Insectology* titled "*In situ replication of honey bee colony collapse disorder*" that links the vast loss of honey bee hives since 2006 to the exposure of imidacloprid, one of the commonly used neonicotinoid insecticides in the U.S. and worldwide.

We found that after three months of exposing honey bee hives to imidacloprid at the sub-lethal levels, 15 out of 16 (94%) exposed hives were lost to CCD six months after the termination of imidacloprid dosing. The loss of honey bee hives proceeded with a dose-response manner in which hives treated with highest imidacloprid dose of 400ppb are found dead first, following by dosages as low as 20ppb. Those levels were comparable to previously reported imidacloprid residue levels seen in the environment.

This *in situ* study was conducted in the natural environment where honey bee hives are normally thriving during the foraging seasons, yet when treated with different levels of imidacloprid, we observed the mortality of honey bee hives throughout their lifecycle resembling the reported CCD.

We conclude that it is likely that the presence of imidacloprid in the environment has placed enormous pressure for survival on honey bees. The design of this *in situ* study in the apiarian setting and the survival of control honey bee hives eliminated the possibility that the loss of honey bee hives is caused by common biological (pathogenic) factors, as reported in the current literature.

As a result of this research, we would like to offer these recommendations:

1. The discovery of sub-lethal doses of imidacloprid leading to honey bee CCD should be considered in the framework of implementing the Food Quality Protection Act for the

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neonicotinoid insecticides. Although we used only imidacloprid in this study, we suspect that other neonicotinoid insecticides, such as clothiadin, would share this deadly toxicity.

2. While the delayed mortality of honey bee hives identified in this study requires further validation, it also indicates the insufficiency of current toxicological testing for pesticides. Had we terminated this study at the end of imidacloprid dosing period (September, 2010) due to the survival of all hives (or not finding the dead honeybee colonies), we would have missed those remarkable observations six months later.

3. Considering the unique systematic property of neonicotinoid insecticides and their use in the increasing popularity of seed treatment program, honey bees are facing an enormous pressure for survival. This is in part the reason that we believe that since 2006, the loss of honey bee hives to CCD remains an ongoing challenge among beekeepers worldwide.

Finally, we would like to express our concern over the lack of federal funding to support pesticide research. Our research on CCD and neonicotinoid insecticides would not have been possible without pilot funding from Harvard University. And while U.S. EPA has been very supportive of pesticide research in the past, this commitment has dwindled since the early 2000's. While we were seeking additional funding from other federal agencies to continue this research in early 2012, Peter Alpert, Program Director of Population and Community Ecology Cluster at the National Science Foundation (NSF) said in response to our recent funding request.

"NSF does not support projects whose primary focus is on ecotoxicology and that therefore fall under the auspices of EPA. We felt that, while this project might provide useful information on the effects of toxic substances for purposes of management and regulation, it was not primarily directed at basic scientific questions."

We understand the current challenge of federal budgets and limited resources; however, we urge that you re-examine the priority of the extramural research program within U.S. EPA. The outcomes from this *in situ* study would not only justify EPA's investment in the extramural research and support EPA's regulatory activities, but could help us avoid the crisis of losing this important pollinator.

When we stood in front of the hives last spring, a very strange feeling surfaced. Four of the five hives that are treated with imidacloprid were so dead silent, whereas bees in the other control hive right next to those dead hives were so eager to welcome the arrival of Spring. The evidence of the cause of CCD is therefore so indisputable. The disappearing of the buzzing sound reminds us the "Silent Spring". Similar to the cause of "Silent Spring" as

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described by Ms. Carlson, we believe that the cause of honey bee loss can also be completely avoided.

We wish you the best.

Sincerely,

Chensheng (Alex) Lu, MS, PhD *Associate Professor of Exposure Biology* Dept. Environmental Health Harvard School of Public Health Boston, MA	Richard Callahan, PhD *Retired Entomologist* Worcester County Beekeepers Association Holden, MA	Ken Warchol *ex-Commonwealth Bee Inspector* Worcester County Beekeepers Association Northbridge, MA

Correspondence Management System

Control Number: AX-12-000-6107

Printing Date: April 04, 2012 04:00:37

Citizen Information

Citizen/Originator: **Anderson, William**
Organization: Moapa Band of Paiutes, Moapa River Indian Reservation
Address: P.O. Box 340, Moapa, NV 89025

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6107	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 18, 2012	**# of Extensions:**	0
Letter Date:	Apr 3, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- R9 will not grasp opportunity to impose stringent,cost effective controls that will protect public health in the region

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

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA
OAR - Office of Air and Radiation -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
OITA - Office of International and Tribal Affairs
OW - Office of Water -- Immediate Office
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	R9	Apr 4, 2012	Apr 18, 2012	N/A
	Instruction: N/A				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

MOAPA BAND OF PAIUTES

MOAPA RIVER INDIAN RESERVATION
BOX 340
MOAPA, NEVADA 89025
TELEPHONE 702.865.2787
FAX 702.865.2875

April 3, 2012

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

Re: EPA's Unjust Proposal with Respect to Reid Gardner Pollution

Dear Administrator Jackson,

I speak for the Moapa Band of Paiutes, a federally recognized Tribe within the plume and downwind of NV Energy's Reid Gardner coal-fired power plant and associated facilities.

Let me note, at the outset, that the land and the air and water here were relatively clean before the coal plant. But with NV Energy's arrival in our ancestral lands we have, for nearly six decades, suffered from the unrelenting air, water, and dust pollution generated by this facility, including the blowing coal ash and hydrogen sulfide gas pollution stemming, respectively, from the Reid Gardner coal ash landfill and wastewater ponds.

Yesterday, Region 9 of EPA proposed a Best Available Control Technology (BART) determination for Reid Gardner NOx pollution, pursuant to the Regional Haze Rule under the Clean Air Act, that is inconsistent with the law, inconsistent with EPA's strong decisions elsewhere (such as at the San Juan Generating Station in New Mexico), and contrary to the environmental justice principles to which you have nominally given support. In particular, EPA's proposed NOx limits allow pollution concentration levels several times greater than the limits you have approved elsewhere.

It is clear now that Region 9 will not, on its own, grasp the opportunity to impose stringent, cost-effective controls that will protect visibility in the region and, as a critical ancillary benefit, protect public health.

The Reid Gardner facility – including its coal ash landfill and its collection of wastewater ponds – is adjacent to the Tribe, within a mile of its community center, and within a ½ mile of the closest homes of Tribal Members. The facility generates significant quantities of regional haze pollution in Nevada and it imposes on Tribal members an overwhelming environmental and public health burden. The impacts of the coal plant, coal ash dump, and the wastewater ponds, on our community and on our way of life cannot be fully understood without coming to our community and speaking with Tribal Members. Because of this, in September 2011, we invited you to visit the Reservation and see for yourself. We hereby renew that invitation, in the hope that you will visit well before making a final decision on BART.

We appealed to you late last year out of concern that Region 9 would not do the right thing. Now, in the wake of the Region's submission to the coal plant and its rejection of the minimal demands of public health, we again seek your engagement. As you stated in your letter that commenced your Agency's Environmental Justice Plan 2014, "every American deserves clean air, water and land in the places where they live, work, play and learn."[1] We must ask you, now: Are we, the Moapa, within your scope of concern? If so, then for EPA to "[lead] by... working for environmental justice,"[2] it is necessary for you to take back this proposed determination.

Your Agency has acknowledged that breathing ozone reduces lung function, inflames the lining of the lungs, and permanently scars lung tissue.[3] Accordingly, failure to impose the most stringent cost effective controls will consign my people to unnecessary disease and early death. This failure itself constitutes a renewed environmental injustice, one that compounds the damage of decades of preventable pollution imposed on my people. Alternatively, you can choose to act firmly to meet Congress's visibility goals with the notable co-benefit of protecting public health and honoring your Agency's long-standing environmental justice commitments.

We urge you take strong action, at long last. Please intervene to ensure that your Agency, in crafting your final determination, upholds the law, protects the environment, and protects our people fully.

Thank you for your consideration. We look forward to hearing from you soon. Should you have any question, or should you wish to accept our invitation to visit the Reservation, please contact our attorney, Dan Galpern, at 541-359-3243, or galpern@westernlaw.org.

Sincerely,

William Anderson, Chairman
Moapa Band of Paiutes

---

[1] Message from Administrator Jackson in *Plan EJ 2014*, found at http://www.epa.gov/compliance/ej/plan-ej/index.html.
[2] *Id.*
[3] http://www.epa.gov/glo/health.html

Correspondence Management System

Control Number: AX-12-000-6108

Printing Date: April 04, 2012 02:52:23

Citizen Information

Citizen/Originator: **Beltman, Douglas**
Organization: Stratus Consulting
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Lipton, Joshua
Organization: Stratus Consulting
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Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6108	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 18, 2012	**# of Extensions:**	0
Letter Date:	Apr 3, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: United States Environmental Protection Agency Hardrock Mining Conference 2012 - Referencing Dr. Ann Maest
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	ORD	Apr 4, 2012	Apr 18, 2012	N/A
	Instruction: N/A				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

STRATUS CONSULTING
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JOSHUA LIPTON, PHD
President and CEO

April 3, 2012

The Honorable Lisa P. Jackson
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460
<via email>

Dear Ms. Jackson:

I am writing to you as President and Chief Executive Officer of Stratus Consulting, an environmental research consulting firm with offices in Boulder, Colorado and Washington, D.C. For more than 20 years, Stratus Consulting has provided expert technical support to our clients -- primarily federal, state, tribal and international governments -- in the areas of environmental science, economics and policy.

It has come to our attention that a group funded by the Competitive Enterprise Institute has initiated an internet-based letter-writing campaign to pressure the U.S. EPA to exclude Stratus Consulting's scientists, including Dr. Ann Maest, from participating in the EPA's Hardrock Mining Conference being held in Denver this week. We have also learned that the Colorado arm of the Washington, DC-based conservative organization Americans for Prosperity is planning to rally outside the conference, targeting Dr. Maest and Stratus Consulting as well as the EPA more generally.

We are concerned that the organizations behind these efforts are unfairly – and irresponsibly – taking aim at the integrity and credentials of our scientists in an effort to promote their own political and ideological agenda. The entity promoting the rally, for example, says that it "believes the [EPA's] rogue regulators and biased scientists are destroying jobs, driving-up energy costs, crippling America's competitiveness and contributing to the country's economic crisis."

Dr. Maest is an internationally-renowned geochemist, formerly with the U.S. Geological Survey, who is serving her sixth year as an elected member of the National Academy of Sciences (NAS) Committee on Earth Resources. In addition to serving on other related NAS committees, Dr. Maest has published widely in peer-reviewed scientific literature, and has been an invited speaker on geochemical and earth resource issues at academic institutions, scientific

meetings, government agencies, and numerous other national and international groups, including the United Nations. In short, she is an outstanding scientist with impeccable credentials who has made significant contributions to her field.

More broadly, Stratus Consulting stands by the quality, integrity, and reputation of our professional staff. Our senior staff have held staff positions at the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Geological Survey, and National Oceanic and Atmospheric Administration; have authored hundreds of peer-reviewed publications and presentations at national and international conferences; hold university appointments; have been appointed to serve on boards convened by the National Academy of Sciences and EPA's Science Advisory Board; have been recognized as part of the international panel that was awarded a Nobel Prize for its work on climate change; and are regularly invited to speak to national and international government agencies because of our technical expertise and reputation.

In advancing their current agenda, the organizations attacking Stratus Consulting and Dr. Maest are repeating unfounded and patently false allegations made by Chevron during its ongoing legal dispute over environmental pollution damage in the Amazon rainforest.

Here are the facts related to that dispute:

Stratus Consulting was hired to provide scientific assistance to attorneys representing a group of rural and indigenous Ecuadorians in their lawsuit in Ecuador against Chevron for large-scale environmental pollution damage in the Amazon rainforest. In the course of our work, we conducted technical analyses of Chevron's oilfield operations in Ecuador, the environmental contamination caused by those operations, and the resulting environmental impacts. Work on the project was similar to the type of environmental assessments Stratus Consulting has routinely performed for its U.S. federal and state government clients over the past two decades.

Released on the eve of the Ecuadorian court's $18 billion judgment against the company, Chevron asserted a series of unfounded RICO claims against Stratus Consulting and many other parties. Chevron's claims against Stratus Consulting are false and represent a gross misuse of the federal courts. Stratus Consulting never engaged in the misconduct alleged by Chevron, and Chevron knows as much. That Chevron has knowingly filed a series of false charges against Stratus Consulting is reprehensible. It appears that Chevron's strategy is to use every possible tool – without regard to truth, facts or legal ethics – to confuse the issues surrounding its corporate history in Ecuador and avoid taking responsibility for its actions. Chevron's approach has included attempting to discredit the technical work performed by Stratus Consulting's scientists, not by addressing the technical facts and analysis themselves, but by concocting and publicly advancing a series of false accusations against us.

I am dismayed that these outrageous attacks have spread to other venues and are now being used by politically motivated groups in an attempt to exclude our scientists from participating in public scientific discourse. The paper that Stratus Consulting is scheduled to present this week has absolutely nothing to do with the work that our scientists conducted on behalf of the Ecuadorian plaintiffs. It is, rather, a highly technical analysis of copper chemistry and bioavailability. I urge you to stand firm in the face of this pressure to ensure that reasoned discussion based on sound scientific inquiry may continue.

Thank you for your attention to this important issue.

Sincerely,

Joshua Lipton, PhD
President and CEO

Correspondence Management System

Control Number: AX-12-000-6112
Printing Date: April 04, 2012 02:58:50

Citizen Information

Citizen/Originator: **White, Arnette C**
Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Zients, Jeffrey D
Organization: Office of Management and Budget
Address: 725 17th St., NW, Washington, DC 20503

VanRoekel, Steven
Organization: Executive Office of the President, Office of Management and Budget
Address: 725 17th St., NW, Washington, DC 20503

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

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Status:	Pending	**Closed Date:**	N/A
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Letter Date:	Mar 30, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File - Implementing PortfolioStat
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCFO - OCFO -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OEI	Apr 4, 2012	Apr 18, 2012	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				

Supporting Information

Supporting Author: N/A

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

March 30, 2012

M-12-10

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jeffrey D. Zients
Acting Director

Steven VanRoekel
Federal Chief Information Officer

SUBJECT: Implementing PortfolioStat

The stove-piped and complex nature of the Federal enterprise has led over the years to a proliferation of duplicative and low priority investments in information technology (IT). At the same time, agencies too often seek to develop homegrown, proprietary solutions first, before assessing existing options for shared services or components. The Federal Government must have the overarching goal of innovating with less as it pertains to technology. In order to do so, we must end the investment in low priority and duplicative investment in IT.

The Federal Government must focus on maximizing the return on American taxpayers' investment in government IT by ensuring it drives efficiency throughout the Federal Government. The Administration's Campaign to Cut Waste directed agencies to seek opportunities to shift to commodity IT, leverage technology, procurement, and best practices across the whole of government, and build on existing investments.[1]

In support of this strategy, the Director of the Office of Management and Budget (OMB) issued a memorandum to Agency heads on August 8, 2011, entitled "Chief Information Officer Authorities" (M-11-29), which clarified the role of Chief Information Officers (CIO). M-11-29 required that agencies, "pool their purchasing power across their entire organization to drive down costs and improve service for commodity IT...CIOs must show a preference for using shared services as a provider or consumer instead of standing up separate independent services."[2]

Then, in October 2011, the Office of Management and Budget (OMB) launched the Shared First initiative aimed at rooting out waste and duplication across the Federal IT portfolio.[3] In order to implement these initiatives, executive departments and agencies (agencies) will

[1] http://www.whitehouse.gov/goodgovernment/actions/campaign-cut-waste
[2] http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-29.pdf
[3] http://www.cio.gov/pages.cfm/page/Federal-CIO-Steven-VanRoekel-Launches-Shared-First-and-Future-First-Initiatives

review their respective IT investment portfolios to identify opportunities to consolidate the acquisition and management of commodity IT services, and increase the use of shared-service delivery models.

In support of this review process, Agency Chief Operating Officers (COO), on an annual basis, shall be required to lead an agency-wide IT portfolio review within their respective organization (PortfolioStat).[4] A PortfolioStat session is a face-to-face, evidence-based review (e.g., including data on commodity IT investments, potential duplications, investments that do not appear to be well aligned to agency missions or business functions, etc.) of an agency's IT portfolio.

PortfolioStat will be a new tool that agencies use to assess the current maturity of their IT portfolio management process, make decisions on eliminating duplication, augment current CIO-led capital planning and investment control processes, and move to shared solutions in order to maximize the return on IT investments across the portfolio. While TechStat examines IT performance at the specific project or investment-level, PortfolioStat examines the portfolio as a whole and draws on the agency's enterprise architecture to help identify and eliminate areas of duplication and waste.[5]

PortfolioStat will help implement the Shared First initiative and the requirements set forth in the Executive Order 13589 (Promoting Efficient Spending),[6] which targets employee IT devices as a primary area for eliminating waste and duplication. This effort should also assist agencies in meeting the targets and requirements under other initiatives, such as Federal Data Center Consolidation Initiative (FDCCI), the Cloud Computing Initiative, and the draft IT Shared Services Strategy.

CIOs, CFOs, and CAOs must support the PortfolioStat process by providing the necessary data and analysis, attending the PortfolioStat meeting, and support all decisions made through the process. This is necessary so that the portfolio-wide review results in concrete actions to maximize the investment in mission and support IT, consolidate the acquisition and management of commodity IT, reduce duplication, and eliminate waste.

To support this process, OMB is requiring that each agency take the following actions:

- **Designate Lead for Initiative.** Each agency's COO shall designate and communicate to OMB within 10 days of issuance of this memorandum an individual with direct reporting authority to the COO to lead the agency's efforts to implement the PortfolioStat process and guidance contained in this memo.

- **Complete a High-Level IT Portfolio Survey.** The data collection at the Departmental level is a high-level survey of agency IT portfolio status, and shall be completed by the designated lead in

[4] Chief Operating Officers were designated by the GPRA Modernization Act of 2010, Pub. L. No. 111-352, 124 Stat. 3866 (2011).
[5] http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m_10-25.pdf
[6] http://www.whitehouse.gov/the-press-office/2011/11/09/executive-order-promoting-efficient-spending

the MAX Collect Tool, with support from the CIO, CFO, and CAO, and submitted to OMB by May 31, 2012.

- **Establish a Commodity IT Investment Baseline.** Each bureau, if applicable, must complete an information request identified in the MAX Collect Tool for specific types of commodity IT investments (including enterprise IT systems, IT infrastructure, and business systems) that will be used to baseline the maturity of agency portfolios. Bureau heads, if applicable, shall lead this request, which shall be completed by OMB by June 15, 2012.

- **Submit a Draft Plan to Consolidate Commodity IT**. Based on the analysis used to respond to the information requests above, the COO, in partnership with the CIO, CAO, and CFO, shall draft a proposed action plan to consolidate the commodity IT spend under the CIO, and establish a measurable financial goal to reduce total IT spend based on more consolidated commodity IT buys and intra-agency shared services. This proposed action plan shall be submitted to OMB by June 29, 2012.

- **Hold PortfolioStat Session.** Agencies shall hold their first PortfolioStat session by July 31, 2012. Further guidance on the process is detailed in Attachment A.

- **Submit a Final Plan to Consolidate Commodity IT.** By August 31, 2012, each Federal Agency shall complete and submit to OMB a document outlining its plan to rationalize and consolidate its IT portfolio, including the adoption of intra and inter agency shared IT services. These comprehensive plans will be informed by the PortfolioStat Process, and will cover at least three years of agency activities.

- **Migrate at Least Two Duplicative Commodities IT Services.** Agencies shall complete the transition of two commodity IT areas by December 31, 2012. In addition to the examples provided in M-11-29, commodity IT would also include IT hardware and software as well as the following services for which Federal Strategic Sourcing Initiative (FSSI)[7] solutions exist or will soon be awarded: print management, telecommunication expense management, and wireless devices and services. Agency use of these FSSI solutions will count toward meeting this migration goal.

- **Document Lessons Learned.** Agencies shall document and catalogue successes, challenges, and lessons learned from this process into a document that must be submitted to OMB by February 1, 2013.

Through the PortfolioStat process, COOs will have a clearer picture of where duplication exists across their respective agencies. This analysis should inform the budget process and help agency COOs eliminate waste and duplication within the IT portfolio. A specific focus must be placed on reducing duplication within commodity IT by shifting to intra- and inter-agency shared services. Duplicative systems or contracts that support common business functions within an

[7] http://www.gsa.gov/portal/content/112561

agency should be targeted for consolidation in order to leverage the purchasing power of the agency.

To assist with the data collection and reporting requirements listed under this memorandum OMB has created a MAX Collect Tool that will be the required repository for all of the information requested. Please go to the MAX Community for more information.

For any questions regarding this memo, please contact Andrew McMahon at egov@omb.eop.gov, with "PortfolioStat" as the subject line.

Attachment

Attachment

The PortfolioStat process is structured around five discrete phases: (1) Baseline Data Gathering; (2) Analysis and Proposed Action Plan; (3) PortfolioStat Session; and (4) Final Action Plan Implementation, (5) Lessons Learned. The following provides further details on each phase with guidance on the schedule and requirements surrounding the PortfolioStat process to ensure that this essential management reform is consistently implemented by agencies. In order to maximize the return on investments in IT, agency leadership must engage in proactive performance management using high-quality, targeted data on the maturity of agency portfolios, as well as architectural and asset inventory information.

Phase 1: Baseline Data Gathering

Agencies shall provide the following information to OMB that will be collected through the MAX Collect Tool:

- By May 31, 2012, a high-level survey of agency IT portfolio status;
- By June 15, 2012, an information request for specific types of commodity IT investments (including enterprise IT systems, IT infrastructure, and business systems) that will used to baseline the maturity of agency portfolios. Bureau heads, if applicable, shall complete this data request for each of the identified areas.

Phase 2: Analysis and Proposed Action Plan

Using the portfolio data gathered in Phase 1, combined with other data available at the bureau and agency level, COOs shall:

- Identify wasteful or duplicative investments, procurements, and/or commodity IT areas;
- Make frequent use of the agency's enterprise architecture future plans for program, system, and service changes;
- Use the agency valuation model to assess the IT portfolio and measure expected outcomes vs. actual business value delivered for major investments; and
- Review the current state of governance and program management.

Based on this analysis, the agency COO, in partnership with the CIO, CAO, and CFO, shall draft a proposed action plan to:

- Consolidate commodity IT spending under the agency CIO;
- Establish targets for commodity IT spending reductions and deadlines for meeting those targets;
- Move at least two commodity IT areas to shared services (e.g. E-mail, collaboration tools, web infrastructure, etc.)
- Target duplicative systems or contracts that support common business functions within an agency for consolidation in order to streamline processes and leverage the purchasing power of the agency;
- Illustrate how investments within the IT portfolio align with the agency's mission and business functions;
- Establish criteria for identifying wasteful, "low-value," or duplicative investments

- Establish a process to identify these potential investments and a schedule for eliminating them from the portfolio;
- Improve governance and program management utilizing best practices and, where possible, benchmarks.

The draft action plan shall be submitted to OMB by June 29, 2012.

Phase 3: PortfolioStat Session

A PortfolioStat session is a face-to-face, evidence-based review (e.g., including data on commodity IT investments, potential duplications, investments that do not appear to be well-aligned to agency missions or business functions, etc.) of an agency's IT portfolio. In the session, the Federal CIO along with the agency CIO, CAO, CFO, and COO, meet for one focused hour to review the agency's portfolio data and proposed action plan. Participants agree on concrete next steps to rationalize the agency's IT portfolio, resulting in a final plan that articulates corrective actions, anticipated results, and which establishes specific timeframes for the actions to be taken.

Agencies shall hold their first PortfolioStat session by July 31, 2012.

Phase 4: Final Action Plan Implementation

The anticipated cost savings and portfolio improvements realized through the PortfolioStat session must be memorialized in a communication from the COO to the agency. Additionally, in the FY 2014 budget process, agencies must document the cost savings and avoidance realized in FY 2013 and into subsequent out years. Effective implementation of the PortfolioStat process will require agencies to incorporate the following activities into their approach:

- Agencies shall complete and submit to OMB a document outlining its plan to rationalize and consolidate its IT portfolio, including the adoption of intra and inter agency shared IT services.

The final action plan to consolidate commodity IT spending shall be shared with OMB by August 31, 2012.

Phase 5: Lessons Learned

The process established in this memo will be an annual requirement for all agencies to continually assess the maturity of IT portfolio management and ensure that any inertia, which would relegate the Federal Government to the status quo, be rooted out on a recurring basis. In order to do so with maximum impact, agencies must document successes, challenges and lessons learned through the PortfolioStat process.

Additionally, OMB will gather its own successes, challenges, and lessons learned through the process and update this memo and data collection parameters accordingly each year. As this process evolves, we will ask agencies to look deeper into their portfolios at more mission oriented and high-value investments. The intention is that this process will inform governance and budget decisions each fiscal year.

- Agencies shall document and catalogue successes, challenges, and lessons learned throughout the process and must submit a consolidated document to OMB. This document shall be submitted to OMB by February 1, 2013.

  By undertaking the portfolio review described above, COOs will get a better picture of where potential duplication exists across their respective agencies. In addition, the reviews will enable agencies to use the asset inventory and architectural information to help refine their IT investment portfolios in the future.

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Citizen Information

Citizen/Originator: **Pharr, W. Shaun**
Organization: Apartment and Office Building Association of Metropolitan Washington
Address: 1050 17th Street, NW, Washington, DC 20036

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6136	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 19, 2012	**# of Extensions:**	0
Letter Date:	Mar 28, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File - DC Water Green Infrastructure Project
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	R3	Apr 4, 2012	Apr 19, 2012	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date

AOBA
Apartment and Office Building Association of Metropolitan Washington

March 28, 2012

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

RE: DC Water Green Infrastructure Project

Dear Administrator Jackson:

I am writing to express the enthusiastic support of the Apartment and Office Building Association of Metropolitan Washington (AOBA) for an alternative green infrastructure approach to the District's Long Term Control Plan (LTCP) as proposed to your agency by DC Water. AOBA is a non-profit trade association representing owners and managers of commercial office building and multifamily residential properties, as well as companies that provide products and services to the real estate industry. Currently, the combined portfolio of AOBA's membership is more than 156 million square feet of office space and 208,700 residential units in the District of Columbia, Maryland, and Virginia. Here in the District of Columbia, AOBA members own or manage more than 40,000 apartment units and over 70 million square feet of office space.

As you are aware, DC Water is constructing a massive, $1.3 billion tunnel system to eliminate 98 percent of sewer overflows into the Anacostia River, per the terms of the 2005 consent decree it entered into with the United States Environmental Protection Agency (EPA) and the Department of Justice (DOJ). AOBA members are among the District's largest landowners and currently represent approximately forty-four (44%) percent of the customer base being assessed the impervious surface area charge by DC Water to finance the construction of the tunnel system.

However, DC Water is currently proposing a transformative pilot project that could reduce the burden placed on ratepayers, including AOBA members, for funding the large tunnels. Specifically, DC Water is seeking EPA's approval of a full-scale demonstration of green infrastructure that could offset the need for some of the Potomac and Rock Creek tunnel project capacity, through installation of a wide range of projects across the city for different types of properties and land areas. Project ideas include installation of permeable pavement, tree filters, green roof treatment and vegetated filter strips. The large scale of the proposed pilot project will yield a diversity of ecological, social, and economic benefits, in addition to, hopefully, reducing the needed storage tunnel capacity. The projects envisioned by DC Water

will transform local neighborhoods and improve the quality of life for District residents by creating more green jobs and enhanced green spaces.

For this demonstration project to move forward and prove itself, the consent decree must be amended to grant sufficient time to evaluate the effectiveness of the green infrastructure pilot. Since the negotiation of the 2005 consent decree, EPA has supported and approved green infrastructure approaches to address combined sewer overflows (CSOs) in jurisdictions similar to the District, such as Cleveland and Indianapolis. Further, more recent EPA consent decrees have provided jurisdictions with 25 years to address CSOs, instead of the 20 years allowed under the District's agreement. With that in mind, it is reasonable to provide DC Water with additional time to conduct a rigorous pilot of green infrastructure approaches to CSOs at its own expense.

Thank you for the opportunity to express AOBA's support for the DC Water pilot project and we urge you to approve the necessary modification of the 2005 consent decree.

Sincerely,

W. Shaun, Pharr, Esq.
Senior Vice President of Government Affairs
Apartment and Office Building Association of
Metropolitan Washington

Correspondence Management System

Control Number: AX-12-000-6139

Printing Date: April 04, 2012 04:03:17

Citizen Information

Citizen/Originator: **Billie, Colley**
Organization: Miccosukee Tribe of Indians of Florida
Address: P.O. Box 440021 Tamiami Station, Miami, FL 33144

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6139	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Mar 28, 2012	**Received Date:**	Apr 4, 2012
Addressee:	DA-Deputy Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-Thank you letter from Colley Billie
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
R10 - Region 10 -- Immediate Office
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R4	Apr 4, 2012

History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Apr 4, 2012
(b) (6) Personal Privacy	OEX	Control Taken Over	Apr 4, 2012

Miccosukee Tribe of Indians
of Florida

March 28, 2012

The Honorable Bob Perciasepe
Deputy Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Deputy Administrator Perciasepe:

On behalf of the Miccosukee Tribe of Indians of Florida (Tribe), I thank you and the other officials at the U.S. Environmental Protection Agency (EPA) for meeting with us on February 14th as well as for accommodating our schedule so late in the day. We appreciated the opportunity to discuss with you ways to advance Everglades restoration and the impacts that water resource decisions are having on our homelands. We were encouraged to hear of EPA's resolve to make progress in ensuring that water quality in the Everglades meets tribal and state standards.

The Tribe remains fully committed to restoration of the Everglades. The Tribe supported the original Comprehensive Everglades Restoration Plan and continues to support its overall goals. In addition to the need to improve water quality on tribal lands and other parts of the Everglades, we seek to ensure that the federal government does not engage in further skyway bridging of the Tamiami Trail because it will not achieve its intended environmental purpose and will destroy areas of significant cultural, historical, and archeological value. Instead, the culvert and swale approach is far more cost-effective and less disruptive. Further, it can be implemented immediately to improve the hydrology on tribal lands. We would greatly appreciate EPA's assistance on this matter as well.

I look forward to continuing our work together so the Miccosukee people can continue our traditional ways of life in the Everglades and the American public can enjoy its beauty for many generations to come.

Sincerely,

Colley Billie, Chairman
Miccosukee Tribe of Indians of Florida

cc: Major General Merdith W.B. Temple, U.S. Army Acting Chief of Engineers and Acting Commanding General of the U.S. Army Corps of Engineers
Secretary Ken Salazar, U.S. Department of the Interior
Secretary Ray LaHood, U.S. Department of Transportation
Ms. Kimberly Teehee, Domestic Policy Council, The White House
Mr. Charles Galbraith, Office of Public Engagement, The White House

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

Correspondence Management System

Control Number: AX-12-000-6140

Printing Date: April 04, 2012 04:12:54

Citizen Information

Citizen/Originator: **Foster, James R.**
Organization: George Washington House - Anacostia Watershed Society
Address: 4302 Baltimore Avenue, Bladensburg, MD 20710

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6140	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 19, 2012	**# of Extensions:**	0
Letter Date:	Mar 29, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	DX-Direct Reply	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Federal Ambassador to the Anacostia Urban Waters Federal Partnership Pilot Program

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

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	R3	Apr 4, 2012	Apr 19, 2012	N/A
	Instruction: DX-Respond directly to this citizen's questions, statements, or concerns				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date

ANACOSTIA WATERSHED SOCIETY

March 29, 2012

Secretary Ken Salazar
Department of the Interior
1849 C Street, NW
Washington DC 20240

Administrator Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Federal Ambassador to the Anacostia Urban Waters Federal Partnership Pilot Program

Dear Secretary Salazar and Administrator Jackson:

I am writing to express our full support in assigning a full-time Ambassador to the Urban Waters Initiative Anacostia River Pilot, as announced at the White House Conference on Conservation which I attended. Ambassadors have already been committed at five of the seven other Urban Water pilot sites.

As a local watershed organization with 23 years of focused activities on the Anacostia River and in the watershed, we are well aware of the level of effort that is necessary to move us toward a "fishable and swimable" Anacostia River. This request for an Ambassador is with the knowledge that a full-time employee would be dedicated to meeting specific outcomes and will, over the course of a two-year effort, make major progress toward those outcomes. AWS is willing to host such a person if that would help bring an Ambassador on sooner.

Our needs are many in the Anacostia so I am suggesting several ideas for the Ambassador to focus on. A review of Federal policies that impact land use and upgrades to those policies would help. A great example is the LEED requirement in federal leases has resulted in more energy efficiencies and

The George Washington House • 4302 Baltimore Avenue • Bladensburg, MD 20710-1031
o. 301-699-6204 • f. 301-699-3317 • info@anacostiaws.org • www.AnacostiaWS.org

better stormwater management in buildings in the District and surrounding regions.

I would like to suggest that you consider a stronger authority to drive river cleanup. I'm thinking of an actual Authority or Commission with specific watershed oversight that transcends political boundaries and has enough authority to set standards and raise clean water, healthy families, and vibrant economies to a higher level in our permitting and planning processes. Let's look at the river as an estuary ecosystem in an urban area and consider what would work best to improve the whole river including the communities in the watershed and the hydrology in the area. Perhaps the Ambassador could help with such model. The Anacostia Watershed Restoration Partnership is a great starting point and model. Perhaps we could add some "authority" to their responsibilities for instance or use that a platform to create a commission with the proper authority.

As a Steering Committee member of the Choose Clean Water Coalition, I see the value brought to the collaboration from the Ambassador assigned from the Bay Program Office. Federal employee Peter Marx, now retired, was critical in supporting our members through the maze of federal programs and agencies. Such a person, working in the Anacostia with the many stakeholders, and collaborating closely with Tammy Stidham, Catherine King, and Lisa Pelstring, would be of incalculable benefit to ensuring success of this pilot and progress on cleaning and restoring the river.

Please move with haste to assign an appropriate candidate to assist this Federal Partnership. Thank you.

If you have any questions please call me at 301 699-6204 ext 105.

Sincerely,

James R. Foster, LEED AP, CHMM
President

cc: Shawn Garvin, USEPA
Lisa Pelstring, DOI
John Tubbs, DOI
Surabhi Shah, EPA
Tammy Stidham
Catherine King

Correspondence Management System

Control Number: AX-12-000-6143

Printing Date: April 04, 2012 04:03:23

Citizen Information

Citizen/Originator: **Obama, Barack**
Organization: The White House
Address: 1600 Pennsylvania Avenue, NW, Washington, DC 20500

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6143	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Mar 30, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	MEM (Memo)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- Working group establishment on intersection of HIV/AIDS, Violence against Women and Girls and Gender-Related Health Disparties
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
ORD - Office of Research and Development -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OCHP	Apr 4, 2012

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OCHP	Apr 4, 2012

Comments

THE WHITE HOUSE

WASHINGTON

March 30, 2012

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Establishing a Working Group on the Intersection of HIV/AIDS, Violence Against Women and Girls, and Gender-related Health Disparities

Throughout our country, the spread of HIV/AIDS has had a devastating impact on many communities. In the United States, there are approximately 1.2 million people living with HIV/AIDS, including more than 290,000 women. Women and girls now account for 24 percent of all diagnoses of HIV infection among United States adults and adolescents. The domestic epidemic disproportionately affects women of color, with African Americans and Latinas constituting over 70 percent of new HIV cases in women. The spread of HIV/AIDS is, in and of itself, a primary concern to my Administration. However, gender-based violence and gender-related health disparities cannot be ignored when addressing the domestic public health threat of HIV/AIDS. HIV/AIDS programs often ignore the biological differences and the social, economic, and cultural inequities that make women and girls more vulnerable to HIV/AIDS. In our country, women and girls are all too frequently victimized by domestic violence and sexual assault, which can lead to greater risk for acquiring this disease. Teenage girls and young women ages 16-24 face the highest rates of dating violence and sexual assault. In addition, challenges in accessing proper health care can present obstacles to addressing HIV/AIDS. Gender-based violence continues to be an underreported, common problem that, if ignored, increases risks for HIV and may prevent women and girls from seeking prevention, treatment, and health services.

My Administration is committed to improving efforts to understand and address the intersection of HIV/AIDS, violence against women and girls, and gender-related health disparities. To do so, executive departments and agencies (agencies) must build on

their current work addressing the intersection of these issues by improving data collection, research, intervention strategies, and training. In order to develop a comprehensive Government-wide approach to these issues that is data-driven, uses effective prevention and care interventions, engages families and communities, supports research and data collection, and mobilizes both public and private sector resources, I direct the following:

Section 1. Working Group on the Intersection of HIV/AIDS, Violence Against Women and Girls, and Gender-related Health Disparities. There is established within the Executive Office of the President a Working Group on the Intersection of HIV/AIDS, Violence Against Women and Girls, and Gender-related Health Disparities (Working Group), to be co-chaired by the White House Advisor on Violence Against Women and the Director of the Office of National AIDS Policy (Co-Chairs). Within 60 days of the date of this memorandum, the Co-Chairs shall convene the first meeting of the Working Group.

(a) In addition to the Co-Chairs, the Working Group shall consist of representatives from:

(i) the Department of Justice;

(ii) the Department of the Interior;

(iii) the Department of Health and Human Services;

(iv) the Department of Education;

(v) the Department of Homeland Security;

(vi) the Department of Veterans Affairs;

(vii) the Department of Housing and Urban Development; and

(viii) the Office of Management and Budget.

(b) The Working Group shall consult with the Presidential Advisory Council on HIV/AIDS, as appropriate.

(c) The Department of State, the United States Agency for International Development, and the President's Emergency Plan for AIDS Relief Gender Technical Working Group shall act in an

advisory capacity to the Working Group, providing information on lessons learned and evidence-based best practices based on their global experience addressing issues involving the intersection between HIV/AIDS and violence against women.

Sec. 2. Mission and Functions of the Working Group. (a) The Working Group shall coordinate agency efforts to address issues involving the intersection of HIV/AIDS, violence against women and girls, and gender-related health disparities. Such efforts shall include, but not be limited to:

(i) increasing government and public awareness of the need to address the intersection of HIV/AIDS, violence against women and girls, and gender-related health disparities, including sexual and reproductive health and access to health care;

(ii) sharing best practices, including demonstration projects and international work by agencies, as well as successful gender-specific strategies aimed at addressing risks that influence women's and girls' vulnerability to HIV infection and violence;

(iii) integrating sexual and reproductive health services, gender-based violence services, and HIV/AIDS services, where research demonstrates that doing so will result in improved and sustained health outcomes;

(iv) emphasizing evidence-based prevention activities that engage men and boys and highlight their role in the prevention of violence against women and HIV/AIDS infection;

(v) facilitating opportunities for partnerships among diverse organizations from the violence against women and girls, HIV/AIDS, and women's health communities to address the intersection of these issues;

(vi) ensuring that the needs of vulnerable and underserved groups are considered in any efforts to address issues involving the intersection of HIV/AIDS, violence against women and girls, and gender-related health disparities;

(vii) promoting research to better understand the intersection of the biological, behavioral, and social sciences bases for the relationship between increased HIV/AIDS risk, domestic violence, and gender-related health disparities; and

(viii) prioritizing, as appropriate, the efforts described in paragraphs (a)(i)-(vii) of this section with respect to women and girls of color, who represent the majority of females living with and at risk for HIV infection in the United States.

(b) The Working Group shall annually provide the President recommendations for updating the National HIV/AIDS Strategy. In addition, the Working Group shall provide information on:

(i) coordinated actions taken by the Working Group to meet its objectives and identify areas where the Federal Government has achieved integration and coordination in addressing the intersection of HIV/AIDS, violence against women and girls, and gender-related health disparities;

(ii) alternative means of making available gender-sensitive health care for women and girls through the integration of HIV/AIDS prevention and care services with intimate partner violence prevention and counseling as well as mental health and trauma services;

(iii) specific, evidence-based goals for addressing HIV among women, including HIV-related disparities among women of color, to inform the National HIV/AIDS Strategy Implementation Plan (for its biannual review);

(iv) research and data collection needs regarding HIV/AIDS, violence against women and girls, and gender-related health disparities to help develop more comprehensive data and targeted research (disaggregated by sex, gender, and gender identity, where practicable); and

(v) existing partnerships and potential areas of collaboration with other public or nongovernmental actors, taking into consideration the types of

implementation or research objectives that other public or nongovernmental actors may be particularly well-situated to accomplish.

Sec. 3. Outreach. Consistent with the objectives of this memorandum and applicable law, the Working Group, in addition to regular meetings, shall conduct outreach with representatives of private and nonprofit organizations, State, tribal, and local government agencies, elected officials, and other interested persons to assist the Working Group in developing a detailed set of recommendations.

Sec. 4. General Provisions. (a) The heads of agencies shall assist and provide information to the Working Group, consistent with applicable law, as may be necessary to carry out the functions of the Working Group. Each agency and office shall bear its own expense for carrying out activities related to the Working Group.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

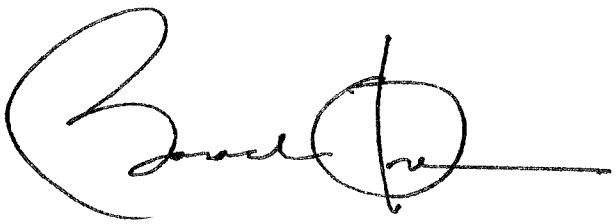
(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Secretary of Health and Human Services is authorized and directed to publish this memorandum in the *Federal Register*.



Correspondence Management System

Control Number: AX-12-000-6144

Printing Date: April 04, 2012 03:09:23

Citizen Information

Citizen/Originator: **Krancer, Michael L**
Organization: Pennsylvania Department of Environmental Protection
Address: Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6144	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 19, 2012	**# of Extensions:**	0
Letter Date:	Mar 26, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	RA-R3-Regional Administrator - Region 3	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Clean Air Council Petition to the Administrator to Make a Finding that Pennsylvania is Failing to Implement Requirements in it's State Implementation Plan; and to Apply Sanctions Relating to these Alleged Failures

Instructions: RA-R3-Prepare draft response for signature by the Regional Administrator for Region 3

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA
OAR - Office of Air and Radiation -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
OGC - Office of General Counsel -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	R3	Apr 4, 2012	Apr 19, 2012	N/A
	Instruction: RA-R3-Prepare draft response for signature by the Regional Administrator for Region 3				

Supporting Information

Supporting Author: N/A

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SECRETARY

March 26, 2012

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Re: Clean Air Council Petition to the Administrator to Make a Finding that Pennsylvania is Failing to Implement Requirements in it State Implementation Plan; and to Apply Sanctions Relating to these Alleged Failures.

Dear Administrator Jackson:

This letter is in response to the Clean Air Council (CAC) Petition in the above captioned matter, which was submitted to the U.S. Environmental Protection Agency (EPA) on February 16, 2012.

Introduction

The Pennsylvania Department of Environmental Protection (Department or DEP) is very concerned about the CAC's continued abuse of the Clean Air Act, (CAA), 42 U.S.C. § 7401 *et seq.*, and Administrative Procedure Act (APA), 5 U.S.C. § 553(e) petition processes. As you well know, this is the third petition that CAC has filed against Pennsylvania in yet another transparent attempt to use the petition process as a means to get what they may not otherwise achieve through the judicial, regulatory and policymaking processes. CAC's latest petition seeks to attack how the Department is implementing the Pennsylvania State Implementation Plan (SIP) – even though the Department is implementing and acting in accordance with its regulations concerning the permitting and construction of air contaminant sources. Put simply, there is no credible evidence that the Department is a failing to implement its SIP or the Title V program. To the contrary, the Department continues to implement its SIP and Title V program in accordance with the law and will continue to do so.

CAC's petition alleges that the Department is failing to implement the Pennsylvania SIP based on our handling of single source determinations under the CAA and the Pennsylvania SIP, 40 CFR Part 52.2020. The CAC alleges the following to support their petition – permit review memos that discuss "aggregation" are vague, incomplete, and conflict with the CAA; the Department's October 12, 2011 interim final guidance on single source determinations is contrary to the CAA; EPA's comments on the Department's interim final guidance raise concerns with that guidance; and pending litigation on aggregation issues before the Pennsylvania Environmental Hearing Board (EHB) and the U.S. District Court for the Middle District of Pennsylvania.

The CAC petition further alleges that the Commonwealth is failing to adequately administer and enforce its Title V permitting program. The petitioners allege that the Department is "failing to make accurate source determinations for the purpose of assessing applicability" of the Title V program.

The evidence that CAC uses to support its petition does not relate to the Department's "failure" to implement the Pennsylvania SIP, but rather takes issue with "how" the Department implements the SIP. Moreover, the petition also fails to demonstrate that DEP is not adequately administering and enforcing it Title V program. As explained more fully below, the Department is implementing and acting in compliance with federal and state regulations related to the construction and operation of air contamination sources. Accordingly, the Department believes that this petition is meritless and should be summarily rejected.

Background

The Pennsylvania Environmental Quality Board, an independent entity responsible for the adoption of DEP regulations, finalized a series of regulatory amendments to ensure that Pennsylvania's air quality permitting pro gram is consistent with both the Pennsylvania Air Pollution Control, 35 P.S. § 4001 *et seq.*, and the CAA. These amendments relate to the construction and operation of sources under 25 Pa. Code Chapter 127 and, in pertinent part, were modified in 1983[1] and 1994.[2] These amendments were subsequently approved by EPA as revisions to the Pennsylvania SIP.[3]

Since 1996 the Department issued over 800 Title V permits and over 2,500 state-only operating permits. More specifically, as it relates to permitting operations for natural gas operations within the Marcellus Shale, the Department issued over 400 authorizations to use general permits for natural gas production and/or processing facilities. In addition, the Department issued approximately 20 individual plan approvals for these facilities. Each plan approval, operating permit, or general permit application is reviewed individually to ensure compliance with the applicable regulatory requirements. While some of these DEP permits are subsequently challenged, it is reflective of the implementation decisions that the Department made on these applications.

In no instance has the Department refused to implement any SIP-approved regulation. *See Citizens for Pennsylvania's Future v. Mallory, et al,* No. 02-798 2002 U.S. Dist. LEXIS 24406 (E.D. Pa. December 18, 2002) (Liability found for failure to implement a SIP-approved inspection and maintenance program). *See also Coalition for Clean Air, Inc., v. South Coast Air Quality Management District,* 1999 U.S. Dist. LEXIS 16106 (C.D. Ca. August 27, 1999) (Liability found for failure to implement control measures in the SIP). This petition is not about

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[1] *See* 13 Pa. Bull. 1940, June 18, 1983.

[2] *See* 24 Pa. Bull. 5899, November 26, 1994.

[3] *See* 49 Fed. Reg. 33127, August 21, 1984 and 61 Fed. Reg. 39594, July 30, 1996.

a failure to implement the current SIP, but rather a dispute about how the Department is implementing its SIP. As a result, the allegations set forth in the petition do not support a failure to implement finding as it relates to the Pennsylvania SIP.

Furthermore under 25 Pa. Code §§ 127.13b and 127.422(3) (relating to plan approval changes for cause and operating permit changes for cause), the Department is obligated to deny a plan approval or operating permit if EPA notifies the DEP, in writing, that the plan approval or operating permit is not in compliance with the CAA or its regulations.[4] To date, EPA has not notified the Department in writing that any plan approval issued for the natural gas industry is contrary to any applicable law and regulation. The fact that EPA has not provided any written notifications shows that both the SIP and the Title V program are being implemented consistent with federal and state law.

Additionally, CAC has an adequate regulatory remedy related to Title V permits. *See* 25 Pa. Code § 127.523 (relating to public petitioners to the administrator of the EPA). Under these provisions, anytime that EPA does not object to a Title V permit issued by the Department, CAC may petition EPA to make an objection. If EPA objects, the Department will suspend the permit until the objection is resolved.

Since it is much easier for EPA to assert its oversight responsibilities under these Pennsylvania regulatory provisions on a case-by-case basis as opposed to making a broader failure to implement finding or failure to adequately administer or enforce the Title V permitting program, CAC's petition should also be rejected because of these adequate regulatory remedies under the *Pennsylvania Code*.

CAC's Allegations Concerning a Failure to Implement the SIP and Failure to Adequately Administer and Enforce the Title V Permitting Program

Pending Litigation

The CAC petition references litigation before the EHB and the U.S. District Court for the Middle District of Pennsylvania as evidence that the Pennsylvania SIP is not being implemented. These litigation matters – *Group Against Smog and Pollution v. DEP,* (2011 EHB 065) *Clean Air Council v. DEP,* (2011 EHB 072), *and PennFuture v. Ultra Resources* (M.D. Pa.11-cv-01360) – involve single-source determination decisions by the Department in implementing the SIP, not in failing to implement the SIP. Obviously, this is specious. As CAC should know and I know EPA knows, lawsuits in and of themselves are not evidence of anything in the American system of law. There have been no findings of fact of any nature in these lawsuits. There have not even been any preliminary decisions of procedural issues. In the federal lawsuit, the defendants have

[4] *See also* 25 Pa. Code § 127.522 (relating to operating permit application review by the EPA and affected states). (If EPA objects to the issuance of a proposed Title V permit that it determines is not in compliance with the CAA and its regulations, DEP must revise that permit or EPA will issue or deny the permit in accordance with the CAA).

moved to dismiss the case on the ground that the federal court ought to abstain from hearing the matter since it is primarily a state law issue. The federal court has not even yet determined that threshold issue and regardless of which way the court rules on that issue, its opinion on that topic will not decide any factual issues in the suit at all. The state court case is not even finished with the discovery process yet.

As demonstrated by the caption in one of these matters, CAC is an appellant before the EHB. This petition is an obvious case where the CAC is hedging its bets in two different forums. If EPA entertains such a tactic, it would open the flood gates to forum-shopping where CAC, and others, could use the petition process in an improper manner to have its grievances heard where they believe they could receive a more favorable judgment. Such a result would inject a huge amount of inconsistency and uncertainty in the air quality permitting process, because the Department, and not EPA, is the permitting authority in Pennsylvania. Consequently, EPA should reject CAC's invitation to air its grievances within a petition process that is ill-suited to review individual DEP permitting decisions.

In fact the appropriate forum for CAC's challenge is before the EHB, the specialized administrative tribunal established for the purpose of hearing challenges to DEP's permitting decisions. This forum is best suited to review the Department's case-by-case single source determinations within the legal framework established by the EHB's practices and procedures. *See* 25 Pa. Code Chapter 1021. Additionally, this process avails itself to subsequent appeals to the Commonwealth Court of Pennsylvania, and the Pennsylvania Supreme Court. *See* 42 P.S. §§ 763(a) and 723(a), respectively. Therefore, it is these legal processes, that CAC initially chose, that should decide the issues surrounding these case-by-case determinations.

The Department is confident that it made the correct implementation decisions in each of the cases cited in the CAC petition. However, these matters are likely to be protracted without decisions on the merits for the foreseeable future. Therefore citing these pending cases as support for their petition does not advance CAC's cause at all. Citing these cases merely shows that the appellants disagree with the Department's decisions, and not that these decisions are contrary to the law.

In addition, each of the permits in these litigation matters were subject to the public notice and comment provisions under 25 Pa. Code § 124.44 (relating to public notice). At no time did the Department receive comments from EPA objecting to the issuance of these permits. If EPA notified the DEP, in writing, that a plan approval or operating permit is not in compliance with the CAA, the Department is obligated to deny that plan approval or operating permit. *See* 25 Pa. Code §§ 127.13b and 127.422(3).[5] The fact that EPA did not provide any written notifications is evidence that both the SIP and the Title V program are being implemented consistent with the law.

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[5] *Supra* note 4.

DEP interim guidance and EPA's comments on that guidance

The CAC petition references the DEP interim guidance on single source determinations and EPA's comments on that guidance as evidence that the Pennsylvania SIP is not being implemented. That point is specious because, at the end of the day, the state process is exactly like the federal process on this: a case-by-case determination of the aggregation question. The DEP interim guidance outlines a case-by-case determination process just like the McCarthy Memorandum does. We do it the same way, on a case-by-case basis "represent[ing] highly fact-specific decisions, and...no single determination can serve as an adequate justification for how to treat any other source determination for pollutant-emitting activities with different fact-specific circumstances." McCarthy Memorandum, September 22, 2009, p. 2.

Also, like the litigation matters, the interim guidance is an unresolved matter that was noticed and made available for public comment. *See* 41 Pa. Bull. 5719, October 22, 2011. Over 300 comment letters were submitted on this guidance, which are currently being reviewed by DEP. In fact, as the CAC indicated in their petition, they submitted comments on the interim guidance through the Columbia University Environmental Law Clinic. Depending on the outcome of DEP's review, the guidance may be revised. Just like the unsettled litigation matters, citing a draft interim guidance document, which may be revised, does not advance CAC's cause.

Similar to the litigation matters, CAC is hedging its bets in two different forums. If EPA granted CAC's petition, it would short circuit the Department's long established policies related to public participation in the development of technical guidance. See "Public Participation in the Development of Regulations and Technical Guidance." (Document No. 012-1920-001).6 See also "Policy for Development and Publication of Technical Guidance." (Document No. 012-0900-001).7 It is through these documents, which were developed through the public comment process, that the Department establishes the standards and procedures for the drafting of other technical guidance documents, and creates a uniform process for developing, approving, and distributing these documents.

Similar to the litigation matters, the appropriate forum to establish a technical guidance document, which will assist DEP staff and permit applicants in making single source determinations, is through the Department and the public comment process. This forum is best suited to evaluate and respond to the comments submitted on the interim guidance. No one person or group speaks for the public. The Department must reach out to broaden public participation to understand what the public thinks, to better inform the Department, and to ensure that the public understands what the Department is doing, and why it is doing it. Accordingly, CAC's crude attempt at forum shopping must be rejected by EPA.

The Department, in this response, will not take the time to respond to all of the comments submitted by the CAC through the Columbia University Environmental Law Clinic; however it

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[6] Available at http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-8309.
[7] *Id.*

is clear that those comments confuse the fundamental difference between a regulation that is binding and a technical guidance document that allows for discretion. The guidance is not a regulation because the Department is able to deviate from it, if circumstances warrant. The guidance merely interprets the regulations the air quality permitting staff uses in making single source determinations.

The assertions in the CAC petition that the interim guidance requires air quality staff not to aggregate air contamination sources located on properties outside of a quarter mile, and that the "[g]uidance exempts natural gas operations from aggregation" are absurd.. The guidance document is clear – sources on properties within a quarter mile will be aggregated, and sources on properties located outside of a quarter mile may be aggregated on a case-by-case basis.

While EPA expressed concerns with certain portions of this guidance, EPA does agree with the central premise of the guidance, which is all single source determinations must be conducted on a case-by-case basis in accordance with the applicable law. Moreover, EPA may avail itself to the procedures under 25 Pa. Code §§ 127.13b and 127.422(3) to object to specific permits decisions based on the guidance document. Consequently, the assertions in the petition related to the interim guidance and EPA's comments on that guidance do not rise to the level of a failure to implement the SIP or failure to adequately administer or enforce the Title V permitting program.

Permit review memos

The CAC petition references certain "vague" and "incomplete" permit review memos on single source determinations as evidence that the Pennsylvania SIP is not being implemented. This particular allegation is puzzling on a number of levels. First, all of the Department actions associated plan approval or general permit applications were noticed for public comment under 25 Pa. Code § 127.44. EPA never notified the Department that any of its single source determinations were contrary to law as it can under 25 Pa. Code §§ 127.13a and 127.461.[8] As a result, the only conclusion one can reach is that both the SIP and the Title V program are being implemented consistent with the law.

Second, the petition compares and contrasts statements in the Mark West review memos with answers supplied by the Department to CAC's interrogatories as part of its litigation before the EHB. So it appears that CAC is trying to litigate its case before EPA rather than before the EHB. This, of course, just buttresses the Department's point that these arguments are better left to a litigation tribunal that can render a case specific judgment on these case-by-case determinations.

Third, the Mark West permit review memos described in the petition were completed prior to the issuance of the DEP guidance on October 12, 2011. So, while the permit review was based on the single source regulatory criteria, it was not based on the DEP interim guidance.

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[8] *Supra* note 4.

Lastly, the Department also reviewed a number of permit review memos on single source determinations and, not surprisingly, takes the opposite view on the quality of the analyses of the single source determinations. The review memos that the Department examined provide a detailed discussion of all regulatory requirements, including those related to the aggregation of sources. Where a single source determination is not discussed in a review memo it is because only one source is being permitted. Therefore, the assertions in the petition related to the permit review memos do not rise to the level of a failure to implement the SIP or failure to adequately administer or enforce the Title V permitting program.

Title V Administration and Enforcement

As previously noted, the CAC petition further alleges that the Commonwealth is failing to adequately administer and enforce its Title V permitting program. The petitioners allege that the Department is "failing to make accurate source determinations for the purpose of assessing applicability" of the Title V program.

The Department issued over 400 general permit authorizations for natural gas production and/or processing facilities. In addition, the Department issued approximately 20 individual plan approvals for these facilities. Each plan approval, operating permit, or general permit application is reviewed individually to ensure compliance with the applicable regulatory requirements.

Like the SIP allegations, the Title V allegations are without merit. EPA has the ability under under 25 Pa. Code §§ 127.13b and 127.422(3) to notify the Department in writing that a plan approval or operating permit is not in compliance with the CAA or its regulations.[9] Upon that occurrence, the Department is obligated to deny that plan approval or operating permit. At this time EPA has not notified the Department in writing that any plan approval issued for the oil and gas industries is contrary to the applicable law and regulations. The fact that EPA has not made any written notifications shows that the SIP, generally, and the Title V program, in particular, is being implemented consistent with the law.

In addition, the CAC petition fails to note that it has an adequate regulatory remedy related to Title V permits. *See* 25 Pa. Code § 127.523 (relating to public petitioners to the administrator of the EPA). Under these provisions, anytime that EPA does not object to a Title V permit issued by the Department, CAC may petition EPA to make an objection. For that reason, as well, CAC's petition should be rejected.

Conclusion

The evidence that the CAC offers in its petition is insufficient to carry its burden that DEP is failing to implement the SIP or failing to adequately administer the Title V program. CAC's

[9] *Supra* note 4.

allegations merely relate to "how" the Department implements its programs. EPA has not provided any written notifications to DEP that its programs are not being implemented consistent with the law.

The Department is implementing and acting in compliance with its current regulations related to air quality permitting matters on the construction and operation of air contamination sources. Clearly CAC failed to meet it burden. As such, the petition should be rejected.

Should you have any questions on the issues raised in this letter, please contact Vince Brisini, Deputy Secretary for Waste, Air, Radiation, and Remediation, by e-mail at vbrisini@pa.gov or by telephone at 717.772.2725.

Sincerely,

Michael L. Krancer
Secretary

cc: Shawn Garvin, Regional Administrator, EPA Region 3
Pennsylvania Congressional Delegation

Correspondence Management System

Control Number: AX-12-000-6180

Printing Date: April 04, 2012 04:08:48

Citizen Information

Citizen/Originator: **Napolitano, Janet**
Organization: Homeland Security
Address: U.S. Department of Homeland Security, Washington, DC 20528

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number: AX-12-000-6180 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Mar 30, 2012 **Received Date:** Apr 4, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: MEM (Memo) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- Amended National Security Event designation of Republican National Convention in Tampa, Florida on August 26, 2012
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAEE - Office of External Affairs and Environmental Education
R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OHS	Apr 4, 2012

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OHS	Apr 4, 2012

Comments

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

March 30, 2012

MEMORANDUM FOR: All Federal Departments and Agencies

FROM: Secretary Napolitano

SUBJECT: Amendment to Designation of the 2012 Republican National Convention as a National Special Security Event

In accordance with a request from Florida Governor Rick Scott, I have amended my earlier National Special Security Event designation of the Republican National Convention in Tampa, Florida on August 27-30, 2012, to include the Official Welcome Event at the Tropicana Field venue in St. Petersburg, Florida, on August 26, 2012.

The designation of these events as NSSEs allows the full force of the Federal Government to be brought to bear in the development of event security and incident management plans to ensure the safety of all participants.

cc: National Security Staff
American Red Cross

Correspondence Management System

Control Number: AX-12-000-6181
Printing Date: April 04, 2012 03:50:45

Citizen Information

Citizen/Originator: **McPhail, Donald L**
Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Mull, Stephen D.
Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-12-000-6181	**Alternate Number:**	N/A
Status:	For Your Information	**Closed Date:**	N/A
Due Date:	N/A	**# of Extensions:**	0
Letter Date:	Apr 2, 2012	**Received Date:**	Apr 4, 2012
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	SNR-Signature Not Required	**Signature Date:**	N/A

File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - National Security Affairs Calendar
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OEAEE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OITA	Apr 4, 2012

History

Action By	Office	Action	Date

S/ES 201205928

United States Department of State

Washington, D.C. 20520

April 2, 2012

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR BRIAN P. MCKEON
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

for Stephen D. Mull
Executive Secretary

Attachment:
As stated.

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL GOVERNMENT USE ONLY

April 2, 2012

SENSITIVE BUT UNCLASSIFIED
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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Apr 2*	North American Leaders' Summit, Washington
Apr 2	Presidential Inauguration in Senegal
Apr 2*	Visit of President Calderon of Mexico to Washington
Apr 2*	Visit of Prime Minister Harper of Canada to Washington
Apr 3-4	Global Counterterrorism Forum (GCTF) Countering Violent Extremism Working Group Meeting, Abu Dhabi
Apr 3-5	Pan-African Intellectual Property Rights (IPR) Summit, Cape Town
Apr 3-5	Central African Regional Workshop on Wildlife Trafficking and Dismantling Illicit Networks, Libreville
Apr 4	Joint Inter-Governmental Authority on Development (IGAD) Ministerial and High-Level Development Partners Meeting on Drought Resilience in the Horn of Africa, Nairobi
Apr 4-5*	Visit of Defense Minister Ng Eng Hen of Singapore to Washington
Apr 4-6*	Visit of Prime Minister Thaci of Kosovo to Washington
Apr 5-6*	Visit of President Barzani of the Kurdistan Regional Government to Washington

LOOKING AHEAD

Apr 9*	Visit of President Rousseff of Brazil to Washington
Apr 9*	Visit of Foreign Minister Reynders of Belgium to Washington
Apr 9*	Department of Energy's Peaceful Uses of Nuclear Technology Meeting, Washington
Apr 9-10*	U.S.-China Ten Year Framework on Energy and Environment, Washington
Apr 10-12*	Visit of Foreign Minister Gemba of Japan to Washington
Apr 10-12	Visit of Defense Minister Salman bin Abdul Aziz of Saudi Arabia to Washington
Apr 10-13	Visit of Vice President Namadi Sambo of Nigeria to Washington
Apr 11	National Assembly Elections in the Republic of Korea
Apr 11*	Visit of Deputy Prime Minister Teo Chee Hean of Singapore to Washington
Apr 11*	U.S.-China Investment Forum, Washington
Apr 11-12*	G-8 Foreign Ministerial Meeting, Washington
Apr 11-14	Young Atlanticist Summit, Bratislava
Apr 12-13	7th Annual Global Security Forum (GLOBSEC), Bratislava
Apr 13	Summit of the Americas Foreign Ministerial Meeting, Cartagena

Apr 13-19	Visit of Secretary of State Clinton to Colombia, Brazil and Belgium
Apr 14-15	6th Summit of the Americas, Cartagena
Apr 14-15	East Asia Low Carbon Growth Partnership, Tokyo
Apr 14-17	Visit of Secretary of the Interior Salazar to Brazil
Apr 16	Presidential Elections in Timor-Leste—2nd Round (if necessary)
Apr 16	Ministerial Global Partnership Dialogue Meeting, Brasilia
Apr 16-17	Visit of Secretary of Health and Human Services Sebelius to Haiti
Apr 16-17	U.S.-Jordan Strategic and Political Reform Dialogue, Amman
Apr 16-18	World Economic Forum on Latin America, Puerto Vallarta
Apr 17-18	Annual Open Government Partnership (OGP) Conference, Brasilia
Apr 17-19	World Travel & Tourism Council's 12th Global Summit, Tokyo
Apr 18-19	Joint NATO Foreign and Defense Ministerial Meeting, Brussels
Apr 18-19	Clean Energy Ministerial, London
Apr 20-22*	G-20 Finance Ministers and Central Bank Governors Meeting, Washington
Apr 20-22*	World Bank Group/International Monetary Fund Spring Meeting, Washington
Apr 20-26	UN Conference on Trade and Development (UNCTAD) XIII Ministerial Conference/World Investment Forum, Doha

Apr 22	Presidential Elections in France-1st Round
Apr 23	Nordic-Baltic-U.S. Cooperation Summit, Vilnius
Apr 23-24*	Visit of Foreign Minister Martinez of El Salvador to Washington
Apr 23-25	World Summit of Nobel Peace Laureates 2012, Chicago
Apr 23-25*	Visit of Prime Minister Gilauri of Georgia to Washington
Apr 24* (T)	Visit of Foreign Minister Carr of Australia to Washington
Apr 25*	Visit of Foreign Minister Sikorski of Poland to Washington
Apr 25-28*	Visit of Prime Minister Berisha of Albania to Washington
Apr 26*	The Secretary of State's Forum on Investing with Impact, Washington
Apr 29 (T)	Presidential Elections in Mali-1st Round
Apr 29 or May 6	Parliamentary Elections in Greece (Snap)
Apr 29-May 2*	Visit of Foreign Minister del Rosario and Defense Minister Gazmin of the Philippines to Washington
Apr 30*	U.S.-Philippines 2+2 Ministerial-Level Dialogue, Washington
Apr 30*	Visit of Prime Minister Noda of Japan to Washington
Apr 30-May 11	Nuclear Nonproliferation Treaty Preparatory Committee Meeting, Vienna

May 1	U.S.-China Science & Technology Cooperation Joint Committee Meeting, Beijing
May 2	U.S.-China Innovation Dialogue Joint Committee Meeting, Beijing
May 2	U.S.-China Strategic Security Dialogue, Beijing
May 3-4	U.S.-China Strategic and Economic Dialogue, Beijing
May 3-4	U.S.-China Consultations on People-to-People Exchange, Beijing
May 4	Presidential and Parliamentary Elections in Palestinian Authority
May 4	Parliamentary Elections in Iran-2nd Round
May 6	Presidential Elections in France-2nd Round
May 6	Parliamentary Elections in Armenia
May 6	Parliamentary Elections in Serbia
May 7	Parliamentary Elections in Syria
May 7-9	International Export Control Conference, Portoroz
May 9-10*	U.S. Leadership Conference on International Disability Rights, Washington
May 9-11	World Economic Forum on Africa, Addis Ababa
May 10	Parliamentary Elections in Algeria
May 11-13	5th Lennart Meri Conference, Tallinn

May 12-Aug 12	Expo 2012 Yeosu Korea: The Living Ocean and Coast
May 13 (T)	Presidential Elections in Mali-2nd Round
May 14-15	Arctic Council Deputy Foreign Ministers Meeting, Stockholm
May 14-15	U.S.-Indonesia Science and Technology Joint Commission Meeting, Jakarta
May 15-25	UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn
May 17-20*	Visit of Prime Minister Najib of Malaysia to Washington
May 18 (T)*	Visit of Foreign Minister Peiris of Sri Lanka to Washington
May 18-19	2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London
May 18-19	G-8 Summit, Camp David
May 18-21	Young Atlanticist Chicago Summit, Chicago
May 20	Presidential Elections in the Dominican Republic
May 20	10th Anniversary of Independence of Timor-Leste
May 20	Presidential Inauguration in Taiwan
May 20-21	NATO Summit, Chicago
May 20-Jun 5	Asia-Pacific Economic Cooperation (APEC) 2nd Senior Officials Meeting (SOM2) and Related Meetings, Kazan

May 21 (T)	U.S.-Saudi Arabia Joint Coordination Committee on Infrastructure Protection (JCCIP), Riyadh
May 21-23	5th Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju
May 21-24	2nd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur
May 21-26	65th Session, World Health Organization (WHO) World Health Assembly, Geneva
May 22-26	Visit of Secretary of Transportation LaHood to Indonesia
May 23	Presidential Elections in Egypt—1st Round
May 23 (T)	Friends of Yemen Meeting, Riyadh
May 23-24	Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris
May 24*	Visit of Foreign Minister McCully of New Zealand to Washington
May 25-26	6th Pacific Island Leaders (PALM 6) Meeting, Nago City
May 26	National Elections in Lesotho
May 28-30	3rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro
May 30-31	Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan
May 30-Jun 1	World Economic Forum on East Asia, Bangkok

May 31-Jun 1	African Development Bank Annual Meeting, Arusha
May 31-Jun 2	2012 Wroclaw Global Forum, Wroclaw
Jun TBD	Parliamentary Elections in Timor-Leste
Jun TBD	Parliamentary Elections in Mongolia
Jun 1-3	Shangri-la Dialogue, Singapore
Jun 3-5	Organization of American States (OAS) General Assembly, Cochabamba
Jun 4-5	Asia-Pacific Economic Cooperation (APEC) Trade Ministerial Meeting, Kazan
Jun 4-6	World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul
Jun 4-8	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Jun 4-8	25th World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur
Jun 7	Global Counterterrorism Forum (GCTF) Coordinating Committee Meeting, Istanbul
Jun 10	Legislative Elections in France-1st Round
Jun 12*	U.S.-India Higher Education Dialogue, Washington
Jun 14	Kabul Ministerial Conference on the Istanbul Process, Kabul

Jun 14* (T)	U.S.-Thailand Strategic Dialogue, Washington
Jun 14*(T)	Visit of Foreign Minister Surapong of Thailand to Washington
Jun 16	Presidential Elections in Egypt-2nd Round
Jun 17	Legislative Elections in France-2nd Round
Jun 17	Parliamentary Elections in Senegal
Jun 18-19	G-20 Leaders Summit, Los Cabos
Jun 18-19*	2012 African Growth Opportunity Act (AGOA) Forum, Washington
Jun 18-Jul 6	20th Session of the Human Rights Council, Geneva
Jun 20 (T)	Parliamentary Elections in Libya
Jun 20-22	UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro
Jun 20-23	U.S.-Africa Business Convention, Cincinnati
Jun 21	National Constitutional Assembly Elections in Libya
Jun 21*	U.S.-Portugal Standing Bilateral Commission, Washington
Jun 24-25	Asia-Pacific Economic Cooperation (APEC) 10th Energy Ministerial Meeting, St. Petersburg
Jun 25-Jul 5	36th World Heritage Committee Meeting, St. Petersburg

Jun 26-28	Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg
Jun 28-29*	P-5 Conference on Verification, Transparency and Confidence-Building, Washington
Jun 30	Presidential Elections in Iceland
Jul 1	Presidential and Legislative Elections in Mexico
Jul 1	Parliamentary Elections in Mali-1st Round
Jul 2-27	Arms Trade Treaty (ATT) Conference, New York
Jul 8	Tokyo Development Coordination Conference for Afghanistan, Tokyo
Jul 9-10	Community of Democracies Governing Council Meeting, Ulaanbaatar
Jul 9-13	East Asia Summit Foreign Ministers Meeting, 19th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh
Jul 13-15	U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg
Jul 16*	American Australian Leadership Dialogue (AALD), Washington
Jul 16-19	3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City
Jul 22	Parliamentary Elections in Mali-2nd Round

Jul 22-27*	AIDS 2012 XIX, International AIDS Conference, Washington
Jul 25*	2nd Global Diaspora Forum, Washington
Jul 27-Aug 12	XXX Summer Olympic Games, London
Aug 3	Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg
Aug 6-8	Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg
Aug 27-31	Pacific Islands Forum Meetings, Cook Islands
Aug 29-Sep 9	Paralympic Games, London
Aug 30	Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow
Sept TBD	Australia-U.S. Ministerial (AUSMIN), Australia
Sept 2-9	Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok
Sept 4-7	4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok
Sept 6-15	International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju
Sep 10-14	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sept 10-28	21st Session of the Human Rights Council, Geneva

Sept 11-13	Annual Meeting of the New Champions, Tianjin
Sept 14*	U.S.-Indonesia Joint Commission Meeting, Washington
Sept 14*	Visit of Foreign Minister Natalegawa of Indonesia to Washington
Sept 17-21	International Atomic Energy Agency (IAEA) General Conference, Vienna
Sept 24	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Sept 24-28	United Nations General Assembly High-Level Week, New York
Sept 24-Oct 15	25th Universal Postal Union Congress, Doha
Oct 1-19	11th Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad
Oct 7	Presidential Elections in Venezuela
Oct 8	Presidential Elections in Slovenia
Oct 12-14	World Bank Group/International Monetary Fund Annual Meeting, Tokyo
Oct 24-28	Americas Competitiveness Forum/Pathways to Prosperity Ministerial, Cali
Oct 28	Parliamentary Elections in Ukraine
Oct 30-Nov 1*	G-8 Roma-Lyon Group (RLG) Meeting, Washington
Nov 6-8	India Economic Summit, New Delhi

Nov 6-9	7th Annual Internet Governance Forum (IGF), Baku
Nov 7-10	15th International Anti-Corruption Conference (IACC), Brasilia
Nov 17	Presidential and Parliamentary Elections in Sierra Leone
Nov 18-20 (T)	21st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh
Nov 27-Dec 7	18th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar
Nov 29-30	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
Dec 6-7	Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin
Dec 19	Presidential Elections in the Republic of Korea

2013

Mar 4	Presidential and Parliamentary in Kenya-1st Round

* = Taking place in Washington
(T) = Tentative
TBD = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at sarkiss@state.sgov.gov or sarkiss@state.gov.

01268-EPA-1752

Richard Windsor/DC/USEPA/US
02/17/2010 10:24 PM

To "Seth Oster"
cc
bcc
Subject Re: Greenwire Story Citing April CAIR Rule

She was mtg with Nancy Anne Deparle, the WH health czar who I saw as I was leaving.

From: "Seth Oster" [(b) (6) Privacy
Sent: 02/17/2010 10:00 PM EST
To: Richard Windsor
Subject: RE: Greenwire Story Citing April CAIR Rule

Oh, and you missed Kathleen Sebelius, who came in right after you left and sat next to us.

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]
Sent: Wednesday, February 17, 2010 9:19 PM
To: Seth Oster
Subject: Re: Greenwire Story Citing April CAIR Rule

Tx. How long dod you stay? Tx for that.

From: "Seth Oster" [(b) (6) Privacy
Sent: 02/17/2010 09:14 PM EST
To: Richard Windsor
Subject: Greenwire Story Citing April CAIR Rule

New York Times/Greenwire
February 17, 2010

EPA Chief Promises 'Clear Road Map' on Air Pollution Rules for Utilities

By ROBIN BRAVENDER of Greenwire

U.S. EPA Administrator Lisa Jackson today vowed to give electric utilities and their state overseers regulatory certainty with a host of forthcoming environmental rules.

Speaking at a conference of state utility regulators today, Jackson outlined a series of pending regulations that will significantly affect utilities, including rules aimed at curbing soot, smog and

mercury.

"I believe that we can do it smartly, that we will do it in partnership and that we will do it in a way that gives a clear road map for investors and for regulators and for ratepayers," Jackson said.

EPA will propose a replacement for the Clean Air Interstate Rule in April, Jackson said, to address pollution that crosses state lines.

President George W. Bush's cap-and-trade program was designed to cut sulfur dioxide and nitrogen oxide in the eastern United States. But CAIR was thrown out by a federal appeals court in 2008. The court temporarily reinstated the rule in December 2008 to give EPA time to craft a replacement. Members of the Senate, meanwhile, are pushing a legislative fix for the CAIR rule (*E&ENews PM* , Feb. 4).

"Later this year, we'll propose a new utility MACT standard," Jackson added. EPA is facing a court deadline to require plant-specific maximum achievable control technology for mercury and other hazardous air pollutants at power plants by November 2011 (*Greenwire* , Oct. 23, 2009).

"Working together, we'll set a strong foundation for achieving the reductions that a new MACT and new CAIR rules will require," Jackson said.

Jackson said that although challenges and disagreements will arise during the development of new standards, "the benefits of us getting this right are absolutely unprecedented."

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

01268-EPA-1906

Lisa Heinzerling/DC/USEPA/US
01/30/2009 05:14 PM

To Richard Windsor, Robert Goulding, David McIntosh
cc
bcc
Subject notice of reconsideration and paragraph for WH

Lisa,

Here is the draft notice of reconsideration of the waiver denial. (b) (5) Deliberative

Also, the following is a paragraph for the WH about this action. (b) (5) Deliberative

LH

(b) (5) Deliberative
GHG FR Notice 01-30-09LH.doc

01268-EPA-1907

David McIntosh/DC/USEPA/US
01/31/2009 07:51 AM

To Richard Windsor, "David McIntosh", "David McIntosh"
cc
bcc
Subject Re: In her voice mail...

(b) (5) Deliberative

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 01/30/2009 11:11 PM EST
To: "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh"
(b) (6) Privacy
Subject: In her voice mail...
(b) (5) Deliberative

01268-EPA-1908

Richard Windsor/DC/USEPA/US
01/31/2009 07:56 AM

To David McIntosh
cc
bcc
Subject Re: In her voice mail...

Cool. Thanks.
David McIntosh

----- Original Message -----
From: David McIntosh
Sent: 01/31/2009 07:51 AM EST
To: Richard Windsor; "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh" (b) (6) Privacy
Subject: Re: In her voice mail...

(b) (5) Deliberative

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 01/30/2009 11:11 PM EST
To: "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh" (b) (6) Privacy
Subject: In her voice mail...

(b) (5) Deliberative

?

01268-EPA-1909

David McIntosh/DC/USEPA/US
01/31/2009 08:00 AM

To Richard Windsor
cc
bcc
Subject Re: In her voice mail...

You might consider (b) (5) Deliberative

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 01/31/2009 07:56 AM EST
To: David McIntosh
Subject: Re: In her voice mail...

Cool. Thanks.
David McIntosh

----- Original Message -----
From: David McIntosh
Sent: 01/31/2009 07:51 AM EST
To: Richard Windsor; "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh" <(b) (6) Privacy
Subject: Re: In her voice mail...

(b) (5) Deliberative

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 01/30/2009 11:11 PM EST
To: "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh" <(b) (6) Privacy
Subject: In her voice mail...

(b) (5) Deliberative
?

01268-EPA-1913

Richard Windsor/DC/USEPA/US
01/31/2009 10:44 AM

To David McIntosh
cc
bcc
Subject Re: In her voice mail...

I will.
David McIntosh

----- Original Message -----
From: David McIntosh
Sent: 01/31/2009 08:00 AM EST
To: Richard Windsor
Subject: Re: In her voice mail...

You might consider [redacted] (b) (5) Deliberative [redacted]

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 01/31/2009 07:56 AM EST
To: David McIntosh
Subject: Re: In her voice mail...

Cool. Thanks.
David McIntosh

----- Original Message -----
From: David McIntosh
Sent: 01/31/2009 07:51 AM EST
To: Richard Windsor; "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh" <[redacted] (b) (6) Privacy [redacted]
Subject: Re: In her voice mail...

[redacted] (b) (5) Deliberative [redacted]

Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 01/30/2009 11:11 PM EST
To: "David McIntosh" <mcintosh.david@epa.gov>; "David McIntosh" <[redacted] (b) (6) Privacy [redacted]
Subject: In her voice mail...

Carol Browner mumbled something about needing to follow up on Waxman and modelling. What's that about?

01268-EPA-1915

Richard Windsor/DC/USEPA/US
01/31/2009 09:11 PM

To "David McIntosh"
cc
bcc
Subject EPA Points of Contact

See what you think of the following...

Carol, Nancy, and John,

[redacted] (b) (5) Deliberative

[redacted]

[redacted]

[redacted]

[redacted]

Lisa Jackson

01268-EPA-1925

(b) (6) Personal Privacy

02/03/2009 10:11 AM

To Richard Windsor
cc (b) (6) Privacy
bcc
Subject FW: ACTION PLAN FOR EPA ADMINISTRATOR

Here it is.

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

From: Sussman, Bob (DC)
Sent: Monday, January 19, 2009 11:58 AM
To: 'Lisa Jackson'; (b) (6) Privacyrivacy
Subject: FW: ACTION PLAN FOR EPA ADMINISTRATOR

Lisa -- just wanted to make sure this didn't get lost in the avalanche of e-mails. No need to talk until you're ready.

From: Sussman, Bob (DC)
Sent: Sunday, January 18, 2009 9:38 AM
To: (b) (6) Personal Privacy; (b) (6) Privacyrivacy
Cc: 'Lisa Heinzerling'; 'Jon Cannon'; (b) (6) Personal Privacy; (b) (6) Personal Privacy'; (b) (6) Privacy
Subject: ACTION PLAN FOR EPA ADMINISTRATOR

<<ACTION PLAN FOR EPA ADMINISTRATOR.doc>>
Lisa --- Here is a first cut of an action plan for your first 45 days at EPA.

(b) (5) Deliberative

(b) (5) Deliberative

[redacted]

[redacted]

[redacted]

[redacted]

****
****
To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this
e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties
imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any
transaction or matter addressed herein.

For more information please go to http://www.lw.com/docs/irs.pdf

****
****

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Latham & Watkins LLP

(b) (5) Deliberative

ACTION PLAN FOR EPA ADMINISTRATOR.doc

01268-EPA-1926

Lisa Heinzerling/DC/USEPA/US
02/03/2009 10:32 AM

To David McIntosh
cc Richard Windsor, Robert Goulding, Eric Wachter
bcc
Subject memo on expectations for decisions relating to auto industry

Dave,

Here is one of the memos -- on cars -- we discussed at this morning's meeting. Please take a look and let me know if you have any concerns.

I am cc'ing the Administrator, Rob, and Eric as well, (b) (5) Deliberative

Thanks.

Lisa

(b) (5) Deliberative

cars memo.doc

01268-EPA-1946

Richard Windsor/DC/USEPA/US
02/08/2009 03:40 PM

To Robert Goulding
cc
bcc
Subject Re: Call schedule for tomorrow

All good. Tx.
Robert Goulding

----- Original Message -----
From: Robert Goulding
Sent: 02/08/2009 03:27 PM EST
To: Richard Windsor
Subject: Call schedule for tomorrow

08:45 AM-09:00 AM Daily Briefing

I asked staff to assemble to coordinate - if you are able to call into the main #.

09:00 AM-09:50 AM Lisa and Dave

I told dave and lisa to stay in your office after 845 for this to be done by phone.

10:00 AM-10:30 AM Call with Carol Browner (b) (5) Deliberative
Ct: Kate Brandt (b) (6) Privacy

Staff: Dave Mc & Lisa H
The Administrator's office will connect with Carol Browner by phone at
(b) (6) Privacy, access code (b) (6) Privacy, pin (b) (6) Privac
Location: Your Office (3000 ARN)

Dave and Lisa will call in after hanging up with you. You should use the call in info.

03:15 PM-04:00 PM OCFO Budget Decision Briefing
Ct: Dan Gerasimowicz (b) (6) Privacy
Baylson/Terris/Bloom/Smith/Froehlich
Location: Your Office (3000 ARN)

I will have them assemble at 315 for you to call in.

04:30 PM-04:45 PM Call Karen Carter Peterson
contact: Karen, (b) (6) Privacy (c) (b) (6) Privacy

Easily done from nj if u still want to do it.

01268-EPA-2000

Richard Windsor/DC/USEPA/US
02/18/2009 06:52 PM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: Broder story is out.

(b) (5) Deliberative That said, as I'm often told, headline writers do as they please.
Allyn Brooks-LaSure

----- Original Message -----
From: Allyn Brooks-LaSure
Sent: 02/18/2009 06:46 PM EST
To: Richard Windsor
Subject: Broder story is out.

(b) (5) Deliberative Although, headline does say more than you said. I'm reaching out to Broder to slightly dial back.

EPA to Regulate Greenhouse Gases

By JOHN M. BRODER

WASHINGTON - The Environmental Protection Agency is expected for the first time to regulate carbon dioxide and other greenhouse gases that scientists blame for the warming of the planet, according to top Obama administration officials.

The decision, which likely would play out in stages over a period of months, would have a profound impact on transportation, building standards, manufacturing costs and how utilities generate power. It could accelerate the progress of energy and climate change legislation in Congress and form a basis for the United States' negotiating position at United Nations climate talks set for December in Copenhagen.

The E.P.A. is under order from the Supreme Court to make a determination whether carbon dioxide is a pollutant that endangers public health and safety, an order that the Bush administration essentially ignored despite a near-unanimous belief among E.P.A. experts that the research points inexorably to such a finding.

Lisa P. Jackson, the new E.P.A. administrator, said in an interview that she has asked her staff to review the latest scientific evidence and prepare the documentation for a so-called endangerment finding, although she said she had not made a final decision to issue one. But she pointedly noted that the second anniversary of the Supreme Court decision, in Massachusetts v. E.P.A., is April 2. "We here know how momentous that decision could be," she said. "We have to lay out a road map."

She took a first step on Tuesday when she said the agency would reconsider a Bush administration decision not to regulate carbon dioxide emissions from new coal-burning power plants. In announcing the reversal, Ms. Jackson said that the action would not be "the final

word" from the E.P.A. on the regulation of carbon dioxide emissions.

The White House has signaled that it fully supports Ms. Jackson's approach, deferring to her to discuss the administration's response to the Supreme Court case. Benjamin LaBolt, a White House spokesman, also pointed to statements on the subject during the presidential campaign by Heather Zichal, a top adviser on environmental and energy issues.

Ms. Zichal, who is now deputy to Carol Browner, the White House coordinator for climate and energy policy, said last fall that the Bush White House had prevented the E.P.A. from making the endangerment finding "consistent with its obligations under the recent Supreme Court decision." She said that while Mr. Obama supported Congressional action on climate change, he was also committed to using the regulatory authority of the executive branch to reduce global warming emissions.

If the E.P.A. determines that carbon dioxide is a dangerous pollutant to be regulated under the Clean Air Act, it would set off one of the most extensive regulatory rule-makings in history. Ms. Jackson knows that she would be stepping into a minefield of Congressional and industry opposition and she said that she is trying to craft a program that would allay these worries.

"We are poised to be specific on what we regulate and on what schedule," she said. "We don't want people to spin that into a doomsday scenario."

Even some who favor an aggressive approach to climate change are wary of the E.P.A. asserting exclusive authority over carbon emissions. They say that the Clean Air Act, now more than 40 years old, was not intendedto regulate ubiquitous substances like carbon dioxide. They also believe that a broader approach that addresses all aspects of the economy and is fully debated in Congress would better than a regulatory action that could easily drag through the courts for years.

The finding and the proposed regulations would be issued in sequence, with ample opportunity for public comment and not in a sudden burst of regulatory muscle-flexing, Ms. Jackson said. The regulations would work in concert with any legislation and not supplant it, she added.

"What we are likely to see is an interplay of authorities, some new, some existing," she said.

That is not likely to assuage critics, including many Democrats from states dependent on coal-generated electricity and manufacturing jobs, where such regulation could significantly increase costs. Representative John D. Dingell Jr., the Michigan Democrat who has long championed the interests of the American auto industry, said that regulation of carbon dioxide emissions by the E.P.A. would set off a "glorious mess" that would resonate throughout the economy.

Senator John Barrasso, Republican of Wyoming, warned Ms. Jackson during her January confirmation hearing that she should not undercut Congress's authority by using the E.P.A.'s regulatory power to address global warming. He called the use of the Clean Air Act to regulate carbon "a disaster waiting to happen."

Many environmental advocates said the E.P.A.’s action is long overdue. But they see the measure, they said, as a stopgap until Congress passes comprehensive climate change legislation.

"It’s politically necessary, scientifically necessary and legally necessary," said David Bookbinder, chief climate counsel at the Sierra Club, one of the plaintiffs in the Supreme Court case. But he said that Congressional action is preferable to E.P.A. acting on its own. "We are loudly advocating for tailor-made legislation as the best means of addressing carbon emissions. Trying to address climate change via a series of rulemakings from E.P.A. is a distant second best."

01268-EPA-2019

David McIntosh/DC/USEPA/US
02/22/2009 06:32 PM

To Richard Windsor
cc "Allyn Brooks-Lasure", "Lisa Heinzerling", "David McIntosh", "Bob Sussman"
bcc
Subject Re: 2nd UPDATE:US Climate Czar: CO2 Regulation Ruling To Come Soon

Just one initial thought: (b) (5) Deliberative

Richard Windsor (b) (5) Deliberative 02/22/2009 06:19:14 PM

From: Richard Windsor/DC/USEPA/US
To: "David McIntosh" <mcintosh.david@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 02/22/2009 06:19 PM
Subject: 2nd UPDATE:US Climate Czar: CO2 Regulation Ruling To Come Soon

(b) (5) Deliberative ... See below. Thoughts?

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

01268-EPA-2020

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

To Richard Windsor, "David McIntosh", "Lisa Heinzerling", "Bob Sussman"
cc "Allyn Brooks-Lasure"
bcc
Subject Re: 2nd UPDATE:US Climate Czar: CO2 Regulation Ruling To Come Soon

My first thought is [redacted] (b) (5) Deliberative [redacted]

Richard Windsor

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

[redacted] (b) (5) Deliberative [redacted] ... See below. Thoughts?

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

01268-EPA-2021

Lisa Heinzerling/DC/USEPA/US
02/23/2009 09:31 AM

To Richard Windsor
cc "Allyn Brooks-Lasure", "Scott Fulton", "Lisa Heinzerling", "David McIntosh"
bcc
Subject Re: Browner ok'd the memo from me and LaHood to our staffs

On it. Thanks.

Allyn, Here's the memo.
(b) (5) Deliberative
Joint EPA-DOT memo 2-23.doc

Richard Windsor (b) (5) Deliberative 02/23/2009 09:25:48 AM

From: Richard Windsor/DC/USEPA/US
To: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>
Date: 02/23/2009 09:25 AM
Subject: Browner ok'd the memo from me and LaHood to our staffs

(b) (5) Deliberative

Allyn - (b) (5) Deliberative

01268-EPA-2022

Richard Windsor/DC/USEPA/US
02/23/2009 09:34 AM

To "Robert Goulding", "Eric Wachter", "Craig Hooks"
cc "David McIntosh", "Lisa Heinzerling", "Ray Spears"
bcc
Subject 2 pm mtg with Pres Obama

Rob-

Please re-confirm the topic of the 2 pm mtg with both Chris Lu's office and with Carol's office separately.

[redacted] (b) (5) Deliberative [redacted]

[redacted]. Thx, Lisa

01268-EPA-2023

Robert Goulding/DC/USEPA/US
02/23/2009 09:44 AM

To Richard Windsor
cc "Robert Goulding", "Lisa Heinzerling", "Craig Hooks", "David McIntosh", "Ray Spears", "Eric Wachter"
bcc
Subject Re: 2 pm mtg with Pres Obama

[redacted] (b) (5) Deliberative [redacted] I'll work with Craig on obtaining the material.

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

*Please consider the environment before printing this e-mail

Richard Windsor Rob- Please re-confirm the topic of th... 02/23/2009 09:33:54 AM

From: Richard Windsor/DC/USEPA/US
To: "Robert Goulding" <goulding.robert@epa.gov>, "Eric Wachter" <wachter.eric@epa.gov>, "Craig Hooks" <Hooks.Craig@epamail.epa.gov>
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Ray Spears" <spears.ray@epa.gov>
Date: 02/23/2009 09:33 AM
Subject: 2 pm mtg with Pres Obama

Rob-

Please re-confirm the topic of the 2 pm mtg with both Chris Lu's office and with Carol's office separately.

[redacted] (b) (5) Deliberative [redacted]

[redacted] Thx, Lisa

01268-EPA-2024

Richard Windsor/DC/USEPA/US
02/23/2009 09:58 AM

To Robert Goulding
cc Craig Hooks, "Ray Spears", "Eric Wachter"
bcc
Subject Re: 2 pm mtg with Pres Obama

[redacted] (b) (5) Deliberative [redacted]. That way we are uber prepared. Tx.
Robert Goulding

----- Original Message -----
From: Robert Goulding
Sent: 02/23/2009 09:44 AM EST
To: Richard Windsor
Cc: "Robert Goulding" <goulding.robert@epa.gov>; "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; Craig Hooks; "David McIntosh" <mcintosh.david@epa.gov>; "Ray Spears" <spears.ray@epa.gov>; "Eric Wachter" <wachter.eric@epa.gov>
Subject: Re: 2 pm mtg with Pres Obama

[redacted] (b) (5) Deliberative [redacted].

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

*Please consider the environment before printing this e-mail

Richard Windsor Rob- Please re-confirm the topic of th... 02/23/2009 09:33:54 AM

From: Richard Windsor/DC/USEPA/US
To: "Robert Goulding" <goulding.robert@epa.gov>, "Eric Wachter" <wachter.eric@epa.gov>, "Craig Hooks" <Hooks.Craig@epamail.epa.gov>
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Ray Spears" <spears.ray@epa.gov>
Date: 02/23/2009 09:33 AM
Subject: 2 pm mtg with Pres Obama

Rob-

Please re-confirm the topic of the 2 pm mtg with both Chris Lu's office and with Carol's office separately.

[redacted] (b) (5) Deliberative [redacted]

[redacted] Thx, Lisa

01268-EPA-2025

Lisa Heinzerling/DC/USEPA/US
02/23/2009 10:04 AM

To Robert Goulding
cc "Robert Goulding", "Lisa Heinzerling", "Craig Hooks", "David McIntosh", Richard Windsor, "Ray Spears", "Eric Wachter"
bcc
Subject Re: 2 pm mtg with Pres Obama

[redacted] (b) (5) Deliberative [redacted] ?

Robert Goulding [redacted] (b) (5) Deliberative [redacted] 02/23/2009 09:44:21 AM

From: Robert Goulding/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: "Robert Goulding" <goulding.robert@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Craig Hooks" <Hooks.Craig@epamail.epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Ray Spears" <spears.ray@epa.gov>, "Eric Wachter" <wachter.eric@epa.gov>
Date: 02/23/2009 09:44 AM
Subject: Re: 2 pm mtg with Pres Obama

[redacted] (b) (5) Deliberative [redacted]

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

*Please consider the environment before printing this e-mail

Richard Windsor Rob- Please re-confirm the topic of th... 02/23/2009 09:33:54 AM

From: Richard Windsor/DC/USEPA/US
To: "Robert Goulding" <goulding.robert@epa.gov>, "Eric Wachter" <wachter.eric@epa.gov>, "Craig Hooks" <Hooks.Craig@epamail.epa.gov>
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>, "Ray Spears" <spears.ray@epa.gov>
Date: 02/23/2009 09:33 AM
Subject: 2 pm mtg with Pres Obama

Rob-

Please re-confirm the topic of the 2 pm mtg with both Chris Lu's office and with Carol's office separately.

[redacted] (b) (5) Deliberative [redacted]

[redacted] Thx, Lisa

01268-EPA-2032

Lisa Heinzerling/DC/USEPA/US
02/23/2009 01:33 PM

To Richard Windsor
cc "Allyn Brooks-Lasure", "Scott Fulton", "Lisa Heinzerling", "David McIntosh"
bcc
Subject Re: Browner ok'd the memo from me and LaHood to our staffs

The memo will go out to OTAQ at 2:30 today.

I've let DOT know this is our timing.

DOT press office should be in touch with Allyn. DOT's chief of staff contacted their press office about this.

Final memo, in pdf, attached for anyone who's interested.


Joint EPA-DOT memo 2-23.pdf

Richard Windsor | I'd like to get it out today before the M... | 02/23/2009 09:25:48 AM

From: Richard Windsor/DC/USEPA/US
To: "Lisa Heinzerling" <heinzerling.lisa@epa.gov>
Cc: "David McIntosh" <mcintosh.david@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>
Date: 02/23/2009 09:25 AM
Subject: Browner ok'd the memo from me and LaHood to our staffs

[redacted] (b) (5) Deliberative

Allyn - [redacted] (b) (5) Deliberative

MEMORANDUM

SUBJECT: Coordination of EPA and DOT Efforts on Vehicle Standards

FROM: Lisa P. Jackson, Administrator, Environmental Protection Agency
Ray LaHood, Secretary, Department of Transportation

TO: Office of Transportation and Air Quality, Environmental Protection Agency
National Highway Traffic Safety Administration, Department of Transportation

Climate change and energy security are two of the most pressing problems facing our nation. Both the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) are moving forward to develop programs to address these issues. In response to President Obama's January 26, 2009 Presidential Memorandum, the Department of Transportation (DOT) is comprehensively reviewing how it sets Corporate Average Fuel Economy (CAFE) standards, and will apply the results of this review in a CAFE rulemaking for 2012 and later model year vehicles. In addition, EPA is moving forward on its response to the Supreme Court's decision in Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007), by both making a formal finding as to whether greenhouse gases endanger public health or welfare within the meaning of the Clean Air Act and beginning the process for issuing standards for greenhouse gas emissions from motor vehicles in the event of a finding of endangerment.

Each agency operates under different statutory authorities and has different responsibilities, with the Clean Air Act aimed at protecting public health and welfare and the Energy Policy and Conservation Act aimed at promoting energy security by conserving the use of transportation fuel, taking safety into consideration. It will serve our country best if our agencies work together to ensure that our respective programs are based on the best scientific, technical, and economic information available, and are developed in close coordination with our stakeholders, including the states and the vehicle manufacturers. Each of our programs should be crafted with the goal of creating the maximum incentives for innovation, providing flexibility to the regulated parties, and meeting our respective goals of reducing our dependence on fossil fuels and protecting public health and welfare by reducing harmful emissions from the transportation sector.

We hereby direct our respective staffs to immediately begin the important process of sharing information on the complex technical, scientific, and economic issues that will be integral to the two rulemakings. Our goal is to ensure that manufacturers producing a single national fleet of vehicles can meet the requirements of both programs. We recognize that we need to act quickly and that industry needs regulatory certainty to make the important investment decisions that are called for to bring the new generation of vehicles to the marketplace. Therefore we each expect to issue proposed rules addressing passenger cars, light trucks and medium duty passenger vehicles by August 2009, with final rules issued by April 2010.

We are confident that the federal programs that result will put the nation on the right path to addressing the very important problems we face on climate change and energy security. We will dedicate our leadership and resources to ensuring that these goals are met. We intend to stay personally involved and monitor the progress of this effort.

01268-EPA-2034

Lisa Heinzerling/DC/USEPA/US
02/23/2009 03:55 PM

To Richard Windsor, Eric Wachter
cc
bcc
Subject EPA/DOT memo -- final -- attached


Joint EPA-DOT memo 2-23.pdf

MEMORANDUM

SUBJECT: Coordination of EPA and DOT Efforts on Vehicle Standards

FROM: Lisa P. Jackson, Administrator, Environmental Protection Agency
Ray LaHood, Secretary, Department of Transportation

TO: Office of Transportation and Air Quality, Environmental Protection Agency
National Highway Traffic Safety Administration, Department of Transportation

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01268-EPA-2064

Lisa Heinzerling/DC/USEPA/US
03/03/2009 05:13 PM

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

There is a new draft of this EO.

Has this draft been shared with EPA? It's being circulated to other agencies.

The draft is attached. (b) (5) Deliberative

(b) (5) Deliberative

EO on OECC.doc

01268-EPA-2065

David McIntosh/DC/USEPA/US
03/03/2009 05:17 PM

To Lisa Heinzerling
cc Allyn Brooks-LaSure, Bob Sussman, Richard Windsor
bcc
Subject Re: EO on Office of Energy and Climate Change

(b) (5) Deliberative

Lisa Heinzerling There is a new draft of this EO. Has thi... 03/03/2009 05:13:25 PM

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

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(b) (5) Deliberative

EO on OECC.doc

01268-EPA-2085

Richard Windsor/DC/USEPA/US
03/05/2009 01:45 PM

To David Cohen
cc
bcc
Subject Re: Enviro Feedback per INSIDE EPA

(b) (5) Deliberative

David Cohen

----- Original Message -----
From: David Cohen
Sent: 03/05/2009 01:39 PM EST
To: Richard Windsor
Subject: Re: Enviro Feedback per INSIDE EPA

fyi: (b) (5) Deliberative

Richard Windsor (b) (6) Privacy 03/05/2009 01:34:18 PM

From: Richard Windsor/DC/USEPA/US
To: David Cohen/DC/USEPA/US@EPA
Date: 03/05/2009 01:34 PM
Subject: Re: Enviro Feedback per INSIDE EPA

(b) (6) Privacy Thx for all

David Cohen

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

(b) (5) Deliberative

btw, (b) (6) Privacy

(b) (6) Privacy

Richard Windsor Yea I saw it. Inside EPA must write th... 03/05/2009 11:50:16 AM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA

Date: 03/05/2009 11:50 AM
Subject: Re: Enviro Feedback per INSIDE EPA

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Bob Sussman

----- Original Message -----
From: Bob Sussman
Sent: 03/05/2009 11:37 AM EST
To: Richard Windsor; Allyn Brooks-LaSure; David Cohen; Craig Hooks; Lisa Heinzerling; David McIntosh; Scott Fulton
Subject: Enviro Feedback per INSIDE EPA

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

President Obama is unlikely to swiftly make “hard choices” on key energy and environmental issues favored by environmentalists, despite many groups strongly pushing the new administration to show early and strong support for their priorities.

In recent weeks, activists have pushed the new administration to embrace their positions on a wide range of topics, including reforming toxics law, aggressive climate change controls, bills to clarify the scope of the Clean Water Act, abolishing cost-benefit analysis and opposing Canadian tar sands oil development. But the administration is in a “hard core examination mode” and “moving pretty cautiously,” one environmentalist says.

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An EPA spokesman says the “remarkable” amount the agency has done in only a few weeks with a “skeletal political staff” is a testament to EPA Administrator Lisa Jackson’s “sense of urgency.” The spokesman also

says transparency, science and the rule of law will guide Jackson's decisions and that it's important not to "prejudge" decisions to ensure a fair and impartial process. The spokesman adds that environmentalists have praised recent actions by the agency.

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

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

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

Environmentalists are also urging Jackson to embrace pending legislation from Sen. Frank Lautenberg (D-NJ) to reform the Toxic Substances Control Act. Jackson stopped short of endorsing the legislation during her Jan. 14 confirmation hearing. In written questions, Lautenberg asked if Jackson supports requiring chemicals to be tested for safety before coming to market -- a key component of his bill. Jackson said she would work with Congress, EPA and the White House "to determine the best approach."

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The scholars want the Obama administration to adopt an alternative review method known as pragmatic regulatory impact analysis that assesses rules based on their adherence to statutory risk priorities rather than economic factors, though the White House is yet to respond to their call.

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For example, Jackson has announced a review of the Bush administration's denial of California's Clean Air Act waiver that would have allowed the state to set first-time CO2 limits for automobiles. She also granted environmentalists' petition to review a policy from former Bush EPA Administrator Stephen Johnson that blocks the consideration of CO2 limits in air permits for power plants.

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Another activist opposed to Canadian tar sands oil development also praises remarks Obama made following his recent visit to Canada. On the trip Obama did not address tar sands directly, but did say, “increasingly we have to take into account the issue of climate change and greenhouse gases.”

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Environmentalists and the Obama administration “can’t get everything they want because the lights would literally go out -- we wouldn’t have enough power,” the source says, reiterating long-running claims by some industry officials that aggressive environmental regulation could harm the economy.

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

01268-EPA-2086

Richard Windsor/DC/USEPA/US
03/05/2009 01:46 PM

To "Lisa Heinzerling"
cc
bcc
Subject Fw: Enviro Feedback per INSIDE EPA

Fyi - nothing to worry about.
Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 03/05/2009 01:45 PM EST
To: David Cohen
Subject: Re: Enviro Feedback per INSIDE EPA

(b) (5) Deliberative

David Cohen

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From: David Cohen
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fyi: (b) (5) Deliberative

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From: Richard Windsor/DC/USEPA/US
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Richard Windsor | Yea I saw it. Inside EPA must write th... | 03/05/2009 11:50:16 AM

From: Richard Windsor/DC/USEPA/US
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Date: 03/05/2009 11:50 AM
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Bob Sussman

----- Original Message -----
From: Bob Sussman
Sent: 03/05/2009 11:37 AM EST
To: Richard Windsor; Allyn Brooks-LaSure; David Cohen; Craig Hooks; Lisa Heinzerling; David McIntosh; Scott Fulton
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And other activists point to recent developments as evidence of the new administration’s clear direction on environmental issues, including the stimulus law that provides more than $7 billion for EPA programs and even more for renewable energy projects, and the agency’s recent announcements that it will review Bush administration decisions on national air standards, and a policy blocking carbon dioxide (CO2) limits in air permits.

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

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

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However, another environmentalist says, "I think anybody that is criticizing [the administration] right now is pretty silly." Indeed, major environmental groups including the Sierra Club have welcomed a number of recent announcements from the Obama EPA on climate change.

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Robert M. Sussman

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

01268-EPA-2087

Richard Windsor/DC/USEPA/US
03/05/2009 01:49 PM

To David Cohen
cc
bcc
Subject Re: Enviro Feedback per INSIDE EPA

One more thing, (b) (5) Deliberative

David Cohen

----- Original Message -----
From: David Cohen
Sent: 03/05/2009 01:39 PM EST
To: Richard Windsor
Subject: Re: Enviro Feedback per INSIDE EPA

fyi: (b) (5) Deliberative

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From: Richard Windsor/DC/USEPA/US
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From: Richard Windsor/DC/USEPA/US
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Sent: 03/05/2009 11:37 AM EST
To: Richard Windsor; Allyn Brooks-LaSure; David Cohen; Craig Hooks; Lisa Heinzerling; David McIntosh; Scott Fulton
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Environmentalists also point to recent developments in Congress as a clear signal of the Obama administration's position on energy and environmental issues that the activists say is similar to their agenda.

For example, Obama in his Feb. 24 speech to Congress Obama asked lawmakers "to send me legislation that places a market-based cap on carbon pollution and drives the production of more renewable energy in America" and reiterated his commitment to spend $150 billion over ten years on clean energy research.

Environmentalists also welcome the economic stimulus law Obama signed Feb. 17 which provides $7.22 billion for EPA programs and many more billions for renewable energy projects.

Another activist opposed to Canadian tar sands oil development also praises remarks Obama made following his recent visit to Canada. On the trip Obama did not address tar sands directly, but did say, "increasingly we have to take into account the issue of climate change and greenhouse gases."

Canadian Prime Minister Stephen Harper has since indicated a willingness to consider environmental and labor protections in the North American Free Trade Agreement (NAFTA) if he and Obama can avoid "opening the whole NAFTA and unraveling what is a very complex agreement."

The industry source says Obama is "saying all the right things" on "80 percent of what environmentalists want, but the other 20 percent they're pressing him on, they are so out of their minds on those even Obama won't do it." The source cites in particular environmentalists' efforts to abolish cost-benefit analysis from the regulatory process, which the source says is the "stupidest approach" to the issue.

Environmentalists and the Obama administration "can't get everything they want because the lights would literally go out -- we wouldn't have enough power," the source says, reiterating long-running claims by some industry officials that aggressive environmental regulation could harm the economy.

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

01268-EPA-2132

Richard Windsor/DC/USEPA/US
03/10/2009 09:48 PM

To Allyn Brooks-LaSure
cc
bcc
Subject Re: "Ask them"

Celebrate good times c'mon!
Allyn Brooks-LaSure

----- Original Message -----
From: Allyn Brooks-LaSure
Sent: 03/10/2009 09:02 PM EDT
To: "Richard Windsor" <Windsor.richard@epa.gov>; "Bob Sussman" <sussman.bob@epa.gov>; Lisa Heinzerling; "David Mcintosh" <(b) (6) Privacy "Robert Goulding" (b) (6) Personal Privacy ; Eric Wachter
Subject: "Ask them"

(b) (5) Deliberative

[redacted]

01268-EPA-2197

Bob Sussman/DC/USEPA/US
03/21/2009 04:39 PM

To Richard Windsor
cc Scott Fulton, Allyn Brooks-LaSure, Arvin Ganesan, Robert Goulding, Eric Wachter
bcc
Subject Letter to peter orzag on IRIS

(b) (5) Deliberative
Orzag IRIS letter.doc

(b) (5) Deliberative
IRIS_flowchart_DRAFT_03_10_09_v2.ppt

(b) (5) Deliberative
Jackson_MEMO_IRIS_Process_DRAFT_3_19_09[1].doc

Lisa -- Enclosed is a draft letter to Peter Orzag on the changes in the IRIS process. It would be accompanied by a flowchart of the new process (attached) and a short memo outlining the steps in the process (not attached but ready to go).

The suggested (b) (5) Deliberative

Also enclosed is a draft of the memo you would send to EPA management informing the Agency of the new IRIS process. (b) (5) Deliberative

I look forward to your feedback -- BOB

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

01268-EPA-2206

Richard Windsor/DC/USEPA/US
03/23/2009 02:10 PM

To David Cohen
cc
bcc
Subject Re: assume u've seen

yup - [redacted] (b) (5) Deliberative [redacted] - my opinion

David Cohen EPA: Global Warming Threatens Public... 03/23/2009 02:09:18 PM

From: David Cohen/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 03/23/2009 02:09 PM
Subject: assume u've seen

EPA: Global Warming Threatens Public Health, Welf

By *Juliet Eilperin*
Washington Post Staff Writer
Monday, March 23, 2009; 12:18 PM

The Environmental Protection Agency sent a proposal to the White House
warming is endangering the public's health and welfare, according to severa
have far-reaching implications for the nation's economy and environment.

The proposal -- which comes in response to a 2007 Supreme Court decisio
whether carbon dioxide and other greenhouse gases should be regulated un
could lay the groundwork for nationwide measures to limit such emissions.
administration's landmark environmental decisions: In July 2008 then-EPA
Johnson rejected his scientific and technical staff's recommendation and an
seek months of further public comment on the threat posed by global warm

"This is historic news," said Frank O'Donnell, who heads the public watch
"It will set the stage for the first-ever national limits on global warming pol
help light a fire under Congress to get moving."

But business groups decried the move as an economic disaster.

"By moving forward with the endangerment finding on greenhouse gases, I
set of decisions that may have far-reaching unintended consequences," said
of environment, technology and regulatory affairs at the U.S. Chamber of C
once the finding is made, no matter how limited, some environmental grou
applied to all aspects of the Clean Air Act.

"This will mean that all infrastructure projects, including those under the pr
will be subject to environmental review for greenhouse gases. Since not on
subjected to that review, it is possible that the projects under the stimulus in
be devastating to the economy."

In December 2007 EPA submitted a written recommendation to the White
administration to allow EPA to state officially that global warming is a thre
senior White House officials refused to open the document and urged Johns
such a finding would trigger sweeping regulatory requirements under the 4
EPA analysis had found the move would cost utilities, automakers and othe
also bringing benefits to other economic sectors.

EPA officials could not be reached immediately today for comment on the

Several congressional Democrats had urged EPA administrator Lisa P. Jack
endangerment finding on the grounds that it was scientifically warranted an
to enact a national cap on greenhouse gases. Unlike former President Georg
Obama backs such mandatory limits.

On Thursday Sen. Barbara Boxer (D-Calif.), who chairs the Environment a
Committee, said, "There is no question that the law and the facts require an
it should happen without further delay, and I believe it will."

01268-EPA-2217

Robert Goulding/DC/USEPA/US
03/24/2009 12:39 PM

To Richard Windsor
cc
bcc
Subject Something you're interested in doing?

(b) (5) Deliberative

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

*Please consider the environment before printing this e-mail
----- Forwarded by Robert Goulding/DC/USEPA/US on 03/24/2009 12:39 PM -----

☐ PE OEX Control #:

Title: Invitation to The Administrator : Keynote Speaker at the American Bar Association - American Law Institute /Environmental Law Institute Climate and Law Conference

Tentative Date from to **EPA Org:**

RSVP By:

Description/Purpose
The Administrator has been invited to provide the keynote speech at the ABA/ALI Climate and the Law Conference on the morning of April 2nd.

Comments & Interim Notification(s):

Surrogate Offered:

Request Status: (b) (5) Deliberative

Response Sent: ○ Letter ○ Email ○ Phone ○ NRN ● No

Request Info

Organization	Latham and Watkins LLP	Location:	Marriott at Metro Center Washington, DC
Contact Name	Robert A. Wyman, Jr.		

Phone	213-891-8346	Org.Address	355 South Grand Avenue Los Angeles, CA 90071-1560
Fax			
Email	robert.wyman@lw.com		

Vetting

Vetting Complete? ○ Yes ● No

Vetting Orgs

☒ OA	☒ OGC	☐ OW	☐ Reg-06
☐ OCIR	☐ OIA	☐ OSWER	☐ Reg-07
☒ OAR	☐ OIG	☐ Reg-01	☐ Reg-08
☐ OARM	☐ OPA	☐ Reg-02	☐ Reg-09
☐ OCFO	☐ OPEI	☐ Reg-03	☐ Reg-10
☒ OECA	☐ OPPTS	☐ Reg-04	
☐ OEI	☐ ORD	☐ Reg-05	

Priority Level:

Notification List

TO:

David McIntosh/DC/USEPA/US, Bob Sussman/DC/USEPA/US, Beth Craig/DC/USEPA/US, Catherine McCabe/DC/USEPA/US, Pat Hirsch/DC/USEPA/US, Justina Fugh/DC/USEPA/US

CC:

Georgia Bednar/DC/USEPA/US, Shela Poke-Williams/DC/USEPA/US, Linda Huffman/DC/USEPA/US, Robin Spriggs/DC/USEPA/US

Vetting Comment(s)

(b) (5) Deliberative, (b) (5) Attorney Client [redacted]

Original Request

Daniel - I am writing to ask if Administrator Jackson would kindly consider delivering the keynote address at our upcoming American Bar Association-American Law Institute/Environmental Law Institute annual Climate and the Law Conference. This is the premier legal conference on climate held in the United States. We have an exceptional faculty. The conference will be held from Thursday through Friday, April 2-3, in Washington, DC. The keynote address is scheduled for Thursday morning, April 2, at 8:45 a.m.

Attached is the conference brochure. I would be happy to answer any questions.

Thank you sincerely.

Bob Wyman
ABA-ALI/ELI Climate and the Law Conference Co-Chair.

Robert A. Wyman, Jr.

LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
Direct Dial: +1.213.891.8346

Fax: +1.213.891.8763
Email: robert.wyman@lw.com
www.lw.com

ALI ABA

Third Annual ALI-ABA Course of Study/Video Webcast

Global Warming: Climate Change and the Law

Cosponsored by the Environmental Law Institute (ELI)

Thursday-Friday, April 2-3, 2009
Marriott at Metro Center, Washington, D.C. and Live Video W

- The rapidly
- The
- Regional and state climate trading systems
- Renewable portfolio standards
- The outlook for federal global warming legislation and the implica
  of voluntary federal programs and voluntary reduction commitme
- Corporate disclosure, fiduciary duties, and insurance

Clean Water Act: Law and Regulat

Cosponsored by the ABA Section of Environment, Energy, and Resour and the Environmental Law Institute (ELI)

Thursday-Friday, April 23-24, 2009
Hilton Washington Embassy Row, Washington, D.C. and Live

Private and government attorneys discuss recent developments under the Clean W provide their expertise as to what constitutes a "waters of the United States" and a recent court decisions and agency guidance. Other featured topics include:

- The National Pollutant Discharge Elimination System (NPDES) per — the "big picture" perspective and the pragmatic view of federal
- Wet weather issues, both rural and urban
- Developments in enforcement
- E-disclosure
- Climate change
- Endocrine disrupting chemicals

Thursday, April 2, 2009

7:30 a.m.	Registration and Networking Session
	Webcast Segment A – Federal Practice Issues
8:30 a.m.	**Introductory Remarks and Course Overview** – *Mr. Wyman*
8:45 a.m.	**Keynote Address** – *speaker to be confirmed*
9:15 a.m.	**Federal Approaches to Climate Change** – *Messrs. Brenner, Doniger, and Martella*
10:15 a.m.	Networking Break
10:30 a.m.	**Facility Permitting and Financing Issues** – *Messrs. Carver, Feo, and Sevinsky*
11:45 a.m.	Lunch Break
	Webcast Segment B – Litigation and Regional Practice Issues
1:00 p.m.	**Regional and State Programs** – *Messrs. Owens, Snyder, and Wyman*
2:30 p.m.	Networking Break
2:45 p.m.	**Climate Change Litigation: CAA, NEPA, ESA, and the Common Law** – *Messrs. Gerrard, Martel, and Pawa*
4:00 p.m.	Questions and Answers
4:15 p.m.	Adjournment for the Day
5:00-6:00 p.m.	**Networking Reception for Faculty and Registrants** at the offices of Arnold & Porter LLP, 555 Twelfth Street, NW, Washington, D.C.

Friday, April 3,

7:45 a.m.	Ne
	Webcast Segmen
8:15 a.m.	**Ke**
8:45 a.m.	**Co** *Mi*
10:15 a.m.	Ne
10:30 a.m.	**In** *Sa*
12:00 noon	Lu
	Webcast Segmen
1:15 p.m.	**Di Co** *Gu*
2:15 p.m.	**Et**
3:15 p.m.	Ne
3:30 p.m.	**Ca** *(in*
4:30 p.m.	Qu
4:45 p.m.	Ac

Total 60-minute hou

Created by: Daniel Gerasimowicz on 03/18 at 10:32 AM
Last Modified: Robert Gouldingon 03/24 at 11:42 AM

ALI ABA

A new administration in the White House means a new focus on environmental matters and a shift in priorities.

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Global Warming: Climate Change and the Law

Cosponsored by the Environmental Law Institute (ELI)

Thursday-Friday, April 2-3, 2009
Marriott at Metro Center, Washington, D.C. and Live Video Webcast

- The rapidly
- The
- Regional and state climate trading
- Renewable portfolio standards
- The outlook for federal global warming legislation and the implications of voluntary federal programs and voluntary reduction commitments
- Corporate disclosure, fiduciary duties, and insurance

Seventh Annual

Clean Water Act: Law and Regulation

Cosponsored by the ABA Section of Environment, Energy, and Resources and the Environmental Law Institute (ELI)

Thursday-Friday, April 23-24, 2009
Hilton Washington Embassy Row, Washington, D.C. and Live Video Webcast

Private and government attorneys discuss recent developments under the Clean Water Act regulatory program and provide their expertise as to what constitutes a "waters of the United States" and a "discharge" of pollutants under recent court decisions and agency guidance. Other featured topics include:

- The National Pollutant Discharge Elimination System (NPDES) permitting program — the "big picture" perspective and the pragmatic view of federal and state permit writers
- Wet weather issues, both rural and urban
- Developments in enforcement
- E-disclosure
- Climate change
- Endocrine disrupting chemicals

www.ali-aba.org

Global Warming: Climate Change and the Law Thursday-Friday, April 2-3, 2009 Marric

Greenhouse gas regulation is one of the top priorities of the new Obama administration and 111th Congress. States and regions across the country are implementing both sector-specific and economy-wide regulatory regimes. Internationally, the Kyoto Protocol and the European trading system are creating many issues for American companies operating abroad.

With climate change having captured the imagination and attention of both the public and politicians, it is vital that those who may be affected by these various regimes know how the decisions and agreements they make today will survive what is likely to be significantly changed circumstances tomorrow.

Understanding the emerging markets and regulations surrounding climate and carbon is a critical skill for practitioners of environmental, regulatory, energy, resources, administrative, corporate, and securities law. A carbon-constrained world presents both risks and opportunities, and practitioners are expected to explain the new landscape to clients trying to chart a course in this new territory. This course of study, **comprising more than 12 hours of instruction,** is intended to provide both the **practical understanding and skills** necessary to accomplish this task, and includes **a full hour of ethics** instruction. Time is reserved throughout the program to address registrants' questions.

Join your faculty and colleagues for a **Networking Reception** on Thursday evening, hosted by **Arnold & Porter LLP.**

HOTEL ACCOMMODATIONS

A limited block of rooms has been reserved at the **Marriott at Metro Center.** Room rate: $299 per night, single or double occupancy. These rooms will be held as a block, unless exhausted, until **March 11**, at which time they will be released to the general public. Registrants must make their own hotel reservations and indicate that they are attending the ALI-ABA Course of Study to qualify for rooms in the block. Room reservations may be made by calling or writing to the Marriott at Metro Center, 775 12th Street, N.W., Washington, DC 20005; phone (202) 737-2200; FAX (202) 347-5886. Confirmations will be sent by the hotel. Please read the cancellation policy carefully.

Clean Water Act Law and Regulation Thursday-Friday, April 23-24, 2009 Hilton Washington E

Much has been achieved in protecting the nation's waterways and wetlands since the modern Clean Water Act was passed in 1972. However the Act is at a crossroads, its regulatory programs under increasing strain due to an expansion of regulated activities, uncertainty about the scope of jurisdiction after the Supreme Court's *Rapanos* decision, and new issues needing attention, such as climate change and consequences of new technologies. And as agricultural and urban stormwater discharges emerge as the largest sources of water quality impairments, some are calling for statutory revisions to give the agencies more tools specifically tailored to address these problems.

The in-depth, hands-on treatment provided in this advanced course of study, **comprising 12 hours of instruction,** updates experienced attorneys and related professionals and provides general practitioners with an excellent framework for understanding the law and counseling clients in a complex area. An **optional introductory lecture** will be presented on Thursday morning to provide less experienced practitioners, or those needing a refresher, with grounding in the basic substantive law and practice issues. A top-flight faculty, including senior public officials from federal and state agencies, private practitioners, government prosecutors and defense attorneys, and public interest advocates, provide not only legal analyses, but science and policy perspectives as well.

In keeping with the course's focus on the cutting edge of environmental law and policy, this year's program features **a keynote address by Ben Grumbles,** former Assistant Administrator for Water at the U.S. Environmental Protection Agency, who will look both back and forward at this critical juncture for the statute.

The course also includes a **full hour on professional responsibility issues and ethics concerns** in the water law practice context. Time is reserved throughout the program to address registrants' written questions.

HOTEL ACCOMMODATIONS

A limited block of rooms has been reserved at the **Hilton Washington Embassy Row.** Room rate: $259 per night, single occupancy; $279 per night, double occupancy. These rooms will be held as a block, unless exhausted, until **March 30**, at which time they will be released to the general public. Registrants must make their own hotel reservations and indicate that they are attending the ALI-ABA Course of Study to qualify for rooms in the block. Room reservations may be made by calling or writing to the Hilton Washington Embassy Row, 2015 Massachusetts Avenue, N.W., Washington, DC 20036; phone (202) 265-1600; FAX (202) 328-7526, or http://www.hiltonembassyrow.com/ using our group/convention code: **ACW**. Confirmations will be sent by the hotel. Please read the cancellation policy carefully.

t Metro Center, Washington, D.C. and Live Video Webcast

PLANNING CHAIRS
(also on faculty)

Michael B. Gerrard, Professor of Professional Practice and Director, Center for Climate Change Law, Columbia Law School, New York

Scott E. Schang, Vice President, Publications and Associates, Environmental Law Institute, Washington, D.C.

Robert A. Wyman, Jr., Latham & Watkins LLP, Los Angeles

KEYNOTE SPEAKER

Miriam Horn, Co-author, "Earth: The Sequel; The Race to Reinvent Energy and Stop Global Warming" and Clean Technology Specialist, Environmental Defense Fund, New York

FACULTY

Additional faculty to be confirmed

Bonnie Allyn Barnett, Drinker Biddle & Reath LLP, Philadelphia

Robert D. Brenner, Director, Office of Policy Analysis and Review, Office of Air and Radiation, U.S. Environmental Protection Agency, Washington, D.C.

Scott Carver, Vice President and Senior Counsel, LS Power, East Brunswick, New Jersey

Kyle W. Danish, Van Ness Feldman, P.C., Washington, D.C.

David D. Doniger, Policy Director, Climate Center, Natural Resources Defense Council, Washington, D.C.

Edwin F. Feo, Milbank, Tweed, Hadley & McCoy LLP, Los Angeles

Joseph Goffman, Senior Counsel for Global Warming and Air Issues, Environment and Public Works Committee, U.S. Senate, Washington, D.C.

Gary S. Guzy, General Counsel, APX, Inc., Washington, D.C.

Anne L. Kelly, Director, Governance Programs, The Coalition for Environmentally Responsible Economies (CERES), Boston

Daniel A. Lashof, Ph.D., Director, Climate Center, National Resources Defense Council, Washington, D.C. *(invited)*

Jennifer Layke, Deputy Director, Climate and Energy Program, World Resources Institute, Washington, D.C. *(invited)*

Leslie H. Lowe, Director of Energy and Environment Programs, Interfaith Center for Corporate Responsibility, New York

Jonathan Martel, Arnold & Porter LLP, Washington, D.C.

Roger R. Martella, Jr., Sidley Austin LLP, Washington, D.C.; Former General Counsel, U.S. Environmental Protection Agency

Claudia M. O'Brien, Latham & Watkins LLP, Washington, D.C.

Steve Owens, Director, Arizona Department of Environmental Quality, Phoenix

Matthew F. Pawa, Law Offices of Matthew F. Pawa, P.C., Newton Centre, Massachusetts

David B. Sandalow, Senior Fellow, Foreign Policy, The Brookings Institution, Washington, D.C. *(invited)*

James Sevinsky, Executive Counsel, Environment, Health & Safety, GE Energy, Schenectady, New York

Jeffrey A. Smith, Cravath, Swaine & Moore LLP, New York

J. Jared Snyder, Assistant Attorney General, State of New York, Albany

David G. Victor, Professor of Law, Stanford Law School, Palo Alto, California *(invited)*

ALI-ABA Staff Attorney: Amy S. Weinberg, Assistant Director, Office of Courses of Study

assy Row, Washington, D.C. and Live Video Webcast

PLANNING CHAIRS
(also on faculty)

D. Randall Benn, Dewey & LeBoeuf LLP, Washington, D.C.; Senior Fellow, Nicholas School of the Environment and the Nicholas Institute for Environmental Policy Solutions, Duke University, Durham, North Carolina

Rachel L. Jean-Baptiste, Senior Attorney, Environmental Law Institute, Washington, D.C.

Steven M. Neugeboren, Associate General Counsel, Water Law Office, Office of General Counsel, U.S. Environmental Protection Agency, Washington, D.C.

KEYNOTE SPEAKER

Benjamin H. Grumbles, former Assistant Administrator for Water, U.S. Environmental Protection Agency, Washington, D.C.

FACULTY

Additional faculty to be confirmed

Timothy B. Aiken, Legislative Director, Office of the Honorable James P. Moran (D-VA), U.S. House of Representatives, Washington, D.C. *(invited)*

Andrea L. Berlowe, Senior Counsel, Law and Policy Section, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C.

Paul E. Davis, P.E., Director, Division of Water Pollution Control, Tennessee Department of Environmental Conservation, Nashville

Richard S. Davis, Beveridge & Diamond P.C., Washington, D.C.

Duane J. Desiderio, Staff Vice President, Legal Affairs, National Association of Home Builders, Washington, D.C.

Pamela R. Esterman, Sive Paget & Riesel, P.C., New York

Paul C. Freeman, Dewey & LeBoeuf LLP, Hartford, Connecticut

George S. Hawkins, Director, District Department of the Environment, Washington, D.C.

Randy Hill, Acting Director, Office of Civil Enforcement, U.S. Environmental Protection Agency, Washington, D.C.

Bill Holman, Director of State Policy, Nicholas Institute for Environmental Policy Solutions, Durham, North Carolina; former Secretary, North Carolina Department of Environment and Natural Resources

Ken Kirk, Executive Director, National Association of Clean Water Agencies, Washington, D.C.

James R. May, Professor, Widener University School of Law, Wilmington, Delaware

Evelyn MacKnight, Branch Chief, National Pollutant Discharge Elimination System (NPDES) Permits, Region III, U.S. Environmental Protection Agency, Philadelphia

G. Tracy Mehan III, Principal, Drinking Water and Water Quality Group, The Cadmus Group, Inc., Arlington, Virginia

Kevin Minoli, Assistant General Counsel, Office of General Counsel, U.S. Environmental Protection Agency, Washington, D.C.

James Murphy, Wetlands and Water Resources Council, National Wildlife Federation, Montpelier, Vermont

Jeff Peterson, Senior Policy Advisor, Office of Water, U.S. Environmental Protection Agency, Washington, D.C.

Ryan C. Seiger, Staff Director and Senior Counsel, Subcommittee on Water Resources and Environment, Transportation and Infrastructure Committee, U.S. House of Representatives, Washington, D.C.

James B. Slaughter, Beveridge & Diamond P.C., Washington, D.C.

Nancy K. Stoner, Director, Clean Water Project, Natural Resources Defense Council, Washington, D.C.

LaJuana S. Wilcher, English Lucas Priest & Owlsley, LLP, Bowling Green, Kentucky; former Secretary, Environmental and Public Protection Cabinet, Frankfort, Kentucky and former Assistant Administrator, Office of Water, U.S. Environmental Protection Agency, Washington, D.C.

ALI-ABA Staff Attorney: Amy S. Weinberg, Assistant Director, Office of Courses of Study

Thursday, April 2, 2009

7:30 a.m. Registration and Networking Session

Webcast Segment A – Federal Practice Issues

8:30 a.m. **Introductory Remarks and Course Overview** – *Mr. Wyman*

8:45 a.m. **Keynote Address** – *speaker to be confirmed*

9:15 a.m. **Federal Approaches to Climate Change** – *Messrs. Brenner, Doniger, and Martella*

10:15 a.m. Networking Break

10:30 a.m. **Facility Permitting and Financing Issues** – *Messrs. Carver, Feo, and Sevinsky*

11:45 a.m. Lunch Break

Webcast Segment B – Litigation and Regional Practice Issues

1:00 p.m. **Regional and State Programs** – *Messrs. Owens, Snyder, and Wyman*

2:30 p.m. Networking Break

2:45 p.m. **Climate Change Litigation: CAA, NEPA, ESA, and the Common Law** – *Messrs. Gerrard, Martel, and Pawa*

4:00 p.m. Questions and Answers

4:15 p.m. Adjournment for the Day

5:00-6:00 p.m. **Networking Reception for Faculty and Registrants** at the offices of Arnold & Porter LLP, 555 Twelfth Street, NW, Washington, D.C.

Friday, April 3, 2009

7:45 a.m. Networking Session

Webcast Segment C – Legislative and International Developments

8:15 a.m. **Keynote Address** – *Ms. Horn*

8:45 a.m. **Congressional Developments** – *Mr. Wyman, moderator; Mr. Goffman and other speakers to be confirmed*

10:15 a.m. Networking Break

10:30 a.m. **International Climate Negotiations** – *Messrs. Danish, Sandalow (invited), and Victor (invited)*

12:00 noon Lunch Break

Webcast Segment D – Climate Claims and Disclosures

1:15 p.m. **Disclosure, Fiduciary Duties, Insurance, and Corporate Strategy** – *Mss. Kelly and Lowe and Messrs. Guzy and Smith*

2:15 p.m. **Ethical Considerations** – *Ms. Barnett*

3:15 p.m. Networking Break

3:30 p.m. **Carbon Offsets** – *Mr. Wyman, moderator; Mss. Layke (invited) and O'Brien and Mr. Lashof (invited)*

4:30 p.m. Questions and Answers

4:45 p.m. Adjournment

Total 60-minute hours of instruction: 12.5, including one hour of ethics

Thursday, April 23, 2009

7:30 a.m. Registration and Networking Session

Webcast Segment A: The Scope of the Clean Water Act

8:00 a.m. **Optional Introductory Lecture: Basics of Clean Water Act Law** – *Mr. Neugeboren*

9:00 a.m. Introductory Remarks and Course Overview

9:15 a.m. **Keynote Address** – *Mr. Grumbles*

9:45 a.m. Networking Break

10:00 a.m. **Geographical Jurisdiction – Recent Developments in Defining What are Waters of the U.S.** – *Messrs. Desiderio, Murphy, and Seiger*

11:15 a.m. **Activities-Based Jurisdiction – Recent Developments in Defining What Activities Must be Permitted** – *Messrs. Davis and Minoli and another speaker to be confirmed*

12:30 p.m. Lunch Break

Webcast Segment B: Everything You Wanted to Know About the National Pollutant Discharge Elimination System (NPDES) Permit Program But Were Afraid to Ask

2:00 p.m. **NPDES: The Big Picture and Recent Developments** – *Professor May, Mr. Mehan, and another speaker to be confirmed*

3:30 p.m. Networking Break

3:45 p.m. **NPDES: The Nitty-Gritty – Perspectives of Federal and State Permit Writers** – *Mr. Davis and Ms. MacKnight*

4:45 p.m. Adjournment for the Day

Friday, April 24, 2009

8:30 a.m. Networking Session

Webcast Segment C: Wet Weather Problems – When It Rains It Pours

9:00 a.m. **Urban Issues** – *Messrs. Hawkins and Kirk and Ms. Stoner*

10:30 a.m. Networking Break

10:45 a.m. **Rural Issues** – *Messrs. Holman and Slaughter and Ms. Wilcher*

12:00 noon Lunch Break

Webcast Segment D: On the Cutting Edge

1:15 p.m. **Hot Issues: Climate Change, Enforcement and e-Disclosures, CWA §316, NPDES Permits for Vessels, Endocrine Disrupting Chemicals, and More** – *Messrs. Aiken (invited), Freeman, Hill, and Peterson*

2:45 p.m. Networking Break

3:00 p.m. **Ethical Issues for the Environmental Practitioner** – *Mss. Berlowe and Esterman*

4:00 p.m. Adjournment

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- **Phone** your registration or order: 1-800-CLE NEWS.
- Register or order on the **web** at www.ali-aba.org

Attend *Global Warming: Climate Change and the Law* live in Washington, D.C., April 2-3, 2009, for only $1,099.

Please enter _____ registration(s) *CP052*

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◯ Webcast Segment A. Tuition: $299 *WAP052A*
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Clean Water Act Law and Regulation
Covering recent programmatic, litigation, and congressional developments as well as larger, emerging issues that will strongly influence Clean Water Act law and practice in the years to come.

CP052-CP041

01268-EPA-2298

Bob Sussman/DC/USEPA/US
04/11/2009 06:47 PM

To "M. Allyn Brooks-LaSure"
cc Allyn Brooks-LaSure, David McIntosh, Richard Windsor
bcc
Subject Re: WashPost Article

(b) (5) Deliberative

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

"M. Allyn Brooks-LaSure" Future Grows More Hazy F... 04/11/2009 11:07:07 AM

From: "M. Allyn Brooks-LaSure" <mabl@brooks-lasure.com>
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 04/11/2009 11:07 AM
Subject: WashPost Article

Future Grows More Hazy For Mountaintop Mining

EPA's Fluctuating Messages Concern W.Va. Residents

By David A. Fahrenthold
Washington Post Staff Writer
Saturday, April 11, 2009; B01

ETHEL, W.Va. -- In one of the deepest, steepest corners of Appalachia, where the most important industry is shearing mountains down to flat-top stumps, everybody wants the same answer.

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About two weeks ago, the Environmental Protection Agency seemed poised to crack down on the "mountaintop" coal mines that are common in this region, which industry officials say would threaten thousands of jobs. The EPA said it had "significant concerns" about the mines -- in which peaks are legally blasted off to get at coal seams inside -- because neighboring streams are buried under displaced rock.

But later that day, the EPA suddenly seemed to play down its own worries, saying it thought the bulk of the projects would "not raise environmental concerns."

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"This was not about making any kind of value judgment on a practice of mining," Jackson said in

an interview. "This is about science. And what the law tells us to do is review these permits."
But here in southern West Virginia, the EPA's moves have left a powerful sense of uncertainty about the future of mountaintop mining. People also see this issue as a microcosm of the nation's ambivalence about coal.
"We don't have a clue" what the federal government is planning, said Roger Horton, a truck driver at a West Virginia mine who heads the group Citizens for Coal. "We want clarity. To do this, to me, is inhumane."
As Washington has become more focused on climate change, coal has become something like the new tobacco: publicly reviled, at least by some, but still deeply embedded in the economy. Coal produces dirty water when it is mined and greenhouse gases when it is burned, but it also accounts for about half of U.S. electric power, and coal mining provides about 82,000 jobs. What happens here, in the heart of mountaintop-mining country, might be considered coal's unfiltered version.
"You know 'Almost heaven, West Virginia'? Well, now it's 'Almost level, West Virginia,' " said Teresa Perdue, 50, a resident of Ashford, W.Va., who has spoken out against mountaintop removal. Perdue was looking down at a vista that once included a rounded mountain and a valley, Bull Creek Hollow.
But the peak was blasted and scooped away by heavy machinery to get at thin seams of coal near the surface. Excess rock was dumped into the valley. The resulting landscape was flatter and browner, with plenty of bare rock.
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Some environmentalists think the science is overwhelming that mountaintop mining is harmful. Pro-coal people think the economy trumps everything: "There's nothing to replace [coal] right now," said Jim Taylor, a 73-year-old with long, white George Jones sideburns who manages a hydraulic and machine repair shop in Logan, W.Va.
Sitting in front of a former service station in Blair, W.Va., Carlos Gore, 57, a mountaintop mining opponent, said previous experience shows that mining companies usually win: "They take the rules, and they bend it and twist it like a pig's tail."
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The industry says the mines produce about 10 percent of the country's coal. Last year, a Washington Post analysis found that the area's coal-burning power plants purchased 32 percent of their fuel from surface mines in this region, which often involve mountaintop mining.
Lately, mountaintop mining's opponents had been on a losing streak. In December, the Bush administration approved a rule that environmentalists said would make it easier to dump waste rock near streams. And in February, a U.S. appeals court rejected environmental groups' challenges to certain mining permits.
Then, on March 24, EPA officials released two letters that had been sent to the U.S. Army Corps of Engineers, which handles permits for valley fills. The letters said that two mines -- one here near Ethel and the other in Pike County, Ky. -- could harm aquatic life in the buried valleys and downstream. It sent three more letters this week, expressing concerns about valley fills at a mine

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Staff photographer Michael Williamson contributed to this report.

01268-EPA-2299

Richard Windsor/DC/USEPA/US
04/11/2009 06:57 PM

To Bob Sussman, "Allyn Brooks-Lasure"
cc Allyn Brooks-LaSure, David McIntosh
bcc
Subject Re: WashPost Article

Agree
Bob Sussman

----- Original Message -----
From: Bob Sussman
Sent: 04/11/2009 06:47 PM EDT
To: "M. Allyn Brooks-LaSure" <mabl@brooks-lasure.com>
Cc: Allyn Brooks-LaSure; David McIntosh; Richard Windsor
Subject: Re: WashPost Article

[redacted] (b) (5) Deliberative

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Office of the Administrator
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"M. Allyn Brooks-LaSure" Future Grows More Hazy F... 04/11/2009 11:07:07 AM

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Staff photographer Michael Williamson contributed to this report.

01268-EPA-2318

Richard Windsor/DC/USEPA/US
04/15/2009 05:06 PM

To "Maggie Moran"
cc
bcc
Subject Re: Nice Hit from PSEG speech

Nice. Prez giving big energy speech v soon.

From: Maggie Moran [MMoran@votecorzine09.com]
Sent: 04/15/2009 03:58 PM AST
To: Richard Windsor
Subject: Fw: Nice Hit from PSEG speech

From: Deborah Howlett (b) (6) Privacy
To: Sean Darcy; Tom Shea <tshea@votecorzine.org>; Maggie Moran; Steve Demicco <demicco@messageandmedia.com>
Sent: Wed Apr 15 15:57:05 2009
Subject: Nice Hit from PSEG speech

ENERGY POLICY: U.S. has much to learn from N.J. programs -- Corzine

(04/15/2009)- Greenwire

Nathanial Gronewold, E&E reporter

New Jersey's energy programs offer a template for federal action on climate, energy efficiency and renewable power, the state's governor told a regional energy summit today.

"I think we are doing a lot to move forward on alternative energy," Gov. Jon Corzine (D) said. "It is happening broadly across our state."New Jersey's success in helping launch the nation's only government-regulated, cap-and-trade program for greenhouse gases "without a huge hue and cry" shows strong public support for fighting climate change, Corzine told the Council on Competitiveness gathering at Rutgers University.

The meeting is part of a series of regional gatherings designed to influence debate on new energy and climate legislation.While not perfect, the move by Northeastern states to the Regional Greenhouse Gas Initiative, or RGGI, provides lessons for Congress and the Obama administration, Corzine said. RGGI "is off to a terrific start," he said.

As part of its energy master plan, New Jersey is committed to ambitious goals, including generating 30 percent of its electricity from renewable sources, cutting overall energy consumption by 20 percent and reducing emissions of carbon dioxide and other heat-trapping gases by 25 percent within the next 11 years, Corzine said.

Among initiatives to help the state meet its goals, Corzine cited the state's market for trading renewable energy credits (RECs) from solar power. The state's RECs trade at some of the highest prices in the solar market, helping make New Jersey second to California in the volume of installed solar capacity.New small-scale solar projects continue to sprout in New Jersey despite the economic downturn.

Rutgers is nearing completion of what is billed as the largest U.S. solar plant on a college campus.

Immediately after his speech, Corzine visited a new solar project being built on the East Rutherford campus by the pharmaceutical giant Merck & Co.

The state Board of Public Utilities is also working with PSEG, New Jersey's largest energy provider, to develop an offshore wind farm near Atlantic City. Developers are racing in Massachusetts, Delaware and Rhode Island to build the nation's first offshore wind plant; the New

Jersey project is expected to generate 1,000 megawatts by 2013 and 3,000 MW by 2020.

The state is also pursuing policies designed to encourage geothermal power generation.

But Corzine warned that efforts to launch various clean energy initiatives have pitfalls.

"It is very challenging," he said, "to be able to make certain that we get the price and execution of energy efficiency programs, in particular, rolled out.

"New Jersey is struggling to get homeowners and businesses to enhance their energy efficiency. And state regulators are experimenting with "decoupling" electricity-rate rules designed to eliminate the paradox of electricity providers losing revenue as they encourage customers to reduce electricity consumption.Designing a system to encourage energy efficiency in households is thus far proving the greatest challenge, Corzine said.

Regulators and utility executives are trying to learn how to nudge households toward making often-expensive retrofits without raising electricity rates substantially, since New Jersey residents already pay some of the highest power prices in the country.

"I think it's safe to say that we have some work to do," Corzine said. "We're looking for that right mix so that we can actually unfold a broad-based, scaled program."

Deborah Howlett
(609) 712-0445

01268-EPA-2357

Sarah Dale/DC/USEPA/US
04/23/2009 05:35 AM

To [redacted], [redacted]
mcclendon.marcus, blissa, brooks-lasure.allyn, wachter.eric, [redacted], Scott Fulton, prestonj, [redacted]
cc Martin Dieu, goulding.robert, cryan.megan, Daniel Gerasimowicz, [redacted], windsor.richard
bcc

Subject updated final LPJ schedule

there have been some updates to the schedule, specifically updated flight times for thursday and the addition of bilateral meetings on thursday and friday. there may still be some press additions, but as of now, this is the final draft of the sched. if there are any changes, i will email you asap.


italy sched 4.23 4.24.doc

sarah dale
office of the administrator
US environmental protection agency

direct: 202-564-6998
mobile: 202-384-6996
email: dale.sarah@epa.gov

Schedule for Administrator Lisa P Jackson
G-8 Environmental Ministerial--Siracusa, Italy
23 April-24 April

Thursday, 23 April

8:15 am Arrive FCO

8:15-9:00 am Pass through customs/immigration

8:00-8:30 am All-Delegate meeting with Scott Fulton to discuss day's events
Control Room, Hotel des Etrangers

9:00-9:15 am Opening working Session 2—Biodiversity (+2)
Castello Maniace Hall

9:15-9:30 am Key note address
Mr. Pavan Sukdev, TEEB study Leader
Mr Ahmed Djoghlaf, CBD

9:30-10:30 am Discussion

10:40 am Depart FCO en route CTA

10:30-10:45 am Coffee Break

10:45-12:45 pm Discussion

11:50 am Arrive CTA

11:50-12:00 am Meet GOI Authorities—Move to Helipad

12:00-12:20 pm Depart Catania helipad en route Ortigia via helicopter
NOTE: Only LPJ+2 on helicopter-all luggage and additional staff will drive to Ortigia (Drive time approx 1 hour). LPJ + staff in helicopter should take a small carry-on bag if they wish to change upon arrival.

12:20 pm Arrive Pantanelli Heliport, Ortigia

12:20-12:30 pm Depart Heliport en route Hotel Des Etrangers
GOI vehicles with police escort

12:30-1:00 pm Downtime in Hotel Des Etrangers
Passeggio Adorno 10/12

12:45-1:00 pm Closing Working Session 2

NOTE: Staff and luggage will be making independent movements to Hotel Domus Mariae [Via Veneto n. 76 – 96100] and Hotel Maniace [Lungomare D'Ortigia, 13]

1:00-1:15pm Depart Hotel Des Etrangers en route Castello Maniace
Note: Staff meets at Castello Maniace

1:15-2:15pm Lunch (LPJ +1, Fulton or K. Jackson)

Castello Maniace
Via Castello di Maniace, 51
LPJ is seated next to Japanese Minister Testuo Saito (who will also be keynoting Children's Environmental Health Session)
NOTE: Staff eats lunch in Delegation Tent located on Castello grounds

2:30-2:45 pm Bilateral Meeting with French Minister Borloo
French Delegation Workroom—Castello grounds

2:50-3:00 pm Bilateral Meetng with UK Minister Hilary Benn
Castello Plenary Room (at table)

3:00-3:10 pm Opening Working Session 3: Climate Change National Actions (+2)
Castello Maniace Hall (Irving, Fulton/Miotke)

3:10-3:40 pm Keynote address by:
Mr. Srgjan Kerim, Special Rep of the UN Sec General for Climate Change
Mr. Achim Steiner, UNEP
3:40-4:45 pm Discussion

4:45-5:00 pm Coffee Break

5:00-6:45 pm Discussion

6:45-7:00 pm Closing Working Session 3

7:00-7:30 pm Bilatral Meeting with Canadian Minister Jim Prentice
Castello Bilateral Meeting Rooms

7:30-7:45 pm Depart Castello Maniace en route Hotel Des Etrangers

7:30-8:00 pm All-Delegate meeting with Scott Fulton to discuss day's events
Delegation Room, Castello Maniace

8:25 pm Depart Hotel des Etrangers en route Museo di Palazzo Bellomo (LPJ+5)
Note: +5 Staff meets at Hotel Des Etrangers (Fulton, Miotke, Berger, Wachter, Dieu, K .Jackson)
Note: LPJ will walk to dinner with UNEP Director General Achim Steiner

8:30 pm Reception Dinner (LPJ +5-Fulton, Mioke, Berger, Wachter, Dieu, K. Jackson)
Note: Additional staff is responsible for their own dinner
Museo di Palazzo Bellomo
Via Capodieci 16
LPJ will be seated next to Italian Minister Prestigiacomo and South African Minister Marthinus Van Schalkwyk (Skulk-Vegg)

9:30-10:30 pm Informal consultation on the Chair's Summary
Castello Maniace Hall
Note: Optional attendance

10:30 pm Depart en route Hotel des Etrangers

Friday, 24 April

8:00 am Breakfast
Hotel Des Etrangers—5th Floor

8:00 am All-Delegate meeting with Scott Fulton to discuss day's events
Control Room, Hotel des Etrangers

8:25-8:30 am Depart hotel en route Castello Maniace
Note: Staff meets at Castello Maniace Hall
Note: LPJ/KJ must have all luggage packed upon departure for the castle to be transported to airport

8:30-8:50 am Bilateral Meeting with Mexican Secretary Juan Elvira
US Delegation Workroom—Castello grounds

8:50-9:00 am Bilateral Meeting/Walk with Japanese Minister Testuo Saito
Walk into Castello Plenary Room

9:00-9:10 am Opening Working Session 4: Children's Health and the Environment (+2)
Castello Maniace Hall (Berger, Fulton/Dieu)

9:10-9:30 am Keynote address
H.E. Testuo Saito, Minister of the Environment of Japan
Administrator Lisa Jackson, EPA!!

9:30-10:30 am Discussion

10:30-10:45 am Conclusion

10:45-11:00 am Coffee Break

11:00-12:30 am Presentation of Chairs' Summary and adoption of final documents
11:00-11:20 Presentation by Min. Prestigiacomo
11:20-12:30 Commentary by delegates

12:30-1:30 pm Press Conference
Castello Maniace

1:45 pm Depart Ortigia en route Pantanelli Heliport, Ortigia
Note: K. Jackson, Wachter and Brooks-LaSure and (b) (6) will depart with LPJ. Additional staff will arrange their own transport to CTA with the Italian Embassy.

3:00-3:15 pm Depart Helipad en route CTA via helicopter

3:15 pm Arrive CTA

4:45 pm Depart CTA en route FCO
Flight AZ1750

6:00 pm Arrive FCO

01268-EPA-2358

Sarah Dale/DC/USEPA/US
04/23/2009 10:24 AM

To windsor.richard
cc
bcc
Subject Fw: UPDATED updated schedule

sarah dale
office of the administrator
US environmental protection agency

direct: 202-564-6998
mobile: 202-384-6996
email: dale.sarah@epa.gov
----- Forwarded by Sarah Dale/DC/USEPA/US on 04/23/2009 10:24 AM -----

From: Sarah Dale/DC/USEPA/US
To: Sarah Dale/DC/USEPA/US@EPA
Cc: blissa@state.gov, brooks-lasure.allyn@epa.gov, cryan.megan@epa.gov, Daniel Gerasimowicz/DC/USEPA/US@EPA, goulding.robert@epa.gov, (b) (6) Personal Privacy, Martin Dieu/DC/USEPA/US@EPA, mcclendon.marcus@epa.gov, (b) (6) Privacy (b) (6) Privacy, prestonj@state.gov, Scott Fulton/DC/USEPA/US@EPA, (b) (6) Privacy, wachter.eric@epa.gov, (b) (6) Privacy, (b) (6) Privacy
Date: 04/23/2009 10:23 AM
Subject: UPDATED updated schedule

this sched reflects the thursday evening press conference and some additional press call time on friday.

sorry for the changes!


italy sched 4.23 4.24.doc

sarah dale
office of the administrator
US environmental protection agency

direct: 202-564-6998
mobile: 202-384-6996
email: dale.sarah@epa.gov

Schedule for Administrator Lisa P Jackson
G-8 Environmental Ministerial--Siracusa, Italy
23 April-24 April

Thursday, 23 April

8:15 am Arrive FCO

8:15-9:00 am Pass through customs/immigration

8:00-8:30 am All-Delegate meeting with Scott Fulton to discuss day's events
Control Room, Hotel des Etrangers

9:00-9:15 am Opening working Session 2—Biodiversity (+2)
Castello Maniace Hall

9:15-9:30 am Key note address
Mr. Pavan Sukdev, TEEB study Leader
Mr Ahmed Djoghlaf, CBD

9:30-10:30 am Discussion

10:40 am Depart FCO en route CTA

10:30-10:45 am Coffee Break

10:45-12:45 pm Discussion

11:50 am Arrive CTA

11:50-12:00 am Meet GOI Authorities—Move to Helipad

12:00-12:20 pm Depart Catania helipad en route Ortigia via helicopter
NOTE: Only LPJ+2 on helicopter-all luggage and additional staff will drive to Ortigia (Drive time approx 1 hour). LPJ + staff in helicopter should take a small carry-on bag if they wish to change upon arrival.

12:20 pm Arrive Pantanelli Heliport, Ortigia

12:20-12:30 pm Depart Heliport en route Hotel Des Etrangers
GOI vehicles with police escort

12:30-1:00 pm Downtime in Hotel Des Etrangers
Passeggio Adorno 10/12

12:45-1:00 pm Closing Working Session 2

NOTE: Staff and luggage will be making independent movements to Hotel Domus Mariae [Via Veneto n. 76 – 96100] and Hotel Maniace [Lungomare D'Ortigia, 13]

1:00-1:15pm Depart Hotel Des Etrangers en route Castello Maniace
Note: Staff meets at Castello Maniace

1:15-2:15pm Lunch (LPJ +1, Fulton or K. Jackson)

Castello Maniace
Via Castello di Maniace, 51
LPJ is seated next to Japanese Minister Testuo Saito (who will also be keynoting Children's Environmental Health Session)
NOTE: Staff eats lunch in Delegation Tent located on Castello grounds

2:30-2:45 pm Bilateral Meeting with French Minister Borloo
French Delegation Workroom—Castello grounds

2:50-3:00 pm Bilateral Meetng with UK Minister Hilary Benn
Castello Plenary Room (at table)

3:00-3:10 pm Opening Working Session 3: Climate Change National Actions (+2)
Castello Maniace Hall (Irving, Fulton/Miotke)

3:10-3:40 pm Keynote address by:
Mr. Srgjan Kerim, Special Rep of the UN Sec General for Climate Change
Mr. Achim Steiner, UNEP
3:40-4:45 pm Discussion

4:45-5:00 pm Coffee Break

5:00-6:45 pm Discussion

6:45-7:00 pm Closing Working Session 3

7:00-7:30 pm Bilatral Meeting with Canadian Minister Jim Prentice
Castello Bilateral Meeting Rooms

7:45-8:15 pm Press Conference
Press Briefing Room—Castillo Maniace

8:15-8:25 pm Depart Castello Maniace en route Hotel Des Etrangers

7:30-8:00 pm All-Delegate meeting with Scott Fulton to discuss day's events
Delegation Room, Castello Maniace

8:25 pm Depart Hotel des Etrangers en route Museo di Palazzo Bellomo (LPJ+5)
Note: +5 Staff meets at Hotel Des Etrangers (Fulton, Miotke, Berger/Wachter, K .Jackson)
Note: LPJ will walk to dinner with UNEP Director General Achim Steiner

8:30 pm Reception Dinner (LPJ +3-Fulton, Mioke, Berger/Wachter, K. Jackson)
Note: Additional staff is responsible for their own dinner
Museo di Palazzo Bellomo
Via Capodieci 16
LPJ will be seated next to Italian Minister Prestigiacomo and South African Minister Marthinus Van Schalkwyk (Skulk-Vegg)

9:30-10:30 pm Informal consultation on the Chair's Summary
Castello Maniace Hall
Note: Optional attendance

10:30 pm Depart en route Hotel des Etrangers

Friday, 24 April

8:00 am Breakfast
Hotel Des Etrangers—5th Floor

8:00 am All-Delegate meeting with Scott Fulton to discuss day's events
Control Room, Hotel des Etrangers

[7:45-8:20 am HOLD FOR POSSIBLE PRESS CALL TIME]

8:25-8:30 am Depart hotel en route Castello Maniace
Note: Staff meets at Castello Maniace Hall
Note: LPJ/KJ must have all luggage packed upon departure for the castle to be transported to airport

8:30-8:50 am Bilateral Meeting with Mexican Secretary Juan Elvira
US Delegation Workroom—Castello grounds

8:50-9:30 am Bilateral Meeting/Walk with Japanese Minister Testuo Saito
Walk into Castello Plenary Room

9:00-9:10 am Opening Working Session 4: Children's Health and the Environment (+2)
Castello Maniace Hall (Berger, Fulton/Dieu)

9:10-9:30 am Keynote address
H.E. Testuo Saito, Minister of the Environment of Japan
Administrator Lisa Jackson, EPA!!

9:30-10:45 am Discussion

10:45-10:45 am Conclusion

10:45-11:00 am Closing Working Session 4

11:00-11:30 am Coffee Break

[11:00-11:30 am HOLD FOR POSSIBLE PRESS CALL TIME]

11:30-12:00 pm Presentation of Chairs' Summary and adoption of final documents
11:00-11:20 Presentation by Min. Prestigiacomo
11:20-12:30 Commentary by delegates

12:00-1:15 pm Press Conference
Castello Maniace

1:15-1:45 pm Free time

1:45 pm Depart Ortigia en route Pantanelli Heliport, Ortigia
Note: K. Jackson, Wachter and Brooks-LaSure and (b) (6) will depart with LPJ. Additional staff will arrange their own transport to CTA with the Italian Embassy.

3:00-3:15 pm Depart Helipad en route CTA via helicopter

3:15 pm Arrive CTA

4:45 pm Depart CTA en route FCO
Flight AZ1750

6:00 pm Arrive FCO

01268-EPA-2367

Bob Sussman/DC/USEPA/US
04/27/2009 09:50 AM

To Richard Windsor
cc Diane Thompson, Arvin Ganesan, Allyn Brooks-LaSure, Adora Andy
bcc
Subject **Mountain Top Mining -- Big Developments Tomorrow**

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

Lisa -- tomorrow will be a big day on MTM.

(b) (5) Deliberative

[redacted]

From: Laura_Davis@ios.doi.gov [mailto:Laura_Davis@ios.doi.gov]
Sent: Sunday, April 26, 2009 1:47 PM
To: Sobeck,Eileen (ENRD); Boots, Michael J.; Boling, Edward A.
Cc: Art.Gary@sol.doi.gov; Williams,Jean (ENRD); David_Hayes@ios.doi.gov; Cruden,John (ENRD); Haugrud,Jack (ENRD); Hirsch,Sam
Subject: Re: Stream buffer rule
As requested here is a draft press statement for likely announcement tomorrow. Please get me your comments by first thing tomorrow. Thank you.

(b) (5) Deliberative

[redacted]

(b) (5) Deliberative

[redacted]

-----"Sobeck, Eileen (ENRD)" <Eileen.Sobeck@usdoj.gov> wrote: -----
To: Laura Davis/SIO/OS/DOI@DOI, Art Gary@sol, "Williams, Jean (ENRD)" <Jean.Williams@usdoj.gov>, David Hayes/SIO/OS/DOI@DOI
From: "Sobeck, Eileen (ENRD)" <Eileen.Sobeck@usdoj.gov>
Date: 04/24/2009 11:54AM
cc: "Cruden, John (ENRD)" <John.Cruden@usdoj.gov>, "Haugrud, Jack (ENRD)" <Jack.Haugrud@usdoj.gov>, "Hirsch, Sam" <Sam.Hirsch@usdoj.gov>
Subject: Re: Stream buffer rule

All - (b) (5) Deliberative, (b) (5) Attorney Client

[redacted]

(b) (5) Deliberative, (b) (5) Attorney Client . Pls call me if you have any questions. Eileen. W 514 0943. C (b) (6) Privacy

Sent Using U.S. DOJ/ENRD BES Server

From : Sobeck, Eileen (ENRD)
To : 'Laura_Davis@ios.doi.gov' <Laura_Davis@ios.doi.gov>; 'Art.Gary@sol.doi.gov' <Art.Gary@sol.doi.gov>
Cc : Cruden, John (ENRD); Haugrud, Jack (ENRD); Hirsch, Sam
Sent : Thu Apr 23 18:00:41 2009
Subject : Stream buffer rule

Laura – (b) (5) Deliberative, (b) (5) Attorney Client . Pls feel free to call me – Eileen. (b) (6) Privacy

01268-EPA-2379

Lisa Heinzerling/DC/USEPA/US
04/29/2009 08:41 AM

To Richard Windsor
cc
bcc
Subject updates

Lisa,

In the emails below are detailed updates and policy questions I sent to Diane yesterday.

Here they are in briefer form:

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

(b) (5) Deliberative

3. Various parties have asked for an extension of the comment period in the waiver proceeding for higher ethanol blends. (b) (5) Deliberative

4. You have approved a NODA relating to EPA's proposed rule on geologic sequestration under the Safe Drinking Water Act. (b) (5) Deliberative

5. (b) (5) Deliberative

6. (b) (5) Deliberative, (b) (5) Attorney Client

Lisa

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 04/28/2009 03:20 PM -----

From: Brian Doster/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA, Richard Ossias/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Elliott Zenick/DC/USEPA/US@EPA, Bill Harnett/RTP/USEPA/US@EPA, Michael Ling/RTP/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA, Raj Rao/RTP/USEPA/US@EPA
Date: 04/28/2009 02:55 PM

Subject: Fw: Desert Rock permit appeal - EPA filing

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

----- Forwarded by Brian Doster/DC/USEPA/US on 04/28/2009 02:49 PM -----

From: "Alonso, Richard" <Richard.Alonso@bgllp.com>
To: Brian Doster/DC/USEPA/US@EPA, <scohen@nmag.gov>, <dcm@aterwynne.com>, <npersampieri@earthjustice.org>, <atwood@biologicaldiversity.org>, (b) (6) Personal Privacy (b) (6) Personal Privacy <aweeks@catf.us>, <skodish@npca.org>, "Holmstead, Jeff" <Jeff.Holmstead@bgllp.com>, <leslie.bernhart@state.nm.us>, <psimms@nrdc.org>, <klynch@edf.org>, <jlesky@leskylawoffice.com>, < (b) (6) Personal Privacy (b) (6) Personal Privacy , (b) (6) Personal Privacy , <kwelker-hood@psr.org>
Cc: Ann Lyons/R9/USEPA/US@EPA, Nina Spiegelman/R9/USEPA/US@EPA, Joseph Lapka/R9/USEPA/US@EPA
Date: 04/28/2009 02:23 PM
Subject: RE: Desert Rock permit appeal - EPA filing

We are filing this letter today with the EAB.

-----Original Message-----
From: Doster.Brian@epamail.epa.gov [mailto:Doster.Brian@epamail.epa.gov]

Sent: Monday, April 27, 2009 4:47 PM
To: scohen@nmag.gov; dcm@aterwynne.com; npersampieri@earthjustice.org; atwood@biologicaldiversity.org; (b) (6) Personal Privacy ; (b) (6) Personal Privacy aweeks@catf.us; skodish@npca.org; Holmstead, Jeff; Alonso, Richard; leslie.bernhart@state.nm.us; psimms@nrdc.org; klynch@edf.org; jlesky@leskylawoffice.com; (b) (6) Personal Privacy (b) (6) Personal Privacy ; George Hays; kwelker-hood@psr.org
Cc: Lyons.Ann@epamail.epa.gov; Spiegelman.Nina@epamail.epa.gov; Lapka.Joseph@epamail.epa.gov
Subject: Desert Rock permit appeal - EPA filing

For your information, EPA offices filed the attached with the EAB today.

(See attached file: Desert Rock EAB - EPA Motion for Voluntary Remand.PDF)

Intent to file response to EPA motion for remand.pdf

Diane,

I'm trying to keep you apprised of various developments related to climate. Let me know if it's more information than you need.

Here is where we stand on autos:

1. (b) (5) Deliberative

(b) (5) Deliberative

[redacted]

Lisa

Diane,

As I'm sure you know, Growth Energy has asked EPA to grant a waiver for higher-ethanol fuel blends. The comment period we set is 30 days. There is a 270-day deadline for our response to the application. Several parties have asked for an extension of the comment period due to the complexity of the questions posed in the Federal Register notice on the waiver application. (b) (5) Deliberative

[redacted]

Please let me know if you have any questions.

Best,
Lisa

Diane,

Last summer, EPA proposed a rule on geologic sequestration of carbon. The proposed rule is aimed at protecting drinking water supplies from risks due to CCS facilities. (b) (5) Deliberative

[redacted]

Please let me know if you disagree with this way of proceeding. Until now, I had passed these requests for views directly to Lisa Jackson. Let me know if that is the way I should still proceed. Thanks.

Lisa

01268-EPA-2397

Lisa Heinzerling/DC/USEPA/US
05/01/2009 09:41 AM

To "Richard Windsor", "Eric Wachter"
cc
bcc
Subject Fw: Talking Points for The Administrator

[redacted] (b) (5) Deliberative

Cindy Newberg

----- Original Message -----
From: Cindy Newberg
Sent: 05/01/2009 09:34 AM EDT
To: Lisa Heinzerling
Cc: Brian Mclean; Drusilla Hufford; Tom Land; Dina Kruger
Subject: Talking Points for The Administrator

Lisa-

Per your request -- let me know if you need anything else.

(b) (5) Deliberative

HFCs MP bullets_Administratorv3.doc

++++++++++++++++++++++++++++++++++++

Cindy Newberg
Branch Chief, AERB
Stratospheric Protection Division
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. 6205J
Washington, D.C. 20460
ph: 202-343-9729

01268-EPA-2414

David McIntosh/DC/USEPA/US
05/12/2009 11:58 AM

To Richard Windsor, Arvin Ganesan, Allyn Brooks-LaSure, Lisa Heinzerling
cc
bcc
Subject the document Barrasso was waving around at the hearing

It's a 9-page OMB comment on the draft proposed endangerment finding, pulled from the publicly-available docket. It's attached, and the EPW minority's press release about it is pasted immediately below. On the Regulations.gov website, it's described as "First (1st) Round of Office of Management and Budget (OMB) Comments to USEPA on the Proposed Findings." It doesn't have a date. I can't tell if it is from this Administration or the last one.

May 12, 2009

Posted by: Matt Dempsey (202) 224-9797 Matt_Dempsey@epw.senate.gov

In Case You Missed It...

OMB Memo: Serious Economic Impact Likely From EPA CO2 Rules

By Ian Talley
DOW JONES NEWSWIRES
12 May 2009

Link to Memo
Link to Article

WASHINGTON (Dow Jones)--U.S. regulation of greenhouse gases such as carbon dioxide "is likely to have s economic consequences" for businesses small and large across the economy, a White House memo warned the Environmental Protection Agency earlier this year.

The nine-page document also undermines the EPA's reasoning for a proposed finding that greenhouse gases ar danger to public health and welfare, a trigger for new rules.

The memo, an amalgamation of government agencies' comments sent from the Office of Management and Buc to the EPA, is in stark contrast to the official position presented by President Barack Obama and his Cabinet officials. It is likely to give critics of greenhouse-gas regulation ammunition in their political salvos against the administration.

Cabinet officials, including the president's climate-change czar, Carol Browner, have said the administration w prefer Congress create greenhouse-gas regulations through legislation, and not through the EPA's Clean Air A

authority.

But the White House has given the EPA the green light to move ahead with regulation under the Clean Air Act move deemed by some analysts as political leverage to push Congress to act because of the bluntness of the too

According to government records, the document was submitted by the OMB as comment on the EPA's April proposed finding that greenhouse gases are a danger to public health and welfare, a key trigger for regulation o gases emitted from cars, power plants, and potentially any number of other sources, including lawn mowers, snowmobiles and hospitals.

While business groups have warned about the potential for a cascade of regulation and litigation, the EPA has that greenhouse-gas rules would only be for large emitters.

The memo - marked as "Deliberative-Attorney Client Privilege" - doesn't have a date or a named author. But a OMB spokesman confirmed it was prepared by Obama administration staff as part of the inter-agency review process of the proposed endangerment finding.

"It's a conglomeration of counsel we've received from various agencies...and it's not indicative of an OMB or administration-wide position," an OMB official said.

OMB spokesman Tom Gavin said, "It's up to the EPA now to consider the various suggestions that were part o interagency review and make some decisions on which direction they want to move."

The position outlined in the memo is at odds with other White House documents on the proposed endangerme rule, which appear to affirm the EPA's decision to move ahead with the endangerment finding.

"Making the decision to regulate CO2 under the [Clean Air Act] for the first time is likely to have serious econ consequences for regulated entities throughout the U.S. economy, including small businesses and small communities," the OMB document reads.

"The finding should also acknowledge the EPA has not undertaken a systemic risk analysis or cost-benefit analysis," it reads.

The head of the U.S. Chamber of Commerce's environment and regulatory affairs, William Kovacs, said the m "confirms almost everything we've been saying on the spillover effects of regulating greenhouse gases." He sa OMB legal brief exposes the administration and the EPA to litigation if it finalizes the endangerment finding a begins to regulate greenhouse gases under the Clean Air Act, particularly because it was drafted during the deliberation process.

Although an official within the EPA's Climate Change Division said the agency "considers everything we rece an EPA spokeswoman couldn't immediately comment on the extent to which memo influenced the drafting of proposed rule.

Earlier this year, EPA chief Lisa Jackson dismissed concerns raised by groups such as the Chamber and the National Association of Manufacturers, saying, "It is a myth...[that] EPA will regulate cows, Dunkin' Donuts, Huts, your lawn mower and baby bottles."

The White House legal brief starts by questioning the link between the EPA's scientific technical endangerme proposal and the EPA's political summary. Jackson said in the endangerment summary that "scientific findings totality point to compelling evidence of human-induced climate change, and that serious risks and potential im to public health and welfare have been clearly identified..."

"The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understandi about the basic facts surrounding [greenhouse gases] seem to stretch the precautionary principle to providing regulation in the face of unprecedented uncertainty," the memo reads.
For example, the memo notes, the EPA endangerment technical document points out there are several areas wh essential behaviors of greenhouse gases are "not well determined" and "not well understood."

The OMB memo questions with concern the adequacy of the EPA finding that the gases are a harm to the publ when there is "no demonstrated direct health effects," and the scientific data on which the agency relies are "al exclusively from non-EPA sources."

Based on the "dramatically expanded precautionary principle," the EPA would be petitioned to find endangerm and regulate many other alleged "pollutants," including electro-magnetic fields, noise, and salts called percholorates.

The memo also warns that the endangerment finding, if finalized by the administration, could make agencies vulnerable to litigation alleging inadequate environmental permitting reviews, adding that the proposal could unintentionally trigger a cascade of regulations.

The administration last week avoided requiring permitting reviews that would need to consider the impact of greenhouse gases when it decided not to revoke a Bush administration rule on polar bears. Although the Interio Secretary said greenhouse gases were the primary cause of the bear's loss of sea-ice habitat, the animal's listing threatened species couldn't be used to prevent oil refineries and coal-power plants from being built.

###

DELIBERATIVE—ATTORNEY CLIENT PRIVILEGE

Discussion of scientific support and analysis.

The NPRM fails to articulate the process by which the Administrator came to the conclusion on p. 30, line 41-46:

> "The Administrator believes that the scientific findings in totality point to compelling evidence of human-induced climate change, and that serious risks and potential impacts to public health and welfare have been clearly identified, even if they cannot always be quantified with confidence. The Administrator's proposed endangerment finding is based on weighing the scientific evidence, considering the uncertainties, and balancing any benefits to human health, society the environment that may also occur."

The finding document remains very separate from the TSD, with only occasional references to the IPCC or particular CCSP report findings, and it is up to the reader's interpretation of the TSD to determine how the evidence has been weighed to arrive at the conclusions above. The finding rests heavily on the precautionary principle, but the amount of acknowledged lack of understanding about basic facts surrounding GHGs seem to stretch the precautionary principle to providing for regulation in the face of unprecedented uncertainty. (The TSD notes several areas where essential behaviors of GHGs are "not well determined" and "not well understood" (e.g., why have U.S. methane levels decreased recently?).) This could be remedied by expanding the discussion on pp. 25-31 to articulate more clearly how the Administrator weighed the scientific evidence related to each impact or how/whether she gave more or less weight to particular impacts for either the public health or the welfare finding and how she weighed uncertainty in her deliberations.

For example, the NPRM and TSD outline the following 5 human health effects from climate change: temperature effects, air quality changes, extreme events, climate-sensitive diseases and aeroallergens. It is unclear whether temperature effects will result in net mortality increases or decreases and the scientific literature does not provide definitive data or conclusions about aeroallergen impacts. Further, the impact of climate-sensitive diseases may be minimal in a rich country like the US.

Hence, it seems that the Administrator's public health endangerment conclusion is based on the other two impacts, with the most significant health risks being posed by air quality changes. If so, the discussion here should state this explicitly. Further, the argument for why the increases in ozone from climate change pose a health impact could be fleshed out more thoroughly (p. 27, line 34-39). Since tropospheric ozone is already regulated under the Clean Air Act, EPA should explain why those regulations are inadequate to protect public health from the ozone impacts of climate change.

In addition, the finding could be strengthened by including additional information on benefits, costs, and risks (where this information exists); meeting appropriate standards for peer review; and accepted research protocols. Some issues to cover that would address costs, benefits, and risks include the following:

- Methodology or methodologies used for weighing risks and various outcomes and the risks associated with each;
- Confidence intervals related to model results at the regional and local scales;
- Underlying assumptions of findings, publications on which the findings are based, and "business-as-usual" scenarios;
- Quality and homogeneity of temperature data from surface networks that may affect estimates of past temperature trends, and calibration and verification of models;
- Impacts of climate change on the value of net economic benefits.

The Finding should also acknowledge that EPA has not undertaken a systematic risk analysis or cost-benefit analysis.

In the absence of a strong statement of the standards being applied in this decision, there is a concern that EPA is making a finding based on (1) "harm" from substances that have no demonstrated direct health effects, such as respiratory or toxic effects, (2) available scientific data that purports to conclusively establish the nature and extent of the adverse public health and welfare impacts are almost exclusively from non-EPA sources, and (3) applying a dramatically expanded precautionary principle. If EPA goes forward with a finding of endangerment for all 6 GHGs, it could be establishing a relaxed and expansive new standard for endangerment. Subsequently, EPA would be petitioned to find endangerment and regulate many other "pollutants" for the sake of the precautionary principle (e.g., electromagnetic fields, perchlorates, endocrine disruptors, and noise).

Endangerment without consideration of regulatory consequences.

EPA should explain whether it considered a finding that methane and the other four non-CO2 GHGs do in fact contribute to climate change, based on their higher warming potential, but that overriding policy concerns make such a finding infeasible concerning CO2. Because methane and the other four non-CO2 GHGs are either already regulated under the CAA or are functionally equivalent to pollutants typically regulated under the CAA, an endangerment finding for these GHGs would be relatively routine. Because GHGs are understood to be long-lived, well-mixed in the atmosphere, and generated by many nations around the globe, the most analogous regulatory approach for controlling GHGs would seem to be Title VI of the CAA. EPA's relevant experience with controlling ozone-depleting substances should inform its decisions on an approach to regulating GHGs.

In contrast, an endangerment finding under section 202 may not be not the most appropriate approach for regulating GHGs. Making the decision to regulate CO2 under the CAA for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities. Should EPA later extend this finding to stationary sources, small businesses and institutions would be subject to costly regulatory programs such as New Source Review.

The role of mitigation, adaptation, and/or benefits of climate change
To the extent that climate change alters our environment, it will create incentives for innovation and adaptation that mitigate the damages from climate change. The document should note this possibility and how it affects the likely impacts of climate change.

For example, climate change is likely to unfold slowly and people may migrate from hot regions (e.g., Arizona) to more temperate regions (e.g., Minnesota) and this would mitigate the adverse impacts on health (although people would incur migration costs). Further, climate change is likely to lead to innovation that mitigates the ozone related health impacts; it seems reasonable to assume that in the absence of regulation of GHS, new medicines that lessen the health impacts of ozone will be developed. Moreover, advances in technology and the development of public health programs (e.g., cooling centers) are likely to lessen the negative welfare impacts of heat waves.

Similarly, the document would appear more balanced if it also highlighted whether particular regions of the US would benefit, and to what extent these positive impacts would mitigate negative impacts elsewhere in the United States. For example, it might be reasonable to conclude that Alaska will benefit from warmer winters for both health and economic reasons. Deschenes and Moretti (2007 *Review of Economics and Statistics*) demonstrate that extremely cold days are more dangerous to human health than extremely hot days. Please add this paper to the literature review in Section 7(a) of the TSD.

Further, there should be a consideration of the fertilizing effect of CO2, which may overwhelm the negative impact of additional hot days on agricultural yields in some regions of the US. In others regions, the net effect is likely to be negative.

Agency compliance with other environmental mandates
There is some concern that an endangerment finding, and some of the language used to support the finding, will make it more difficult to comply with NEPA and other environmental planning statutes.

- This finding and the associated emission standards for these six greenhouse gases may make it much more expensive and difficult to develop other air quality standards (NAAQS in particular). For example, EPA has recently asked BLM to use models that sometimes exceed current budgets in developing resource management plans and environmental impact statements. Also, there are currently no models available that forecast the potential impacts of greenhouse gases on climate change at the regional or local level, which are the levels at which our decisions are made. This rule also could make findings that would leave agencies vulnerable to litigation alleging "inadequate NEPA" due to new information (i.e., the endangerment finding) that was not considered when the EIS was developed. Without a model available, an agency would be left with little ability to respond because (i) there are no standards to serve as thresholds, (ii) there are no tools to analyze impacts, and (iii) the cost of analyzing impacts could be exorbitant.

- Unnecessarily broad or expansive language with respect to the effects of GHGs or the certainty with which effects will occur could create a basis for finding all GHG emissions significant for purposes of NEPA analysis, thus requiring an EIS for all direct and indirect effects that change GHG emissions in any amount. Similarly, EPA should be very careful to state which effects are significant and their scale to avoid unintentionally trigger NEPA for Federal actions not otherwise considered to have environmental impacts.

Four chemicals v. six chemicals

EPA proposes to make an endangerment finding on six directly emitted and long-lived GHGs—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride, treated as a group as an air pollutant. The proposal, however, defines the terms "air pollution" and "air pollutant" for purposes of section 202(a) as the six GHGs, two of which are not addressed in the underlying petition and which EPA recognizes are not emitted by new motor vehicles or motor vehicle engines, and on page two, this action is characterized as a "response" to the Supreme Court's decision in Massachusetts v. EPA, 549 U.S. 497 (2007), which arose from a petition with respect to the four GHGs. Although the latter two GHGs have similar characteristics and are addressed in UN documents, it is not clear why they are included in the endangerment and "cause or contribute" findings. While it appears that section 202(a) provides sufficiently broad authority for EPA to do so and the draft explains this decision as based on the uniform, global nature of GHG ambient concentrations, a seemingly simpler regulatory action might be to base the definition of "air pollution" or "air pollutant" on the four GHGs emitted by new motor vehicles or motor vehicle engines.

- This raises the question of the extent to which EPA intends or does not intend this finding to extend beyond section 202 to the same terms used in other key parts of the CAA, e.g., section 101(a) (general findings and purpose), section 108 (National Ambient Air Quality Standards), and section 111(b) (New Source Performance Standards). EPA would benefit from making its position explicit in this proposal. Commenters are sure to take this important issue on in some fashion so EPA may as well do what it can to shape the debate and the comments being invited. For example, it could note that the same terms are important parts of other key CAA provisions, but then state that EPA at this time is only addressing and seeking comment on issues directly associated with section 202. Alternatively, it could state that it views these findings as to GHGs to be broadly applicable to the Act as a whole, but nonetheless make clear that EPA is not in this rulemaking attempting to consider or address any of the other regulatory findings that would be necessary to trigger GHG regulation under other CAA programs. A third option would be to invite comment on whether interested parties believed there was any basis for distinguishing the understanding of the terms in the section 202 context from the understanding of the terms in other parts of the Act.

- EPA fails to make a case of why the six GHGs should be treated as a single pollutant and why all six should be treated as a group. Treating the gases as a group yields the indefensible result that emissions of PFCs, SF6 and HFCs other than HFC-134a from motor vehicles are asserted to "cause or contribute: to air pollution, when there are no such emissions from motor vehicles. Further, EPA states that: "Depending on the circumstances... it may be appropriate to set standards for individual gases [of the 6], or some combination of group and individual standards." EPA asserts that these regulatory flexibilities would exist whether or not greenhouse gases are treated as multiple pollutants or as individual pollutants. [See discussion on page 32-33.]

- These greenhouse gases differ significantly in terms of physical properties, formation mechanisms, and possible mitigation techniques.

  - Mobile source CO_2 is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO_2. The more efficient the combustion process, the more complete the conversion to CO_2. Unlike for traditional criteria pollutants (*e.g.*, NMHC, CO, NO_X), which can be converted to other substances through emissions aftertreatment (*i.e.*, catalytic converters), no mobile aftertreatment device can convert CO_2 to something that does not contribute to global warming.[1] Therefore, mobile source CO_2 emissions can only be reduced by burning less fossil fuel, either by improving fuel economy or converting to less carbon-intensive fuels.

  - Mobile source CH_4 and N_2O emissions are by-products of fossil fuel combustion. However, burning less fossil fuel does not necessarily mean reducing CH_4 and N_2O emissions. For example, using methane (CH_4) rather than petroleum could increase CH_4 emissions

  - Mobile source HFC emissions arise from releases of HFC refrigerants from mobile air conditioners. Therefore, mobile source HFC emissions can only be reduced by using different refrigerants and/or "hardening" mobile air conditioners to reduce the potential for refrigerant leaks.

  - Mobile source CO_2, CH_4, N_2O, and HFC emissions not only have different global warning potentials, they remain in the atmosphere for different amounts of time and are removed from the atmosphere by different mechanisms.

- In contrast to EPA's citation of Class I and Class II substances under Title VI, under Title II, EPA's treats mobile source NHMC and NO_X as separate pollutants, even though both are precursors to the formation of tropospheric ozone (i.e., urban smog), and both are mitigated through a combination of fuel improvements,

[1] In fact, current catalytic converters operate by convert HC, CO, and NO_X into CH_4, N_2O, and CO_2 (and water).

> combustion process changes, and emissions aftertreatment. Considering that mobile source CO_2, CH_4, N_2O, and HFC emissions are even more distinct from one another than are mobile source NHMC and NO_X emissions, and that EPA classifies NMHC and NO_X as separate pollutants, EPA should classify these as separate pollutants or, alternatively, classify CO_2 as one pollutant, classify CH_4 and N_2O as another pollutant (class), and classify HFCs as a third pollutant (class).

Accounting for the Global Nature of Greenhouse Gas Pollution in the Findings

In this draft proposal, EPA finds under Clean Air Act (CAA) section 202(a) that (1) "air pollution" in the form of the global mix of six greenhouse gases (or the GHGs) may be reasonably anticipated to endanger public health and welfare (the endangerment finding); and (2) emissions of an "air pollutant" in the form of the global mix of the GHGs from new motor vehicles or motor vehicle engines cause or contribute to that air pollution (the contribution finding). The agency characterizes the "global" nature of the GHG emissions and concentrations (page 16), notes the effects of GHG emissions globally in making the endangerment finding (page 29), and assesses the contribution of the GHGs emitted by section 202(a) sources as a percentage of global emissions (page 36). The proposal appears to assume, but does not explicitly discuss why (or solicit comment on whether) these are relevant legal inquiries under section 202(a) the Clean Air Act. This is virtually certain to be a subject of public comment; and we recommend that EPA directly address this matter in the proposal.

EPA also factors international considerations into the endangerment and contribution findings differently. On page 29, the agency states: "The Administrator judges that impacts to public health and welfare occurring within the U.S. alone warrant her proposed endangerment finding." On page 36, however, EPA bases its finding on the "significance" of the GHG emissions from section 202(a) sources for purposes of the contribution finding in part on their global contribution:

> It is the Administrator's judgment that the collective GHG emissions from section 202(a) source categories are significant, whether the comparison is global (over 4 percent of total GHG emissions) or domestic (24 percent of total GHG emissions). The Administrator believes that consideration of the global context is important for the cause or contribute test but that the analysis should not solely consider the global context.

It is unclear from the proposal why a difference in treatment of the two findings is necessary or appropriate. Because the Administrator regards the domestic contribution comparison in itself to be significant, it may be simpler (and less open to challenge) to base the contribution finding solely on domestic considerations. (This would not foreclose a discussion of global contribution, provided, as requested above, it is made clear how relevant this is under section 202(a)).

Group Versus Individual Approach to "Air Pollutant"

On page 32, EPA proposes to designate the six GHGs, collectively, as the "air pollutant" for which the endangerment finding is being made. The proposal, however, then goes on at pages 33-40 to analyze the contribution issue both as to the six GHGs collectively, and as to each individually. Although EPA hints that it believes either a collective or individual approach could be valid and would reach similar results, see page 34, the agency never really says expressly whether or not it is soliciting comment on these issues and whether it would be open to considering a pollutant-by-pollutant-based approach for the final rule. We recommend that this be made explicit.

Comment Solicitation

EPA limits solicitation of comment on the proposal to the simple statements on page six to the effect that it seeks comment on all aspects of this action (data, methodology, and major legal and policy considerations). While this is efficient and legally sufficient, the agency may want to highlight a few key areas in which comment would be most useful. The first two issues that we've identified above might be worthy of an express request for comment. EPA may also need to clarify the relationship between comment on this proposal and the July 30, 2008 Advance Notice of Proposed Rulemaking on Greenhouse Gas Emissions (ANPR). In footnote 11, EPA indicates that it is responding to a few key comments from the ANPRM in this proposal related to the endangerment and contribution findings and asks commenters to "submit to the docket for today's action any comments they want EPA to consider as it makes a decision on this proposed determination." We recommend that EPA move the footnote 11 discussion up to the main body of the proposal at page 6 and explicitly state that commenters may not rely on prior submission of comments to the ANPR and that if parties wish EPA to consider comments made in response to the ANPR or other rulemakings, they should re-submit those comments here with an appropriate explanation as to how the commenter believes those comments relate to issues raised in this proposal. We can imagine a party trying to make out a challenge to this endangerment finding based on arguments that were raised entirely or primarily in comments submitted in response to the ANPR, not this proposal (a prospect that is somewhat more likely due to the fact that EPA in various places discusses comments made in response to the ANPR).

Agricultural Production

The proposed Finding erroneously suggests that Intergovernmental Panel on Climate Change (IPCC) predicts an increase in both crop and forest production in the U.S. (e.g., pg. 28 lines 21 and 34 of the Proposed Finding, pg 80 line 26, page 87 line 9). The IPCC findings refer to North America, not the U.S.

The Synthesis and Assessment Product 4.3 (SAP 4.3) "The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity in the United States" (U.S. Climate Change Science Program/Backlund et al. 2008), which includes more recent and more geographically-specific publications, tempered IPCC's findings substantially, citing water limitations, northward progression of production zones, diminished grain set period, pest infestations, nutrient limitations, air pollution, and wildfire, among other dampening factors to production in agriculture and forestry in the

U.S. Significant increases in production may be possible within North America as a whole, but are unlikely within the U.S. itself.

The Findings document should be corrected to reflect that IPCC is referring to North America rather than the U.S. More importantly, the Findings document should be revised to accurately reflect the discussion in the Technical Support Document (TSD).

In addition, the placement of the IPCC prediction near the beginning of each section in the absence of any summarization gives the impression that large production increases are conclusive. This overrides the very salient and far more equivocal discussion which follows, leaving readers with the mistaken impression that climate change is a boon to U.S. agriculture and forestry. A summary statement which more accurately reflects the content of the technical discussions should be composed to lead each section.

Emissions from the combustion of different fuels vs. emissions from different mobile source categories.

Mobile source CO_2 is formed by burning fossil fuels. Virtually all of the carbon in the fuel is converted to CO_2. Therefore, and considering that CO_2 remains in the atmosphere for a long time, national aggregate consumption of different types of fuels provides the most accurate basis for estimating CO_2 emissions.

IPCC guidelines for national reporting of GHG emissions account for this fact, and EIA and EPA both use fuel consumption—not vehicle sales and fuel economy—as a basis for estimating and reporting CO_2 emissions. According to the IPCC (emphasis added), "Emissions of CO_2 are best calculated on the basis of the amount and type of fuel combusted (**taken to be equal to the fuel sold**, see section 3.2.1.3) and its carbon content."[2]

Such reporting addresses petroleum consumption in the aggregate and for different petroleum-based fuels, such as shown below from EIA (http://www.eia.doe.gov/oiaf/1605/ggrpt/carbon.html):

[2] http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/2_Volume2/V2_3_Ch3_Mobile_Combustion.pdf, p. 3-10.

Table 5. U.S. Carbon Dioxide Emissions from Energy and Industry, 1990, 1995, and 2000-2007
(Million Metric Tons Carbon Dioxide)

Fuel Type or Process	1990	1995	2000	2001	2002	2003	2004	2005	2006	P2007
Energy Consumption										
Petroleum	2,178.8	2,206.1	2,459.0	2,470.2	2,467.7	2,512.4	2,602.8	2,619.9	2,596.2	2,579.9
Coal	1,799.9	1,898.9	2,146.4	2,084.4	2,094.1	2,131.3	2,157.6	2,161.2	2,139.8	2,162.4
Natural Gas	1,033.6	1,193.0	1,239.8	1,189.3	1,245.7	1,212.6	1,194.2	1,182.6	1,158.9	1,237.0
Renewables[a]	6.3	10.5	10.6	11.2	13.1	11.8	11.5	11.6	11.8	11.6
Energy Subtotal	**5,018.7**	**5,308.5**	**5,855.8**	**5,755.1**	**5,820.6**	**5,868.1**	**5,966.2**	**5,975.3**	**5,906.7**	**5,990.9**
Nonfuel Use Emissions[b]	*98.8*	*105.5*	*110.8*	*105.8*	*106.2*	*103.9*	*112.1*	*107.0*	*111.5*	*117.6*
Nonfuel Use Sequestration[c]	*251.2*	*286.5*	*308.2*	*293.8*	*293.9*	*289.6*	*311.9*	*302.3*	*302.0*	*301.5*
Adjustments to Energy	-82.4	-62.4	-60.9	-45.3	-37.8	-28.3	-44.3	-46.5	-66.8	-74.2
Adjusted Energy Subtotal	**4,936.3**	**5,246.0**	**5,794.8**	**5,709.9**	**5,782.8**	**5,839.7**	**5,921.9**	**5,928.9**	**5,839.9**	**5,916.7**
Other Sources	85.1	102.3	97.8	97.0	97.7	98.9	102.0	103.4	105.9	105.1
Total	**5,021.4**	**5,348.4**	**5,892.6**	**5,806.9**	**5,880.5**	**5,938.7**	**6,023.9**	**6,032.3**	**5,945.8**	**6,021.8**

[a]Includes emissions from electricity generation using nonbiogenic municipal solid waste and geothermal energy.
[b]Emissions from nonfuel uses are included in the energy subtotal above.
[c]The Btu value of carbon sequestered by nonfuel uses is subtracted from energy consumption before emissions are calculated.
P = preliminary data.
Notes: Data in this table are revised from the data contained in the previous EIA report, *Emissions of Greenhouse Gases in the United States 2006*, DOE/EIA-0573(2006) (Washington, DC, November 2007). Totals may not equal sum of components due to independent rounding. Adjusted energy subtotal includes U.S. Territories but excludes international bunker fuels.
Source: EIA estimates.

General Editorial issues

"New Motor Vehicle or Motor Engine" Reference. The draft sometimes simply refers to emissions from "motor vehicles" rather than emissions from "new motor vehicles or motor vehicle engines." (The draft could indicate initially that the term "motor vehicle" is intended to refer to both of these.)

Statements regarding consideration of current and near-term emissions [page 35], and cumulative emissions [page 17] appear to be inconsistent, and should be clarified.

EPA clearly intends that the definition of the "air pollutant" emitted by new motor vehicle or motor engine sources to be the six GHGs. In several places, however, the proposal appears to describe the four GHGs emitted by new motor vehicles or motor vehicle engines as the "air pollutant." See, e.g., pages 1 (lines 36-37), 2 (lines 24-27), and 36 (lines 34-37).

01268-EPA-2532

Richard Windsor/DC/USEPA/US
06/17/2009 07:57 AM

To Scott Fulton
cc
bcc
Subject Re: Travel. Manana

Thx. No problem. [redacted] (b) (6) Privacy [redacted] ? Lj
Scott Fulton

----- Original Message -----
From: Scott Fulton
Sent: 06/17/2009 07:39 AM EDT
To: Diane Thompson; Arvin Ganesan
Cc: Richard Windsor
Subject: Travel. Manana

Diane and Arvin - [redacted] (b) (5) Deliberative [redacted]

Thanks,
Scott

------Original Message------
To: Richard Windsor
Cc: Diane Thompson
Sent: Jun 17, 2009 7:21 AM
Subject: Fw: Briefing Materials for LPJ Meeting with Ambassador Cameron Hume (Fulton Attention Requested)

Howdy and good morning (Yawn) - [redacted] (b) (5) Deliberative [redacted]

What's your estimated TOA this morning?
Cheers, Scott

------Original Message------
From: Mark Kasman
To: Scott Fulton
Cc: Carla Veney
Cc: Wyatt Rockefeller
Cc: Michael Stahl
Cc: Neilima Senjalia

Cc: Katherine Buckley
Cc: Rakhi Kasat
Cc: Gary Waxmonsky
Sent: Jun 15, 2009 5:09 PM
Subject: Briefing Materials for LPJ Meeting with Ambassador Cameron Hume (Fulton Attention Requested)

Hi Scott,

Attached for your information are the briefing materials that we provided to Administrator Jackson for her meeting on Wednesday with US Ambassador to Indonesia Cameron Hume. As we will not have an opportunity for a pre-brief, we would like to raise a few subtleties to your attention. These may merit some discussion with the Administrator in advance of the meeting.

(b) (5) Deliberative

[redacted]

[redacted]

[redacted]

Feel free to contact us if we may provide you with any additional information.

Best regards, Mark

<< Hume LPJ briefing paper 061509 final 445pm.doc >>
<< Draft Indonesia Program Priorities 6-15-09 final.doc >>

Mark S. Kasman
Senior Advisor, Asia-Pacific
Office of International Affairs (2650R)
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
TEL: 1-202-564-2024
FAX: 1-202-565-2411

01268-EPA-2533

Richard Windsor/DC/USEPA/US
06/17/2009 08:19 AM

To Scott Fulton
cc
bcc
Subject Re: Travel. Manana

Cool. (b) (6) Privacy Tx.
Scott Fulton

----- Original Message -----
From: Scott Fulton
Sent: 06/17/2009 08:17 AM EDT
To: Richard Windsor
Subject: Re: Travel. Manana
(b) (6) Privacy
Richard Windsor

----- Original Message -----
From: Richard Windsor
Sent: 06/17/2009 07:57 AM EDT
To: Scott Fulton
Subject: Re: Travel. Manana
Thx. (b) (6) Privacy ? Lj
Scott Fulton

----- Original Message -----
From: Scott Fulton
Sent: 06/17/2009 07:39 AM EDT
To: Diane Thompson; Arvin Ganesan
Cc: Richard Windsor
Subject: Travel. Manana
Diane and Arvin - (b) (5) Deliberative

Thanks,
Scott

------Original Message------
To: Richard Windsor
Cc: Diane Thompson
Sent: Jun 17, 2009 7:21 AM
Subject: Fw: Briefing Materials for LPJ Meeting with Ambassador Cameron Hume (Fulton Attention Requested)

Howdy and good morning (Yawn) - (b) (5) Deliberative

(b) (5) Deliberative

[redacted]

What's your estimated TOA this morning?
Cheers, Scott

------Original Message------
From: Mark Kasman
To: Scott Fulton
Cc: Carla Veney
Cc: Wyatt Rockefeller
Cc: Michael Stahl
Cc: Neilima Senjalia
Cc: Katherine Buckley
Cc: Rakhi Kasat
Cc: Gary Waxmonsky
Sent: Jun 15, 2009 5:09 PM
Subject: Briefing Materials for LPJ Meeting with Ambassador Cameron Hume (Fulton Attention Requested)

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(b) (5) Deliberative

[redacted]

Feel free to contact us if we may provide you with any additional information.

Best regards, Mark

<< Hume LPJ briefing paper 061509 final 445pm.doc >>
<< Draft Indonesia Program Priorities 6-15-09 final.doc >>

Mark S. Kasman
Senior Advisor, Asia-Pacific
Office of International Affairs (2650R)
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
TEL: 1-202-564-2024
FAX: 1-202-565-2411

01268-EPA-2547

Bob Sussman/DC/USEPA/US
06/22/2009 07:44 PM

To Richard Windsor
cc
bcc
Subject Re: PM version of FEMA_EPA letter

Sorry. We should have told you before.

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

Richard Windsor All, This is the first I am hearing of this... 06/22/2009 07:35:20 PM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 06/22/2009 07:35 PM
Subject: Re: PM version of FEMA_EPA letter

All,

This is the first I am hearing of this issue or (b) (5) Deliberative

. Tx.

Bob Sussman

----- Original Message -----
From: Bob Sussman
Sent: 06/22/2009 07:02 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Fw: PM version of FEMA_EPA letter

Lisa -- (b) (5) Deliberative

(b) (5) Deliberative

Let us know what you think.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/22/2009 06:46 PM -----

From: Mathy Stanislaus/DC/USEPA/US
To: "Sussman Bob" <sussman.bob@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/22/2009 05:11 PM
Subject: Fw: PM version of FEMA_EPA letter

See note below - (b) (5) Deliberative

Matt Straus

----- Original Message -----
From: Matt Straus
Sent: 06/22/2009 05:05 PM EDT
To: Mathy Stanislaus; breen.barry@epa.gov; Randy Deitz
Cc: Ellyn Fine; Jennifer Wilbur
Subject: Fw: PM version of FEMA_EPA letter

Just to let you know, (b) (5) Deliberative

----- Forwarded by Matt Straus/DC/USEPA/US on 06/22/2009 04:55 PM -----

From: Matt Straus/DC/USEPA/US
To: "Wright, Roy" <Roy.E.Wright@dhs.gov>
Date: 06/22/2009 02:44 PM
Subject: RE: PM version of FEMA_EPA letter

Roy, any word???

"Wright, Roy" I will get back to you shortly. ~Roy 06/22/2009 12:01:50 PM

From: "Wright, Roy" <Roy.E.Wright@dhs.gov>
To: Matt Straus/DC/USEPA/US@EPA
Date: 06/22/2009 12:01 PM
Subject: RE: PM version of FEMA_EPA letter

I will get back to you shortly.

~Roy

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 10:52 AM
To: Wright, Roy
Subject: RE: PM version of FEMA_EPA letter

(See attached file: FEMAresponselttr(2).doc) Roy, my folks believe

(b) (5) Deliberative

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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| Date: |
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|06/22/2009 10:13 AM
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| Subject: |
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|RE: PM version of FEMA_EPA letter

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Matt, a little sense of my past week here.

~Roy

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 9:23 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: PM version of FEMA_EPA letter

(See attached file: FEMAresponselttr.doc) Roy, we have a few tweeks we would like for you to make to the letter. Can you please get back to me by about 11:30 am this morning if these are OK with you. Mathy Stanislaus will be going into a Senior Staff meeting at 1 pm and I will need to let him know before than whether you can agree with these few changes. Thanx for everything.

|---------->
| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA

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|06/19/2009 03:18 PM
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|PM version of FEMA_EPA letter
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EPA:

Here is the version that seeks to reconcile the issues from EPA, USACE, and DHS-NPPD.

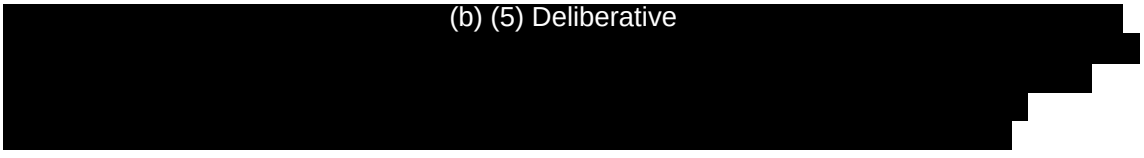
I'm willing to facilitate a conference call with the principals this afternoon if we need to discuss further.

Roy Wright
Deputy Director | Risk Analysis Division | Mitigation Directorate | Federal Emergency Management Agency | 202.646.3461

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:41 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov; Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Roy, I am having trouble getting stuff through to you, but can you please consider the following additional edit to the letter.

(b) (5) Deliberative



(b) (5) Deliberative

I hope its not to late for you to consider this additional edit.
Thanx.

|------------>
| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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|------------>
| Date: |
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|06/19/2009 10:51 AM
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| Subject: |
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|Re: Conference Call Today at 4 pm
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We are, indeed, including your suggested edits.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----
From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Wright, Roy <Roy.E.Wright@dhs.gov>
Cc: Ingram, Deborah <deborah.ingram@dhs.gov>; Fine.Ellyn@epamail.epa.gov
<Fine.Ellyn@epamail.epa.gov>; Deitz.Randy@epamail.epa.gov
<Deitz.Randy@epamail.epa.gov>
Sent: Fri Jun 19 08:16:26 2009
Subject: RE: Conference Call Today at 4 pm

Roy, I presume in your editing, you are also considering the suggested
edits we sent you the other day.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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|06/19/2009 08:06 AM
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| Subject: |
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|RE: Conference Call Today at 4 pm
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Matt,

(b) (5) Deliberative I will share a revised version back with you later this morning.

Again, sorry for the delays on our end.

We're also reviewing the Boxer letters from the principals.

~Roy

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Thursday, June 18, 2009 6:21 PM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov; Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Any new? (b) (5) Deliberative

(b) (5) Deliberative If you could let me know where things stand, that would be great. Thanx.

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| From: |
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|"Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA, "Ingram, Deborah"
<deborah.ingram@dhs.gov>
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| Cc: |
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|Ellyn Fine/DC/USEPA/US@EPA
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| Date: |
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|06/17/2009 01:28 PM
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| Subject: |
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|Re: Conference Call Today at 4 pm
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We are awaiting edits from DHS and FEMA General Counsel. Once we have those, we will share them. I apologize for the delay on our end.

We look forward to seeing the draft of the response from the principals and the fact sheet.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate | Federal Emergency Management Agency | 202.646.3461

----- Original Message -----
From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Ingram, Deborah <deborah.ingram@dhs.gov>
Cc: Fine.Ellyn@epamail.epa.gov <Fine.Ellyn@epamail.epa.gov>; Wright, Roy <Roy.E.Wright@dhs.gov>
Sent: Wed Jun 17 13:26:01 2009
Subject: RE: Conference Call Today at 4 pm

Wanted to just touch base to see when we are likely to hear back from you on the suggested edits we sent you on your letter yesterday evening. Also, on the letter to Senator Boxer, we have a draft and expect to circulate it through the Congressional Affairs offices hopefully this afternoon. Also, we discussed preparing a Fact Sheet that we thought it important for you to review. We also hope to send that over this afternoon, also probably through the Congressional Affairs office. Please email or call me (202-566-0178) if you have any questions. Thanx.

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| From: |
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|"Ingram, Deborah" <deborah.ingram@dhs.gov>
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| To: |
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|Matt Straus/DC/USEPA/US@EPA
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|Ellyn Fine/DC/USEPA/US@EPA, "Wright, Roy" <Roy.E.Wright@dhs.gov>
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|06/16/2009 12:45 PM
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| Subject: |
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|RE: Conference Call Today at 4 pm
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Thanks. On my end, I'll likely have Roy Wright, Deputy Director, Risk Reduction Divison/Mitigation.

We will talk to you at 4:00.

Deb Ingram
Acting Deputy Assistant Administrator
Mitigation Directorate
FEMA/DHS
(b) (6)

-----Original Message-----
From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Tuesday, June 16, 2009 12:38 PM

To: Ingram, Deborah
Cc: Fine.Ellyn@epamail.epa.gov
Subject: Conference Call Today at 4 pm

Per our discussion, the Conference call on the letter that you plan to send to EPA will be with Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response, Barry Breen, the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response, Matt Straus, Advisor and Matt Hale, Director of the Office of Resource Conservation and Recovery or Betsy Devlin, Deputy Director of the Materials Recovery and Waste Management Division. The call in number is 8(b) (6) Privacy, access code (b) (6) Privacy Please email me or call me ((b) (6)) if you have questions. Thanx.

[attachment "Dam Safety Response to EPA re Coal Ash Dams 061909 pm.doc" deleted by Matt Straus/DC/USEPA/US]

01268-EPA-2566

Mathy Stanislaus/DC/USEPA/US
06/24/2009 10:39 AM

To Richard Windsor
cc
bcc
Subject Fw: Fw: Boxer letter

Attached and in the body of the e-mail is the final letter to Boxer. Also, attached is FEMA's final letter to us, and our public notice. (b) (5) Deliberative

Randy Deitz

----- Original Message -----
From: Randy Deitz
Sent: 06/24/2009 10:27 AM EDT
To: Mathy Stanislaus
Cc: Ellyn Fine; Jennifer Wilbur
Subject: Re: Fw: Boxer letter

Mathy per your e-mail, here is a clean version of the Boxer letter, the FEMA letter and our fact sheet for public release.

(b) (5) Deliberative
BoxerListof44letter6.24.09.doc

FEMA_EPA re Coal Ash Dams (06 23 09).pdf

(b) (5) Deliberative
Coal Ash factsheet National6.23.09.doc

The Honorable Barbara Boxer
Chair
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Madam Chair:

(b) (5) Deliberative

(b) (5) Deliberative

(b) (5) Deliberative

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Sincerely,

Lisa P. Jackson
Administrator

Mathy Stanislaus Please send me back a clean version... 06/24/2009 09:51:07 AM

From: Mathy Stanislaus/DC/USEPA/US
To: Randy Deitz/DC/USEPA/US@EPA
Date: 06/24/2009 09:51 AM
Subject: Fw: Boxer letter

Please send me back a clean version of the letter as an attached - also include the text in the body of the e-mail and attach the final FEMA letter and public notice - I will then forward to the Administrator
Bob Sussman

----- Original Message -----
From: Bob Sussman
Sent: 06/23/2009 06:55 PM EDT
To: Mathy Stanislaus; Eric Wachter; Diane Thompson; Arvin Ganesan
Subject: Boxer letter

Enclosed are revisions to the Boxer letter, which I now believe is for the Administrator's signature. Please let us know whether there are any further changes. In their absence, we should finalize for signature first thing tomorrow morning.

Note that the FEMA letter would be included as an attachment so we will need the signed version asap.

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

(b) (5) Deliberative

~WRD2211.doc

U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

June 23, 2009

Mathy Stanislaus
Assistant Administrator
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Mr. Stanislaus:

This letter is in regard to our discussions on the potential release of information collected by the Environmental Protection Agency (EPA) on surface impoundments which receive liquid-borne materials for the storage and disposal of coal combusted residuals generated at electric power generation facilities (Coal Ash Ponds). You advised us that the EPA collected this information under authority granted to it by the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA). This effort followed the failure of a Coal Ash Pond at the Tennessee Valley Authority's Kingston facility, and your concern about similar incidents.

While you addressed your letter to me in my capacity as Acting Deputy Assistant Administrator for Mitigation, Federal Emergency Management Agency (FEMA), and in my position as Acting Chair, National Dam Safety Review Board (Board), this letter responds only on behalf of FEMA. The Board's role is to advise the FEMA Administrator on specific aspects of the program. *See*, 33 U.S.C. 467f (f) (5).

The EPA's release of the necessary information for risk communication purposes related to coal ash pond structures complements the responsibilities of the National Dam Safety Program and FEMA's responsibility to prepare, protect, respond, recover, and mitigate, in order to reduce the loss of life and property. In fact, notification of this information to local responders and the communities where these dams are located can be useful in informing the local public of any potential risk. FEMA encourages and supports the release of information on potential dam risks, including those with Coal Ash Pond residuals. However, the EPA will have to make its own determination regarding its obligations under CERCLA, or any other law, that may affect the EPA's release of this information.

The National Dam Safety Act outlines the functions of the National Dam Safety Program. The Program provides technical assistance. "The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in Paragraph 2, Section C, Public Awareness. The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters." *See*, 33 U.S.C. 467f (d) (3).

The hazard potential classification system employed by the National Dam Safety Program is meant to represent the potential consequences associated with the failure of a dam or water-retaining

structure. Dams associated with a high hazard potential classification are those where failure or mis-operation would probably cause loss of human life, but is not a reflection on the stability of the dam or the characteristics of the impounded materials.

FEMA supports risk communication efforts that provide the public, communities, local/state governments, and federal agencies with necessary information regarding potential dam safety hazards. Further, FEMA consulted with the Department of Homeland Security's Office of Infrastructure Protection, Dams Sector Specific Agency on this issue. In this particular instance involving coal ash structures, the Department of Homeland Security has no objections to the release of the specific data – either collectively or individually – collected under your CERCLA 104(e) letter.

The current protocol for release of information within the National Inventory of Dams is to provide maximum public accessibility for non-sensitive data via a web-based portal. The Board remains concerned about the release of aggregated sensitive dam safety data fields in an uncontrolled or unrestricted manner, such as hazard potential classification, the nearest downstream town, and distance to the nearest downstream town. In light of the issues you have highlighted, and the National Dam Safety Program's practice to reexamine the protocols for both communicating and safeguarding dam data as new security threat information is made available, I intend to ask the Board to review its advice regarding these data elements for our future use in responding to similar requests.

As you approach issues like this in future, I look forward to coordinating with the EPA to ensure the objectives of both agencies are met. If you have additional questions, please contact me by telephone at (202) 646-2856, or by electronic mail at deborah.ingram@dhs.gov.

Sincerely,

Deborah S. Ingram
Acting Deputy Assistant Administrator
for Mitigation

cc: Steve Stockton, Director, Civil Works, U.S. Army Corps of Engineers
Craig Conklin, Director, Sector Specific Agency Executive Management Office,
DHS National Protection and Programs Directorate

01268-EPA-2649

michael moats
(b) (6) Privacy
07/14/2009 07:26 PM

To Richard Windsor
cc Allyn Brooks-LaSure, Michael Moats
bcc
Subject ACTION oped for review

Administrator, attached and pasted below is a draft oped for your review. (b) (5) Deliberative

(b) (5)

Thanks. (b) (6) Privacy

Mike

DRAFT

Administrator Lisa P. Jackson
Energy OpEd
July 14 2009

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20090714 LPJ oped (3).doc

01268-EPA-2650

Richard Windsor/DC/USEPA/US
07/15/2009 10:04 AM

To "michael moats"
cc Allyn Brooks-LaSure, Michael Moats
bcc
Subject Re: ACTION oped for review

It is VERY good. Allyn is sending you 1 change. Tx !

From: michael moats [(b) (6) Privacy
Sent: 07/14/2009 07:26 PM AST
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Michael Moats
Subject: ACTION oped for review

Administrator, attached and pasted below is a draft oped for your review. (b) (5) Deliberative

(b) (5)

Thanks. (b) (6) Privacy

Mike

DRAFT

Administrator Lisa P. Jackson
Energy OpEd
July 14 2009

(b) (5) Deliberative

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[redacted]

01268-EPA-2855

Richard Windsor/DC/USEPA/US
09/17/2009 10:51 PM

To "Seth Oster"
cc
bcc
Subject Re: Read this....

OK. Well done. Now - s [redacted] (b) (6) Privacy [redacted]

From: "Seth Oster" [(b) (6) Privacy
Sent: 09/17/2009 10:42 PM AST
To: Richard Windsor
Subject: RE: Read this....

[redacted] (b) (5) Deliberative [redacted]

Seth

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]
Sent: Thursday, September 17, 2009 10:20 PM
To: Seth Oster
Subject: Re: Read this....

[redacted] (b) (5) Deliberative [redacted]

From: "Seth Oster" (b) (6) Privacy
Sent: 09/17/2009 10:13 PM AST
To: Richard Windsor
Subject: Read this....

(b) (5) Deliberative

[redacted]

(b) (5) Deliberative

Lisa P. Jackson is the Administrator of the Environmental Protection Agency