

01268-EPA-3833

Bob Sussman/DC/USEPA/US

05/05/2010 08:45 AM

To Mathy Stanislaus, Bob Perciasepe, Lisa Heinzerling, Lisa Feldt, Seth Oster, Diane Thompson, Richard Windsor, Betsaida Alcantara

cc

bcc

Subject Coal Ash

(b)(5) Deliberative

Despite Neutral Proposal, EPA Seen Preferring Hazardous Coal Ash Rules

EPA in its just-released proposal for first-time Resource Conservation & Recovery Act (RCRA) coal ash rules appears to prefer and lay the groundwork for hazardous waste rules by including cost-benefit estimates and other data bolstering the strict approach, in contrast to EPA's other option of regulating coal ash less strictly as solid waste.

Further, EPA officials on a May 4 press conference call announcing [the new proposal](#) defended a RCRA hazardous subtitle C regulatory option from industry criticisms that it would decimate industries that beneficially reuse ash in products such as cement. The officials also noted that under a RCRA subtitle D solid waste approach, EPA would lack federal enforcement authority for coal ash controls -- a concern raised by activists who favor subtitle C.

“EPA has paved two roads but all signs point to a hazardous waste management scheme,” Earthjustice attorney Lisa Evans said on a separate May 4 conference call organized by environmentalists. Evans added that the “necessity” for pursuing coal combustion waste regulation under subtitle C “is set out in EPA's proposal today.”

EPA notes that under a hazardous subtitle C approach, wet storage in surface impoundments would be phased out and closed, so that all coal ash would have to be stored in dry landfills after five years. Under a subtitle D approach, surface impoundments could be retrofitted to continue operations or else they would have to close within five years.

But EPA also notes that it lacks federal enforcement authority under a subtitle D approach, which is implemented by states, and as such estimates far less compliance with the national requirements under solid waste rules.

EPA's cost-benefit analysis for the two approaches also appears to dramatically favor a hazardous classification, with the agency estimating benefits of subtitle C rules of between \$87 billion and \$102 billion over 50 years, compared to benefits under a D approach of between \$35 billion and \$42 billion. EPA estimates the costs to industry over the same time period to be \$20.3 billion under subtitle C and \$8.1 billion under subtitle D.

“The major difference in the cost estimates for the two options is largely the result of

compliance rates and the retrofit requirement for subtitle C. With respect to compliance rates, the analysis assumes a 48 percent compliance rate under subtitle D (where we have no enforcement authority) versus a 100 percent compliance rate under subtitle C,” EPA says in a fact sheet for the proposal, which will appear in the *Federal Register* in the coming days.

Estimated benefits from a hazardous waste regulatory plan include groundwater protection, preventing future catastrophic impoundment failures such as the December 2008 ash spill at a Tennessee Valley Authority (TVA) site that was the impetus for the rule, and the “induced effect of RCRA regulation of [coal combustion residues (CCR)] disposal on future beneficial CCR reuse (including increased incentives for the beneficial use of CCR) and all of the environmental and monetary benefits that accompany such anticipated increases,” the fact sheet says.

EPA's proposal says whatever final approach the agency selects “will need to ensure that catastrophic releases such as occurred at the [TVA site] do not occur and that other types of damage cases associated with CCR surface impoundments and landfills are prevented.”

Coal Ash Risk Assessment

Earthjustice's Evans also pointed to the proposal's inclusion of EPA's 2007 coal ash risk assessment, which lists a 1 in 50 cancer risk from exposure, a number Evans called “off the charts;” and EPA's use of a new leaching toxicity test which provides “groundbreaking” results showing the waste leaches far more readily and with far more toxicity than had previously been acknowledged. She also noted the growing number of citizen lawsuit damage cases being filed over ash spills, such as an April 8 case filed by Sierra Club against a New Mexico power plant and mine operation.

The Center for Progressive Reform (CPR) also described the subtitle C approach as the “EPA/environmentalist” plan in contrast to the subtitle D approach it says the White House regulatory review office and industry are pushing. But CPR noted EPA has yet to formally propose its preferred option, instead seeking comment on the two approaches.

On the press call, EPA Administrator Lisa Jackson acknowledged that the draft rule faced unprecedented scrutiny by White House Office of Management & Budget regulatory review officials who held many meetings with opponents to the agency's preferred RCRA hazardous subtitle C approach, but she said it was time to officially propose the rule and “get on with this regulatory process. We've heard from elected officials, members of Congress, states and private industry. I'd like to hear from private citizens about what they think is the most protective rule.”

Jackson also rejected industry's claims that a hazardous classification would decimate the beneficial reuse industry, noting that neither approach would impose any new restrictions on reuse. She said the agency believes coal ash can be reused in ways that are environmentally beneficial and that EPA and other agencies will continue to study applications of concern. “Under either of the two options, we believe safe reuse will continue,” she said.

Another agency official on the call highlighted stark differences between the two proposed regulatory options. For example, if groundwater monitoring finds contamination, then the agency would require corrective action remediation under both C and D classifications. But under subtitle C the action would be subject to agency oversight. “Under D it would be more self implementing,” the official said. “You will see the proposal lays out very specifically the differences between C and D, and one of the differences is that there is federal enforcement of C requirements and there is not federal enforcement of D requirements. The position we're taking is that one [has] federal enforcement and the other [doesn't], and we're specifically asking for comment on the impact of that difference.”

EPA is also considering a possible modification to the proposed subtitle D approach, called “D prime,” which the agency describes as one where existing surface impoundments would not have to close or install composite liners but could continue to operate “for their useful life,” according to the proposal.

The industry Utility Solid Waste Activities Group said in a statement it was pleased to see that EPA “is keeping an open mind” by proposing nonhazardous rules. The group also continues to strongly oppose any hazardous regulatory approach, including requiring closure of impoundments. And the Council of Industrial Boiler Owners says it plans to demonstrate to EPA during comments that a nonhazardous approach is the only sensible option.

EPA will take public comment on the plan for 90 days after it is published in the *Federal Register*. -- Dawn Reeves

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

01268-EPA-3856

Richard Windsor/DC/USEPA/US
05/10/2010 08:35 PM

To Daniel Kanninen, Diane Thompson
cc
bcc

Subject Re: Americas Great Outdoors Congressional Letter

Cool w me.
Daniel Kanninen

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

From: Daniel Kanninen
Sent: 05/10/2010 06:16 PM EDT
To: Richard Windsor; Diane Thompson
Subject: Americas Great Outdoors Congressional Letter

Administrator-

(b)(5) Deliberative [REDACTED]. This is a blanket letter to members of congress as part of the outreach for the initiative. (b)(5) Deliberative [REDACTED]

dk

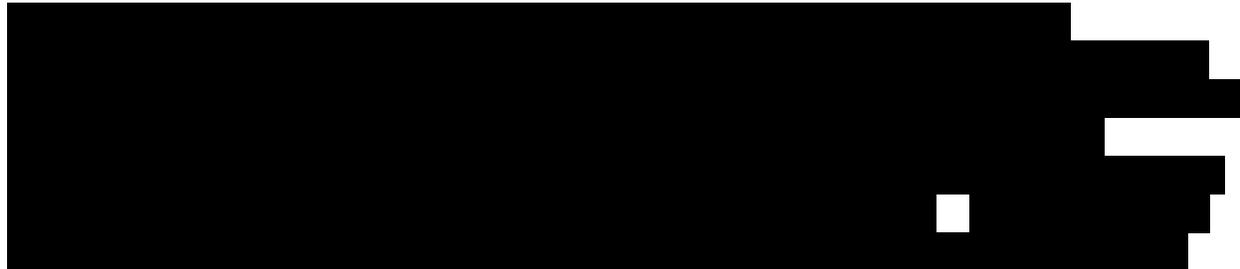
(b)(5) Deliberative [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b)(5) Deliberative



SALAZAR VILSACK JACKSON SUTLEY

Dan Kanninen
White House Liaison
U.S. Environmental Protection Agency
202.564.7960
kanninen.daniel@epa.gov

01268-EPA-3877

Richard Windsor/DC/USEPA/US
05/16/2010 04:41 AM

To: (b) (6) Privacy
cc
bcc

Subject: Fw: Rowan file

Richard Windsor

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

From: Richard Windsor
Sent: 05/16/2010 04:40 AM EDT
To: (b) (6) Privacy "Lisa At Home" <(b) (6) Privacy 'rivacy
Subject: Fw: Rowan file

Michael Moats

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

From: Michael Moats
Sent: 05/13/2010 08:38 PM EDT
To: Allyn Brooks-LaSure; Richard Windsor
Subject: Rowan file

Wanted to be sure you both had the file of this in case you want to make changes.

Michael Moats

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

From: Michael Moats
Sent: 05/13/2010 04:06 PM EDT
To: Veronica Burley; Robert Goulding; Sarah Dale; Aaron Dickerson; Heidi Ellis
Subject: Rowan

(b)(5) Deliberative

(b)(5) Deliberative

20100514 Rowan (3).doc

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

01268-EPA-3885

**Bob
Perciasepe/DC/USEPA/US**
05/18/2010 08:40 AM

To Richard Windsor
cc
bcc
Subject Don Boesch - Presidential Task Force

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 (b) (5) Deliberative

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 05/18/2010 08:29 AM -----

From: "Donald F. Boesch" <boesch@umces.edu>
To: 'Jane Lubchenco' <Jane.Lubchenco@noaa.gov>, "'Marcia McNutt (marcia_mcutt@usgs.gov)'"
<marcia_mcutt@usgs.gov>, Bob Perciasepe/DC/USEPA/US@EPA
Date: 05/18/2010 08:21 AM
Subject: Presidential Task Force

Dear friends,

I really don't need the work, but thought in light of my unusually relevant experience and (hopefully) reputation, I should offer to be considered for the high-level effort being considered by the Administration related to the Deepwater Horizon blowout and its implications for offshore oil and gas development and safety. Attached is a brief summarizing this relevant experience.

Don

Donald F. Boesch, President
University of Maryland Center for Environmental Science
P.O. Box 775, Cambridge, MD 21613 USA
+1.410.221-2000 fax +1.410.228.3843
www.umces.edu/president

(b) (6) Privacy

Don Boesch.doc

01268-EPA-3889

**Mathy
Stanislaus/DC/USEPA/US**
05/20/2010 05:41 PM

To "Richard Windsor", "Diane Thompson", "Bob Perciasepe",
"Bob Sussman"
cc
bcc

Subject Fw: Coal combustion residuals (CCR) NPRM FOIA

Center for Progressive Reform (CPR) has submitted a FOIA for CCR materials including "all records exchanged between OIRA and EPA"

Richard Mattick

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

From: Richard Mattick

Sent: 05/20/2010 12:32 PM EDT

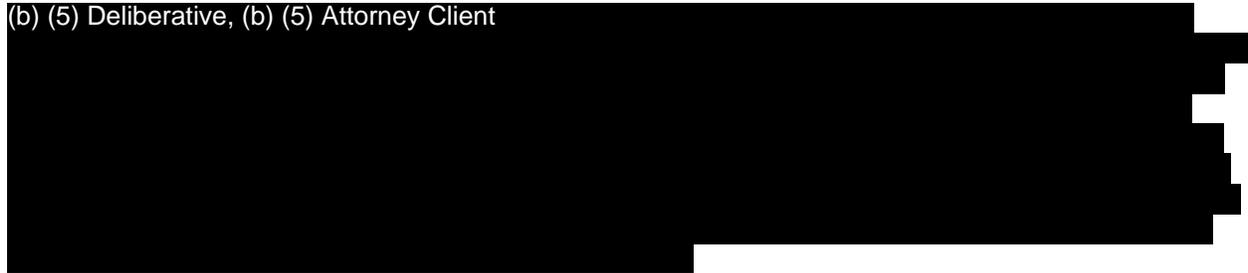
To: Laurel Celeste; John Michaud

Cc: Barbara Hostage; Gerain Perry; Lisa Feldt; Mathy Stanislaus; Barry Breen; Ellyn Fine; Becky Brooks; Antoinette Powell-Dickson; Matt Straus; Suzanne Rudzinski; Frank Behan; Robert Dellinger; Betsy Devlin; Richard Kinch; Steve Souders

Subject: Fw: Coal combustion residuals (CCR) NPRM FOIA

John and Laurel,

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



Richard Mattick, M.S., J.D.
Policy Team Leader (Acting)
Policy Analysis and Regulatory Management Staff
U.S. Environmental Protection Agency
Office of Solid Waste and Emergency Response
1200 Pennsylvania Ave, NW. (MC 5103T)
Washington, DC 20460
Ph: 202-566-1926 Fax:202-566-1934

----- Forwarded by Richard Mattick/DC/USEPA/US on 05/20/2010 12:16 PM -----

From: Frank Behan/DC/USEPA/US
To: Richard Mattick/DC/USEPA/US@EPA
Cc: Robert Dellinger/DC/USEPA/US@EPA, Betsy Devlin/DC/USEPA/US@EPA, Richard Kinch/DC/USEPA/US@EPA, Steve Souders/DC/USEPA/US@EPA
Date: 05/19/2010 03:33 PM
Subject: Coal combustion residuals (CCR) NPRM FOIA

**OFFICE OF SOLID WASTE AND EMERGENCY
RESPONSE**

**FREEDOM OF INFORMATION ACT REQUEST
HQ-FOI-01220-10**

REQUESTER: Aimee Simpson

Request Date: May 06, 2010

COMPANY: Center for Progressive Reform

Received Date: May 07, 2010

FEE Category: Commercial

Subject: All information provided to the Office of Information and Regulatory Affairs (OIRA) pertaining to the Standards for the Mgmt. of Coal Combustion Residuals

Due Date: June 07, 2010

ASSIGNMENTS:

OSWER

5-7-2010 Assigned to ORCR

SPECIAL INSTRUCTIONS:

***Fee Waiver Requested - Please contact Cindy Floyd-Coleman at (202) 566-1662 by 5/12/10 if this request will be billable or not (more than \$14.00)

IF COSTS ARE EXPECTED TO
EXCEED \$25.00, CONTACT
REQUESTER FOR PAYMENT
COMMITMENT BEFORE
PROCESSING REQUEST.

FS: CFC



May 6, 2010

OSWER
HQ-FOI-01220-10
Due Date: 6-7-10
Fee Waiver Requested

Board of Directors

John Applegate
Robert Glicksman
Thomas McGarthy
Catherine O'Neill
Amy Sinden
Sidney Shapiro
Rena Steinzor

**VIA ELECTRONIC MAIL
AND CERTIFIED MAIL**

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
E-mail: hq.foia@epa.gov

RECEIVED
MAY - 7 2010

Advisory Council

Patricia Bauman
Frances Beinecke
W. Thompson Comerford, Jr.
Robert Kuttner
John Podesta
James E. Tierney
Henry Waxman

Re: Freedom of Information Act Request

Dear Sir/Madam:

On behalf of the Center for Progressive Reform (CPR) and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and Executive Order 12866, I hereby request copies of the following records:

1. All information provided to the Office of Information and Regulatory Affairs ("OIRA"), pursuant to Executive Order 12866, Section 6, (a)(3)(B) and (C), pertaining to the Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers, including but not limited to the following:
 - a. Any and all draft regulatory actions and the accompanying detailed descriptions of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and
 - b. Any and all assessments of the potential costs and benefits of the regulatory action.¹
2. Records showing or reflecting the changes, whether significant or minor, between the draft regulatory action concerning the Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers, submitted

¹ See Executive Order 12866, Section 6, (a)(3)(E)(i).

by the Environmental Protection Agency ("EPA") to OIRA for review and the action subsequently announced;²

3. Records showing or reflecting changes, whether significant or minor, in the regulatory action concerning the Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers, that were made at the suggestion or recommendation of OIRA;³
4. All records exchanged between OIRA and the EPA concerning the Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers, including but not limited to, electronic correspondence, written correspondence, word processing documents, and PowerPoint presentations;⁴ and
5. Any and all final regulatory actions provided by the EPA to OIRA concerning the Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers.

CPR requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) because disclosure of this information is likely to contribute significantly to public understanding of operations or activities of the government and will not further any commercial interest. In particular, the requested records will contribute significantly to the public understanding of how OIRA's management of the institution of centralized regulatory review affects the regulations developed by federal regulatory agencies. Presently, the public is largely unaware of how OIRA reviews these regulations and the impact these reviews can have on the substance of regulations. The requested information will help shed light on these matters so that the public can have a more comprehensive understanding of how federal regulations are developed. Greater public understanding of the regulatory process is important, because the public is affected by federal regulations every day. In addition, this enhanced understanding of the regulatory process will enable the public to participate more effectively in the regulatory process, such as the Administrative Procedure Act's notice-and-comment rulemaking process.

Moreover, CPR is a nonprofit organization specializing in the legal, economic, and scientific issues that surround federal regulation. CPR works to advance the public's understanding of the issues addressed by the country's regulatory laws. In particular, CPR seeks to educate the public and policymakers about how the government's authority and resources may best be used to preserve collective values and to hold accountable those who ignore or trivialize them.

Consistent with its organization mission, CPR intends to use the requested records to educate the public about how OIRA's management of the institution of centralized regulatory review impacts federal regulations. After analyzing and synthesizing the information contained in these records, CPR will report its findings to the public through a variety of media, including white papers, books, and Internet articles. CPR has the unique expertise

² See Executive Order 12866, Section 6, (a)(3)(E)(ii).

³ See Executive Order 12866, Section 6, (a)(3)(E)(iii).

⁴ See Executive Order 12866, Section 6, (b)(4)(B) - (D).

and experience to analyze and educate the public about these kinds of regulatory policy matters.

Finally, pursuant to Executive Order 12866 these records should have been made available to the public by the EPA and OIRA without a request from CPR or any other organization or individual. As such this request is made necessary by the EPA and OIRA's failure to comply with Executive Order 12866 and CPR should not incur fees to obtain what should already be freely available.

I will expect a response within 20 working days as provided by law. If my request is denied in whole or in part, please identify the statutory exemption on which you base your decision to withhold each record or portion thereof. Moreover, in the event that my fee waiver request is denied, please do not incur more than \$500 in charges in connection with this FOIA request without obtaining my approval first.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Aimee Simpson", written in a cursive style.

Aimee M. Simpson, J.D.
Policy Analyst, Center for Progressive Reform

01268-EPA-3899

**David
McIntosh/DC/USEPA/US**
05/27/2010 09:22 AM

To Richard Windsor
cc
bcc
Subject Cummins Senate Letter re: Murkowski

This is very nice. Thank Heavens for small favors.

From: brian.c.mormino@cummins.com [mailto:brian.c.mormino@cummins.com]
Sent: Thursday, May 27, 2010 8:37 AM
Subject: Senate Letter

I wanted to let you know that Cummins Chairman Tim Solso sent a letter this week to a group of senators urging them to oppose the resolution to disapprove of the endangerment finding. Text of the letter is below.

We urge you to oppose Senate Joint Resolution 26, which is expected to come before the full Senate for a vote in June. This resolution would disapprove of the U.S. Environmental Protection Agency's endangerment finding and prevent their important work from moving forward on commercial vehicles.

Last week, I had the great pleasure to join the President, senior Administration officials, Members of Congress and leaders from major industry, environmental, labor and public groups at the White House. The event focused on the effort to create a first-ever program to address the fuel efficiency and greenhouse gas emissions of commercial vehicles.

The broad support of this announcement is a testament to the open and collaborative process by EPA over the past year to develop this regulation. The major stakeholders are at the table and working together with the Agency – which is exactly the type of public-private partnerships needed to address complex issues. Passage of the resolution would delay this historic effort and prevent us from achieving the national environmental, economic and energy benefits that will come from addressing commercial vehicles.

We wholeheartedly agree with the need for comprehensive energy and climate legislation, but Congress should not put on hold responsible regulations that move the nation forward while this issue continues to be debated. Please oppose the resolution so that the Agency can continue their collaborative process and create the first-ever program on commercial vehicles.

Sincerely,

Tim Solso
Chairman and CEO
Cummins Inc.

01268-EPA-3900

Richard Windsor/DC/USEPA/US
05/27/2010 10:59 AM

To David McIntosh
cc
bcc
Subject Re: Cummins Senate Letter re: Murkowski

Agreed. Tell him thanks. Lisa

David McIntosh This is very nice. Thank Heavens for s... 05/27/2010 09:22:42 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/27/2010 09:22 AM
Subject: Cummins Senate Letter re: Murkowski

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Sincerely,

Tim Solso
Chairman and CEO
Cummins Inc.

01268-EPA-3901

Richard Windsor/DC/USEPA/US
05/27/2010 11:00 AM

To David McIntosh
cc
bcc
Subject Re: Cummins Senate Letter re: Murkowski

Thanks for the letter of course. Not for lobbying! :)

David McIntosh This is very nice. Thank Heavens for s... 05/27/2010 09:22:42 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/27/2010 09:22 AM
Subject: Cummins Senate Letter re: Murkowski

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Sincerely,

Tim Solso
Chairman and CEO
Cummins Inc.

01268-EPA-3902

David McIntosh/DC/USEPA/US
05/27/2010 11:34 AM

To Richard Windsor
cc
bcc
Subject Re: Cummins Senate Letter re: Murkowski

Yep, got it.
Richard Windsor

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

From: Richard Windsor
Sent: 05/27/2010 11:00 AM EDT
To: David McIntosh
Subject: Re: Cummins Senate Letter re: Murkowski

Thanks for the letter of course. Not for lobbying! :)

David McIntosh This is very nice. Thank Heavens for s... 05/27/2010 09:22:42 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/27/2010 09:22 AM
Subject: Cummins Senate Letter re: Murkowski

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Sent: Thursday, May 27, 2010 8:37 AM
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Sincerely,

Tim Solso
Chairman and CEO
Cummins Inc.

01268-EPA-3911

**Aaron
Dickerson/DC/USEPA/US**
06/04/2010 03:36 PM

To Richard Windsor
cc
bcc

Subject Fw: High Performance Cotton Based Absorbents for Oil Spill
Clean-Up

Michael Martin sent this email last week, but i never received it.

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 06/04/2010 03:29 PM -----

From: Michael Martin <mm@musicmatters.net>
To: Aaron Dickerson/DC/USEPA/US@EPA
Date: 06/04/2010 03:23 PM
Subject: FW: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Hi Aaron,

Here is the email I left you a message about today.

Thanks so much for your help in getting this to the correct decision makers on this Gulf Oil Spill.

Please let me know if you received this.

THANKS!

M

Michael Martin
Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •

www.effectpartners.com • w. 952.426.7800

Effect Marketing • Strategy and Field Execution • MusicMatters™

Reduce. Reuse. Recycle. Respond. Please think twice before printing this email.--

----- Forwarded Message

From: michael martin <mm@musicmatters.net>

Date: Thu, 27 May 2010 18:43:30 -0500

To: <Dickerson.Aaron@epamail.epa.gov>

Cc: '(b) (5) Deliberative'iberative <(b) (5) Deliberative berative

Conversation: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Subject: FW: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Aaron,

How are you doing? Surviving the spill?

Administrator Jackson and I had txt'd this am about a potentially important connect for the Gulf Oil Spill clean-up efforts. The country's leading cotton absorbent company (greener, more cost effective, not made out of fossil fuels, us produced, green job creator, small family company) is owned by a good friend. I believe I had introduced Lisa to him at the Climate Rally.

Anyway, they have a great solution to the clean-up problem and they cannot get through to any decision makers.

Lisa asked me to send info about this.

See below.

If someone from the EPA clean up effort can take a moment to look at this, I think it would be highly beneficial to your efforts.

Thanks so much for your help. Call with questions!

All the best,

PS: I am hoping this email made it to Lisa..when I was sending emails in Feb and March, my emails to her would bounce back. We changed providers on our end and so I hope this one works!

Michael Martin
Founder and CEO



Michael Martin • Chief Effect Officer • EFFECT Partners™, Inc. • 4208 Park Glen Road, Minneapolis, Minnesota 55416 •

www.effectpartners.com • w. 952.426.7800

Effect Marketing • Strategy and Field Execution • MusicMatters™

Reduce. Reuse. Recycle. Respond. Please think twice before printing this email.--

----- Forwarded Message

From: "Tom Sellars (I)" <tsellars@sellarswipers.com>

Date: Thu, 27 May 2010 17:33:49 -0500

To: michael martin <mm@musicmatters.net>

Cc: John Sellars <JSellars@sellarswipers.com>

Subject: High Performance Cotton Based Absorbents for Oil Spill Clean-Up

Mike,

Thanks for making the introduction of our company and our high absorbency natural cotton absorbents. Our booms and pads can really help clean up the spill, and do it in a more environmentally sensitive manner than the oil based absorbents currently being used.

My brother John Sellars (414-788-0434), our President, just got back this afternoon from his second trip to the gulf and he has been unable to connect with the appropriate people at BP. Attached is an independent article from a professor on why cotton is superior, a product sheet on our cotton booms and a brief company presentation. The highlights of our spill clean up products (absorbents, wipes, towels) are:

- **Environmentally Superior:** Absorbent booms and pads made from cotton, a natural and renewable resource. All other manufacturers currently use booms with meltblown polypropylene, a synthetic oil-based absorbent which consumes more oil to fight the spill. Our wipes and towels are made with post-consumer waste. We also make the only EPA compliant shop towels.
- **Superior Performance:** Cotton is over 100% more absorbent than synthetic oil based absorbents. Our booms utilize 40% less material and absorb 30% more than competing synthetic filled booms.
- **Competitively Priced:** Our booms and pads are priced competitively against synthetic booms even though they offer superior performance. Our wipes and towels also offer high performance at competitive prices.

We certainly want to do what we can to help clean up this environmental tragedy. Please facilitate an introduction to the decision maker at BP. We are committed to help. We are in the process of making capital investments and hiring people in order to respond with more manufacturing capacity than all of the other synthetic suppliers.

John Sellars can be reached on cell at 414-788-0434 or by email at jsellars@sellarswipers.com. I can be reached on cell at 414-732-6106.

Tom Sellars
Chairman & CEO
Sellars

----- End of Forwarded Message



----- End of Forwarded Message Cotton Superior Absorbency- Nonwovens Article.ppt Sellars Cotton Absorbents.ppt



Sellars Presentation.ppt

Proprietary Oil Spill Sorbents

Made with Naturally Hydrophobic Unprocessed Cotton

Outperforms the booms made from petroleum based materials.

Competitively priced

More environmentally sensitive solution

Oil Only EverSoak® Boom

EverSoak
BRAND

made with Patent Pending
Q-CEL
TECHNOLOGY

Sellars Oil Only EverSoak® Boom

- Extremely absorbent boom absorbs many types of different types of oil spills and leaks on open water as well as retention ponds
- Weighs significantly less than standard polypropylene boom making it easier to handle
- No fillers are included- 100% cotton is inside of boom casing
- Made from a renewable resource- cotton

Sellars Oil Only EverSoak® Boom

Product Number:	82857 (Natural)
Boom Size:	8 IN. x 10 FT.
Booms Per Bag:	4
Case Dimensions:	Bag
Bags Per Pallet ¹ :	12 Bags/Pallet LTL 12 Bags/Pallet TL
Case Weight:	20 Pounds
Pallets Per Truck:	30 Pallets/Truck
UPC:	660708828575
UCC-14:	N/A

¹ Less Than Truckload (LTL) Truckload (TL)



Cotton Boom



Cotton Boom Master Bag



Cotton Boom Master Bag on a Pallet

SELLARS
When Performance Demands Quality®



www.sellarscompany.com

Sellars Customer Service
customerservice@sellarswipers.com
Toll Free: 800 237-8454 Ext. 2

Sellars Wipers & Sorbents
6565 North 60th Street
Milwaukee, WI 53223 USA

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Nonwovens Expert: Cotton Is Best For Gulf Oil Spill

Posted on May 18, 2010 @ 08:41 am

As oil continues to gush from the exploded Deepwater Horizon oil rig, a Texas Tech expert in nonwoven cotton technology believes that cotton may do a better job to absorb the oil spill than the booms made of synthetic material.

"Already, several million feet of the oil-containment booms have been used to capture the oil spilling into the Gulf," said Seshadri Ramkumar, associate professor of Nonwoven materials at The Institute of Environmental and Human Health (TIEHH). "They are made of synthetic materials, don't biodegrade and absorb only a third of what raw cotton can do. The properties of raw cotton allow it to soak up 40 times its weight. With chemical modifications, it can soak up to as much as 70 times its weight. And it won't just stay in a landfill forever."

Mr. Ramkumar's research focuses on developing value-added materials using nonwoven materials and nanotechnology. He supervises the Nonwoven and Advanced Materials Laboratory at TIEHH.

"The nonwoven industry in the United States is well equipped with technologies that can develop oil-absorbent pads from natural fibers like cotton," Mr. Ramkumar said.

Green
Innovation™

SELLARS®

Creating U.S. “Green” Jobs by Manufacturing
High Performance, Cost Effective Products...
Keeping People and Their Environment Clean and Safe

Sellers' Sustainable Green Business Model

Our proprietary and patented technologies enable us to use recycled fibers to manufacture high performance, cost-effective disposable towels and absorbents that help keep people and their homes clean and dry.



Consumer:

Even though our “Green” products are made with recycled/ regenerated fibers, our customers obtain better performance than the competing “virgin” products

Environment:

Our products are used to keep people and their work environment clean and safe.

The manufacturing of our products have a lower “footprint”.

Our newest towel is the only one to meet the EPA standard of 40% post consumer waste

We benefit all our stakeholders by achieving profits aligned with our value system



Oil Only EverSoak® Boom

EverSoak® BRAND

made with Patent Pending
B-CEL
technology

Sellars Oil Only EverSoak® Boom

- Extremely absorbent boom absorbs many types of different types of oil spills and leaks on open water as well as retention ponds
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Pallets Per Truck:	30 Pallets/Truck
UPC:	660708428575
UCC-14:	N/A

¹ Less Than Truckload (LTL) Truckload (TL)



Cotton Boom



Cotton Boom Master Bag



Cotton Boom
Master Bag on a Pallet

SELLARS
When Performance Demands Quality™



www.sellarscompany.com

Sellars Customer Service
customerservice@sellarswipers.com
Toll Free: 800 237-8454 Ext. 2

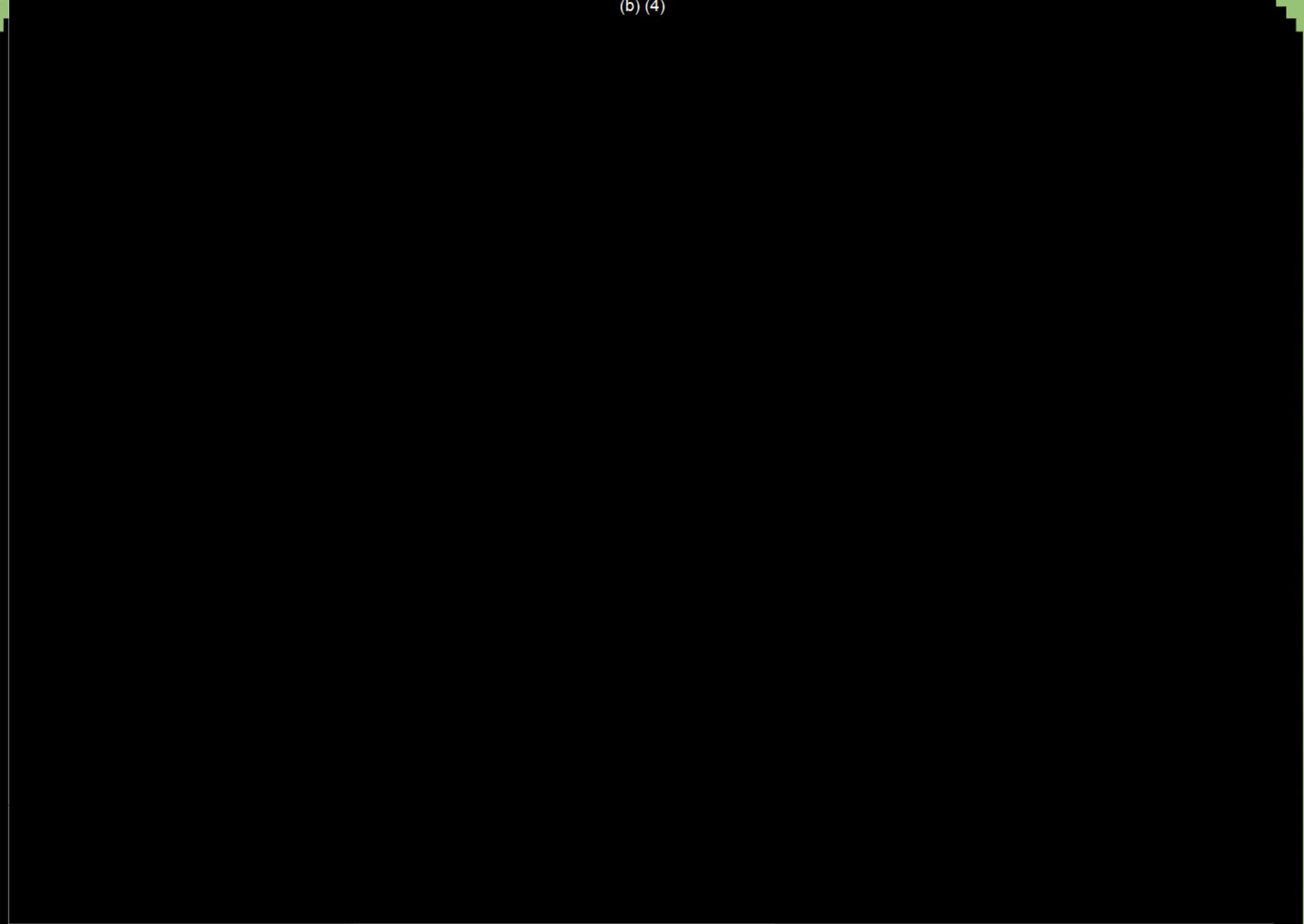
Sellars Wipers & Sorbents
6565 North 60th Street
Milwaukee, WI 53223 USA

©2009 Sellars Absorbent Materials, Inc. 9.09

(b) (4)

(b) (4)

(b) (4)



[REDACTED]

(b) (4)



(b) (4)



(b) (4)

01268-EPA-3915

Richard Windsor/DC/USEPA/US
06/06/2010 04:37 PM

To Michael Moats
cc "Betsaida Alcantara", "David McIntosh", Seth Oster
bcc
Subject Re: ACTION Murkowski blog for review

awesome. fine with me. tx.

Michael Moats Administrator, attached is a draft blog p... 06/06/2010 04:29:13 PM

From: Michael Moats/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Cc: "David McIntosh" <McIntosh.David@epamail.epa.gov>, Seth Oster/DC/USEPA/US@EPA, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>
Date: 06/06/2010 04:29 PM
Subject: ACTION Murkowski blog for review

Administrator, attached is a draft blog post (b) (5) [REDACTED]
[REDACTED] For your review, thanks.

Mike

----- Original Message -----
From: Michael Moats [REDACTED] (b) (6) Privacy
Sent: 06/06/2010 04:25 PM AST
To: Michael Moats
Subject: ACTION Murkowski blog for review

(b)(5) Deliberative [REDACTED]

20100603 Murkowski Blog (4).doc

01268-EPA-3919

David
McIntosh/DC/USEPA/US
06/08/2010 01:25 PM

To Richard Windsor
cc
bcc

Subject EPA's Comments to OMB on the Draft Kerry-Lieberman
American Power Act

Hi Administrator:
I just left on Aaron's chair a hard copy of the below and the attached.
-David

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative
[Redacted]

01268-EPA-3925

Gina McCarthy/DC/USEPA/US

06/09/2010 08:29 AM

To Richard Windsor, perciasepe.bob, McIntosh.David,
Heinzerling.Lisa, Sussman.bob

cc Janet McCabe, Joseph Goffman

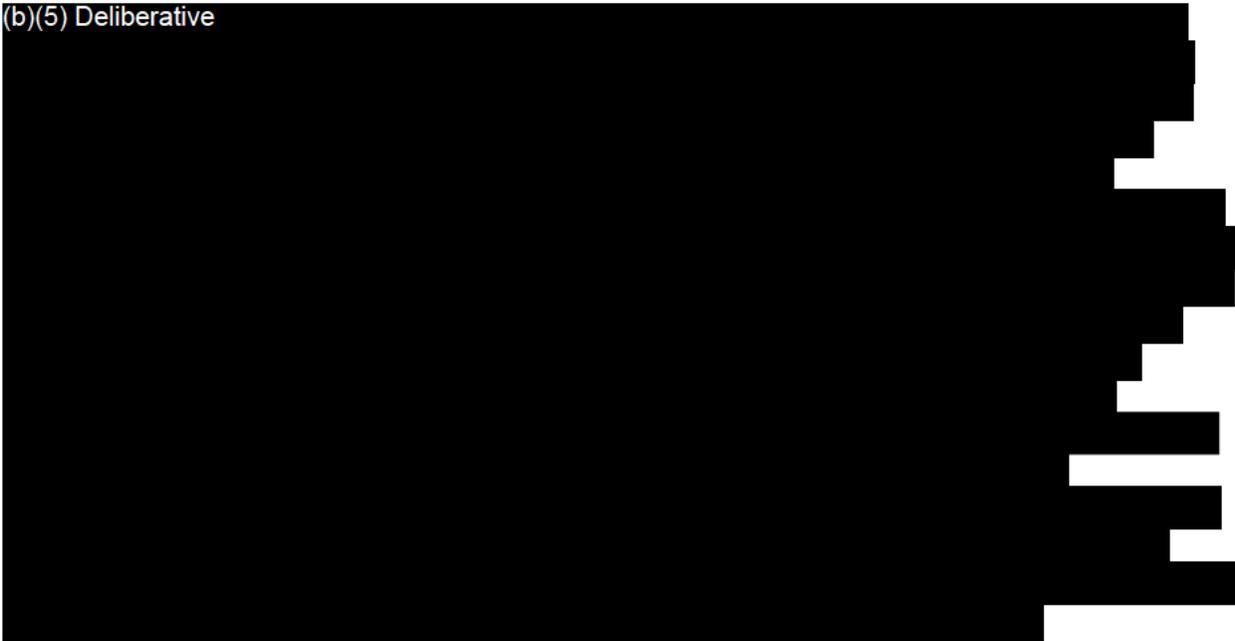
bcc

Subject Utility Strategy follow-up

(b)(5) Deliberative

A large black rectangular redaction box covers the majority of the page content below the header. The text "(b)(5) Deliberative" is visible at the top left of this redacted area.

(b)(5) Deliberative

A large black rectangular redaction box covers the majority of the page content below the header. The text "(b)(5) Deliberative" is visible at the top left of this redacted area.

01268-EPA-3935

"Moland, Mark CDR"
<Mark.G.Moland@uscg.mil>
Sent by:
Mark.G.Moland@uscg.mil

06/09/2010 07:35 PM

To "HQS-DG-LST-NIC-HQ-Command",
"HQS-DG-LST-NIC-HQ-INTERAGENCY-SOLUTIONS-GRO
UP", "HQS-DG-LST-NIC-HQ-Legal"
cc "Nash, Roy RDML", "Watson, Elizabeth LCDR", "Offutt, Todd
CDR", "Loebl, Gordon CAPT", "Watson, James RADM"
bcc

Subject DRAFT Governor's TP for Thursday 10 June 10

<<Governor's Call TP 10 June10.docx>> Dear Admiral Allen & NIC Command Staff,

Attached are the draft TP's for tomorrow's Governor's call. TP's will be updated and distributed by 0730.

Very Respectfully,

CDR Mark Moland
NIC- DC IGA
Desk: 202-372-1715
Cell: 901-833-0345

(b)(5) Deliberative

Governor's Call TP 10 June10.docx

01268-EPA-3938

Richard Windsor/DC/USEPA/US
06/10/2010 07:11 PM

To Seth Oster
cc
bcc

Subject Re: Statement by the President on Senator Murkowski's Resolution of Disapproval, S.J. Res. 26

Awesome
Seth Oster

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

From: Seth Oster
Sent: 06/10/2010 06:06 PM EDT
To: David McIntosh; Richard Windsor; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan; Gina McCarthy; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Michael Moats; Janet McCabe; Joseph Goffman; Lawrence Elworth; Bob Sussman; Lisa Heinzerling; Scott Fulton; Sarah Pallone; Betsaida Alcantara
Subject: Statement by the President on Senator Murkowski's Resolution of Disapproval, S.J. Res. 26

----- Forwarded by Seth Oster/DC/USEPA/US on 06/10/2010 06:05 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/10/2010 06:05 PM
Subject: Statement by the President on Senator Murkowski's Resolution of Disapproval, S.J. Res. 26

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
June 10, 2010

Statement by the President on Senator Murkowski's Resolution of Disapproval, S.J. Res. 26

I commend the Senate for rejecting the resolution put forward by Senator Murkowski, which would have increased our dependence on oil by blocking efforts to cut the harmful pollution that contributes to climate change. Today's vote is yet another reminder of the urgent need to pass legislation that would help America transition to a 21st century clean energy economy that would create jobs, strengthen our national security, and protect our environment for our children. Today, the Senate chose to move America forward, towards that clean energy economy – not backward to the same failed policies that have left our nation increasingly dependent on foreign oil.

###

01268-EPA-3941

Michael Moats/DC/USEPA/US

06/14/2010 05:07 PM

To Richard Windsor

cc Robert Goulding, Diane Thompson, Allyn Brooks-LaSure,
Christopher Busch

bcc

Subject ACTION Strategic Plan preface for review

Administrator, attached is the draft Administrator's Message for the draft strategic plan that is slated to go out for public comment this week. (b)(5) Deliberative

Please let me know whatever thoughts you have, and I'll make the changes and be sure we get it back to OCFO for printing. Thanks very much.

(b)(5) Deliberative

20100610 Strategic Message (4).doc

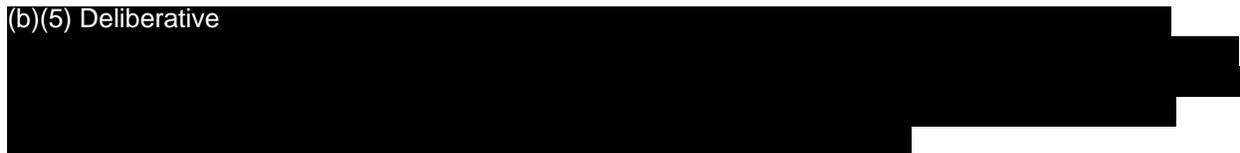
Michael Moats
Chief Speechwriter
US EPA | Office of the Administrator
Office: 202-564-1687
Mobile: 202-527-4436

01268-EPA-3948

David
McIntosh/DC/USEPA/US
06/21/2010 08:43 AM

To Richard Windsor
cc
bcc
Subject E&E Daily -- CLIMATE: White House, Lieberman considering utility-only bill

(b)(5) Deliberative



CLIMATE: White House, Lieberman considering utility-only bill (Monday, June 21, 2010)

Robin Bravender, E&E reporter

The Obama administration and a key player in Senate climate negotiations would consider a bill that caps greenhouse gas emissions from just the electric utility sector, which may face better political odds than an effort to cap emissions across the economy.

President Obama will likely discuss setting caps on the utility sector when he meets with senators this week, White House Chief of Staff Rahm Emanuel told the *Wall Street Journal* on Friday.

"The idea of a 'utilities only' [approach] will also be welcomed," Emanuel said, noting that "a wide range of ideas will be discussed." Obama is scheduled to meet with a bipartisan group of senators Wednesday as Democratic leadership plans its strategy for bringing an energy and climate package to the floor this summer.

Sen. Joe Lieberman (I-Conn.) -- who is co-sponsoring a Senate climate and energy bill with Sen. John Kerry (D-Mass.) -- said he would also consider a power plant-only cap.

"Well, I would say we -- yes, I would like to look at that," Lieberman said yesterday on CNN's "State of the Union" program. The Kerry-Lieberman bill would cap greenhouse gas emissions across multiple sectors of the economy.

A strong energy independence bill must include a cap on carbon emissions, Lieberman added. "But if we can all agree on a compromise proposal, as Rahm Emanuel said, that begins with the utilities sector of our economy pricing carbon in it, I think that's a significant step forward to a better, safer country."

The Kerry-Lieberman bill would begin limiting power plants' emissions starting in 2012, followed in 2018 with restrictions for heavy manufacturing. Transportation emissions would face their own emission caps, but the industry cannot participate in any trading with the other industrial sectors.

Sen. Lindsey Graham (R-S.C.), who helped negotiate the Kerry-Lieberman bill but has since dropped out as a co-sponsor, has indicated that he would support legislation next year that blocks U.S. EPA regulations and caps utilities' emissions.

"What I would suggest is that we come back next year to replace the EPA with a comprehensive approach that looks at pricing carbon on the utility side, exempting heavy energy users because the technology's not there to sequester carbon, and on the transportation side, lower emissions without a cap," Graham said earlier this month. "That is what I will be pushing next year, a utility-only bill" ([Greenwire](#), June 9).

A handful of utility industry officials have also signaled they won't knock down the idea of a power plant-only emissions cap.

Electric utilities emit about a third of U.S. greenhouse gases per year. The industry has been involved for about 15 years in a similar market-based mechanism that has successfully reduced acid rain, and the sector is seeking regulatory certainty as companies look to make significant new investments over the next several decades.

"It's a possibility," Duke Energy Corp. spokesman Tom Williams said earlier this month of the power plant-only approach. "We're still pushing for a comprehensive plan. But we've said before, if it comes down to that, we'd certainly support it" ([Greenwire](#), June 3).

Edison Electric Institute spokesman Jim Owen said yesterday the trade group has been focused on an economywide climate bill and hasn't fully discussed a utility-only approach. "However, we believe that any utility-only legislation would have to incorporate major consumer protections to attract 60 votes in the Senate," he said.

Sen. Lisa Murkowski (R-Alaska), the ranking member of the Senate Energy and Natural Resources Committee, expressed doubts about a utility-only approach yesterday.

"It still puts you in the world of cap and trade," Murkowski told CNN. "And this is where we just simply have not been able to get to 60.

Instead, Murkowski said, the Senate ought to focus on an approach like the energy bill from Sen. Jeff Bingaman (D-N.M.) that cleared the Energy and Natural Resources Committee 15-8 last year, which creates a national

renewable energy standard but doesn't cap on greenhouse gas emissions.

"It's got all the right pieces," Murkowski said. "The only thing it doesn't have is cap and trade. Well, that's how we got to a bipartisan bill. So let's build on something like that."

Lieberman said yesterday the Senate has a "fighting chance" at getting the 60 votes needed to pass a bill that caps carbon dioxide emissions, especially now that Obama is making the bill a priority.

"I'll tell you what my count is in the Senate," Lieberman said. "There are 50 -- in my opinion, there are about 50 senators who want to vote for a strong comprehensive energy bill that puts a price on carbon pollution. There are 30 who are set against it and there are 20 undecided.

"You have got to get to 60 to pass anything in the Senate. We need half of the undecided, and we can do it. And the fact that the president has now made this a priority, and not just in his Oval Office statement last week, but in reaching out during the week on the phone and calling a bipartisan group of us to the White House Wednesday, I think we have got a fighting chance at this," Lieberman added.

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01268-EPA-3958

Gina McCarthy/DC/USEPA/US

06/29/2010 02:15 PM

To Richard Windsor, "David McIntosh", Joseph Goffman

cc

bcc

Subject Climate legislation

(b)(5) Deliberative



01268-EPA-3959

David
McIntosh/DC/USEPA/US
06/29/2010 02:32 PM

To Richard Windsor
cc Diane Thompson
bcc
Subject Fw: Readout of the President's Meeting with a Bipartisan
Group of Senators to Discuss Passing Comprehensive
Energy and Climate Legislation

Pls see below. (b)(5) Deliberative

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
June 29, 2010

**Readout of the President's Meeting with a Bipartisan Group of Senators to Discuss
Passing Comprehensive Energy and Climate Legislation**

The meeting the President hosted with a bipartisan group of Senators was a constructive exchange about the need to pass energy and climate legislation this year that lasted more than an hour-and-a-half. The President made clear his view that a full transition to clean energy will require more than just the government action we've taken so far. It will require a national effort from all of us to change the way we produce and use energy.

The President told the Senators that he still believes the best way for us to transition to a clean energy economy is with a bill that makes clean energy the profitable kind of energy for America's businesses by putting a price on pollution – because when companies pollute, they should be responsible for the costs to the environment and their contribution to climate change. Not all of the Senators agreed with this approach, and the President welcomed other approaches and ideas that would take real steps to reduce our dependence on oil, create jobs, strengthen our national security and reduce the pollution in our atmosphere.

The President said that there was a strong foundation and consensus on some key policies and the President urged the Senators to come together based on that foundation. There was agreement on the sense of urgency required to move forward with legislation and the President is confident that we will be able to get something done this year.

###

01268-EPA-3960

Richard Windsor/DC/USEPA/US
06/29/2010 02:52 PM

To: Gina McCarthy
cc: "David McIntosh"
bcc:
Subject: Re: Climate legislation

(b)(5) Deliberative

Gina McCarthy

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

From: Gina McCarthy

Sent: 06/29/2010 02:15 PM EDT

To: Richard Windsor; "David McIntosh" <McIntosh.David@EPA.GOV>; Joseph Goffman

Subject: Climate legislation

(b)(5) Deliberative

01268-EPA-3961

Gina McCarthy/DC/USEPA/US

To Richard Windsor

06/29/2010 03:19 PM

cc

bcc

Subject Re: Readout of the President's Meeting with a Bipartisan Group of Senators to Discuss Passing Comprehensive Energy and Climate Legislation

(b)(5) Deliberative

Richard Windsor

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

From: Richard Windsor

Sent: 06/29/2010 03:05 PM EDT

To: Gina McCarthy

Subject: Fw: Readout of the President's Meeting with a Bipartisan Group of Senators to Discuss Passing Comprehensive Energy and Climate Legislation

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE

June 29, 2010

Readout of the President's Meeting with a Bipartisan Group of Senators to Discuss Passing Comprehensive Energy and Climate Legislation

The meeting the President hosted with a bipartisan group of Senators was a constructive exchange about the need to pass energy and climate legislation this year that lasted more than an hour-and-a-half. The President made clear his view that a full transition to clean energy will require more than just the government action we've taken so far. It will require a national effort from all of us to change the way we produce and use energy.

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The President said that there was a strong foundation and consensus on some key policies and the President urged the Senators to come together based on that foundation. There was agreement on the sense of urgency required to move forward with legislation and the

President is confident that we will be able to get something done this year.

###

01268-EPA-3971

Heidi Ellis/DC/USEPA/US

07/06/2010 10:09 AM

To Richard Windsor

cc Aaron Dickerson

bcc

Subject Rolling Stone Prep Today

Administrator-

OPA was trying to schedule your Rolling Stone interview for today, but it fell through. They would like to brief you regardless, as it may pop back on your California schedule. I have set up time at 2 PM today for this prep session. Please call Adora on her office line at 202-564-2715.

Also, please find the briefing memo attached to this e-mail.

Thank you.

Heidi M. Ellis
Director of Scheduling
Office of the Administrator | US EPA
Phone: 202-564-3204
Cell: 202-355-5212
Fax: 202-501-1480

----- Forwarded by Heidi Ellis/DC/USEPA/US on 07/06/2010 10:05 AM -----

From: Brendan Gilfillan/DC/USEPA/US
To: "Aaron Dickerson" <Dickerson.Aaron@epamail.epa.gov>, "Katharine Gage" <Gage.Katharine@epamail.epa.gov>, "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "Daniel Gerasimowicz" <Gerasimowicz.Daniel@epamail.epa.gov>, "Gladys Stroman" <Stroman.Gladys@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 07/05/2010 10:42 PM
Subject: Fw: RS memo

Memo for the Administrator's interview tomorrow - pls let me know if the attachment doesn't come through. Thx

From: Brendan Gilfillan [bgilfillan@gmail.com]
Sent: 07/05/2010 09:45 PM AST
To: Adora Andy
Cc: Alisha Johnson; Brendan Gilfillan
Subject: RS memo

(b)(5) Deliberative



(b)(5) Deliberative



- Brendan 7-5 RS interview.doc

01268-EPA-3972

Richard Windsor/DC/USEPA/US
07/07/2010 02:00 PM

To David McIntosh
cc Gina McCarthy
bcc

Subject Re: draft memo regarding power plant legislation

I will print this out then mark up and have sent to you. (b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 07/02/2010 01:36 PM EDT
To: Richard Windsor
Cc: Gina McCarthy
Subject: draft memo regarding power plant legislation

Administrator:

Attached and pasted below, please find a draft of the memo that you are thinking of sending. (b) (5) Deliberative

. Please let us know when and if you'd like our assistance with next steps.
-David

[attachment "Draft Memo.doc" deleted by Richard Windsor/DC/USEPA/US]

(b)(5) Deliberative

[Redacted content]

[Redacted content]

(b)(5) Deliberative

[Redacted text block]

(b)(5) Deliberative

[Redacted text block]

(b)(5) Deliberative

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

01268-EPA-3973

David
McIntosh/DC/USEPA/US
07/07/2010 02:02 PM

To Richard Windsor
cc Gina McCarthy
bcc
Subject Re: draft memo regarding power plant legislation

Sounds good.

Richard Windsor | I will print this out then mark up and h... | 07/07/2010 02:00:08 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 07/07/2010 02:00 PM
Subject: Re: draft memo regarding power plant legislation

I will print this out then mark up and have sent to you. (b) (5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 07/02/2010 01:36 PM EDT
To: Richard Windsor
Cc: Gina McCarthy
Subject: draft memo regarding power plant legislation

Administrator:

Attached and pasted below, please find a draft of the memo that you are thinking of sending. (b) (5) Deliberative

. Please
let us know when and if you'd like our assistance with next steps.
-David

[attachment "Draft Memo.doc" deleted by Richard Windsor/DC/USEPA/US]

(b)(5) Deliberative

(b)(5) Deliberative

[Redacted text block]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



01268-EPA-3974

Richard Windsor/DC/USEPA/US
07/07/2010 03:47 PM

To "Marcus McClendon", "Clay Diette", "Robert Goulding"
cc
bcc

Subject Fw: draft memo regarding power plant legislation

I need 2 copies of this sraft memo double spaced and printed and in my room this evening please. Tx,
Lisa

David McIntosh

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

From: David McIntosh
Sent: 07/02/2010 01:36 PM EDT
To: Richard Windsor
Cc: Gina McCarthy
Subject: draft memo regarding power plant legislation

Administrator:

Attached and pasted below, please find a draft of the memo that you are thinking of sending (b) (5) Deliberative

[REDACTED]

let us know when and if you'd like our assistance with next steps.

-David

(b)(5) Deliberative

Draft Memo.doc

(b)(5) Deliberative

[REDACTED]

[REDACTED]

(b)(5) Deliberative

[Redacted text block]

(b)(5) Deliberative

[Redacted text block]

(b)(5) Deliberative

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

01268-EPA-3975

Richard Windsor/DC/USEPA/US
07/09/2010 09:58 AM

To Bob Sussman, Bob Perciasepe, David McIntosh, Lisa Heinzerling, Gina McCarthy
cc
bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 07/09/2010 09:47 AM EDT
To: Richard Windsor; Bob Perciasepe; David McIntosh; Lisa Heinzerling; Gina McCarthy
Subject: Fw: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts
Wanted to make sure you saw this **(b)(5) Deliberative** ?

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/09/2010 09:45 AM -----

From: "Walke, John" <jwalke@nrdc.org>
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, <mccintosh.david@epa.gov>, Rob Brenner/DC/USEPA/US@EPA, Sam Napolitano/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Jim Ketcham-Colwill/DC/USEPA/US@EPA, <sussman.robert@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
Date: 07/09/2010 08:26 AM
Subject: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

I trust that EPA will plan to participate in this. We are reaching out to FERC to ensure that NGOs will participate too.

EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts
Posted: July 8, 2010

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Wellinghoff's comments echo remarks by officials from the American Coalition for Clean Coal Electricity, who argued earlier this year that strict new EPA rules to cut nitrogen oxide (NOx), sulfur dioxide (SO2) and mercury emissions from power plants could be so expensive for older, less efficient coal-fired plants to meet that they might shutter those facilities on a quicker schedule than if they had to meet greenhouse gas controls.

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The leadership forum was proposed in remarks delivered by the Energy Department's Bonneville Power Administration and almost immediately gained wide support. The forum would offer a venue to discuss the impacts of new EPA air regulations on reliability, according to Wellinghoff and industry sources.

Greater Communication

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Related News: Air Water Energy
1700620

01268-EPA-3976

David
McIntosh/DC/USEPA/US
07/09/2010 10:15 AM

To Richard Windsor
cc
bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC
Forum On Grid Reliability Impacts

(b)(5) Deliberative

Richard Windsor (b)(5) Deliberative 07/09/2010 09:58:25 AM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, David
McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Gina
McCarthy/DC/USEPA/US@EPA
Date: 07/09/2010 09:58 AM
Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 07/09/2010 09:47 AM EDT
To: Richard Windsor; Bob Perciasepe; David McIntosh; Lisa Heinzerling;
Gina McCarthy
Subject: Fw: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On
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Wanted to make sure you saw this (b)(5) Deliberative ?

Robert M. Sussman
Senior Policy Counsel to the Administrator
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Napolitano/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Lisa
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Related News: Air Water Energy
1700620

01268-EPA-3977

Gina McCarthy/DC/USEPA/US

To Richard Windsor, Bob Sussman, Bob Perciasepe, David McIntosh, Lisa Heinzerling

07/09/2010 10:50 AM

cc Joseph Goffman, Janet McCabe

bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative [Redacted]

[Redacted]

Richard Windsor

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

From: Richard Windsor

Sent: 07/09/2010 09:58 AM EDT

To: Bob Sussman; Bob Perciasepe; David McIntosh; Lisa Heinzerling; Gina McCarthy

Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

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Related News: Air Water Energy
1700620

01268-EPA-3978

David
McIntosh/DC/USEPA/US
07/09/2010 05:22 PM

To Richard Windsor
cc Robert Goulding, Heidi Ellis, Aaron Dickerson, Arvin
Ganesan
bcc

Subject Memo for your meeting with Senator Bingaman

Hi Administrator,

Attached and pasted below, please find a memo for your meeting Monday with Senator Bingaman. By this email, I'm asking Rob, Heidi, and Aaron (cc'd here) to place the memo and its two attachments into your briefing book.

-David

TO: Administrator Jackson
FROM: David McIntosh
DATE: July 9, 2010
SUBJECT: Your Meeting Monday with Senator Bingaman

Monday morning from 11:15 to noon, you are scheduled to meet with Senator Jeff Bingaman (D-NM) in his office (Hart 703). I will accompany you.

On the margins of the President's June 29 meeting with Senators about energy legislation, Senator Bingaman asked you to have EPA staff brief him on the expected impacts of EPA's unfolding power plant rules. You responded that you would brief him yourself. Monday's meeting is the result of that conversation.

I. (b)(5) Deliberative



(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

01268-EPA-3980

Gina McCarthy/DC/USEPA/US

To Richard Windsor, Bob Sussman, Bob Perciasepe, David McIntosh, Lisa Heinzerling

07/09/2010 06:04 PM

cc

bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative [Redacted]

Richard Windsor

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

From: Richard Windsor

Sent: 07/09/2010 09:58 AM EDT

To: Bob Sussman; Bob Perciasepe; David McIntosh; Lisa Heinzerling; Gina McCarthy

Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative [Redacted]

Bob Sussman

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

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Sent: 07/09/2010 09:47 AM EDT

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Subject: Fw: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

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Related News: Air Water Energy
1700620

01268-EPA-3981

Richard Windsor/DC/USEPA/US
07/09/2010 11:31 PM

To Gina McCarthy
cc
bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

K. Tx.
Gina McCarthy

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

From: Gina McCarthy
Sent: 07/09/2010 10:50 AM EDT
To: Richard Windsor; Bob Sussman; Bob Perciasepe; David McIntosh; Lisa Heinzerling
Cc: Joseph Goffman; Janet McCabe
Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

[Redacted]

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Related News: Air Water Energy
1700620

01268-EPA-3990

Bob Sussman/DC/USEPA/US
07/11/2010 01:09 PM

To Gina McCarthy, Richard Windsor, Bob Perciasepe, David McIntosh, Lisa Heinzerling
cc
bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
Gina McCarthy

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

From: Gina McCarthy
Sent: 07/09/2010 06:04 PM EDT
To: Richard Windsor; Bob Sussman; Bob Perciasepe; David McIntosh; Lisa Heinzerling
Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 07/09/2010 09:58 AM EDT
To: Bob Sussman; Bob Perciasepe; David McIntosh; Lisa Heinzerling; Gina McCarthy
Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 07/09/2010 09:47 AM EDT
To: Richard Windsor; Bob Perciasepe; David McIntosh; Lisa Heinzerling; Gina McCarthy
Subject: Fw: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts
Wanted to make sure you saw this (b)(5) Deliberative ?

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/09/2010 09:45 AM -----

From: "Walke, John" <jwalke@nrdc.org>
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, <mccintosh.david@epa.gov>, Rob Brenner/DC/USEPA/US@EPA, Sam Napolitano/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA, Patricia

Embrey/DC/USEPA/US@EPA, Jim Ketcham-Colwill/DC/USEPA/US@EPA,
<sussman.robert@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Joseph
Goffman/DC/USEPA/US@EPA

Date: 07/09/2010 08:26 AM

Subject: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

I trust that EPA will plan to participate in this. We are reaching out to FERC to ensure that NGOs will participate too.

EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts
Posted: July 8, 2010

A slew of new and pending EPA rulemakings to curb power plant air, water and waste pollution is spurring the electric power industry and the Federal Energy Regulatory Commission (FERC) to launch a "leadership forum" to assess growing concerns about the rules' potential adverse impacts on the electric grid's reliability.

Strict EPA rules on utilities' emissions, cooling water intakes, coal waste and other regulations could pressure coal-fired power plant operators to choose between upgrading by installing expensive pollution controls or shut facilities down because of the increased costs in complying with the rules, industry and FERC officials say.

FERC Chairman Jon Wellinghoff told a July 6 industry technical conference in Washington, DC, on reliability that the possible closure of several dozen coal plants as a result of strict EPA rules, and the subsequent impact that could have on the electric grid's reliability, needs to be fully assessed by industry and FERC.

Wellinghoff's comments echo remarks by officials from the American Coalition for Clean Coal Electricity, who argued earlier this year that strict new EPA rules to cut nitrogen oxide (NOx), sulfur dioxide (SO2) and mercury emissions from power plants could be so expensive for older, less efficient coal-fired plants to meet that they might shutter those facilities on a quicker schedule than if they had to meet greenhouse gas controls.

Among the various EPA rules of concern to industry is the recently proposed Clean Air Transport Rule (CATR) that would establish a cap-and-trade system for reducing NOx and SO2 emissions in 31 states and the District of Columbia; tighter national ambient air quality standards for ozone and particulate matter; a rule to force mercury emission cuts; EPA's proposed coal waste disposal rules; and revisions to rules for cooling water intakes.

During the July 6 conference, which also included participation from the North American Electric Reliability Corporation (NERC), officials proposed a leadership forum to assess concerns about the likely shuttering of coal-fired power plants due to the rules' impacts and the potential adverse impacts that could have on the electric grid.

The leadership forum was proposed in remarks delivered by the Energy Department's Bonneville Power Administration and almost immediately gained wide support. The forum would offer a venue to discuss the impacts of new EPA air regulations on reliability, according to Wellinghoff and industry sources.

Greater Communication

Supporters see it as a way to achieve greater communication between the commission, industry and NERC on designing reliability standards, and as a

vehicle for discussing problems with reliability caused by EPA rulemakings before they are addressed by FERC orders that require certain actions to address reliability concerns, according to industry sources. The technical conference was held in response to criticism from industry and NERC of FERC's March 18 orders that were seen as undermining the NERC standards-making process.

One official representing investor-owned utilities says that companies are ramping up their focus on EPA's slew of power plant rulemakings and that reliability is becoming a major concern.

The official says the investor-owned utility industry will be pressing NERC and FERC to formally create the proposed stakeholder forum -- which will be used to tackle a variety of reliability issues -- to address the effects EPA's rules will have on the power supply mix and overall system reliability.

Among the top issues industry wants to address with FERC is the proposed CATR, the official says. The proposal must be weighed against how power generators can respond to growing regulatory constraints on coal-fired generation, and whether changes to NERC reliability standards might be needed, the source says.

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Related News: Air Water Energy
1700620

01268-EPA-3991

Gina McCarthy/DC/USEPA/US

To Bob Sussman, Richard Windsor, Bob Perciasepe, David McIntosh, Lisa Heinzerling

07/11/2010 02:34 PM

cc

bcc

Subject Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

Bob Sussman

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

From: Bob Sussman

Sent: 07/11/2010 01:09 PM EDT

To: Gina McCarthy; Richard Windsor; Bob Perciasepe; David McIntosh; Lisa Heinzerling

Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

Gina McCarthy

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

From: Gina McCarthy

Sent: 07/09/2010 06:04 PM EDT

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

Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

Richard Windsor

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

From: Richard Windsor

Sent: 07/09/2010 09:58 AM EDT

To: Bob Sussman; Bob Perciasepe; David McIntosh; Lisa Heinzerling; Gina McCarthy

Subject: Re: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

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From: Bob Sussman

Sent: 07/09/2010 09:47 AM EDT

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Subject: Fw: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

(b)(5) Deliberative
[Redacted]

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/09/2010 09:45 AM -----

From: "Walke, John" <jwalke@nrdc.org>
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, <mccintosh.david@epa.gov>, Rob Brenner/DC/USEPA/US@EPA, Sam Napolitano/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Jim Ketcham-Colwill/DC/USEPA/US@EPA, <sussman.robert@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
Date: 07/09/2010 08:26 AM
Subject: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

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Related News: Air Water Energy
1700620

01268-EPA-3996

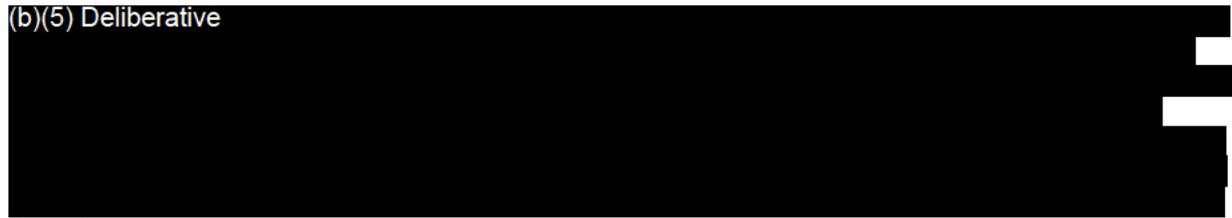
David
McIntosh/DC/USEPA/US
07/13/2010 08:14 AM

To Richard Windsor
cc
bcc

Subject 1-pager and map for Senator Binagaman

Administrator:

(b)(5) Deliberative



-David

(b)(5) Deliberative



Accomplishments of Long-Overdue Clean Air Act Rules.doc Coal Unit Retirements.ppt

01268-EPA-4000

Richard Windsor/DC/USEPA/US
07/13/2010 12:05 PM

To Michelle DePass, Lisa Garcia
cc
bcc

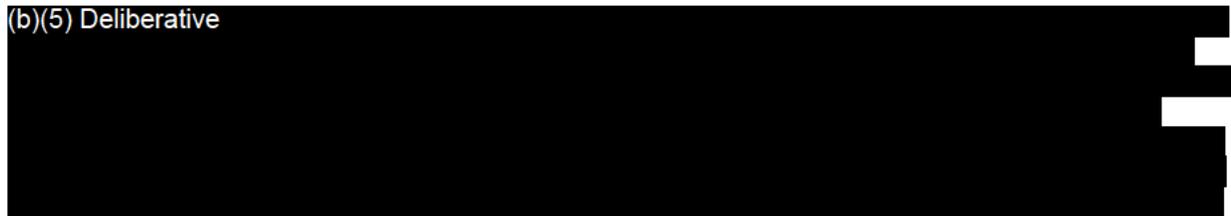
Subject Fw: 1-pager and map for Senator Binagaman

----- Forwarded by Richard Windsor/DC/USEPA/US on 07/13/2010 12:05 PM -----

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 07/13/2010 08:14 AM
Subject: 1-pager and map for Senator Binagaman

Administrator:

(b)(5) Deliberative



-David

(b)(5) Deliberative



Accomplishments of Long-Overdue Clean Air Act Rules.doc Coal Unit Retirements.ppt

01268-EPA-4014

Richard Windsor/DC/USEPA/US
07/15/2010 08:29 AM

To Diane Thompson
cc "David McIntosh"
bcc

Subject Re: Fw: revised draft of your memo

Perfect. Diane - (b)(5) Deliberative

Diane Thompson

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

From: Diane Thompson
Sent: 07/15/2010 08:16 AM EDT
To: Richard Windsor
Cc: "David McIntosh" <McIntosh.david@epa.gov>
Subject: Re: Fw: revised draft of your memo

(b)(5) Deliberative

(b)(5)
Deliberative

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

David McIntosh (b)(5) Deliberative 07/15/2010 07:27:56 AM

From: David McIntosh/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>
Date: 07/15/2010 07:27 AM

Subject: Re: Fw: revised draft of your memo

(b)(5) Deliberative
[Redacted]

[Redacted]

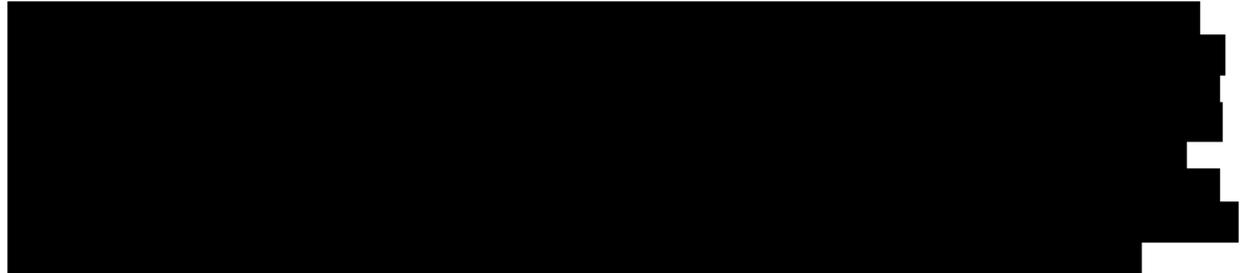
[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



-----Diane Thompson/DC/USEPA/US wrote: -----

To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>
From: Diane Thompson/DC/USEPA/US
Date: 07/14/2010 11:21PM
Subject: Fw: revised draft of your memo

Hope u can read this. Will have hard copy with me tmr am. (b)(5) Deliberative



From: detincc
Sent: 07/14/2010 11:15 PM AST
To: Diane Thompson
Subject: Re: revised draft of your memo

-----Original Message-----
From: Thompson.Diane <Thompson.Diane@epamail.epa.gov>
To: Diane Thompson <(b) (5) Deliberative>
Sent: Wed, Jul 14, 2010 6:25 pm
Subject: Fw: revised draft of your memo

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

From: Richard Windsor

Sent: 07/14/2010 08:51 PM EDT

To: David McIntosh; Diane Thompson

Subject: Re: revised draft of your memo

Fine with me. Diane - see if you think this works. then lets hit send.

|----->
| From: |
|----->

>-----

--- |
| David McIntosh/DC/USEPA/US
|

>-----

--- |
|----->
| To: |
|----->

>-----

--- |
| Richard Windsor/DC/USEPA/US@EPA
|

>-----

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|----->
| Date: |
|----->

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| 07/14/2010 03:32 PM
|

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(b)(5) Deliberative [Redacted]

[Redacted]

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(b)(5)
Deliberative

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[Redacted text block]

(b)(5)

[attachment "Draft_Memo det com.doc" removed by David McIntosh/DC/USEPA/US][attachment "Draft_Memo.doc" deleted by Diane Thompson/DC/USEPA/US]

01268-EPA-4015

Richard Windsor/DC/USEPA/US
07/15/2010 08:52 AM

To "Aaron Dickerson"
cc "Diane Thompson", "David McIntosh"
bcc

Subject Fw: Fw: revised draft of your memo

Aaron,

(b)(5) Deliberative

Lisa
Diane Thompson

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

From: Diane Thompson
Sent: 07/15/2010 08:16 AM EDT
To: Richard Windsor
Cc: "David McIntosh" <McIntosh.david@epa.gov>
Subject: Re: Fw: revised draft of your memo

(b)(5) Deliberative

(b)(5) Deliberative

carper rev 4.doc

[Redacted content]

[Redacted content]

[Redacted content]

(b)(5) Deliberative [Redacted]

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[Redacted]

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[Redacted]

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

David McIntosh The version that is attached here and p... 07/15/2010 07:27:56 AM

From: David McIntosh/DC/USEPA/US

To: Diane Thompson/DC/USEPA/US@EPA
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>
Date: 07/15/2010 07:27 AM
Subject: Re: Fw: revised draft of your memo

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



-----Diane Thompson/DC/USEPA/US wrote: -----

To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "David McIntosh" <McIntosh.david@epa.gov>
From: Diane Thompson/DC/USEPA/US
Date: 07/14/2010 11:21PM
Subject: Fw: revised draft of your memo

(b)(5) Deliberative



From: (b) (6) Privacy
Sent: 07/14/2010 11:15 PM AST
To: Diane Thompson
Subject: Re: revised draft of your memo

-----Original Message-----
From: Thompson.Diane <Thompson.Diane@epamail.epa.gov>
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Subject: Re: revised draft of your memo

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|----->
| From: |
|----->

>-----

---|
|David McIntosh/DC/USEPA/US
|

>-----

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|----->
| To: |
|----->

>-----

---|
|Richard Windsor/DC/USEPA/US@EPA
|

>-----

---|
|----->
| Date: |
|----->

>-----

---|
|07/14/2010 03:32 PM
|

>-----

(b)(5)
Deliber

[Redacted]

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[Redacted]

(b)(5) Deliberative

[Redacted text block]

[Redacted text block]

(b)(5) Deliberative

A large black rectangular redaction box covers the majority of the page's content, starting below the header and extending down to just above the footer. The text "(b)(5) Deliberative" is visible at the top left of this redacted area.

[attachment "Draft_Memo det com.doc" removed by David McIntosh/DC/USEPA/US][attachment "Draft_Memo.doc" deleted by Diane Thompson/DC/USEPA/US]

01268-EPA-4027

Heidi Ellis/DC/USEPA/US
07/20/2010 09:35 AM

To Arthur Elkins, Teri Porterfield, Marianne Holsman, Dennis McLerran, Abigail Gaudario, Jared Blumenfeld, Shirley Kelley, JamesB Martin, Julia Cacho, Karl Brooks, Joyce Runyan, Al Armendariz, Shwanda Mayo, Susan Hedman, Janice Donlon, Shawn Garvin, Nancy Beck, Judith Enck, Nancy Grantham, Curt Spalding, Alisha Johnson, Donald Maddox, Brendan Gilfillan, Michael Moats, Betsaida Alcantara, Aaron Dickerson, Vicki Ekstrom, Denise Dickenson, Janet Woodka, Darlene Yuhas, Ann Campbell, Nena Shaw, Beth Zelenski, Venu Ghanta, Colleen Flaherty, Dennis James, Gladys Stroman, Charles Imohiosen, Matt Bogoshian, Clay Diette, Megan Cryan, Adora Andy, Candace White, Nancy Stoner, Daniel Kanninen, Marygrace Galston, Debbie Dietrich, Lisa Garcia, Paul Anastas, Alecia Allston, Barbara Bennett, Heidi Ellis, Christopher Busch, Clay Diette, Stephanie Owens, Bob Perciasepe, Craig Hooks, Michelle DePass, Steve Owens, Peter Silva, Peter Grevatt, Sarah Pallone, Mathy Stanislaus, Cynthia Giles-AA, Gina McCarthy, Alicia Kaiser, Lawrence Elworth, Seth Oster, Katharine Gage, Stephanie Washington, Diane Thompson, Arvin Ganesan, Marcus McClendon, Ray Spears, Sarah Dale, Georgia Bednar, Carla Veney, Scott Fulton, Bob Sussman, Allyn Brooks-LaSure, Richard Windsor, Eric Wachter, (b) (5) Deliberative Robert Goulding, Lisa Heinzerling, David McIntosh

cc

bcc

Subject UPDATED Tuesday, July 20, 2010 Schedule for Lisa P. Jackson

Please note the following changes:

- Scott Fulton's 1:1 has been rescheduled to 2:30 PM.
- The CEMEX call has been cancelled.
- A location has been added to the Principals' meeting.

Thank you.

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

**Schedule for Lisa P. Jackson EPA Administrator
Tuesday, July 20, 2010**

Notes:

Drivers

AM (b) (5) Deliberative (b)(6)
PM (b) (5) Deliberative (b)(6)

Shift Leaders

AM (b) (5) Deliberative (b)(6)
PM (b) (5) Deliberative (b)(6)

Staff Contact

Robert Goulding
202-596-0245

07:45 AM - 08:30 AM Residence Depart for Ariel Rios

08:30 AM - 09:00 AM EOC Executive Conference Room Oil Spill Update Briefing
Ct: Erica Canzler (OEM) 564-2359

Call-in Number:

(b)(6) Privacy

08:45 AM - 09:15 AM	Administrator's Office	Daily Meeting
09:35 AM - 09:50 AM	Administrator's Office	Meet and Greet with Congressman Moran Ct: David McIntosh 564-0539 Staff: Diane Thompson, Bob Perciasepe (OA) Barbara Bennett (OCFO) Arvin Ganesan (OCIR)
10:15 AM - 10:45 AM	Green Room	Town Hall with Congressman Moran Ct: David McIntosh (OCIR) Administrator Jackson and Congressman Moran will conduct a town hall with EPA employees. Agenda: -Brief opening remarks by LPJ -Brief remarks by Congressman Moran -Q&A
10:45 AM - 11:15 AM	Administrator's Office	Office Time
11:15 AM - 11:45 AM	Administrator's Office	1 on 1 with Gina McCarthy Ct: Cindy Huang (OAR) 564-7404 Optional: Bob Perciasepe, Bob Sussman, Diane Thompson (OA)
11:45 AM - 12:00 PM	Ariel Rios	Depart for University Club
12:00 PM - 01:00 PM	University Club 1135 16th St NW Washington, DC 20005	Lunch with Bill Reilly Ct: Suzy Tompkins 415-743-1625 Day of Contact: Bill Reilly 415-359-5322
01:00 PM - 01:15 PM	University Club	Depart for Ariel Rios
01:15 PM - 01:45 PM	Administrator's Office	1 on 1 with Bob Sussman Ct: Georgia Bednar (OA) 564-9816
01:45 PM - 02:30 PM	Bullet Room	Briefing on EPA's Response to Everglades Judge Gold April 2010 Order Ct: Gail Mitchell (R4) 404-562-9234 Staff: Bob Sussman, Larry Elworth (OA) Pete Silva, Nancy Stoner, Jim Hanlon, Ephraim King, Jim Keating, Mario Sengco, Michelle Schutz, Nizanna Bathersfield, Rich Remigio, Tom Lavery (OW)

Scott Fulton, Avi Garbow, Steve Neugeboren, Steve Sweeney, Lee Schroer (OGC)
 Stan Meiburg, Jim Giattina, Gail Mitchell, Dan Scheidt, Phil Mancusi-Ungaro,
 Lauren Petter, Marshall Hyatt, Alenda Johnson (R4)
 Optional: Bob Perciasepe, Diane Thompson, Robert Goulding (OA)

Hookup to Administrator's conference line needed

02:30 PM - 02:45 PM	Administrator's Office	1 on 1 with Scott Fulton Ct: Carla Veney (OGC) 564-1619
02:45 PM - 03:00 PM	Ariel Rios	Depart for EEOB
03:00 PM - 04:00 PM	101 EEOB	Principals Meeting re: Energy and Climate Legislation Ct: Stephen Moilanen (OECC) (b) (6) Privacy *David McIntosh will be the Administrator's plus one
04:00 PM - 04:15 PM	EEOB	Depart for Ariel Rios
04:30 PM - 05:00 PM	Administrator's Office	Meeting with Lew Hay, Chairman and CEO of NextEra Energy Ct: Christopher Chapel (VP, Gov't Relations) 202-347-9116 Topic: 316 (b) regulations Staff: David McIntosh (OCIR) MaryT Smith (OW) Gina McCarthy, Joseph Goffman (OAR) Stephanie Owens (OPE) Optional: Diane Thompson (OA) Attendees: Lew Hay, Chairman and CEO, NextEra Energy Randy LaBauve, Vice President, Environmental Services, Florida Power & Light Company Randy Clerihue, Director, Executive and Corporate Communications, NextEra Energy Christopher Chapel, Vice President, Government Relations, NextEra Energy
05:00 PM - 05:30 PM	Administrator's Office	Principals Call
05:30 PM - 06:00 PM	Bullet Room	Meeting with Guenter Oettinger, European Commissioner for Energy Ct: Jana McKamey (European Union) 202-862-9572 Staff:

Michelle DePass, Shalini Vajjhala, Gary Waxmonsky, Anna Phillips
(OITA)
Gina McCarthy, Joe Goffman, Maurice LeFranc, Jackie Krieger (OAR)

Attendees:

Guenter Oettinger, European Commissioner for Energy

Olivier Onidi, Deputy Head of Commissioner Oettinger's Cabinet

Stefan Tostmann, Head of Unit for Energy Technologies and Research
Cooperation,
Directorate-General for Energy, European Commission

Luisa Ragher, Head of Section for Transport, Energy & Environment,
Delegation
of the European Union to the USA

Jana McKamey, Special Advisor, Transport Energy & Environment
Section,
Delegation of the European Union to the USA

*** 07/20/2010 09:28:32 AM ***

01268-EPA-4030

**Lisa
Heinzerling/DC/USEPA/US**
07/20/2010 06:04 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David
McIntosh, Seth Oster, Daniel Kanninen

cc

bcc

Subject regs memo and list

Here are the documents I faxed, as we discussed. The first document is a cover memo, the second and third are lists of regulatory actions. The memo is also pasted below.

(b)(5) Deliberative [Redacted]

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

[\[Redacted\]](#)
regs memo LH 7-20.doc

(b)(5) Deliberative [Redacted]

[\[Redacted\]](#)
2010 Spring Reg Agenda \$ Sig for EPA.pdf

(b)(5) Deliberative [Redacted]

[\[Redacted\]](#)
reg list 7-20.doc

01268-EPA-4053

**Bob
Perciasepe/DC/USEPA/US**
07/30/2010 07:33 PM

To Richard Windsor, Diane Thompson
cc Janet Woodka
bcc
Subject Summary of yesterday's meeting With Sec Mabus

Participants:

Secretary Janet Napolitano
Secretary Ken Salazar
EPA Deputy Bob Perciasepe
Secretary Mabus
CEQ Chair Nancy Sutley
NOAA Administrator Jane Lubchenco
Melody Barnes
USTR

David Hayes (DOI)
Tom Strickland (DOI)
Rachel Jacobsen (DOI)
Monica Medina (NOAA)
Carlos Monje (DPC)
Mike Boots (CEQ)
Janet Woodka (EPA)

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-4058

Lisa Garcia/DC/USEPA/US
08/02/2010 07:46 PM

To Richard Windsor
cc Bob Sussman, Bob Perciasepe, Lisa Heinzerling
bcc
Subject proposed rule to omb

(b)(5) Deliberative

A large section of the document is redacted with black boxes. The redaction covers approximately three lines of text, starting from the "(b)(5) Deliberative" label and extending down to the beginning of the main text block.

The risk analysis we performed for this proposal indicates that for the hard chromium electroplating source category, the cancer risks to the individual most exposed is 70-in-1 million based on actual emissions and 90-in-1 million based on MACT-allowable emissions and a low maximum noncancer risk level (TOSHI of 0.06 based on both actual and 0.09 based on allowable emissions).

These risks are due to estimated emissions of hexavalent chromium, which EPA describes as a known human carcinogen by the inhalation route of exposure.

For the hard chromium electroplating source category, EPA estimates that cancer incidence is 0.8 cases per year and that over 14.2 million people are exposed to a cancer risk over 1-in-1 million as a result of actual emissions from this category.

Moreover, the results of our demographic analysis indicate that

minorities face disproportionate risk from exposure to emissions from this category. The consideration of these facts in isolation might lead EPA to consider risks from this category unacceptable.

However, in accordance with the Benzene NESHAP, EPA has weighed all health risk measures and

information, including risk estimation uncertainty, in making our acceptability determination.

Lisa F. Garcia, Esq.
Senior Advisor to the Administrator
for Environmental Justice

US EPA
1200 Pennsylvania Ave NW
Room 3000 ARS: MC-1101A
Washington, DC 20460
Tel: (202) 564 1259
E-mail: garcia.lisa@epa.gov

01268-EPA-4059

Bob Sussman/DC/USEPA/US

To Lisa Garcia

08/02/2010 09:27 PM

cc Bob Perciasepe, Lisa Heinzerling, Richard Windsor

bcc

Subject Re: proposed rule to omb

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

Lisa Garcia (b)(5) Deliberative ... 08/02/2010 07:46:20 PM

From: Lisa Garcia/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 08/02/2010 07:46 PM
Subject: proposed rule to omb

(b)(5) Deliberative
[Redacted]

(b)(5) Deliberative



The risk analysis we performed for this proposal indicates that for the hard chromium electroplating source category, the cancer risks to the individual most exposed is 70-in-1 million based on actual emissions and 90-in-1 million based on MACT-allowable emissions and a low maximum noncancer risk level (TOSHI of 0.06 based on both actual and 0.09 based on allowable emissions).

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However, in accordance with the Benzene NESHAP, EPA has weighed

all health risk measures and

information, including risk estimation uncertainty, in making our acceptability determination.

Lisa F. Garcia, Esq.
Senior Advisor to the Administrator
for Environmental Justice

US EPA
1200 Pennsylvania Ave NW
Room 3000 ARS: MC-1101A
Washington, DC 20460
Tel: (202) 564 1259
E-mail: garcia.lisa@epa.gov

01268-EPA-4060

Bob Sussman/DC/USEPA/US

08/03/2010 02:46 PM

To Richard Windsor

cc Bob Perciasepe, Diane Thompson

bcc

Subject Fill Rule/Waste Treatment Exclusion Fixes

Lisa --(b)(5) Deliberative



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

(b)(5) Deliberative

Potential Rulemaking Changes to Protect Waters from Mining Waste.doc

01268-EPA-4061

**Lisa
Heinzerling/DC/USEPA/US**
08/04/2010 12:39 AM

To Lisa Garcia, Bob Sussman
cc Bob Perciasepe, Richard Windsor
bcc
Subject Re: proposed rule to omb

Hi everyone. (b)(5) Deliberative

[Redacted]

[Redacted]

From: Lisa Garcia
Sent: 08/02/2010 10:40 PM EDT
To: Bob Sussman
Cc: Bob Perciasepe; Lisa Heinzerling; Richard Windsor
Subject: Re: proposed rule to omb

(b)(5) Deliberative

[Redacted]

[Redacted]

thanks. lisa g

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

To: Bob Perciasepe/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 08/02/2010 09:53PM
cc: Lisa Garcia/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Subject: Re: proposed rule to omb

(b)(5) Deliberative

[Redacted]

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

Bob Perciasepe---08/02/2010 09:43:37 PM---(b) (5)
[Redacted]

From: Bob Perciasepe/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 08/02/2010 09:43 PM
Subject: Re: proposed rule to omb

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

I will get this set up.
Bob Perciasepe
Office of the Administrator
(o)202 564 4711
(c) (b) (5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 08/02/2010 09:27 PM EDT
To: Lisa Garcia
Cc: Bob Perciasepe; Lisa Heinzerling; Richard Windsor
Subject: Re: proposed rule to omb

(b)(5) Deliberative
[Redacted]

[Redacted]
[Redacted]
[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

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

Lisa Garcia---08/02/2010 07:46:20 PM--- (b) (5) [Redacted]

From: Lisa Garcia/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA

Cc: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa
Heinzerling/DC/USEPA/US@EPA

Date: 08/02/2010 07:46 PM

Subject: proposed rule to omb

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

The risk analysis we performed for this proposal indicates that

for the hard chromium electroplating source category, the cancer risks to the individual most exposed is 70-in-1 million based on actual emissions and 90-in-1 million based on MACT-allowable emissions and a low maximum noncancer risk level (TOSHI of 0.06 based on both actual and 0.09 based on allowable emissions). These risks are due to estimated emissions of hexavalent chromium, which EPA describes as a known human carcinogen by the inhalation route of exposure.

For the hard chromium electroplating source category, EPA estimates that cancer incidence is 0.8 cases per year and that over 14.2 million people are exposed to a cancer risk over 1-in-1 million as a result of actual emissions from this category. Moreover, the results of our demographic analysis indicate that minorities face disproportionate risk from exposure to emissions from this category. The consideration of these facts in isolation might lead EPA to consider risks from this category unacceptable.

However, in accordance with the Benzene NESHAP, EPA has weighed all health risk measures and

information, including risk estimation uncertainty, in making our acceptability determination.

Lisa F. Garcia, Esq.
Senior Advisor to the Administrator
for Environmental Justice

US EPA
1200 Pennsylvania Ave NW
Room 3000 ARS: MC-1101A
Washington, DC 20460
Tel: (202) 564 1259
E-mail: garcia.lisa@epa.gov

01268-EPA-4063

Richard Windsor/DC/USEPA/US
08/06/2010 07:26 AM

To Gina McCarthy
cc
bcc

Subject Re: draft letter to cement companies

(b)(5) Deliberative



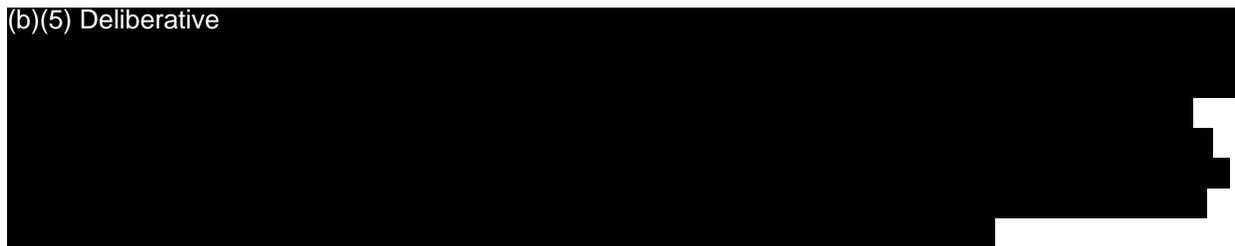
From: Gina McCarthy
Sent: 08/06/2010 06:41 AM EDT
To: Richard Windsor
Subject: Fw: draft letter to cement companies

(b)(5) Deliberative



From: Janet McCabe
Sent: 08/05/2010 10:20 PM EDT
To: Scott Fulton
Cc: Cynthia Giles-AA; Adam Kushner; Gina McCarthy; Patricia Embrey; Peter Tsirigotis; Phillip Brooks; Steve Page; silverman.steve@epa.gov
Subject: Re: draft letter to cement companies

(b)(5) Deliberative





Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

-----Scott Fulton/DC/USEPA/US wrote: -----

To: Janet McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA
From: Scott Fulton/DC/USEPA/US
Date: 08/05/2010 07:31PM
cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA
Subject: Re: draft letter to cement companies

(b)(5) Deliberative

Thx,
Scott

Janet McCabe

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

From: Janet McCabe
Sent: 08/05/2010 07:27 PM EDT
To: Cynthia Giles-AA
Cc: Adam Kushner; Gina McCarthy; Patricia Embrey; Peter Tsirigotis; Phillip Brooks; Scott Fulton; Steve Page
Subject: Re: draft letter to cement companies

(b)(5) Deliberative

[attachment "Cement Early Reductions letter 7_25PM.doc" deleted by Scott Fulton/DC/USEPA/US]

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

Cynthia Giles-AA---08/05/2010 07:19:04 PM---How about this? I incorporated Janet's idea and added in Adam's suggestions. Still needs the base!

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

To: Janet McCabe/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 07:19 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

[attachment "Cement Early Reductions letter 7_15PM.doc" deleted by Scott Fulton/DC/USEPA/US]

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

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

Janet McCabe---08/05/2010 06:50:32 PM---(b)(5) Deliberative

From: Janet McCabe/DC/USEPA/US

To: Cynthia Giles-AA/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 06:50 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

Cynthia Giles-AA---08/05/2010 06:43:22 PM---I think that issue is addressed in the existing second

paragraph. Cynthia Giles

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

To: Patricia Embrey/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 06:43 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

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

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Patricia Embrey---08/05/2010 06:26:58 PM---(b)(5) Deliberative

From: Patricia Embrey/DC/USEPA/US

To: Cynthia Giles-AA/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 06:26 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

Cynthia Giles-AA---08/05/2010 06:19:12 PM---(b)(5) Deliberative

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

To: Janet McCabe/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 06:19 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

[attachment "Cement Early Reductions letter 5_30PM.doc" deleted by Patricia Embrey/DC/USEPA/US]

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

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Janet McCabe---08/05/2010 04:43:50 PM---(b)(5) Deliberative

From: Janet McCabe/DC/USEPA/US

To: Cynthia Giles-AA/DC/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Adam Kushner/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA

Date: 08/05/2010 04:43 PM

Subject: draft letter to cement companies

(b)(5) Deliberative

[attachment "Cement Early Reductions letter 4_40PM.doc" deleted by Cynthia Giles-AA/DC/USEPA/US]

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA

Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

01268-EPA-4065

Gina McCarthy/DC/USEPA/US

To Richard Windsor

08/06/2010 01:24 PM

cc

bcc

Subject Re: draft letter to cement companies

Will do.

From: Richard Windsor
Sent: 08/06/2010 07:26 AM EDT
To: Gina McCarthy
Subject: Re: draft letter to cement companies

(b)(5) Deliberative



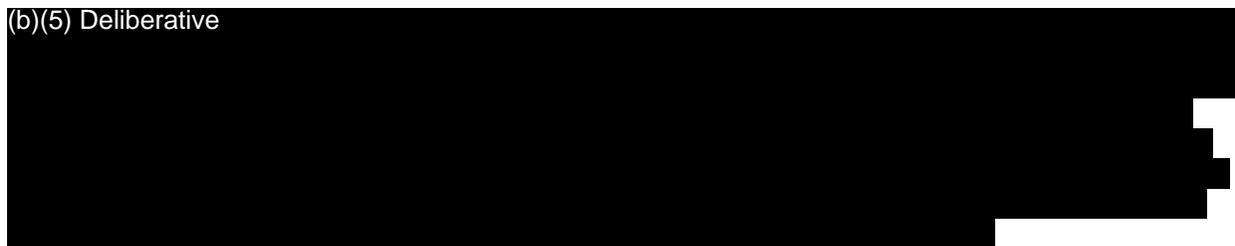
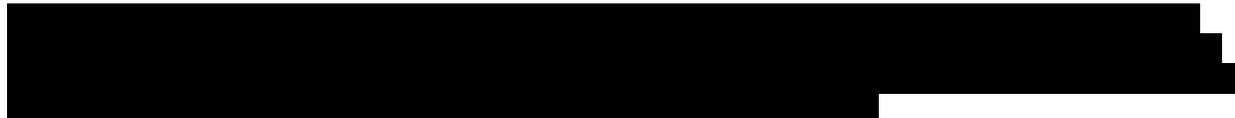
From: Gina McCarthy
Sent: 08/06/2010 06:41 AM EDT
To: Richard Windsor
Subject: Fw: draft letter to cement companies

(b)(5) Deliberative



From: Janet McCabe
Sent: 08/05/2010 10:20 PM EDT
To: Scott Fulton
Cc: Cynthia Giles-AA; Adam Kushner; Gina McCarthy; Patricia Embrey; Peter Tsirigotis; Phillip Brooks; Steve Page; silverman.steve@epa.gov
Subject: Re: draft letter to cement companies

(b)(5) Deliberative


Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

-----Scott Fulton/DC/USEPA/US wrote: -----

To: Janet McCabe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA
From: Scott Fulton/DC/USEPA/US
Date: 08/05/2010 07:31PM
cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA
Subject: Re: draft letter to cement companies

(b)(5) Deliberative
[Redacted]

Thx,
Scott

Janet McCabe

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

From: Janet McCabe
Sent: 08/05/2010 07:27 PM EDT
To: Cynthia Giles-AA
Cc: Adam Kushner; Gina McCarthy; Patricia Embrey; Peter Tsirigotis; Phillip Brooks; Scott Fulton; Steve Page
Subject: Re: draft letter to cement companies

(b)(5) Deliberative
[Redacted]

[attachment "Cement Early Reductions letter 7_25PM.doc" deleted by Scott Fulton/DC/USEPA/US]

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

[Cynthia Giles-AA--08/05/2010 07:19:04 PM--](#) (b)(5) Deliberative
[Redacted]

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

To: Janet McCabe/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 07:19 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

[attachment "Cement Early Reductions letter 7_15PM.doc" deleted by Scott Fulton/DC/USEPA/US]

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

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Janet McCabe---08/05/2010 06:50:32 PM---(b)(5) Deliberative

From: Janet McCabe/DC/USEPA/US

To: Cynthia Giles-AA/DC/USEPA/US@EPA

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Date: 08/05/2010 06:50 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

Janet McCabe
Principal Deputy Assistant Administrator

Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

Cynthia Giles-AA---08/05/2010 06:43:22 PM---(b)(5) Deliberative

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

To: Patricia Embrey/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 06:43 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative

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

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Patricia Embrey---08/05/2010 06:26:58 PM---(b)(5) Deliberative

From: Patricia Embrey/DC/USEPA/US

To: Cynthia Giles-AA/DC/USEPA/US@EPA

Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Peter Tsigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA

Date: 08/05/2010 06:26 PM

Subject: Re: draft letter to cement companies

(b)(5) Deliberative
[Redacted]

Cynthia Giles-AA---08/05/2010 06:19:12 PM---(b)(5) Deliberative
[Redacted]

From: Cynthia Giles-AA/DC/USEPA/US
To: Janet McCabe/DC/USEPA/US@EPA
Cc: Adam Kushner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA
Date: 08/05/2010 06:19 PM
Subject: Re: draft letter to cement companies

(b)(5) Deliberative
[Redacted]

[attachment "Cement Early Reductions letter 5_30PM.doc" deleted by Patricia Embrey/DC/USEPA/US]

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

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Janet McCabe---08/05/2010 04:43:50 PM---(b)(5) Deliberative
[Redacted]

From: Janet McCabe/DC/USEPA/US
To: Cynthia Giles-AA/DC/USEPA/US@EPA, Phillip Brooks/DC/USEPA/US@EPA, Adam Kushner/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA
Date: 08/05/2010 04:43 PM
Subject: draft letter to cement companies

(b)(5) Deliberative
[Redacted]

(b)(5) Deliberative



[attachment "Cement Early Reductions letter 4_40PM.doc" deleted by Cynthia Giles-AA/DC/USEPA/US]

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air and Radiation, USEPA
Room 5426K, 1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-3206
mccabe.janet@epa.gov

01268-EPA-4066

Richard Windsor/DC/USEPA/US
08/06/2010 06:20 PM

To Vicki Ekstrom
cc Michael Moats, Allyn Brooks-LaSure
bcc
Subject Re: State Fair White House Blog

(b)(5) Deliberative [Redacted]

Tx.

Vicki Ekstrom

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

From: Vicki Ekstrom
Sent: 08/06/2010 04:26 PM EDT
To: Richard Windsor
Cc: Michael Moats; Allyn Brooks-LaSure
Subject: State Fair White House Blog

Administrator,

(b)(5) Deliberative [Redacted]

The post we've prepared is pasted below and attached. Please let us know your thoughts.

Thanks,

Vicki

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



[attachment "20100805 Wisconsin Fair WH Blog (2).doc" deleted by Richard Windsor/DC/USEPA/US]

Vicki Ekstrom
Speechwriter
US EPA, Office of the Administrator
Office: 202-564-0181
Mobile: 202-407-6251

01268-EPA-4077

**Lisa
Heinzerling/DC/USEPA/US**
08/13/2010 12:00 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane
Thompson
cc
bcc

Subject list for quarterly OMB meeting on regulatory schedule

As promised, I'm attaching the draft list for our meeting with OMB next Friday on our upcoming regulatory schedule. This schedule runs through the end of this year.

(b)(5) Deliberative
[Redacted]

[Redacted]

Let me know if you have any questions or concerns.

Thanks.

(b)(5) Deliberative
[Redacted]

Quarterly Planning for OMB Review 8-13-2010.doc

01268-EPA-4111

David McIntosh/DC/USEPA/US
08/30/2010 11:34 AM

To Richard Windsor, Diane Thompson
cc
bcc

Subject Fw: BACT Guidance -- Your schedule

Last one on this from me for the time being.

----- Forwarded by David McIntosh/DC/USEPA/US on 08/30/2010 11:33 AM -----

From: David McIntosh/DC/USEPA/US
To: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 08/30/2010 11:33 AM
Subject: Re: Fw: BACT Guidance -- Your schedule

(b)(5) Deliberative
[Redacted]

David McIntosh [In light of Bob's info below, \(b\)\(5\)](#) 08/30/2010 11:16:56 AM

From: David McIntosh/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 08/30/2010 11:16 AM
Subject: Re: Fw: BACT Guidance -- Your schedule

In light of Bob's info below, (b)(5) Deliberative [Redacted]

(b)(5) Deliberative [Redacted]

Calendar.doc

Bob Sussman [Hey David -- \(b\)\(5\) Deliberative](#) 08/30/2010 10:56:39 AM

From: Bob Sussman/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 08/30/2010 10:56 AM
Subject: Fw: BACT Guidance -- Your schedule

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

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative

[Redacted]

[Redacted]

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 08/30/2010 10:46 AM -----

From: Joseph Goffman/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 08/20/2010 07:49 PM
Subject: Re: BACT Guidance

Bob -- (b)(5) Deliberative

[attachment "PSD BACT Outreach Game Plan_8-19-10 draft PUBLIC.doc" deleted by David McIntosh/DC/USEPA/US]

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

Bob Sussman Thanks joe. ----- Original Message ----- 08/20/2010 07:46:23 AM

From: Bob Sussman/DC/USEPA/US
To: Joseph Goffman/DC/USEPA/US@EPA
Date: 08/20/2010 07:46 AM
Subject: Re: BACT Guidance

Thanks joe.

Joseph Goffman

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

From: Joseph Goffman
Sent: 08/19/2010 04:46 PM EDT
To: Bob Sussman
Subject: Re: BACT Guidance

want to send you a version that we are still in the process of updating.
Bob Sussman

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

From: Bob Sussman
Sent: 08/19/2010 04:44 PM EDT

Cc: Joseph Goffman
Subject: Re: BACT Guidance
Joe. Don't forget to send this.
Gina McCarthy

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

From: Gina McCarthy
Sent: 08/18/2010 06:50 PM EDT
To: Bob Sussman
Cc: Joseph Goffman
Subject: Re: BACT Guidance

Bob - (b)(5) Deliberative

[Redacted]

Bob Sussman

(b)(5) Deliberative

08/18/2010 06:41:54 PM

From: Bob Sussman/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Date: 08/18/2010 06:41 PM
Subject: BACT Guidance

(b)(5) Deliberative

[Redacted]

[Redacted]

Thanks.

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

01268-EPA-4158

Bob Sussman/DC/USEPA/US

To Lee and Bob

09/06/2010 10:03 AM

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

bcc

Subject Re: Summary From Regulatory Horizon Discussion

(b)(5) Deliberative
[Redacted]

[Redacted]

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

Lee and Bob [Hi Everyone: Sending from home e-mai...](#) 09/04/2010 08:03:33 AM

From: Lee and Bob <perciasepe@gmail.com>
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa
Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott
Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Bob
Perciasepe/DC/USEPA/US@EPA
Date: 09/04/2010 08:03 AM
Subject: Summary From Regulatory Horizon Discussion

Hi Everyone:
Sending from home e-mail due to technology available this morning.

(b) (5)
[Redacted]

[Redacted]

[Redacted]

--(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

This is the extent of my notes. Others feel free to add.

Thanks

Bob P.

01268-EPA-4166

Richard Windsor/DC/USEPA/US
09/08/2010 02:54 PM

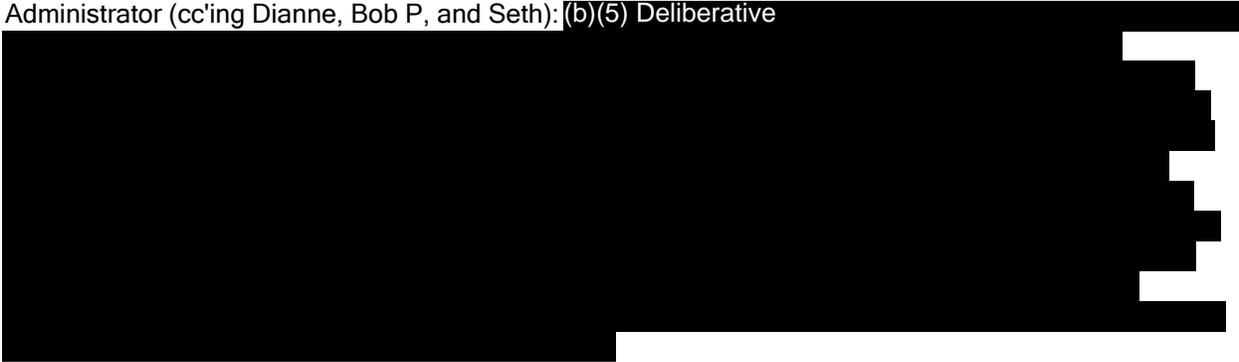
To David McIntosh
cc Diane Thompson, Bob Perciasepe, Seth Oster, "Heidi Ellis"
bcc
Subject Re: You might NOT need to testify next Wednesday afternoon

Ok. Thx.
David McIntosh

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

From: David McIntosh
Sent: 09/08/2010 02:52 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Bob Perciasepe; Seth Oster
Subject: You might NOT need to testify next Wednesday afternoon

Administrator (cc'ing Dianne, Bob P, and Seth): (b)(5) Deliberative



01268-EPA-4167

**David
McIntosh/DC/USEPA/US**
09/08/2010 05:14 PM

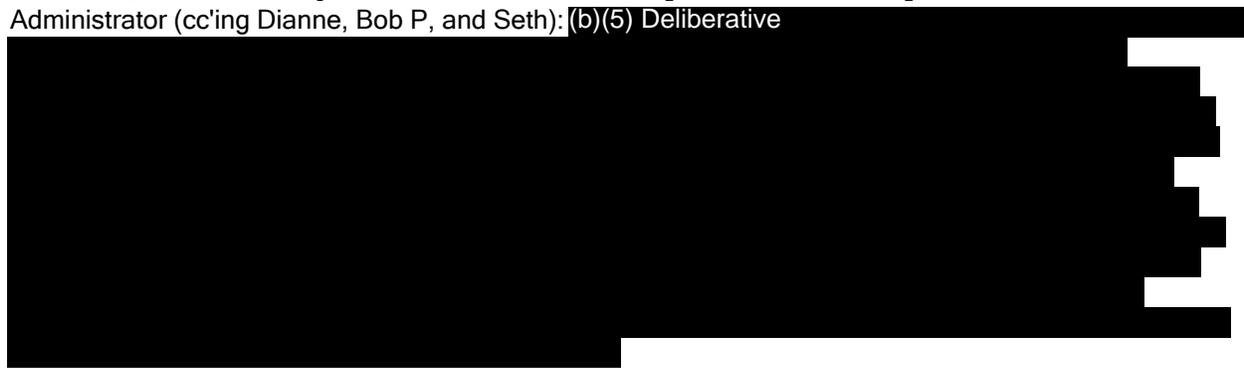
To David McIntosh, Richard Windsor
cc Diane Thompson, Bob Perciasepe, Seth Oster, "Heidi Ellis"
bcc
Subject Re: You might NOT need to testify next Wednesday
afternoon

It is now official that there will not be a hearing next Wednesday afternoon.
David McIntosh

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

From: David McIntosh
Sent: 09/08/2010 02:52 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Bob Perciasepe; Seth Oster
Subject: You might NOT need to testify next Wednesday afternoon

Administrator (cc'ing Dianne, Bob P, and Seth): (b)(5) Deliberative



01268-EPA-4168

Richard Windsor/DC/USEPA/US
09/08/2010 05:16 PM

To David McIntosh
cc Diane Thompson, Bob Perciasepe, Seth Oster, Heidi Ellis
bcc
Subject Re: You might NOT need to testify next Wednesday afternoon

Tx!!!

David McIntosh

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

From: David McIntosh
Sent: 09/08/2010 05:14 PM EDT
To: David McIntosh; Richard Windsor
Cc: Diane Thompson; Bob Perciasepe; Seth Oster; Heidi Ellis
Subject: Re: You might NOT need to testify next Wednesday afternoon

It is now official that there will not be a hearing next Wednesday afternoon.

David McIntosh

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

From: David McIntosh
Sent: 09/08/2010 02:52 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Bob Perciasepe; Seth Oster
Subject: You might NOT need to testify next Wednesday afternoon

Administrator (cc'ing Dianne, Bob P, and Seth): (b)(5) Deliberative



01268-EPA-4184

David
McIntosh/DC/USEPA/US
09/13/2010 09:57 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Scott
Fulton
cc
bcc

Subject Fw: FOR YOUR REVIEW: Draft of GHG PSD Guidance with
Regional and other Reviewing Offices' Comments

Just received this from Gina. (b)(5) Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 09/13/2010 09:55 AM -----

From: Gina McCarthy/DC/USEPA/US
To: Heinzerling.Lisa@EPA.GOV, Sussman.bob@EPA.GOV, McIntosh.David@EPA.GOV
Date: 09/13/2010 09:32 AM
Subject: Fw: FOR YOUR REVIEW: Draft of GHG PSD Guidance with Regional and other Reviewing
Offices' Comments

I thought i would share with you. Neither Janet nor I have read this thru yet but will today.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 09/13/2010 09:31 AM -----

From: Anna Wood/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph
Goffman/DC/USEPA/US@EPA
Cc: Steve Page/RTP/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA
Date: 09/12/2010 10:17 AM
Subject: FOR YOUR REVIEW: Draft of GHG PSD Guidance with Regional and other Reviewing Offices'
Comments

Good morning:

(b)(5) Deliberative

(b)(5) Deliberative

(b)(5) Deliberative

AQPD (C504-01)
109 T.W. Alexander Drive
Research Triangle Park, NC 27711
Phone: (919) 541- 5504
Fax: (919) 541- 4028

01268-EPA-4185

Bob Sussman/DC/USEPA/US
09/13/2010 10:26 AM

To "Heinzerling Lisa", "Sussman bob", "McIntosh David", "Seth Oster", "Lisa P. Jackson", "Bob Perciasepe"
cc
bcc

Subject Re: FOR YOUR REVIEW: Draft of GHG PSD Guidance with Regional and other Reviewing Offices' Comments

(b)(5) Deliberative [Redacted]

Gina McCarthy

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

From: Gina McCarthy

Sent: 09/13/2010 09:32 AM EDT

To: Heinzerling.Lisa@EPA.GOV; Sussman.bob@EPA.GOV; McIntosh.David@EPA.GOV

Subject: Fw: FOR YOUR REVIEW: Draft of GHG PSD Guidance with Regional and other Reviewing Offices' Comments

I thought i would share with you. Neither Janet nor I have read this thru yet but will today.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 09/13/2010 09:31 AM -----

From: Anna Wood/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
Cc: Steve Page/RTP/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA
Date: 09/12/2010 10:17 AM
Subject: FOR YOUR REVIEW: Draft of GHG PSD Guidance with Regional and other Reviewing Offices' Comments

Good morning:

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

U.S. Environmental Protection Agency
AQPD (C504-01)
109 T.W. Alexander Drive
Research Triangle Park, NC 27711
Phone: (919) 541- 5504
Fax: (919) 541- 4028

01268-EPA-4187

Michael Moats/DC/USEPA/US
09/13/2010 05:59 PM

To Richard Windsor, Lisa Jackson
cc Seth Oster
bcc

Subject FOR REVIEW and DECISION Clean Air Act draft

Administrator, attached is the latest iteration of the Clean Air speech, (b)(5) Deliberative
[REDACTED]

[REDACTED]
[REDACTED] t? Thanks.

(b)(5) Deliberative
[REDACTED]

20100914 CAA Conference (6).doc

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

01268-EPA-4213

Bob Sussman/DC/USEPA/US

To Bob Sussman

09/18/2010 04:45 PM

cc Bob Perciasepe, David McIntosh, Lisa Heinzerling, Richard Windsor, Seth Oster

bcc

Subject Re: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

(b)(5) Deliberative
[Redacted]

[Redacted]

[Bob P -- if you want to look at the report, the link is below].

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

Bob Sussman This E&ENews PM story was sent to yo... 09/15/2010 07:47:23 PM

From: Bob Sussman/DC/USEPA/US@EPA
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 09/15/2010 07:47 PM
Subject: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

This E&ENews PM story was sent to you by: sussman.bob@epa.gov

Personal message: Two new economic studiesw that need our immediate attention -- one on the ozone standard, the other on job losses



An E&E Publishing Service

AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers
(Wednesday, September 15, 2010)
Gabriel Nelson, E&E reporter

If U.S. EPA implements tougher emissions rules for boilers and sets a more stringent nationwide ozone standard, it could put millions of U.S. workers out of their jobs and shrink the nation's economy by upward of \$1 trillion, according to two new industry-backed studies.

According to an analysis released today by the Manufacturers Alliance, a final rule tightening the nationwide ozone standard from 75 parts per billion (ppb) to 60 ppb would cost businesses just over \$1 trillion per year between 2020 and 2030 -- more than 5 percent of the nation's estimated gross domestic product in 2020. Job losses by 2020 would total 7.3 million, the [study](#) says.

And according to a new [study](#) commissioned by the Council of Industrial Boiler Owners, every \$1 billion spent on compliance with tougher emissions rules for boilers would threaten 16,000 more jobs.

Under the boiler rule, which was proposed in April, many of the nation's 183,000 area source boilers would be required to install the maximum achievable control technology (MACT) for emissions of mercury and other toxic pollutants. Compliance with the rule would cost \$9.5 billion, according to EPA projections, but groups including the American Chemistry Council have argued that the true capital cost will be above \$20 billion.

If EPA's estimate holds true, just over 150,000 jobs would be in danger, though another alternative scenario in the study puts the total at nearly 800,000.

Environmental groups challenged the reports, saying businesses typically have overstated the effects of regulations in the past. That was the argument put forward yesterday by EPA Administrator Lisa Jackson and EPA air chief Gina McCarthy during a symposium held in honor of the Clean Air Act's 40th birthday ([Greenwire](#), Sept. 15).

"For 40 years we have heard predictions of doom and gloom from business groups every time EPA proposes tougher clean air controls," said Frank O'Donnell, president of advocacy group Clean Air Watch, in an e-mail. "These predictions are invariably exaggerated."

The two rules, which were proposed earlier this year, are among the costliest regulations currently under consideration by EPA. While the agency's newly finalized climate rules have gotten the most attention, EPA is also putting unprecedented pressure on industry by moving forward simultaneously with a slew of regulations on conventional pollutants, the sponsors of the new reports say.

The boiler rule has drawn intense criticism from a small number of industry groups, including utilities, which consider it a prelude to a proposed crackdown on toxic power plant emissions that is expected to be released early next year. There has been more widespread interest in the nationwide ozone standard, which would require states to impose tougher pollution rules on a variety of business sectors.

EPA is currently reconsidering the 2008 decision by the George W. Bush administration to tighten the standard from 84 ppb to 75 ppb. The Obama administration announced that it would rethink the standard last year, and in January, the agency proposed a standard in keeping with agency scientists' recommendation that the health-based standard be set between 60 and 70 ppb.

A revised standard was scheduled to be finalized last month, but EPA announced then that it would push off the release until October ([Greenwire](#), Aug. 23).

Though a standard on the high end would be costly, a nationwide limit closer to 60 ppb would be even more expensive, as well as virtually unreachable, said Kyle Isakower, vice president of regulatory and economic policy at the American Petroleum Institute.

"Ozone levels at rural monitors in pristine areas such as national parks exceed the proposed standards, implying that the nation will be unable to meet the more stringent standards, even with the most costly investments in emission controls," Isakower said in a written response to the new ozone study.

[Click here](#) to read the ozone standard study.

[Click here](#) to read the boiler rule study.

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E&E Publishing, LLC 122 C St., Ste. 722, NW, Wash., D.C. 20001. Phone: 202-628-6500. Fax: 202-737-5299. www.eenews.net

01268-EPA-4214

**Lisa
Heinzerling/DC/USEPA/US**
09/19/2010 03:23 PM

To Bob Sussman
cc Bob Perciasepe, David McIntosh, Richard Windsor, Seth
Oster
bcc

Subject Re: From E&ENews PM -- AIR POLLUTION: Industry studies
assail EPA plans for ozone, boilers

(b)(5) Deliberative

[Redacted]

Bob Sussman

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

From: Bob Sussman
Sent: 09/18/2010 04:45 PM EDT
To: Bob Sussman
Cc: Bob Perciasepe; David McIntosh; Lisa Heinzerling; Richard Windsor;
Seth Oster
Subject: Re: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA
plans for ozone, boilers

(b)(5) Deliberative

[Redacted]

[Bob P -- if you want to look at the report, the link is below].

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

Bob Sussman [This E&ENews PM story was sent to yo...](#) 09/15/2010 07:47:23 PM

From: Bob Sussman/DC/USEPA/US@EPA
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob
Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob
Sussman/DC/USEPA/US@EPA
Date: 09/15/2010 07:47 PM
Subject: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

This E&ENews PM story was sent to you by: sussman.bob@epa.gov

Personal message: Two new economic studiesw that need our immediate attention
 -- one on the ozone standard, the other on job losses



An E&E Publishing Service

AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers *(Wednesday, September 15, 2010)*

Gabriel Nelson, E&E reporter

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would be even more expensive, as well as virtually unreachable, said Kyle Isakower, vice president of regulatory and economic policy at the American Petroleum Institute. "Ozone levels at rural monitors in pristine areas such as national parks exceed the proposed standards, implying that the nation will be unable to meet the more stringent standards, even with the most costly investments in emission controls," Isakower said in a written response to the new ozone study.

[Click here](#) to read the ozone standard study.

[Click here](#) to read the boiler rule study.

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01268-EPA-4215

Bob Sussman/DC/USEPA/US
09/19/2010 06:58 PM

To Lisa Heinzerling
cc Bob Perciasepe, David McIntosh, Richard Windsor, Seth Oster
bcc
Subject Re: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

(b)(5) Deliberative [Redacted]

[Redacted]

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

Lisa Heinzerling (b)(5) Deliberative 09/19/2010 03:23:22 PM

From: Lisa Heinzerling/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 09/19/2010 03:23 PM
Subject: Re: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

(b)(5) Deliberative [Redacted]

[Redacted]

Bob Sussman

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

From: Bob Sussman
Sent: 09/18/2010 04:45 PM EDT
To: Bob Sussman
Cc: Bob Perciasepe; David McIntosh; Lisa Heinzerling; Richard Windsor; Seth Oster
Subject: Re: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

(b) (5) [Redacted]

[Redacted]

[Bob P -- if you want to look at the report, the link is below].

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

Bob Sussman [This E&ENews PM story was sent to yo...](#) 09/15/2010 07:47:23 PM

From: Bob Sussman/DC/USEPA/US@EPA
 To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
 Date: 09/15/2010 07:47 PM
 Subject: From E&ENews PM -- AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

This E&ENews PM story was sent to you by: sussman.bob@epa.gov

Personal message: Two new economic studies that need our immediate attention -- one on the ozone standard, the other on job losses



An E&E Publishing Service

AIR POLLUTION: Industry studies assail EPA plans for ozone, boilers

(Wednesday, September 15, 2010)

Gabriel Nelson, E&E reporter

If U.S. EPA implements tougher emissions rules for boilers and sets a more stringent nationwide ozone standard, it could put millions of U.S. workers out of their jobs and shrink the nation's economy by upward of \$1 trillion, according to two new industry-backed studies.

According to an analysis released today by the Manufacturers Alliance, a final rule tightening the nationwide ozone standard from 75 parts per billion (ppb) to 60 ppb would cost businesses just over \$1 trillion per year between 2020 and 2030 -- more than 5 percent of the nation's estimated gross domestic product in 2020. Job losses by 2020 would total 7.3 million, the [study](#) says.

And according to a new [study](#) commissioned by the Council of Industrial Boiler Owners, every \$1 billion spent on compliance with tougher emissions rules for boilers would threaten 16,000 more jobs.

Under the boiler rule, which was proposed in April, many of the nation's 183,000 area source boilers would be required to install the maximum achievable control technology (MACT) for emissions of mercury and other toxic pollutants. Compliance with the rule would cost \$9.5 billion, according to EPA projections, but groups including the American Chemistry Council have argued that the true capital cost will be above \$20 billion.

If EPA's estimate holds true, just over 150,000 jobs would be in danger, though another alternative scenario in the study puts the total at nearly 800,000.

Environmental groups challenged the reports, saying businesses typically have overstated the effects of regulations in the past. That was the argument put forward yesterday by EPA Administrator Lisa Jackson and EPA air chief Gina McCarthy during a symposium held in honor of the Clean Air Act's 40th birthday ([Greenwire](#), Sept. 15).

"For 40 years we have heard predictions of doom and gloom from business groups every time EPA proposes tougher clean air controls," said Frank O'Donnell, president of advocacy group Clean Air Watch, in an e-mail. "These predictions are invariably exaggerated."

The two rules, which were proposed earlier this year, are among the costliest regulations currently under consideration by EPA. While the agency's newly finalized climate rules have gotten the most attention, EPA is also putting unprecedented pressure on industry by moving forward simultaneously with a slew of regulations on conventional pollutants, the sponsors of the new reports say.

The boiler rule has drawn intense criticism from a small number of industry groups, including

utilities, which consider it a prelude to a proposed crackdown on toxic power plant emissions that is expected to be released early next year. There has been more widespread interest in the nationwide ozone standard, which would require states to impose tougher pollution rules on a variety of business sectors.

EPA is currently reconsidering the 2008 decision by the George W. Bush administration to tighten the standard from 84 ppb to 75 ppb. The Obama administration announced that it would rethink the standard last year, and in January, the agency proposed a standard in keeping with agency scientists' recommendation that the health-based standard be set between 60 and 70 ppb.

A revised standard was scheduled to be finalized last month, but EPA announced then that it would push off the release until October ([Greenwire](#), Aug. 23).

Though a standard on the high end would be costly, a nationwide limit closer to 60 ppb would be even more expensive, as well as virtually unreachable, said Kyle Isakower, vice president of regulatory and economic policy at the American Petroleum Institute.

"Ozone levels at rural monitors in pristine areas such as national parks exceed the proposed standards, implying that the nation will be unable to meet the more stringent standards, even with the most costly investments in emission controls," Isakower said in a written response to the new ozone study.

[Click here](#) to read the ozone standard study.

[Click here](#) to read the boiler rule study.

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About E&ENews PM

E&ENews PM is written and produced by the staff of E&E Publishing, LLC. A late afternoon roundup providing coverage of all the breaking and developing policy news from Capitol Hill, around the country and around the world, E&ENews PM is a must-read for the key players who need to be ahead of the next day's headlines. E&ENews PM publishes daily at 4:30 p.m.



E&E Publishing, LLC 122 C St., Ste. 722, NW, Wash., D.C. 20001. Phone: 202-628-6500. Fax: 202-737-5299. www.eenews.net

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01268-EPA-4216

Gina McCarthy/DC/USEPA/US

To Richard Windsor

09/20/2010 12:17 AM

cc Janet McCabe, Joseph Goffman, "Don Zinger", "Robert
Brenner"

bcc

Subject Re: report

(b)(5) Deliberative

[Redacted]

(b)(5) Deliberative [Redacted]

01268-EPA-4217

Mathy
Stanislaus/DC/USEPA/US
09/20/2010 06:34 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman",
"Diane Thompson"

cc

bcc

Subject OSWER HOT ISSUES TRACKER List: Week of 9/20/10

Hot Issues:

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-4218

Richard Windsor/DC/USEPA/US
09/20/2010 08:19 PM

To Janet Woodka
cc
bcc

Subject Re: Louisiana sand berm project - update

My
Janet Woodka

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

From: Janet Woodka
Sent: 09/20/2010 08:17 PM EDT
To: "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>; Scott Fulton; "Seth Oster" <oster.seth@epa.gov>; Sarah Pallone; "Arvin Ganesan" <Ganesan.Arvin@epa.gov>; "Pete Silva" <silva.peter@epa.gov>; Cynthia Giles-AA
Subject: Louisiana sand berm project - update

Attached is a very long letter from the Corps to the State of Louisiana on the sand berms and the recent "final" permit application.

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

William Honker

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

From: William Honker
Sent: 09/20/2010 03:45 PM CDT
To: John Ettinger
Cc: Jane Watson; Karen McCormick; Sharon Parrish; Janet Woodka; Clay Miller; Brian Frazer; Denise Keehner; Nanci Gelb; Timothy Landers; David Evans
Subject: Re: Fw: Corps briefing on berms

FYI, here's a copy of the Corps' 9/16 response to the state on the permit application, in case you haven't seen.

[attachment "Sept. 16 - Letter to COE from Pete Serro - Construct a Barrier Berm.pdf" deleted by Richard Windsor/DC/USEPA/US]

William K. (Bill) Honker, P.E.
Senior Policy Advisor for Coastal Restoration, Climate Change, and Public Outreach
Deputy Director, Water Quality Protection Division
EPA Region 6 - Dallas, TX
Phone 214-665-3187

Fax 214-665-7373
Cell 214-551-3619

John Ettinger **FYI** ----- Original Message ----- 09/02/2010 12:53:33 PM

From: John Ettinger/R6/USEPA/US
To: William Honker/R6/USEPA/US@EPA, Jane Watson/R6/USEPA/US@EPA, Karen McCormick/R6/USEPA/US@EPA, Sharon Parrish/R6/USEPA/US@EPA
Date: 09/02/2010 12:53 PM
Subject: Fw: Corps briefing on berms

FYI
David Evans

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

From: David Evans
Sent: 09/02/2010 01:44 PM EDT
To: Janet Woodka
Cc: Brian Frazer; Clay Miller; Denise Keehner; John Ettinger; Nanci Gelb; Timothy Landers
Subject: Re: Corps briefing on berms
Janet,

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Dave
David Evans, Director
Wetlands Division
Office of Wetlands, Oceans and Watersheds
(202) 566-0535

Janet Woodka **(b)(5) Deliberative** 09/02/2010 07:37:19 AM

From: Janet Woodka/DC/USEPA/US
To: David Evans/DC/USEPA/US@EPA, Nanci Gelb/DC/USEPA/US@EPA, Timothy

Landers/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Clay Miller/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, John Ettinger/R6/USEPA/US@EPA
Date: 09/02/2010 07:37 AM
Subject: Re: Corps briefing on berms

(b)(5) Deliberative [Redacted]

[Redacted] Thanks all.

David Evans

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

From: David Evans
Sent: 09/02/2010 07:32 AM EDT
To: Nanci Gelb; Timothy Landers; Denise Keehner; Clay Miller; Brian Frazer; John Ettinger
Cc: Janet Woodka
Subject: Re: Corps briefing on berms

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

Thanks for flagging this Nanci.

Dave
David Evans, Director
Wetlands Division
Office of Wetlands, Oceans and Watersheds
(202) 566-0535
(202) 725-6415 (cell)

-----Sent from my BlackBerry Wireless Handheld
Nanci Gelb

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

From: Nanci Gelb
Sent: 09/02/2010 07:14 AM EDT
To: Timothy Landers; David Evans; Denise Keehner; Clay Miller
Cc: Janet Woodka
Subject: Fw: Corps briefing on berms
Tim, Dave, making sure you see this.

Nanci E. Gelb
Deputy Director, Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (4501-T)
Washington DC 20460
Phone 202/566-1146 Fax 202/566-1147
Janet Woodka

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

From: Janet Woodka
Sent: 09/02/2010 06:50 AM EDT
To: Denise Keehner; Nanci Gelb
Cc: "Donald Maddox" <maddox.donald@epa.gov>
Subject: Corps briefing on berms

Denise and Nancy -

(b)(5) Deliberative

? The info is below. Please

let me and Don know. Thanks!

11:00 AM - 12:00 PM Berm Briefing by USACE-MVN (Confirmed)

Location : CEQ: 736 Jackson Place, Marcy Room

Janet

01268-EPA-4239

David
McIntosh/DC/USEPA/US
09/29/2010 10:27 PM

To "Richard Windsor"
cc "Arvin Ganesan", "Lawrence Elworth"
bcc
Subject Fw: BD meeting

(b)(5) Deliberative
and Larry.

. Am cc'ing Arvin

From: "Repko, Mary Frances" [Mary.Frances.Repko@mail.house.gov]
Sent: 09/29/2010 10:16 PM AST
To: David McIntosh
Subject: BD meeting

Here is what I have been able to uncover so far. They want to talk about how EPA is perceived in their largely rural districts. Herseth's staff in particular went on and on about how agencies think these are "fly over districts" and that one size fits all mandates for the "good of the whole" fail districts like theirs. Specifically they will raise:

-E-15, and in particular, that the deadline CANNOT slip past October, it is already slipping past September, and that there will be huge disappointment if that occurs, if she can be clear on the timeline that would be good;

-Biomass definitions within the tailoring rule and PSD, Schrader, who is attending, is a signatory and several concur with the DeFazio letter to Nancy Sutley (pasted below, which I am sure you've seen);

-Endangerment is likely not to come up, group is 50/50 split with WM supporters and opponents;

-I am not sure what they mean but several mentioned "coal rules," I am guessing this is coal ash, and EPA not understanding how reliant "our" districts are on coal, and "rules that negatively impact ethanol plants" but could not really at the staff level be clearer about what those rules were when I pressed;

Other things that could come up:

-Dennis Cardoza is always very focus on water supply issues, most of his issues are with Interior and the Westlands water district, but he can't not talk about that and his district's more than 20 percent unemployment.

-No one mentioned boiler MACT, but possible with an Oregonian (Schrader) and Idahoan (Minnick).

-Pushback on dispersant use and unknown fate and the need for testing protocols to ensure confidence in gulf seafood/tourism (Boyd);

Some things that I think would be helpful for the Administrator to share:

-That, despite her association with New Jersey, she is from New Orleans and certainly knows (as I recall

her telling me, her Mom was still in New Orleans during Katrina) when citizens feel that the government isn't responsive or is overly bureaucratic;

-That she really seems to like and has worked hard to forge a relationship with Tom Vilsack;

-As a rebuttal to the EPA running amok view many of them have, some of the court deadlines she faces on these standards;

-That she is really looking forward to her role in long term Gulf Recovery, and in the task delegated to her by the President to ensure recovered and robust ecosystems. She should highlight that she and Alan Boyd share a love of the Gulf Coast and its people, and she personally knows how much the Gulf is part of the lives and livelihood of that region (in the same way I'd make that statement to a Great Lakes member about the Great Lakes).

Hope this helps, MF

From: e-Dear Colleague

Sent: Monday, September 20, 2010 10:27 AM

To: E-DEARCOLL_ISSUES_G-Z_0000@ls2.house.gov

Subject: NaturalResources: Dear Colleague: Biomass Letter to CEQ's Sutley

Biomass Letter to CEQ's Sutley

From: The Honorable Peter A. DeFazio

Sent By: travis.joseph@mail.house.gov

Date: 9/20/2010

September 20, 2010

Support CEQ's Responsible Position on Biomass Emissions

Current Co-signers: Bonner, Michaud, Bright, Schrader, McIntyre, Oberstar

Dear Colleague,

Please join in my commending Nancy Sutley, Chairwoman of the Council on Environmental Policy (CEQ), for supporting a responsible and scientifically-based position on biomass emissions. Unlike the Environmental Protection Agency that is pushing forward with unnecessary regulations on biomass facilities, CEQ made a clear distinction between biomass emissions and emissions from fossil fuels in its draft guidance to federal agencies entitled "Federal Greenhouse Gas Accounting and Reporting." In the guidance, CEQ also explicitly states that biomass emissions should not be subject to emission reduction targets given that biomass emissions can be carbon-neutral.

I invite you to join me in supporting CEQ's position and calling on Nancy Sutley to work with EPA Administrator Jackson and other federal agency heads to develop a sensible, consistent, scientifically-based policy that recognizes the carbon-neutrality of biogenic sources. Such a policy is crucial to responsibly addressing the challenges of climate change, providing predictability to businesses that utilize biogenic sources, and moving the United States towards energy independence.

Please contact Travis Joseph (-56416, travis.joseph@mail.house.gov) of my staff with questions or

to sign onto the letter. **The deadline is COB, Thursday, September 23rd.**

Sincerely,
s/ Peter DeFazio
Member of Congress

Nancy Sutley
Chairwoman
Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Dear Chairwoman Sutley:

It has come to our attention that the Council on Environmental Quality (CEQ) solicited public and agency comment on draft guidance titled "Federal Greenhouse Gas Accounting and Reporting." We are writing to commend CEQ for making a clear distinction in the draft between emissions from biogenic sources -- such as biomass and biofuel -- and fossil fuels. Such a distinction is not only scientifically supported, but is critical to the responsible development of biomass utilization in the United States that can help reduce our reliance on fossil fuels.

As you know, the draft guidance calls for federal agencies to report their emissions from the combustion of both biofuel and biomass. However, while agencies must clearly identify and report biogenic emissions, CEQ, at pp. 16-17, makes clear that biogenic emissions:

"...are not subject to agency reduction targets at this time. This is because part or all of the carbon in the these fuels comes from carbon that was fixed by biological sources in the recent past, so depending on the full emission impact of biomass production and use, they may not represent a net increase in the atmospheric carbon (since the carbon was removed from the atmosphere while the plant was alive). This contrasts with carbon from fossil fuels, which was removed from the atmosphere millions of years ago, hence its combustion represents a net increase in atmospheric carbon relative to what may have otherwise naturally occurred. The CO₂ from biogenic sources is

assumed to be naturally "recycled" since the carbon in the biofuel was in the atmosphere before the plant was grown and would have been released normally through decomposition after the plant died."

CEQ's explanation demonstrates why emissions from biogenic sources should not be included in greenhouse gas reduction targets at this time. If responsible and sustainably utilized, biogenic sources can be a carbon-neutral source of energy. This basic rationale underlies numerous national and international renewable energy policies, including those adopted by the American Clean Energy and Security Act passed by the U.S. House of Representatives in June, 2009. We urge you to maintain this policy in the final Guidelines.

Regrettably, not all federal agencies have taken this position. As you are aware, the Environmental Protection Agency (EPA) determined not to differentiate between biogenic emission sources and those from fossil fuels in its May 12, 2010, Prevention of Significant Deterioration (PSD) and Title 5 Greenhouse Gas (GHG) Tailoring Rule (Tailoring Rule). EPA has recently finalized its comment period on a Call for Information seeking public input on appropriate accounting methods for carbon emissions from biogenic sources and how to address these emissions under the Tailoring Rule and the Clean Air Act. We have attached for your information the letter we sent EPA Administrator Lisa Jackson on this issue in response to the Agency's treatment of emissions from biogenic sources in the Tailoring Rule.

President Obama has emphasized that renewable energy derived from feedstocks such as forest biomass hold the key to transitioning the nation to a "sustainable, low carbon energy future." We urge you to fulfill the President's vision and work with Administrator Jackson and other federal agency heads to develop a sensible, consistent, scientifically-based policy that recognizes the carbon-neutrality of biogenic sources. Such a policy is crucial to responsibly addressing the challenges of climate change, providing predictability to businesses that utilize biogenic sources, and moving the United States towards energy independence.

Again, we commend you and the Council for your leadership on this issue and look forward to working with CEQ on this important issue.

Sincerely,

Mary Frances Repko
Senior Policy Advisor, Energy and Environment
The Honorable Steny H. Hoyer
Majority Leader
U.S. House of Representatives
H-107, The Capitol
Washington, DC 20515

Phone: 202-225-3130

Fax: 202-226-0663

MajorityLeader.gov

Hoyer.house.gov

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01268-EPA-4240

Lawrence
Elworth/DC/USEPA/US
09/29/2010 11:03 PM

To David McIntosh, Richard Windsor
cc Arvin Ganesan
bcc
Subject Re: BD meeting

(b)(5) Deliberative

From: David McIntosh
Sent: 09/29/2010 10:27 PM EDT
To: Richard Windsor
Cc: Arvin Ganesan; Lawrence Elworth
Subject: Fw: BD meeting

(b)(5) Deliberative

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To: E-DEARCOLL_ISSUES_G-Z_0000@ls2.house.gov

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From: The Honorable Peter A. DeFazio

Sent By: travis.joseph@mail.house.gov

Date: 9/20/2010

September 20, 2010

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Chairwoman
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730 Jackson Place, NW
Washington, DC 20503

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Sincerely,

Mary Frances Repko
Senior Policy Advisor, Energy and Environment
The Honorable Steny H. Hoyer
Majority Leader
U.S. House of Representatives
H-107, The Capitol
Washington, DC 20515

Phone: 202-225-3130

Fax: 202-226-0663

MajorityLeader.gov

Hoyer.house.gov

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01268-EPA-4241

Richard Windsor/DC/USEPA/US
10/04/2010 07:42 AM

To Joseph Goffman
cc Gina McCarthy
bcc Diane Thompson
Subject Re: Fwd: Additional materials for Administrator's Monday WH meeting

Joe - (b)(5) Deliberative
Lisa

Diane Thompson

Lisa, (b)(5) Deliberative

10/02/2010 06:02:12 PM

(b)(5) Deliberative


CAA_UPDATE_1_Oct_2010 det edits.doc

Sent: 10/01/2010 05:43 PM EDT

To: (b) (6) Privacy

Subject: Monday, October 4, 2010 Schedule for Lisa P. Jackson

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

**Schedule for Lisa P. Jackson EPA Administrator
Monday, October 4, 2010**

Notes:

Drivers

AM (b) (6) Privacy

PM (b) (6) Privacy

Shift Leaders

AM (b) (6) Privacy

PM (b) (6) Privacy

Staff Contact

Heidi Ellis 202-355-5212

08:45 AM - 09:15 AM	Administrator's Office	Daily Meeting
09:30 AM - 10:00 AM	Administrator's Office	Briefing to discuss Alaska Shell PSD Permit Ct: Carla Veney (OGC) 564-1619
		Staff: Scott Fulton (OGC) Shalini Vajjhala (OITA) Cynthia Giles, Lisa Garcia (OECA) Gina McCarthy, Janet McCabe, Anna Wood (OAR) Dennis McLerran (R10) Optional: Diane Thompson (OA)
		Hookup to Administrator's conference line needed
10:15 AM - 10:30 AM	Ariel Rios	Depart for WH Gina McCarthy will ride with the Administrator.
10:30 AM - 11:30 AM	The White House, Ward Room	Meeting with White House Officials Ct: Steve Moilenin (OECC) (b) (6) Privacy
		Attendees: Jim Messina, Mona Sutphen, Pete Rouse, Carol Browner
		Staff: Gina McCarthy (OAR)
12:00 PM - 01:00 PM	WH Mess	Lunch with Cass Sunstein Ct: Lisa Jones (b) (6) Privacy
01:00 PM - 02:00 PM	Bullet Room	FYI - Senior Staff Meeting Scott Fulton will lead this meeting
01:00 PM - 01:15 PM	WH	Depart for Ariel Rios
01:15 PM - 01:45 PM	Administrator's Office	Youth Call with White House Office of Public Engagement Ct: Shira Sternberg (OEAE)
		Subj: Briefing youth leaders across the country on EPA's

accomplishments this year		
02:00 PM - 02:45 PM	Bullet Room	China Trip Briefing Ct: Gary Waxmonsky (OITA) Staff: Michelle DePass, Shalini Vajjhala, Mark Kasman, Luis Troche, Gary Waxmonsky (OITA) Gina McCarthy, Joe Goffman, Steve Page, Dale Evarts (OAR) Scott Fulton, Tseming Yang, Steve Wolfson (OGC) Seth Oster (OEAE) Diane Thompson, Heidi Ellis, Marcus McClendon, Clay Diette, Adrian Collins (OA)
03:00 PM - 03:15 PM	Administrator's Office	Interview with Politico (In person) Ct: Brendan Gilfillan (OEAE) 564-2081 Topic: Discuss Climate/GHGs
03:15 PM - 03:30 PM	Administrator's Office	HOLD Call with Navajo Nation President Joe Shirley Ct: Abi Gaudario (R9)
03:40 PM - 03:50 PM	Studio 1, 6330 ARN	Video Message Taping: Environmental Grantmakers Association Ct: Michael Moats 564-1687 (OEAE) Staff: Mike Moats, Ron Slotkin, Deb Berlin (OEAE)
04:00 PM - 05:00 PM	Green Room	Discussion with Chris Lu Ct: Dan Kanninen (OA) Staff: EPA Political Appointees
05:00 PM - 06:00 PM		HOLD

01268-EPA-4244

Richard Windsor/DC/USEPA/US
10/05/2010 01:40 PM

To Seth Oster
cc
bcc
Subject Re: FFw: Boxer story

Tx
Seth Oster

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

From: Seth Oster
Sent: 10/05/2010 12:28 PM EDT
To: Richard Windsor; Diane Thompson
Subject: FFw: Boxer story

FYI.

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

----- Forwarded by Seth Oster/DC/USEPA/US on 10/05/2010 12:28 PM -----

From: David McIntosh/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA
Date: 10/05/2010 12:20 PM
Subject: Boxer story

At the request of Boxer's EPW staff director, I just spoke to Bob Drogan of the LA Times for a piece that he is writing about Boxer. Apparently it will run within the next week or ten days. (b) (5) Deliberative



01268-EPA-4245

**Mathy
Stanislaus/DC/USEPA/US**
10/05/2010 08:01 PM

To "Richard Windsor"
cc "Bob Perciasepe", "Diane Thompson", "Bob Sussman"
bcc
Subject OSWER HOT ISSUES TRACKER List

OSWER HOT ISSUES TRACKER List: Week of 10/04/10

Hot Issues:

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CAREER FAIR AT HAMPTON UNIVERSITY, HAMPTON, VA: The Federal Facilities Restoration and Reuse Office and the Office of Water staff represented EPA at a booth at the Hampton University career fair. Hampton University is a historically black college and university and has over 5000 students enrolled in bachelors, masters and doctorate programs. At the career fair, we had over 100 students stop by our booth. Most of the students had questions regarding permanent and summer intern positions. We provided information about career opportunities at EPA and for graduating seniors; we provided them a copy of an OSWER Federal Career Intern Program (FCIP) announcement for management analyst, toxicologist, and physical scientist entry level positions. The students were very interested to know how they can apply their backgrounds to a career at the EPA.

01268-EPA-4246

Richard Windsor/DC/USEPA/US
10/05/2010 08:27 PM

To Mathy Stanislaus
cc
bcc

Subject Re: OSWER HOT ISSUES TRACKER List

Thx Mathy. [REDACTED] (b) (5) Deliberative ?
Mathy Stanislaus

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

From: Mathy Stanislaus
Sent: 10/05/2010 08:01 PM EDT
To: Richard Windsor
Cc: Bob Perciasepe; Diane Thompson; Bob Sussman
Subject: OSWER HOT ISSUES TRACKER List

OSWER HOT ISSUES TRACKER List: Week of 10/04/10

Hot Issues:

[REDACTED] (b) (5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

CAREER FAIR AT HAMPTON UNIVERSITY, HAMPTON, VA: The Federal Facilities Restoration and Reuse Office and the Office of Water staff represented EPA at a booth at the Hampton University career fair. Hampton University is a historically black college and university and has over 5000 students enrolled in bachelors, masters and doctorate programs. At the career fair, we had over 100 students stop by our booth. Most of the students had questions regarding permanent and summer intern positions. We provided information about career opportunities at EPA and for graduating seniors; we provided them a copy of an OSWER Federal Career Intern Program (FCIP) announcement for management analyst, toxicologist, and physical scientist entry level positions. The students were very interested to know how they can apply their backgrounds to a career at the EPA.

01268-EPA-4247

Mathy
Stanislaus/DC/USEPA/US
10/06/2010 08:36 AM

To Richard Windsor
cc
bcc

Subject Re: OSWER HOT ISSUES TRACKER List

(b)(5) Deliberative [Redacted]

[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 10/05/2010 08:27 PM EDT
To: Mathy Stanislaus
Subject: Re: OSWER HOT ISSUES TRACKER List

Thx Mathy: [Redacted] (b) (5) Deliberative ?
Mathy Stanislaus

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

From: Mathy Stanislaus
Sent: 10/05/2010 08:01 PM EDT
To: Richard Windsor
Cc: Bob Perciasepe; Diane Thompson; Bob Sussman
Subject: OSWER HOT ISSUES TRACKER List

OSWER HOT ISSUES TRACKER List: Week of 10/04/10

Hot Issues:

(b) (5) Deliberative [Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

CAREER FAIR AT HAMPTON UNIVERSITY, HAMPTON, VA: The Federal Facilities Restoration and Reuse Office and the Office of Water staff represented EPA at a booth at the Hampton University career fair. Hampton University is a historically black college and university and has over 5000 students enrolled in bachelors, masters and doctorate programs. At the career fair, we had over 100 students stop by our booth. Most of the students had questions regarding permanent and summer intern positions. We provided information about career opportunities at EPA and for graduating seniors; we provided them a copy of an OSWER Federal Career Intern Program (FCIP) announcement for management analyst, toxicologist, and physical scientist entry level positions. The students were very interested to know how they can apply their backgrounds to a career at the EPA.

01268-EPA-4276

Mathy
Stanislaus/DC/USEPA/US
10/26/2010 01:11 PM

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

Subject OSWER Hot Issues

OSWER HOT ISSUES TRACKER List (HITList): Week of 10/25/10

Hot Issues:

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) Deliberative



01268-EPA-4282

Mathy Stanislaus/DC/USEPA/US
10/26/2010 06:12 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson"
cc
bcc
Subject OSWER HOT issues a few additional items: Status of dioxin, GAO investigation re:Superfund Special Accounts

A few additional items:

(b) (5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Mathy Stanislaus

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

From: Mathy Stanislaus
Sent: 10/26/2010 01:11 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson
Subject: OSWER Hot Issues

OSWER HOT ISSUES TRACKER List (HITList): Week of 10/25/10

Hot Issues:

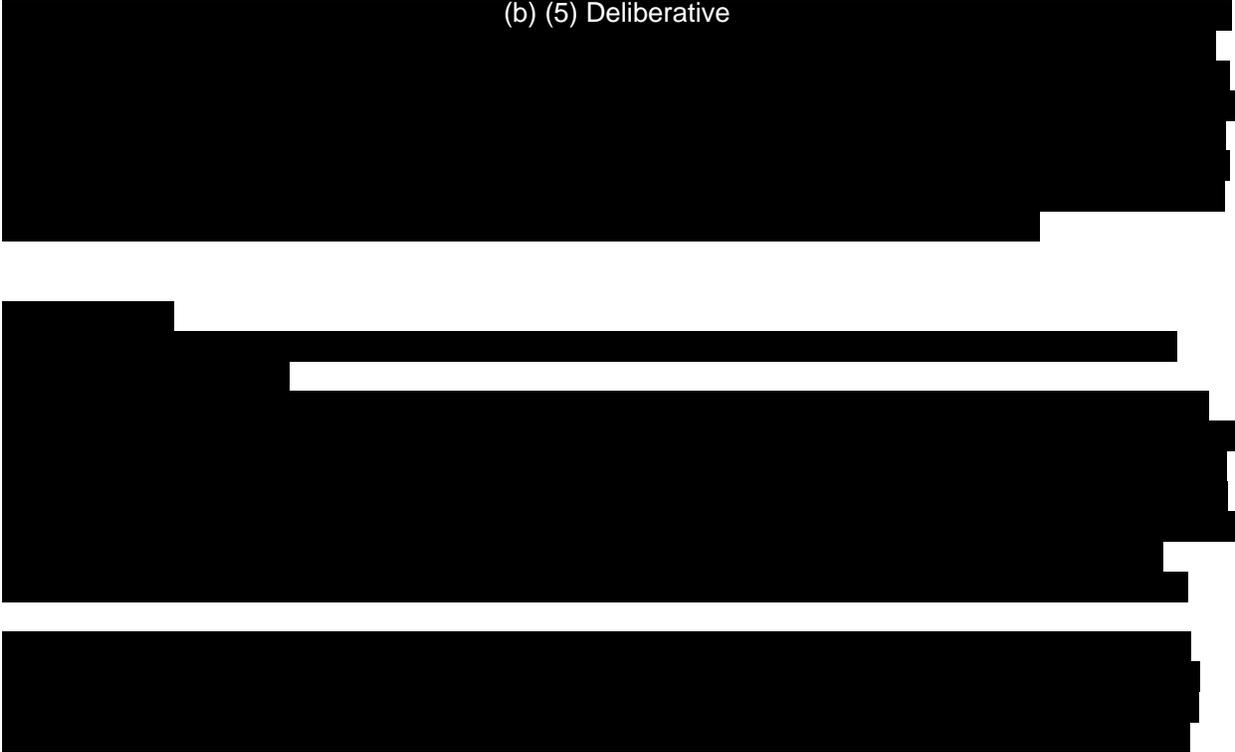
(b) (5) Deliberative
[Redacted]

[Redacted]

(b) (5) Deliberative

[Redacted]

(b) (5) Deliberative



01268-EPA-4285

David
McIntosh/DC/USEPA/US
10/27/2010 05:51 PM

To Richard Windsor
cc Diane Thompson, Bob Perciasepe, Lisa Heinzerling, Seth
Oster, Bob Sussman, Arvin Ganesan, Scott Fulton
bcc
Subject rebuttal of Mr Barton's recent attack

Administrator:

You'll recall that on October 14, Congressmen Barton and Burgess sent you the attached letter and chart.

(b) (5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



101410_Letter_EPA_Jackson_Regs.pdf 101410_CAA_Regs_Chart.pdf
Here is the information you asked for. Let me know if we can do anything else.

(b)(5) Deliberative

Clinton-Bush-Obama Comparison.doc

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Congress of the United States

House of Representatives

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ROBERT E. LATTA, OHIO

October 14, 2010

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

Re: Costs Estimates for Clean Air Act Regulations

Dear Administrator Jackson:

On September 28, 2010, the Congressional Budget Office (CBO) issued an economic outlook which projected that under current policies the U.S. unemployment rate will remain above 8 percent until 2012, and above 6 percent until 2014. The CBO also stated that, in addition to the millions of Americans officially unemployed, many others are underemployed or have left the labor force. Given these forecasts, we believe it critical that both the Administration and Congress scrutinize those governmental policies and actions that are negatively affecting economic growth and job creation.

In this regard, we write regarding the cumulative impacts of new regulations being proposed by the Environmental Protection Agency (EPA) under the Clean Air Act (CAA). We are concerned about the highly accelerated pace at which EPA is issuing complex and expensive regulatory proposals under the CAA; the ability of businesses to read, understand, and comment on the thousands of pages of proposed new rules before they are finalized by EPA; and the ability of the persons or entities regulated by the new rules to implement them at the rate at which they are being promulgated. We are also concerned about the billions of dollars in new costs, as well as the workability of a number of the proposed new rules. Finally, we are concerned the Administration is moving forward without fully considering the economic and job impacts of the new regulations. Just as appropriate implementation of the Clean Air Act is essential for protecting the public health, appropriate consideration of the economic and employment impacts of regulations under the Act is essential for protecting the nation's economic health.

To assist Congress and the public in understanding the extent of EPA's current rulemaking activity under the CAA, we have attached a chart which identifies approximately 40 proposed or final CAA regulations, including greenhouse gas regulations, revised air quality standards, and other regulatory proposals under the CAA, as well as many regulations in the pre-proposal stages. The chart includes EPA's own compliance cost estimates to the extent they are available. At least eight of the proposed or final rules included have compliance costs estimated by EPA to exceed \$1 billion each. It appears that collectively the Administration's new or proposed CAA regulations could impose billions of dollars of additional new costs annually on U.S. businesses as the new rules are implemented by your agency.

To assist us in assessing the cumulative economic and job impacts of the recent and pending CAA regulations, we ask that you provide responses to the following questions:

1. Are the EPA compliance cost estimates included in the attached chart accurate? If not, for each estimate EPA believes is not accurate, please provide EPA's projected compliance cost.
2. Are there additional pending CAA regulations that are not included in the attached chart that EPA estimates will impose annual compliance costs of \$100 million or more? If yes, please identify and provide the Federal Register docket number for each such regulation if available.
3. Are there any additional CAA regulations that are not included in the attached chart that EPA is currently considering initiating? If yes, please identify each of those potential CAA rulemakings, and indicate whether the rulemaking could impose new compliance costs, and whether the costs could be more than \$100 million annually.

Please provide the written responses and documents requested by no later than two weeks from the date of this letter. Should you have any questions, please contact the Minority Committee staff at (202) 225-3641.

Sincerely,



Joe Barton
Ranking Member



Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations

Enclosure

cc: The Honorable Henry A. Waxman, Chairman

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations

LIST OF RECENT AND PENDING EPA REGULATIONS UNDER THE CLEAN AIR ACT

This chart lists Clean Air Act (CAA) rulemakings initiated or finalized by the Obama Administration, as well as pending rulemakings identified by the Environmental Protection Agency (EPA) as currently under development. The chart is based on EPA's rulemaking documents and seeks to list the rulemakings in order of compliance costs based on EPA's own estimates. For rulemakings for which EPA has not yet provided specific cost estimates or has concluded cost estimates were not required, the rulemakings are listed in chronological order of the regulatory action.

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
1	Reconsideration of the 2008 Ozone National Ambient Air Quality Standards (Proposed)	Final rule projected November 2010	\$19-\$90 billion per year in 2020 (\$2006). (RIA page S1-4, S2-3 and EPA fact sheet).	Proposes to lower National Ambient Air Quality (NAAQS) standards for ground-level ozone (from 1997 level 0.08 ppm/2008 level of 0.075 ppm) to between 0.070 and 0.060ppm, and to set a separate secondary standard to protect vegetation and ecosystems. Also proposes to accelerate the schedule for states to designate areas that do not meet the new standards.	EPA projects 77% of counties that currently have ozone monitors would violate a 0.070 parts per million (ppm) standard in 2020, and 96% of those counties would violate a 0.060 ppm standard. Rule will require states with areas determined to be in non-attainment with the new standards to prepare state implementation plans to come into compliance through emissions control programs. The majority of emissions sources of man-made nitrogen oxides and volatile organic compounds emissions, which contribute to ground-level ozone formation, are mobile sources, industrial processes (which include consumer and commercial products), and the electric power industry. Other emissions sources

					include agricultural sources.
2	Light-duty vehicles greenhouse gas emissions Standards and Corporate Average Fuel Economy Standards (Final)	Final rule published May 7, 2010	EPA and DOT estimate compliance costs between \$51.5 billion and \$51.8 billion for all MY 2012-2016 vehicles over full lifetime of vehicles projected to be sold during model years 2012-2016 (\$2007).	Sets greenhouse gas emissions (GHG) and fuel efficiency standards for new passenger cars and trucks for MY 2012-2016 vehicles. President Obama has directed agencies to develop more stringent standards for MY 2017-2025 vehicles.	Rule affects companies that manufacture or sell new light-duty passenger cars and trucks. Regulated categories and entities include: Motor vehicle manufacturers; and commercial importers of vehicles and vehicle components. EPA estimates average cost increases per vehicle to increase from \$331 per car or truck in 2012 to \$948 per vehicle in 2016.
3	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial & Institutional Boilers and Process Heaters (Proposed)	Final rule projected December 2010	\$9.5 billion in capital expenditures; \$3.2 billion in annual costs (reduced to \$2.9 billion due to fuel savings). (75 Fed. Reg. 32037, Regulatory Impact Analysis)	Proposes to set emissions standards for hazardous air pollutants (e.g., particulate matter, hydrogen chloride, mercury) for boilers and process heaters located at major sources. Standards for major sources will be based on the maximum achievable control technology (MACT).	Rule will affect owners and operators of industrial, commercial or institutional boilers and process heaters at a major source. Potentially regulated categories and entities include: Extractors of crude petroleum and natural gas; Manufacturers of lumber and wood products, chemicals, coal products, rubber and miscellaneous plastic products, motor vehicle parts and accessories; pulp and paper mills; petroleum refineries; steel works, blast furnaces; electric, gas, and sanitary services; health and

					educational services.
4	Primary National Ambient Air Quality Standards for Nitrogen Dioxide (Final)	Final rule published February 9, 2010	\$3.6 billion in 2020 (\$2006). Because this analysis considers only counties that currently have NO2 monitors, EPA advises that the possibility exists that, as the new monitoring network is installed, there may be more potential nonattainment areas than analyzed in the RIA. (Final Regulatory Impact Analysis ES-1, ES-6)	Supplements national standards for nitrogen dioxide (NO2) by establishing a new short-term (1-hour) daily maximum standard of 100 parts per billion (ppb), and establishes new monitoring requirements.	Rule will require states with areas determined to be in non-attainment with the new standard to prepare state implementation plans to meet the new standards. States will need to identify and implement air pollution control measures to reduce ambient NO2 concentrations, most likely by requiring air pollution controls on sources that emit oxides of nitrogen. While NOx is emitted from a wide variety of source types, the top three categories of sources of NOx emissions are on-road mobile sources, electricity generating units, and non-road mobile sources (75 Fed. Reg. 34406).
5	National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers (Proposed)	Projected date for final rule publication December 2010	Total capital costs of approximately \$2.5 billion and \$1 billion in total annualized costs (75 Fed.	Proposes to set emission limits for coal-fired, biomass-fired and oil-fired types of boilers located at area sources in order to reduce emissions of a number of toxic air pollutants including mercury, metals, and organic air toxics. The	Rule will affect owners and operators of industrial, commercial and institutional boilers located at area sources. The "industrial" category includes boilers used in manufacturing, processing, mining, refining, and any other industry.

			<p>Reg. 31914). EPA Fact Sheet</p>	<p>standards for area sources must be technology-based on either generally available control technology or maximum achievable control technology. Exempts natural gas-fired area source boilers.</p>	<p>The "commercial" category include boilers used in stores/malls, laundries, apartments, restaurants, and hotels/motels. The "institutional" category includes boilers used in medical centers (e.g. hospitals, clinics, nursing homes), educational and religious facilities (e.g. schools, universities, churches), and municipal buildings (e.g. courthouses, prisons).</p>
6	<p>Transport Rule (CAIR Replacement Rule); Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Proposed)</p>	<p>NPRM comment period closes October 2010</p>	<p>\$3.7 billion in 2012 and \$2.8 billion in 2014 (preferred remedy option; \$2006). (75 Fed. Reg. 45348, 45352). Costs for the agency's alternative proposed approach would be \$4.2 billion in 2012 and \$2.7 billion in 2014.</p>	<p>Proposes to limit interstate transport of emissions of nitrogen oxides and sulfur dioxide within 32 states in the eastern United States that affect the ability of downwind states comply with the 1997 and 2006 fine particulate matter NAAQS and 1997 ozone NAAQS. An initial phase of emissions reductions would be required by 2012. A second phase of reductions would be required by 2014. Sunsets CAIR; sets forth EPA's preferred replacement approach and seeks comment on two alternative approaches. Each approach would set a pollution limit (or budget) for each state and obtain reductions from power plants. EPA's preferred approach would allow</p>	<p>Rule will affect electric generating facilities (power sector), including utilities (electric, natural gas, other systems).</p>

				intrastate trading and some interstate trading among power plants.	
7	Emissions Controls for new Marine Diesel engines at or Above 30 Liters per Cylinder (Final)	Final rule published June 2010	\$1.85 billion in 2020, increasing to \$3.11 billion in 2030 (2006 \$). (75 Fed. Reg. 22939, Program Costs Fact Sheet)	Places emissions standards on Category 3 engines in order to reduce their emissions of PM2.5, SOX, and NOX that contribute to nonattainment of the NAAQS for PM2.5 and ground-level ozone. Standards apply in two stages—near-term standards for newly built engines will apply beginning in 2011; long-term standards requiring an 80 percent reduction in NOX emissions will begin in 2016. Also finalizes change to diesel fuel program that will allow for production and sale of 1,000 ppm sulfur fuel for use in Category 3 marine Vessels; generally forbids the production and sale of other fuels above 1,000 ppm sulfur for use in most U.S. waters, unless alternative devices, procedures, or compliance methods are used to achieve equivalent emissions reductions. Makes technical amendments to motor vehicle and nonroad engine regulations in recently finalized rule for new nonroad spark-ignition engines.	Rule affects companies that manufacture, sell, or import into the United States new marine compression ignition engines with per cylinder displacement at or above 30 liters for use on vessels flagged or registered in the United States; companies and persons that make vessels that will be flagged or registered in the United States and that use such engines; and the owners or operators of such U.S. vessels; companies and persons that rebuild or maintain these engines; Category 3 marine vessels fuel makers, importers, distributors, sellers, dispensers. Manufacturers of new marine diesel engines and marine vessels. Engine repair and maintenance. Petroleum refineries, bulk stations and terminals, wholesalers. Coastal and Great Lakes Freight and Passenger Transportation.

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
8	Primary National Ambient Air Quality Standard for Sulfur Dioxide (Final)	Final rule published June 22, 2010	\$1.5 billion (\$2006) in 2020 for full attainment. Because this analysis only considers counties that currently have an SO2 monitor, EPA advises that, as the new monitoring network is installed, there may be more potential nonattainment areas than have been analyzed in the RIA. (RIA ES-1 and 9: Regulatory Impact Analysis)	Lowers the primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO2) by setting new short term (one-hour) SO2 standard at 75 parts per billion (ppb), and revoking the prior 24-hour and annual SO2 health standards. Also establishes new monitoring requirements for SO2.	Rule will require states to prepare implementation plans addressing how they will meet the new standards through control programs directed to emission sources.
9	NESHAP MACT Reconsideration for Portland Cement (Final)	Final Rule published September 9, 2010	EPA estimates \$926 – \$950 million annually in 2013 (combined with rule below). (See 8/9/2010 press)	Sets the limits on mercury air emissions from existing cement kilns, strengthens the limits for new kilns, and sets emission limits that will reduce acid gases. Also limits particle pollution from new and existing kilns, and sets new-kiln	Rule affects Portland cement manufacturing plants.

			<p>release) (also citing another EPA analysis estimating lower costs of \$350 million annually). EPA estimates that the average price for Portland cement could be 5.4% higher with the NESHAP and NSPS (see below), and that domestic production may fall by 11%, and operating profits may fall by \$241 million (page 276).</p>	<p>limits for particle and smog-forming nitrogen oxides and sulfur dioxide.</p>	
10	<p>Review of New Source Performance Standards -- Portland Cement (Final)</p>	<p>Final rule released August 8, 2010</p>	<p>See cost estimate immediately above.</p>	<p>Sets New Source Performance Standards (NSPS) regulate criteria pollutants, such as particulate matter, sulfur dioxide, and nitrogen oxides from new stationary sources.</p>	<p>Rule affects Portland cement manufacturing plants.</p>
11	<p>Reciprocating Internal Combustion Engines: Final National Emissions Standards for Hazardous Air Pollutants - Spark Ignition Engines</p>	<p>Final rule published August 20, 2010</p>	<p>Total capital cost for existing stationary internal combustions engines</p>	<p>Sets national emission standards for hazardous air pollutants for existing stationary spark ignition reciprocating internal combustion engines that either are located at area sources of hazardous air</p>	<p>Rule affects industries using stationary internal combustion engines. Potentially regulated categories and entities include: Electric power generation, transmission, or distribution; Medical</p>

	(Final)		estimated to be \$383 million , with a total national annual cost of \$253 million (\$2009) in year 2013 (the first year this rule is implemented). (75 Fed. Reg. 51582: Regulatory Impact Analysis)	pollutant emissions or that have a site rating of less than or equal to 500 brake horsepower and are located at major sources of hazardous air pollutant emissions.	and surgical hospitals; Natural gas transmission; Crude petroleum and natural gas production; Natural gas liquids producers.
12	Mandatory Reporting of Greenhouse Gases (Final)	Final rule published October 30, 2009	National annualized cost for first year estimated to be \$132 million , and total national annualized cost for subsequent years to be \$89 million (\$2006) (75 Fed. Reg. 56362)	Requires reporting of greenhouse gas emissions from all sectors of the economy. Sets data collection and reporting requirements. EPA estimates during the first year the rule will affect approximately 30,000 facilities that will need to determine whether they are subject to the rule, and that ultimately approximately 10,152 facilities will be required to report.	Rule applies to fossil fuel suppliers and industrial gas suppliers, direct greenhouse gas emitters and manufacturers of heavy-duty and offroad vehicles and engines. Potentially regulated categories and entities include: Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines. Extractors of crude petroleum and natural gas. Pulp and paper mills. Manufacturers of lumber and wood products and chemical, rubber and miscellaneous plastic products, motor vehicle parts and accessories, adipic acid, anhydrous and aqueous ammonia, Portland Cement, ferroalloys, glass, chlorodifluoromethane, hydrogen, calcium oxide, calcium hydroxide,

					<p>dolomitic hydrates, nitric acid, ethylene dichloride, acrylonitrile, ethylene oxide, methanol, ethylene, carbon black, silicon carbide abrasives, alkalies and chlorine, phosphoric acid, titanium dioxide, industrial gas, heavy-duty, non-road, aircraft, locomotive, and marine diesel engine, heavy-duty vehicle, small non-road, and marine spark-ignition engine, personal watercraft and motorcycle. Steel works, blast furnaces. Electroplating, plating, polishing, anodizing, and coloring. Electric, gas, sanitary, health and educational services. Fossil-fuel fired electric generating units. Primary Aluminum production facilities. Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace shops. Lead smelting and refining facilities. Petroleum refineries. Pulp, paper and paperboard mills. Soda ash, natural, mining and/or beneficiation. Primary zinc refining facilities. Zinc dust reclaiming facilities. Solid waste landfills. Sewage treatment facilities. Beef cattle feedlots. Dairy cattle and milk production facilities. Hog and pig farms. Chicken egg production</p>
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					facilities. Turkey, Broilers and Other Meat type Chicken Production. Coal liquefaction at mine sites. Natural gas liquid extraction facilities.
13	Petroleum and Natural Gas Systems Greenhouse Gas Reporting Rule (Proposed)	Final rule projected October 2010	\$56-59 million in the first year and subsequent annualized costs of \$21-25.3 million (\$2006). 75 Fed. Reg. 18628: Economic Impact Analysis)	Proposes to supplement mandatory greenhouse gas reporting rule by requiring reporting of greenhouse gas emissions from the petroleum and natural gas industry.	Rule will affect petroleum and natural gas systems. Potentially regulated categories and entities include: Pipeline transportation of natural gas; Natural gas distribution facilities; Extractors of crude petroleum and natural gas; Natural gas liquid extraction facilities.
14	National Emission Standards for Halogenated Solvent Cleaning – Remand	NPRM extension closed February 2009. No date for next step noted.	Total capital costs between \$15.65 - 49.89 million; total annual costs between \$1.38 – 2.839 million (73 Fed. Reg. 62402).	Proposes to sets emission limits for certain halogenated solvent cleaning machines sources.	Rule would affect industries using halogenated solvent cleaning primarily including: Manufacturing of primary metals, fabricated metals, machinery, computer and electronic products, electrical equipment, transportation equipment, and furniture.
15	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries (Final)	Final rule published October 28, 2009	Total capital investment cost estimated to be \$16 million, and total annualized cost of controls estimated to be	This action amends the national emission standards for petroleum refineries to add maximum achievable control technology standards for heat exchange systems.	Rule will affect petroleum refineries located at a major source that are subject to 40 CFR part 63, subpart CC, including those categorized as small businesses.

			<p>\$3 million, which includes \$2.2 million credit for recovery of lost product and the annualized cost of capital. (Page 55680, Economic Impact Analysis)</p>		
16	<p>Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators (Final)</p>	<p>Final rule published October 6, 2009</p>	<p>Total costs would be \$15.5 million in each of the first 3 years for 57 existing HMIWI to comply with MACT compliance option. For alternative disposal option, total costs would be approximately \$10.6 million per year. (74 Fed. Reg. 51397-8, Economic Impacts of Revised Standards)</p>	<p>Sets revised emission limits for hospital/medical/infectious waste incinerators (HMIWI).</p>	<p>Rule will affect those who operate HMIWI, including Federal, state, tribal, and private hospitals, health care facilities, research facilities, waste disposal companies and private universities.</p>

17	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing (Final)	Final rule published December 3, 2009	Total capital costs for installing particulate control devices is \$8.1 million and annual cost is estimated to be \$3.1 million per year. (74 Fed. Reg. 63523, Economic Impact Analysis)	Sets emission standards for control of hazardous air pollutants (HAP) for the Paints and Allied Products Manufacturing area source category. EPA estimates 21% of facilities, or 460 area sources, will be required to install particulate control equipment. 110 facilities will be required to install lids or covers on their process, mixing, and storage vessels. The other affected facilities will incur costs only for submitting the notifications and for completing the annual compliance certification.	Rule applies to owners and operators of facilities performing paints and allied products manufacturing that is an area source of hazardous air pollutant (HAP) emissions and processes, uses, or generates materials containing the following HAP: benzene, methylene chloride, and compounds of cadmium, chromium, lead, and nickel. Examples of potentially regulated entities include area source facilities engaged in mixing pigments, solvents, and binders into paint and other coatings, such as stains, varnishes, lacquers, enamels, shellacs, and water repellent coatings for concrete and masonry, as well as area source facilities primarily engaged in manufacturing adhesives, glues, caulking compounds, printing inkjet inks and cartridges; indelible ink, India ink writing; ink, and stamp pad ink.
f	Standards of Performance for Coal Preparation and Processing Plants (Final)	Final rule published October 8, 2009	Total \$7.9 million in each of first 5 years of compliance. Potential additional costs for new thermal	Sets revised new source performance standards for coal preparation and processing plants.	Categories and entities potentially regulated by the revised standards include: Mining of bituminous coal, lignite, anthracite. Fossil Fuel Electric Power Generation; Paper (except Newsprint) Mills; Manufacturing of petrochemicals

			dryers estimated to range from \$133,000 to \$1.54 million per year. (74 Fed. Reg. 51975: Economic Impact Analysis)		and cement. Iron and steel mills; Fossil fuel-fired electric utility steam generating units.
19	Greenhouse Gas Reporting Rule for Additional Sources of Fluorinated GHGs (Proposed)	Final rule projected October 2010	\$6.1 - \$7.8 million in total annualized costs in the first year; \$3.9 - \$5.6 million in subsequent years (\$2006). (75 Fed. Reg. 18690, Economic Impact Analysis)	Proposes to supplement greenhouse gas mandatory reporting rule published in the Federal Register Oct. 30, 2009 by adding greenhouse gas reporting requirements for five source categories: 1) Electronics Manufacturing, 2) Fluorinated Gas Production, 3) Use of Electrical Transmission and Distribution Equipment, 4) Manufacture or Refurbishment of Electrical Equipment, and 5) Importers of Pre-charged Equipment and Closed-Cell Foams.	Rule will affect owners and operators of the referenced facilities. Regulated categories and entities include: Manufacturing of microcomputers, semiconductor devices, LCD unit screens, industrial gases, electrical equipment, air-conditioning equipment (except motor vehicle), polyurethane foam products; Power transmission and distribution switchgear and specialty transformers; Air-conditioning equipment (except room units) merchant wholesalers; Household appliance stores; and Circuit breakers merchant wholesalers.

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
20	Mandatory Reporting of Greenhouse Gases From Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills (Proposed)	Final rule published July 12, 2010	Total annualized costs of \$7 million in the first year and \$5.5 million in subsequent years (\$2006) (75 Fed. Reg. page 39753)	Proposes to supplement greenhouse gas mandatory reporting rule published in the Federal Register Oct. 30, 2009 by adding greenhouse gas reporting requirements for four source categories: magnesium production, underground coal mines, industrial wastewater treatment, and industrial waste landfills.	Rule will affect magnesium production, underground coal mines, industrial wastewater treatment, and industrial waste landfills. Potentially regulated entities include: Primary refiners of nonferrous metals by electrolytic methods; Secondary magnesium processing plants; Underground anthracite and bituminous coal mining operations; Solid waste landfills; Pulp, paper, newsprint and paperboard mills; Meat processing facilities; Frozen fruit, juice, and vegetable manufacturing facilities; Fruit and vegetable canning facilities; Sewage treatment facilities; Ethanol manufacturing facilities.
21	Review of New Sources and Modifications in Indian Country (a.k.a. NSR in Indian Country) (Proposed)	NPRM comment period closed November 20, 2006; final rule sent to OMB for review September 2010 and	Total annualized costs of compliance estimated to be \$6 million per year (Economic Impact Analysis ES-1)	EPA is developing federal regulations to govern preconstruction permitting of minor stationary sources throughout Indian country and major stationary sources of air pollution in nonattainment areas in Indian country.	Potentially regulated categories and entities include: gasoline station storage tanks and refueling; lumber manufacturer support; coal mining; furniture manufacture; medical waste incinerator; repellent and fertilizer applications; natural gas plant; oil and gas production; copper mining and processing; stone

		projected to be published as soon as December 2010			quarrying and processing; sand and gravel production; power plant-coal-fired, biomass fueled, landfill gas fired; natural gas collection and pipeline; sawmill; window and door molding manufacturer; printing operations; surface coating operations; plants of asphalt hot mix, elemental phosphorus, sulfuric acid; cobalt and tungsten recycling; surface coating operations; concrete batching plant; grain elevator; crude oil storage and distribution; natural gas compressor station; automobile refinishing shop; dry cleaners.
22	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category and Addition to Source Category List for Standards (Proposed)	Proposed rule published April 28, 2010; comment period extended	Capital costs of of \$5 million for emission controls; annualized cost of \$2.3 million. The capital costs for monitoring, reporting, and recordkeeping are estimated as \$1.0 to \$1.3 million with a total annualized cost of \$0.8 to \$1.5 million per year, depending	Proposes to add the gold mine ore processing and production area source category to the list of source categories subject to regulation under the hazardous air pollutant section of the Clean Air Act (CAA) due to their mercury emissions. EPA is also proposing national mercury emission standards for this category based on the emissions level of the best performing facilities which are well controlled for mercury.	Rule affects gold ore mining and potentially regulated entities include: establishments primarily engaged in developing the mine site, mining, and/or beneficiating (i.e., preparing) ores valued chiefly for their gold content; establishments primarily engaged in transformation of the gold into bullion or dore bar in combination with mining activities are included in this industry.

			on monitoring option that is chosen. (75 Fed. Reg. 22486, Estimates for Costs of the Proposed Rule)		
23	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (Final)	Final rule published October 29, 2009	Total capital cost of \$2.8 million; total annualized cost, including the annualized cost of capital equipment is estimated to be \$3.2 million per year (74 Fed. Reg. 56039).	Sets emission standards for the control of hazardous air pollutants for nine area source categories in the chemical manufacturing sector: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing, Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing.	The rule affects the chemical manufacturing industry. Potentially regulated categories and entities include: Chemical manufacturing area sources that use as feedstock, generate as byproduct, or produce as product, any of the HAP subject to this subpart except for: (1) Processes classified in NAICS Code 325222, 325314, or 325413; (2) processes subject to standards for other listed area source categories 2 in NAICS 325; (3) certain fabricating operations; (4) manufacture of photographic film, paper, and plate where material is coated or contains chemicals (but the manufacture of the photographic chemicals is regulated); and (5) manufacture of radioactive elements or isotopes, radium chloride, radium luminous compounds, strontium, and uranium.
24	Revisions to Motor Vehicle Fuel Economy Label (Proposed)	Proposed rule published September 23,	\$649,000—\$2.8 million per year (75 Fed. Reg.	Proposes to amend the way in which fuel economy estimates are calculated and/or displayed (but will	Rule will affect companies that manufacture or sell new light-duty vehicles, light-duty trucks, and

		2010; comment period closes November 2010	58084)	not impact the Corporate Average Fuel Economy requirements).	medium-duty passenger vehicles, as defined under EPA's CAA regulations, and passenger automobiles (passenger cars) and nonpassenger automobiles (light trucks) as defined under NHTSA's CAFE regulations.
25	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing (Final)	Final rule published January 5, 2010	Nationwide capital costs estimated to be around \$2.5 million . Annual costs estimated to be just over \$3 million/year . (75 Fed. Reg. 544, Economic Impact Analysis)	Sets emission standards for control of hazardous air pollutants (HAP) for the Prepared Feeds Manufacturing area source category.	Rule affects animal foods manufacturing and prepared animal feeds (except dog and cat).
26	Greenhouse Gas Reporting Rule re Corporate Parent and NAICS Code (Final)	Final rule published September 22, 2010	The total national cost is approximately \$944,000 in the first year and about \$470,000 in subsequent years (\$2006) (page 57682)	Proposes to further revise greenhouse gas mandatory reporting rule published in the Federal Register Oct. 30, 2009 by requiring reporters to provide additional data on U.S. parent company, NAIC codes and an indication of whether reported emissions are from a co-generation unit.	Rule will affect facilities with direct greenhouse gas emissions over 25,000 metric tons of carbon dioxide equivalent (CO ₂ e), suppliers of petroleum, natural gas, and industrial gases as well as vehicle and engine manufacturers outside the light duty sector to report to EPA annually. Examples of regulated entities include: Facilities operating boilers, process heaters, incinerators, turbines, and internal

					<p>combustion engines. Extractors of crude petroleum and natural gas. Pulp and paper mills. Manufacturers of lumber and wood products, chemicals, rubber and miscellaneous plastic products, motor vehicle parts and accessories, ammonia, Portland Cement, ferroalloys, coal products, glass, chlorodifluoromethane, hydrogen, nitric acid, ethylene dichloride, acrylonitrile, ethylene oxide, methanol, carbon black, calcium oxide, calcium hydroxide, dolomitic hydrates, phosphoric acid. Steel works, blast furnaces. Electroplating, plating, polishing, anodizing, and coloring. Electric, gas, sanitary, health and educational services. Fossil-fuel fired electric generating units. Primary Aluminum production facilities. Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace shops. Lead smelting and refining facilities. Solid waste landfills. Sewage treatment facilities. Beef cattle feedlots. Dairy</p>
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					cattle and milk production facilities. Hog and pig farms. Chicken egg production facilities. Turkey Production. Natural gas distribution and extraction facilities. Industrial gas manufacturing facilities.
27	GHG Reporting Rule for Carbon Dioxide Injection and Geologic Sequestration (Proposed)	Final Rule projected October 2010	Annual costs of \$714,000 (\$2008) on impacted CO2 injection facilities; \$344,000 for public sector burden. However, "this may underestimate the total public sector burden." (\$2008) (75 Fed. Reg. 18596 , Economic Impact Analysis)	Proposes to supplement greenhouse gas mandatory reporting rule published in the Federal Register Oct. 30, 2009 by adding greenhouse gas reporting requirements for facilities that conduct geologic sequestration or that inject CO2 underground to report greenhouse data to EPA annually.	Rule will affect enhanced oil and gas recovery projects and carbon geological sequestration projects, including all (80) CO2 injection facilities.
28	Standards of Performance for Stationary Compression Ignition and Spark Ignition Internal Combustion Engines (Proposed)	Proposed rule published June 8, 2010; comment period extended September 8, 2010	Total national capital cost estimated to be \$236,000 in the year 2018 , with total annual cost of \$142,000 in the year 2018.	Proposes revised standards of performance for new stationary compression ignition internal combustion engines under section 111(b) of the Clean Air Act. The proposed rule would implement more stringent standards for stationary compression ignition	Rule affects manufacturers that produce or any industry using a stationary internal combustion engine as defined in the proposed rule. Potentially regulated categories and entities include: Electric power generation, transmission, or distribution; Medical

			<p>The year 2018 is the first year the emission standards would be fully implemented for stationary CI engines between 10 and 30 l/cyl. Total national capital cost for proposed rule in year 2030 is \$235,000, with total national annual cost of \$711,000 (75 Fed. Reg. 32620).</p>	<p>engines with displacement greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder.</p>	<p>and surgical hospitals; Manufacturing: motor and generator, pump and compressor, welding and soldering equipment.</p>
29	<p>National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry (Final)</p>	<p>Final rule published December 30, 2009</p>	<p>Annual cost of monitoring is estimated to be \$6,800 per facility per year after the first year. The additional cost of one-time activities during the first year of compliance is estimated to be approximately</p>	<p>Sets national emissions standards for control of hazardous air pollutants (HAP) from the chemical preparations area source category.</p>	<p>Rule affects chemical product and preparation manufacturing. The final rule is estimated to impact a total of 26 area source facilities with 40% qualifying as small businesses. Potentially regulated categories and entities include: Area source facilities that manufacture chemical preparations containing metal compounds of chromium, lead, manganese, or nickel, except for manufacturers of indelible ink, India ink, writing ink, and stamp pad ink. Chemical preparations include, but</p>

			\$2,400 per facility. (74 Fed. Reg. 69206, Economic Impact Analysis)		are not limited to, fluxes, water treatment chemicals, rust preventatives and plating chemicals, concrete additives, gelatin, and drilling fluids.
Rules for which EPA provided no specific compliance cost estimate in rulemaking documents – listed by date of most recent action					
	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
30	Predictive Emission Monitory System in Stationary Sources: Performance Specification 16 (Final)	Final rule published March 2009	No cost estimate provided.	Promulgates Performance Specification (PS) 16 for predictive emissions monitoring systems (PEMS), to predict nitrogen oxides emissions from small industrial, commercial, and institutional steam generating units. Performance Specification 16 provides testing requirements for assessing the acceptability of PEMS when they are initially installed.	Rule may affect the following potentially regulated categories and entities: Stationary Gas Turbines. Steam Generating Units. Portland Cement and Rubber Tire Manufacturing. Hazardous Waste Incinerators. Coating: Large Appliances, Metal Furniture, Graphic Arts, Magnetic Tape, Metal Coil Surface, Beverage Can Surface. Industrial Surface, Pressure Sensitive Tape and Label Surface, Boat and Ship Manufacturing and Repair Surface, Plastic Parts Surface, Plastic Parts for Business Machines. Fabric Printing, Coating, and Dyeing. Leather Finishing. Wood Building products and furniture. Coke Ovens.

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
31	NESHAP: Brick and Structural Clay Products and Clay Products (Proposed)	Pre-proposal initiated June 11, 2009	TBD	The rulemaking will establish emission limits for hazardous air pollutants (HF, HCl and metals) emitted from brick and clay ceramics kilns and glazing operations at clay ceramics production facilities.	The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware, sanitaryware, pottery, and porcelain.
32	Revisions to Test Method for Determining Stack Gas Velocity Taking Into Account Velocity Decay Near the Stack Walls (Proposed)	Proposed rule published August 25, 2009	EPA expects the proposed revised method will only be used by small entities if the use of the revised method results in overall cost savings due to the voluntary nature of the method (74 Fed. Reg. 42822).	Proposes revising the voluntary test method for determining stack gas velocity taking into account the velocity decay near the stack or duct walls.	Rule will affect Fossil fuel-fired electric utility steam generating units owned by industry, Federal, State/local and Tribal governments.
33	Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of	Proposed rule published September 2, 2010	No cost estimate provided.	One of two separate rulemakings (see below for companion rulemaking) EPA is proposing to address permitting in states that do not have approved PSD programs	Potentially affected Entities include States, local permitting authorities, and tribal authorities. Any SIP-approved PSD air permitting regulation that is not

	<p>Greenhouse Gas Emissions: Federal Implementation Plan (Proposed)</p>	<p>Projected final rule December 1, 2010</p>		<p>that apply to greenhouse gas emitting sources. In this rule, EPA is proposing a Federal implementation plan (FIP) to apply in any State that is unable to submit, by its deadline, a corrective State implementation plan (SIP) revision to ensure that the State has authority to issue permits under the Clean Air Act's New Source Review Prevention of Significant Deterioration (PSD) program for sources of greenhouse gases (GHGs).</p>	<p>structured such that it includes GHGs among pollutants subject to regulation under the Act will potentially be found substantially inadequate to meet CAA requirements, under CAA section 110(k)(5), and the State will potentially be affected by this rule. For example, if a State's PSD regulation identifies its regulated NSR pollutants by specifically listing each individual pollutant and the list omits GHGs, then the regulation is inadequate (page 53884).</p>
<p>34</p>	<p>Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call (Proposed)</p>	<p>Proposed rule published September 2, 2010 Projected final rule December 1, 2010</p>	<p>No cost estimate provided.</p>	<p>One of two separate rulemakings (see above for companion rulemaking) EPA is proposing to address permitting in states that do not have approved Prevention of Significant Deterioration (PSD) programs that apply to greenhouse gas emitting sources. In this rule, EPA is proposing to find that 13 States with EPA-approved State implementation plan (SIP) New Source Review PSD programs are substantially inadequate to meet Clean Air Act requirements because they do not appear to apply PSD requirements to GHG-emitting sources. For each of these States, EPA proposes to require the State</p>	<p>Alaska; Arizona: Pinal County; Rest of State (Excludes Maricopa County, Pima County, and Indian Country); Arkansas; California: Sacramento Metropolitan AQMD, Connecticut; Florida; Idaho; Kansas; Kentucky: Jefferson County and Rest of State; Nebraska; Nevada: Clark County; Oregon; Texas; possibly other states.</p>

				<p>(through a "SIP Call") to revise its SIP as necessary to correct such inadequacies. EPA proposes an expedited schedule for States to submit their corrective SIP revision, in light of the fact that as of January 2, 2011, certain GHG-emitting sources will become subject to the PSD requirements and may not be able to obtain a PSD permit in order to construct or modify. As for the rest of the States with approved SIP PSD programs, EPA solicits comment on whether their PSD programs do or do not apply to GHG-emitting sources. If, on the basis of information EPA receives, EPA concludes that the SIP for such a State does not apply the PSD program to GHG-emitting sources, then EPA will proceed to also issue a finding of substantial inadequacy and a SIP Call for that State.</p>	
35	<p>Emissions Factors Program Improvements</p>	<p>ANPRM published October 14, 2009</p>	<p>No cost estimate provided.</p>	<p>The purpose of this Advanced Notice of Proposed Rulemaking is to convey issues raised by stakeholders about EPA's emissions factors program, inform the public of our initial ideas on how to address these issues, and solicit comments on our current thinking to resolve these issues. EPA's goal is to</p>	<p>Rule may affect owners and operators of stationary sources who use emissions factors and, including those subject to source testing requirements under EPA air rules (<i>i.e.</i>, New Source Performance Standards (NSPS), National Emissions Standards for Hazardous Air Pollutants (NESHAP), and</p>

				<p>develop a self-sustaining emissions factors program that produces high quality, timely emissions factors, better indicates the precision and accuracy of emissions factors, encourages the appropriate use of emissions factors, and ultimately improves emissions quantification. Although initially developed for emissions inventory purposes only, use of emissions factors has been expanded to a variety of air pollution control activities including permitting, enforcement, modeling, control strategy development, and risk analysis. This ANPRM discusses the appropriateness of using emissions factors for these activities.</p>	<p>Maximum Achievable Control Technology (MACT) standards) and other industry sectors.</p>
36	<p>NESHAP Residual Risk and Technology Review for Ferroalloys</p>	<p>Initiated December 2009; no timeline listed (No Pre-Proposal text currently available)</p>	TBD	<p>Under the "technology review" provision of CAA section 112, EPA must review maximum achievable control technology (MACT) standards and revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years. Under the "residual risk" provision of the CAA section 112, EPA must evaluate the</p>	TBA

				<p>MACT standards within 8 years after promulgation and promulgate standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. EPA has combined the two review activities into the "risk and technology" (RTR) reviews for the Ferroalloys Production source category.</p>	
37	<p>Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act (a/k/a Endangerment Finding) (Final)</p>	<p>Final rule published December 15, 2009</p>	<p>No cost estimate provided for greenhouse gas regulations that will result from the findings. (74 Fed. Reg. 66515-66516, 66545).</p>	<p>EPA Administrator Jackson found that (1) the current and projected concentrations of the six key well-mixed greenhouse gases — carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) — in the atmosphere threaten the public health and welfare of current and future generations; and (2) finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare. This action was a prerequisite to finalizing the EPA's proposed greenhouse gas emission</p>	<p>EPA states this action does not itself impose any requirements on industry or other entities.</p>

				<p>standards for light-duty vehicles, which EPA proposed in a joint proposal including the Department of Transportation's proposed CAFE standards on September 15, 2009 (see above). This action is also a prerequisite to issuing other EPA greenhouse gas regulations for stationary sources.</p>	
38	<p>Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j) (Proposed)</p>	<p>Proposed rule published March 30, 2010; comment period extended through the end of May 2010</p>	<p>EPA concludes the rule does not impose any new costs. (75 Fed. Reg. 15660).</p>	<p>Proposes amending the rule governing case-by-case emission limits for major sources of hazardous air pollutants under section 112(j) of the Clean Air Act. Specifically, EPA is proposing revisions to the section 112(j) rule to clarify and streamline the process for establishing case-by-case emission limits in the case of the complete vacatur of a section 112(d) rule applicable to a major source category initially listed pursuant to section 112(c)(1). In addition, EPA is also proposing revisions that would eliminate provisions of the section 112(j) rule that have become obsolete or are redundant.</p>	<p>Rule may affect the following regulated categories and entities: Facilities that polymerize vinyl chloride monomer to produce polyvinyl chloride and/or copolymer products. Manufacturing of ceramic wall and floor tile, vitreous plumbing fixtures (sanitaryware), lumber and wood products, rubber and miscellaneous plastic products, coal products, chemicals, motor vehicle parts and accessories. Pulp and paper mills. Petroleum refiners. Steel works, blast furnaces. Electroplating, plating, polishing, anodizing, and coloring. Electric, gas, sanitary, health and educational services. Sources in a source category "initially listed" and regulated under any other section 112(d) emission standard for hazardous air pollutants that is completely vacated by the Court of Appeals for the District of Columbia.</p>

39	Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program (a.k.a. Johnson Memo Reconsideration) (Final)	Final Action on Reconsideration of Interpretation published April 2, 2010	N/A	EPA determination that it will continue to apply the Agency's determination, set forth in a December 18, 2008 Administrator memorandum, that Prevention of Significant Determination (PSD) permitting requirements would not apply to a newly regulated pollutant until a regulatory requirement to control emissions of that pollutant "takes effect."	Rule affects Stationary emissions sources, including PSD permitting requirements relating to greenhouse gas emissions.
40	Revisions to the General Conformity Regulations (Final)	Final rule published April 5, 2010	No cost estimate provided.	Revises regulations requiring that Federal actions conform to the appropriate State, tribal or Federal implementation plan for attaining clean air ("General Conformity"). Prevents air quality impacts of federal agency actions from causing or contributing to a violation of a NAAQS standard.	Rule affects Federal agencies and public and private entities that receive approvals or funding from Federal agencies such as airports and seaports.
41	Renewable Fuels Standard Program: Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program; Final Rule; and Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program	Final rules published May 10, 2010 and June 30, 2010	No cost estimate provided. EPA concludes the action will not have a significant impact on a substantial number of small entities.	Amends Renewable Fuel Standard program regulations published March 26, 2010 to make technical and other changes.	Rule affects those involved with the production, distribution and sale of transportation fuels. Examples of potentially regulated entities include: Petroleum refiners, importers. Ethyl alcohol manufacturers. Other basic organic chemical manufacturers. Chemical and allied products merchant wholesalers. Petroleum bulk stations and terminals. Petroleum and petroleum products merchant wholesalers.

	(Final)				Fuel dealers.
42	Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule (Final)	Final rule published June 3, 2010	EPA concludes that the rule provides regulatory relief rather than regulatory requirements. (75 Fed. Reg. 31598: Regulatory Impact Analysis)	Sets thresholds pursuant to which EPA seeks to phase in regulation of GHG emissions from industrial and large stationary sources under: 1) the Prevention of Significant Deterioration (PSD) program which is a preconstruction review and permitting program that requires installation of "Best Available Control Technology" (BACT) pollution control equipment; and 2) the title V program, which is an operating permit program administered by state authorities. Absent the rule, EPA's view is that under the endangerment finding and subsequent light-duty vehicle rule, PSD permitting requirements would be triggered for almost 41,000 entities and title V permitting requirements for approximately 6 million entities. The rule also commits to take certain actions on future steps addressing smaller sources, but excludes certain smaller sources from PSD and title V permitting for GHG emissions until at least April 30, 2016.	Rule may affect the following potentially regulated entities and categories: Agriculture, fishing, and hunting. Mining Utilities (electric, natural gas, other systems). Manufacturing: food, beverages, tobacco, textiles, leather, wood product, paper, petroleum, coal, chemical, rubber product, chemical products, nonmetallic mineral products, primary and fabricated metal, machinery, computer and electronic products, electrical equipment, appliance, and components, transportation equipment, furniture and related products. Waste management and remediation. Hospitals/ nursing and residential care facilities. Personal and laundry services. Residential/private households. Non-Residential (Commercial).
43	Lead Emissions From Piston-Engine Aircraft Using Leaded Aviation	ANPRM closed on August 27,	TBD	ANPR and extension of comment period for EPA's announcement of a proposed rulemaking on lead	TBA

	Gasoline	2010; no timeline for proposal posted		emissions from piston engine powered aircraft using leaded aviation gasoline. Describes information available and information being collected that will be used by the Administrator to issue a subsequent proposal regarding whether, in the Administrator's judgment, aircraft lead emissions from aircraft using leaded aviation gasoline cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.	
44	Mercury Cell Chlor-Alkali NESHAP MACT	NPRM closed August 11, 2008; Supplemental NPRM sent to OMB July 2010 and projected to be published in October 2010	TBD for supplemental NPRM. (2008 NPRM did not provide estimates)	This action is a supplemental proposal for amendment of the national emission standards for hazardous air pollutants (NESHAP) for mercury emissions from mercury cell chlor-alkali plants that was promulgated in 2003. The 2003 NESHAP limited mercury air emissions from existing plants and prohibited the use of mercury in new plants.	TBA
45	Prevention of Significant Deterioration for PM2.5 - Increments, Significant Impact Levels and Significant Monitoring Concentrations	Final Rule projected October 2010	No cost estimate provided.	Proposes to facilitate implementation of PM2.5 Prevention of Significant Deterioration (PSD) program by establishing new increments, significant impact levels (SILs) and a significant monitoring	Rule will affect owners and operators of emissions sources in the following industry, Federal and state, local and tribal groups. Electric services. Petroleum refining. Industrial inorganic and organic

	a.k.a. PSD for PM2.5 - Increments, Significant Impact Levels and Significant Monitoring; Concentrations			concentration (SMC) for fine particulate matter (particles with an aerometric diameter less than or equal to a nominal 2.5 micrometers, "PM2.5").	chemicals. Natural gas liquids and transport. Pulp and paper mills. Automobile manufacturing. Pharmaceuticals.
46	National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; the Printing and Publishing Industry; and Steel Pickling--HCl Process Facilities and Hydrochloric Acid Regeneration Plants (subparts N, U, Y, KK, CCC, GGG)	NPRM projected November 2010	Cost Analysis dependent on industry (73 Fed. Reg. 60451-60455).	This action proposes 1) how EPA will address the residual risk and technology reviews conducted for 2 national emission standards for hazardous air pollutants (NESHAP), and 2) provides supplemental notice of proposed rulemaking for residual risk and technology reviews for 4 additional NESHAP previously proposed in October 2008. The 6 NESHAP include 16 source categories. This action proposes to modify the existing emissions standards for 8 source categories in 3 of the 6 NESHAP to address certain emission sources not currently regulated under these standards. It also proposes for all 6 NESHAP to address provisions related to emissions during periods of startup, shutdown, and malfunction. Finally, this action proposes changes to 2 of the 6 NESHAP to correct editorial errors,	Potentially regulated categories and industries included: Epichlorohydrin; Elastomers Production; Hypalon TM Production; chromium electroplating facilities, polymers and resins production facilities, and other various industries, such as the chemical industry, that load and unload liquid commodities in bulk onto and from marine vessels. Examples of potentially regulated categories and entities include: Nitrile Butadiene; Rubber Production; Polybutadiene Rubber Production; Styrene Butadiene; Rubber and Latex Production; Marine Vessel Loading; Mineral Wool Production; Pharmaceuticals Production; Printing and Publishing

				make clarifications, or address issues with implementation or determining compliance.	
47	Regulation to Prevent the Misfueling of Vehicles and Engines with Gasoline Containing Greater than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Programs	NPRM projected November 2010	TBD	Proposes to control and regulate distribution of fuels and fuel additives that may pose harm to the environment or public health.	TBA
48	Control of Greenhouse Gas Emissions from Heavy-Duty Vehicles	ANPRM published; proposed rule projected October 2010	TBD	Proposes to sets national emission standards to control greenhouse gas emissions from heavy duty trucks and buses.	TBA
49	Review of New Source Performance Standards for Nitric Acid Plants - Subpart G	NPRM projected November 2010	TBD	The law mandates EPA review and if appropriate revise existing New Source Performance Standards (NSPS) at least every 8 years. This NSPS was initially promulgated in 1971. This NSPS was reviewed in 1979 and 1984. On January 2010, consent decree was entered into US District Court between EPA and several environmental groups. The decree requires proposed revisions to be made by November 2010 and final revisions to be made by November 2011.	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
50	Review of the National Ambient Air Quality Standards for Carbon Monoxide	NPRM projected November 2010	TBD	<p>The law mandates EPA review and, if appropriate, revise air quality criteria for primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. The last CO NAAQS review occurred in 1994 with a decision by the Administrator not to revise the existing standards. The current review, which was initiated in September 2007, includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's decision as to whether to retain or revise the standards.</p>	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
51	Risk and Technology Review NESHAP for Shipbuilding and Ship Repair (Surface Coating) and Wood Furniture Manufacturing	NPRM projected November 2010	TBD	<p>This action would conduct residual risk and technology reviews for two industrial source categories regulated by two National Emission Standards for Hazardous Air Pollutants (NESHAP): Shipbuilding and Ship Repair (Surface Coating), and Wood Furniture Manufacturing. The underlying national emission standards that are under review in this action limit and control hazardous air pollutants. Section 112(f)(2) of the Clean Air Act (CAA) directs EPA to assess the risk remaining (residual risk) after the application of the NESHAP and promulgate additional standards if warranted to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. Also, section 112(d)(6) of the CAA requires EPA to review and revise the NESHAP as necessary at least every 8 years, taking into account developments in practices, processes, and control technologies. This action would conduct those reviews for the two source categories cited above.</p>	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
52	Revision to Definition of Volatile Organic Compounds - Exclusion of Methyl Iodide (a.k.a. Methyl Iodide Exemption from Definition of VOCs)	NPRM projected November 2010	TBD	<p>EPA lists for regulation certain volatile organic compounds (VOCs) as precursors to ozone formation under section 302(s) of the Clean Air Act (CAA) and 40 CFR 51.100(s). While all VOCs have the ability to react in the atmosphere to form ozone, some VOCs react at such a slow rate their contribution to ground-level ozone is negligible. Through regulation, the Agency can exempt negligibly reactive compounds from the definition of VOCs. VOCs that are exempted from the CAA definition are no longer necessary to control in state implementation plans for attaining the national ambient air quality standard for ozone. This rule would address whether EPA should exempt methyl iodide based on its reactivity. This compound is used as a pesticide.</p>	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
53	Malfunction Amendments to Part 63 Standards	Pre-proposal ; target date for NPRM December 2010	TBD	Proposes to amend regulations in the General Provisions of regulations promulgated under the Clean Air Act (subpart A of Part 63) that provide for or are related to an exemption from the requirement to comply with Clean Air Act section 112 emission standards during startup, shutdown, and malfunction (SSM) events.	General provisions not specific to any source category; apply when incorporated into source category-specific standards
54	Residual Risk and Technology Review: Primary Lead Smelting	Pre-proposal; NPRM expected February 2011	TBD	This action is the Risk and Technology Review (RTR) for Primary Lead Smelters. It will address both EPA's obligation under Clean Air Act (CAA) section 112(f)(2) and 112(d)(6) to conduct a residual risk review and to conduct a technology review. Under the "technology review" provision of CAA section 112, EPA is required to review maximum achievable control technology (MACT) standards and to revise them "as necessary (taking into account developments in practices, processes and control technologies)" no less frequently than every 8 years.	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
55	Oil and Natural Gas Sector -- New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and Control Techniques Guidelines	Pre-proposal stage; NPRM projected February 2011	TBD	New Source Performance Standards (NSPS) regulate criteria pollutants from new stationary sources. Two NSPS (subparts KKK and LLL) for the oil and natural gas industry were promulgated in 1985. Section 111 of the Clean Air Act (CAA) requires that NSPS be reviewed every 8 years and revised as appropriate. This action will include the required reviews under sections 111 and 112. The development of control techniques guidelines (CTG) for criteria pollutants will also be done under this action. Because the existing regulations are narrow in scope, the reviews will include consideration of broadening the scope of operations and emission points covered by the NSPS, MACT, and the companion CTG.	TBA
56	National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-fired Electric Utility Steam Generating Units	Pre-proposal stage NPRM projected March 2011	TBD	Responds to 2008 vacatur of 2005 rule requiring mercury emissions reductions from Electric Utility Steam Generating Units by imposing new reduction scheme.	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
57	Industrial-Commercial-Institutional Steam Generating Units (a.k.a. NSPS for Electric Utilities and ICI Boilers)	Pre-proposal stage NPRM projected March 2011	TBD	<p>This action will amend the NOx, SO2, and PM standards in the utility NSPS and assure proper monitoring. Conforming amendments to the industrial boiler NSPS will also be proposed to assure consistent monitoring for the various boiler rules. In addition the action will make multiple corrections to the boiler NSPS. It will also respond to the Utility Air Regulatory Group's (UARG) request for reconsideration of the January 2009 final amendments to the boiler NSPS. Issues specific to UARG's request include: 1) appropriate monitoring provisions for owners/operators of affected facilities subject to an opacity standard, but exempt from the requirement to install a continuous opacity monitoring system, and 2) the relevance of an opacity standard for owners/operators of affected facilities using a continuous emissions monitoring system.</p>	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
58	Review of the National Ambient Air Quality Standards for Particulate Matter	NPRM projected March 2011	TBD	EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 17, 2006, EPA published a final rule to revise the primary and secondary NAAQS for particulate matter to provide increased protection of public health and welfare. EPA initiated the current review in 2007 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review includes the preparation of an Integrated Science Assessment (ISA), Risk/Exposure Assessment (REA), and a Policy Assessment (PA) by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's decision as to whether to retain or revise the standards. The ISA was completed	TBA

				<p>in December 2009, the final REAs for health risk assessment and visibility assessment were finalized in June and July 2010, respectively. The first draft PA was reviewed by CASAC on April 8-9, 2010. The second draft Policy Assessment was reviewed by CASAC on July 26-27, 2010.</p>	
59	<p>Revision of New Source Performance Standards for New Residential Wood Heaters (a.k.a. NSPS Revisions for Residential Wood Heaters)</p>	<p>NPRM projected June 2011</p>	TBD	<p>Proposes revising the New Source Performance Standards (NSPS) for residential wood heaters under the Clean Air Act Section 111(b)(1)(B). This rule is expected to require manufacturers to redesign wood heaters to be cleaner and lower emitting. The revisions are also expected to retain the requirement for manufacturers to contract for testing of model lines by third-party independent laboratories, report the results to EPA, and label the models accordingly. This action does not apply to existing residential woodstoves, pellet stoves and other residential biomass heating units.</p>	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
60	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur	NPRM projected July 2011	TBD	Under the Clean Air Act, EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On October 11, 1995, EPA published a final rule not to revise either the primary or secondary NAAQS for nitrogen dioxide (NO ₂). On May 22, 1996, EPA published a final decision that revisions of the primary and secondary NAAQS for sulfur dioxide (SO ₂) were not appropriate at that time, aside from several minor technical changes. On December 9, 2005, EPA's Office of Research and Development (ORD) initiated the current periodic review of NO ₂ air quality criteria with a call for information in the Federal Register (FR). On May 3, 2006, ORD initiated the current periodic review of SO ₂ air quality criteria with a call for information in the FR. This review includes the preparation of	TBA

				<p>an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards. This review will be limited to only the secondary standards; the primary standards for SO2 and NO2 are being reviewed separately.</p>	
61	<p>NESHAP Risk and Technology Review for Pulp and Paper Industry and Chemical Recovery Combustion Sources, and NSPS review for Kraft Pulp Mills</p>	<p>Pre-proposal; NPRM projected June 2011</p>	TBD	<p>The 2004 National Academy of Sciences' (NAS) report recommended that EPA begin conducting integrated assessments that consider multiple pollutants (criteria and hazardous air pollutants, and other chemicals that may be of concern) and multiple effects (health, ecosystem, visibility) to set standards and develop planning and control strategies. In response to this recommendation, EPA's Office of Air Quality Planning and Standards (OAQPS) intends to conduct an integrated review and assessment that addresses regulatory obligations under both the National Emission Standards for</p>	TBA

				<p>Hazardous Air Pollutants and the New Source Performance Standards programs (NSPS). Section 112(f)(2) of the Clean Air Act (CAA) directs EPA to conduct risk assessments on each source category subject to maximum achievable control technology (MACT) standards, and to determine if additional standards are needed to reduce residual risks, to be completed 8 years after promulgation. Section 112(d)(6) of the CAA requires EPA to review and revise the MACT standards as necessary, taking into account developments in practices, processes and control technologies, to be done at least every 8 years. The NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (Subpart MM) was promulgated in 2001 and has not been reviewed. Similarly, the NESHAP for the Pulp and Paper Industry (Subpart S) was promulgated in 1998 and also has not been reviewed. Section 111(b)(1)(B) of the CAA mandates that EPA review and, if appropriate, revise existing New Source Performance Standards (NSPS) at</p>	
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				<p>least every 8 years. The Kraft Pulp Mill NSPS was promulgated in 1978 and is in need of review. This NSPS component of this action will include reviewing existing emission limits for particulate matter, total reduced sulfur, and opacity and evaluating the appropriateness of developing emission limits for other pollutants such as sulfur oxides, nitrogen oxide, and carbon dioxide.</p>	
62	<p>NESHAP Subpart W: Standards for Radon Emissions From Operating Uranium Mill Tailings: Review (a.k.a. NESHAP Amendments for Operating Uranium Mill Tailings (Subpart W))</p>	<p>Pre-proposal initiated June 13, 2008</p> <p>Projected date to publish NPRM August 2011</p>	TBD	<p>NESHAP Subpart W protects human health and the environment by setting radon emission standards and work practices for operating uranium mill tailings impoundments. EPA is in the process of reviewing this standard. If necessary, we will revise the NESHAP requirements for radon emissions from operating uranium mill tailings.</p>	TBA

	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
63	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Inclusion of Fugitive Emissions; Final Rule; Stay	Stay effective through October 2011	Administration concludes this action not a significant regulatory action under the terms of Executive Order 12866.	Provides for an 18 month stay of a 2008 final rule revising requirements of the major NSR programs regarding the treatment of fugitive emissions, which required these emissions to be included in determining whether a physical or operational change results in a major modification only for sources in industries that have been designated through rulemaking under section 302(j) of the CAA. The final rule amended all portions of the major NSR program regulations: permit requirements, the PSD program, and the emission offset interpretive ruling. EPA has stayed the rule pending a reconsideration proceeding.	Rule affects all industry groups. The majority of sources potentially affected are expected to be in the following industry groups: Electric Services; Petroleum Refining; Industrial Inorganic and Organic Chemicals; Natural Gas Liquids; Pulp and Paper Mills; Automobile Manufacturing; Pharmaceuticals; Mining; Agriculture, Fishing and Hunting
64	Residual Risk and Technology Review Amendments to the Secondary Aluminum Production NESHAP (a.k.a. NESHAP RTR for Secondary Aluminum Production (subpart RRR))	NPRM projected December 2011	TBD	A secondary aluminum production facility means any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material for processing. The existing 40 CFR Part 63, Subpart RRR National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Aluminum Production facilities was promulgated in 2000.	TBA

				<p>This rule regulates Hazardous Air Pollutants (HAP) from facilities that are major sources of HAP that operate aluminum scrap shredders, thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, group 2 furnaces, sweat furnaces, dross only furnaces, rotary dross coolers, and secondary aluminum processing units (SAPUs). SAPUs include group 1 furnaces and in-line fluxers. Area sources of HAP are regulated only with respect to emissions of dioxins/furans (D/F) from thermal chip dryers, scrap dryers/delacquering kilns/decoating kilns, sweat furnaces, and SAPUs. Facilities subject to these rules were required to be in compliance by March 2003. Section 112(f)(2) of the Clean Air Act (CAA) directs EPA to conduct risk assessments on each source category subject to maximum achievable control technology (MACT) standards and determine if additional standards are needed to reduce residual risks. The section 112(f)(2) residual risk review</p>	
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				<p>is to be done within 8 years after promulgation. Section 112(d)(6) of the CAA requires EPA to review and revise the MACT standards, as necessary, taking into account developments in practices, processes, and control technologies. The section 112(d)(6) technology review is to be done at least every 8 years. These risk and technology reviews for secondary aluminum production facilities will be conducted in this rulemaking, which will address possible residual risks, technology advancements, and technical deficiencies in the existing rule.</p>	
65	<p>Implementing periodic monitoring in federal and state operating permit programs (a.k.a. CAM - Compliance Assurance Monitoring Rule (Part 64))</p>	<p>Initiated August 2002</p> <p>Proposed rule target date December 2011</p>	TBD	<p>Revises the existing Compliance Assurance Monitoring rule (40 CFR part 64) to be implemented through the operating permits rules (40 CFR Parts 70 and 71). The revised CAM rule would define when periodic monitoring must be created for sources to use in determining compliance status relative to applicable requirements (e.g., emissions limits).</p>	TBA
66	<p>National Emission Standards for Hazardous</p>	<p>NPRM comment period</p>	TBA	<p>In August 2002, the Agency received a petition to remove certain</p>	TBA

	<p>Air Pollutants for Stationary Combustion Turbines- Petition to Delist (a.k.a. CAM - Compliance Assurance Monitoring Rule (Part 64))</p>	<p>closed April 2004. (Stay effective August 2004)</p> <p>Final rule publication projected November 2012</p>		<p>types of stationary gas-fired combustion turbines from the list of hazardous air pollutant sources under Section 112(c) of the Clean Air Act. Rule proposes a partial granting of the petition by proposing to delist 4 subcategories of stationary gas-fired turbines in April 2004. Simultaneously, the Agency proposed a stay of the effectiveness of the combustion turbine maximum achievable control technology (MACT) for new sources in those subcategories of turbines, delaying the imposition of control requirements for the proposed delisted new turbines until a final action is taken regarding the delisting. The Agency is waiting until the completion of the final Integrated Risk Information System (IRIS) assessment for formaldehyde before taking final action on the petition. The final IRIS action on formaldehyde is expected to occur in Fall 2011.</p>	
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	Regulation	Status	EPA Cost Estimates	Description	Potentially Regulated Entities
67	Residual Risk and Technology Review Amendments to the Phosphoric Acid and Phosphate Fertilizer Production NESHAPs (a.k.a. NESHAP RTR for Phosphoric Acid and Phosphate Fertilizer)	Pre-proposal NPRM anticipated January 2013	TBD	Phosphate rock is the primary raw material for phosphoric acid, which in turn is the raw material for phosphate fertilizer. These 2 rules are grouped together because their production processes are usually located at the same facility. Part 63 NESHAPs for phosphoric acid and phosphate fertilizer (subparts AA and BB, respectively) were promulgated in June 1999. Facilities subject to these rules were required to be in compliance by June 2002. The Clean Air Act requires EPA to address the risk remaining to the public (ie. a 'risk review') within 8 years after promulgation of the MACT standards. EPA must also conduct a technology review of the source categories within 8 years to determine whether new technology exists to reduce emissions of hazardous air pollutants (HAP) below the levels established by the MACT standards. For purposes of expediency, these 2 reviews are combined together and called a risk and technology review. The amendments will address both risk reduction and technology advancement for the phosphoric	TBA

				acid and phosphate fertilizer source categories. There are no known small businesses in this source category.	
68	Review of the National Ambient Air Quality Standards for Ozone (a.k.a. Ozone NAAQS Review)	NPRM projected May 2013	TBD	EPA is required to review and, if appropriate, revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On March 23, 2008, the EPA published a final rule to revise the primary and secondary NAAQS for ozone to provide increased protection of public health and welfare. EPA initiated the current review in October 2008 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review includes the preparation of an Integrated Science Assessment, Risk/Exposure Assessment, and a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision	TBA

				as to whether to retain or revise the standards.	
69	Review of the National Ambient Air Quality Standards for Lead (a.k.a. Lead NAAQS Review)	Pre-proposal initiated June 2010 NPRM projected December 2013	TBD	EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. On November 12, 2008, EPA published a final rule to revise the primary and secondary NAAQS for lead to provide increased protection for public health and welfare. The review began in May 2010 with a workshop to discuss key policy-relevant issues around which EPA would structure the review. This review includes the preparation of an Integrated Science Assessment, and, if warranted, a Risk/Exposure Assessment, and also a Policy Assessment Document by EPA, with opportunities for review by EPA's Clean Air Scientific Advisory Committee and the public. These documents inform the Administrator's proposed decision as to whether to retain or revise the standards.	TBA

01268-EPA-4290

Richard Windsor/DC/USEPA/US
10/28/2010 05:33 PM

To Barbara Bennett
cc
bcc
Subject Re: Sally E.

Tx! Sigh.
Barbara Bennett

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

From: Barbara Bennett
Sent: 10/28/2010 05:11 PM EDT
To: Richard Windsor; Bob Perciasepe
Cc: Diane Thompson
Subject: Sally E.

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

Barb

Barbara J. Bennett
Chief Financial Officer
U.S. EPA
202-564-1151

01268-EPA-4292

**Bob
Perciasepe/DC/USEPA/US**
10/30/2010 06:37 PM

To Richard Windsor
cc Bob Sussman, Scott Fulton, David McIntosh, Diane
Thompson, Lisa Heinzerling
bcc
Subject Materials for Reg Meeting.

Lisa:

Here are several background materials for the meeting next week.

(b)(5) Deliberative
[Redacted]

[Redacted]

Others will weigh in, and we have a time on Tuesday to discuss, (b)(5) Deliberative
[Redacted]

(b)(5) Deliberative
[Redacted]

timing chart.doc background memo for 11-3-10 WH mtg.doc Utility Schedule wo SIPs.doc

(b)(5) Deliberative
[Redacted]

Timeline for Utility Industry regulations--km.doc Significant Rule Making Color Coded.docx

01268-EPA-4293

Gina McCarthy/DC/USEPA/US

10/31/2010 11:14 PM

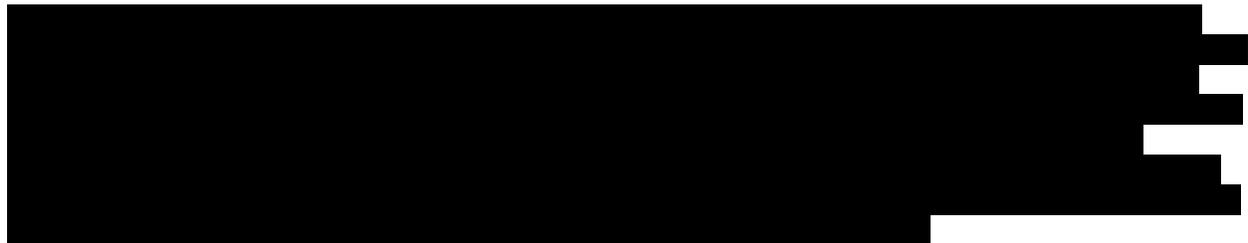
To Richard Windsor

cc "David McIntosh", Joseph Goffman, Janet McCabe, "Bob Perciasepe", "Scott Fulton"

bcc

Subject GHG BACT and Utility GHG NSPS

(b)(5) Deliberative



01268-EPA-4294

Richard Windsor/DC/USEPA/US
11/01/2010 08:21 AM

To: Gina McCarthy
cc: "David McIntosh", Joseph Goffman, Janet McCabe, "Bob Perciasepe", "Scott Fulton"
bcc:

Subject: Re: GHG BACT and Utility GHG NSPS

(b)(5) Deliberative [Redacted]

[Redacted]

Lisa
Gina McCarthy

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

From: Gina McCarthy
Sent: 10/31/2010 11:14 PM EDT
To: Richard Windsor
Cc: "David McIntosh" <McIntosh.David@EPA.GOV>; Joseph Goffman; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Scott Fulton" <Fulton.Scott@EPA.GOV>
Subject: GHG BACT and Utility GHG NSPS

(b)(5) Deliberative [Redacted]

[Redacted]

(b)(5) Deliberative



01268-EPA-4296

Gina McCarthy/DC/USEPA/US

To Richard Windsor

11/01/2010 09:03 AM

cc

bcc

Subject Re: GHG BACT and Utility GHG NSPS

Ok. Let me know if you need anything.
Richard Windsor

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

From: Richard Windsor

Sent: 11/01/2010 08:21 AM EDT

To: Gina McCarthy

Cc: "David McIntosh" <mcintosh.david@epa.gov>; Joseph Goffman; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Scott Fulton" <Fulton.Scott@epa.gov>

Subject: Re: GHG BACT and Utility GHG NSPS

(b)(5) Deliberative

Lisa

Gina McCarthy

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

From: Gina McCarthy

Sent: 10/31/2010 11:14 PM EDT

To: Richard Windsor

Cc: "David McIntosh" <McIntosh.David@EPA.GOV>; Joseph Goffman; Janet McCabe; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Scott Fulton" <Fulton.Scott@EPA.GOV>

Subject: GHG BACT and Utility GHG NSPS

(b)(5) Deliberative

(b)(5) Deliberative [Redacted]

[Redacted]

01268-EPA-4305

David
McIntosh/DC/USEPA/US
11/05/2010 05:49 PM

To "Brendan Gilfillan", "Peter Silva", "Scott Fulton"
cc "Richard Windsor", "Seth Oster", andy.adora
bcc

Subject Don't we need to demand a correction of this story?

(b)(5) Deliberative

From: David McIntosh
Sent: 11/05/2010 05:46 PM AST
To: David McIntosh
Subject: From E&ENews PM -- NUCLEAR ENERGY: NEI to join utility assault on EPA cooling-water rule

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

Personal message:

An E&E Publishing Service
NUCLEAR ENERGY: NEI to join utility assault on EPA cooling-water rule (Friday, November 5, 2010)

Katherine Ling, E&E reporter

The Nuclear Energy Institute will join investor-owned utilities in a battle against U.S. EPA's proposed cooling-water intake regulations, the industry group's top lobbyist said today.

Alex Flint, NEI's senior vice president of governmental affairs, called changing EPA's 316(b) proposal a "very high priority." As written, the rule is a "blanket policy" on technology that could force some power plants to shut down, he said.

"If there is a blanket determination on what to do with 316(b), it will have a significant impact upon operations," Flint told reporters at a post-election briefing. "We expect a number of plants would close because it would be uneconomic to build" the necessary cooling towers.

At issue is the proposed EPA cooling-water intake rule that could require use of "best available technology" to mitigate the impact on aquatic life of plants' drawing in water to cool generators. EPA has submitted the rule to the Office of Management and Budget for review and is expected to finalize the regulation next year.

A report by the nation's electric reliability organization released last month said the cooling-water intake rule could cause the most power plant retirement and disruption of U.S. electricity reliability among four high-profile EPA regulations before the agency. The report said the proposed rule could affect up to 252 gigawatts of coal, oil steam and gas steam generation units and about 60 gigawatts of nuclear power plants, or about 60 power plants, (*E&ENews PM*, Oct. 26).

Flint said the North American Electric Reliability Corp. report actually underestimates the effects of the rule on reliability, according to a forthcoming analysis of that report by NEI and the Edison Electric Institute, the policy arm of investor-owned utilities.

"We disagree with some of the analysis in NERC," Flint said. "It assumes a retrofit of all nuclear plants. We don't think that is the case."

Flint said cooling water towers could cost between \$600 million and \$2 billion, may face issues with state permits, or may not be possible because of land constraints.

Exelon Corp.'s Oyster Creek nuclear power plant in New Jersey is an example of a plant that would be shut down if a blanket rule were to go forward, Flint said. Exelon estimates it would cost \$700 million to \$800 million to build cooling towers at Oyster Creek, one of the oldest nuclear plants in the

nation.

EPA, the Federal Energy Regulatory Commission and members of Congress have criticized the NERC report for analyzing the impact of the EPA rules under current electricity supply plans, and not taking into account generation or demand-response projects that could meet electricity needs or waiting until EPA finalized its cooling-water intake rule.

Other NEI priorities

Flint expressed optimism about NEI priorities in the upcoming lame-duck session and saw hope for an energy bill in the next Congress.

Instead of bills concentrated on climate issues, Flint said, bills will focus on how best to support "rapid deployment" of clean technologies.

"The institution is well-structured to do an energy-centered bill going forward," Flint said of Congress. "I can see energy legislation moving in the traditional way out of House Energy and Commerce and the Senate Energy and Natural Resources ... that have the basis for what the president has laid out with smaller energy legislation going forward."

Flint added that it will be important for the White House to "engage in that process" and "frankly, to ensure the scope doesn't get so large that it doesn't get unmanageable."

Nuclear energy will be a "fundamental element" of the discussion because it is considered "middle ground" for both parties, Flint said.

"It is not by accident that it was mentioned in the president's talk and Mr. Boehner's talk," he said of separate briefings this week by President Obama and House Minority Leader John Boehner (R-Ohio). "It is an area in which there could be mutual agreement amongst the parties."

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01268-EPA-4306

Peter Silva/DC/USEPA/US
11/05/2010 06:58 PM

To Brendan Gilfillan, David McIntosh, Scott Fulton
cc Richard Windsor, Seth Oster, Adora Andy, Betsaida Alcantara
bcc

Subject Re: Don't we need to demand a correction of this story?

(b)(5) Deliberative

From: Brendan Gilfillan
Sent: 11/05/2010 06:51 PM EDT
To: David McIntosh; Peter Silva; Scott Fulton
Cc: Richard Windsor; Seth Oster; Adora Andy; Betsaida Alcantara
Subject: Re: Don't we need to demand a correction of this story?

(b)(5) Deliberative

From: David McIntosh
Sent: 11/05/2010 05:49 PM EDT
To: Brendan Gilfillan; Peter Silva; Scott Fulton
Cc: Richard Windsor; "Seth Oster" <(b) (5) Deliberative andy.adora@epa.gov>
Subject: Don't we need to demand a correction of this story?

(b)(5) Deliberative

From: David McIntosh
Sent: 11/05/2010 05:46 PM AST
To: David McIntosh
Subject: From E&ENews PM -- NUCLEAR ENERGY: NEI to join utility assault on EPA cooling-water rule

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

Personal message:

An E&E Publishing Service

NUCLEAR ENERGY: NEI to join utility assault on EPA cooling-water rule (Friday, November 5, 2010)
Katherine Ling, E&E reporter
The Nuclear Energy Institute will join investor-owned utilities in a battle against U.S. EPA's proposed cooling-water intake regulations, the industry group's top lobbyist said today. Alex Flint, NEI's senior vice president of governmental affairs, called changing EPA's 316(b)

proposal a "very high priority." As written, the rule is a "blanket policy" on technology that could force some power plants to shut down, he said.

"If there is a blanket determination on what to do with 316(b), it will have a significant impact upon operations," Flint told reporters at a post-election briefing. "We expect a number of plants would close because it would be uneconomic to build" the necessary cooling towers.

At issue is the proposed EPA cooling-water intake rule that could require use of "best available technology" to mitigate the impact on aquatic life of plants' drawing in water to cool generators. EPA has submitted the rule to the Office of Management and Budget for review and is expected to finalize the regulation next year.

A report by the nation's electric reliability organization released last month said the cooling-water intake rule could cause the most power plant retirement and disruption of U.S. electricity reliability among four high-profile EPA regulations before the agency. The report said the proposed rule could affect up to 252 gigawatts of coal, oil steam and gas steam generation units and about 60 gigawatts of nuclear power plants, or about 60 power plants, (*E&ENews PM*, Oct. 26).

Flint said the North American Electric Reliability Corp. report actually underestimates the effects of the rule on reliability, according to a forthcoming analysis of that report by NEI and the Edison Electric Institute, the policy arm of investor-owned utilities.

"We disagree with some of the analysis in NERC," Flint said. "It assumes a retrofit of all nuclear plants. We don't think that is the case."

Flint said cooling water towers could cost between \$600 million and \$2 billion, may face issues with state permits, or may not be possible because of land constraints.

Exelon Corp.'s Oyster Creek nuclear power plant in New Jersey is an example of a plant that would be shut down if a blanket rule were to go forward, Flint said. Exelon estimates it would cost \$700 million to \$800 million to build cooling towers at Oyster Creek, one of the oldest nuclear plants in the nation.

EPA, the Federal Energy Regulatory Commission and members of Congress have criticized the NERC report for analyzing the impact of the EPA rules under current electricity supply plans, and not taking into account generation or demand-response projects that could meet electricity needs or waiting until EPA finalized its cooling-water intake rule.

Other NEI priorities

Flint expressed optimism about NEI priorities in the upcoming lame-duck session and saw hope for an energy bill in the next Congress.

Instead of bills concentrated on climate issues, Flint said, bills will focus on how best to support "rapid deployment" of clean technologies.

"The institution is well-structured to do an energy-centered bill going forward," Flint said of Congress. "I can see energy legislation moving in the traditional way out of House Energy and Commerce and the Senate Energy and Natural Resources ... that have the basis for what the president has laid out with smaller energy legislation going forward."

Flint added that it will be important for the White House to "engage in that process" and "frankly, to ensure the scope doesn't get so large that it doesn't get unmanageable."

Nuclear energy will be a "fundamental element" of the discussion because it is considered "middle ground" for both parties, Flint said.

"It is not by accident that it was mentioned in the president's talk and Mr. Boehner's talk," he said of separate briefings this week by President Obama and House Minority Leader John Boehner (R-Ohio). "It is an area in which there could be mutual agreement amongst the parties."

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01268-EPA-4307

Michael Moats/DC/USEPA/US

To Richard Windsor

11/08/2010 03:05 PM

cc Brendan Gilfillan

bcc

Subject ACTION draft of the National Council of Churches

Administrator, (b)(5) Deliberative

[REDACTED]. Let me know if you get a chance to review and have thoughts. Thanks.

Mike

(b)(5) Deliberative

20101109 National Council of Churches (3).doc

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

01268-EPA-4319

Michael Moats/DC/USEPA/US
01/04/2011 12:02 PM

To Seth Oster, Richard Windsor
cc
bcc

Subject Re: Draft Op-Ed -- Alternative opening

(b)(5) Deliberative
[Redacted]

[Redacted]

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

Seth Oster Administrator -- as we discussed, the... 01/04/2011 11:55:44 AM

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Michael Moats/DC/USEPA/US@EPA
Date: 01/04/2011 11:55 AM
Subject: Draft Op-Ed

Administrator -- as we discussed, (b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Let us know what you think.

Seth

Seth Oster
Associate Administrator
Office of External Affairs and Environmental Education

Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

DRAFT

(b)(5) Deliberative



(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

01268-EPA-4330

Richard Windsor/DC/USEPA/US
01/07/2011 03:12 PM

To Gina McCarthy, "David McIntosh"
cc
bcc

Subject Re: Pew and EPA

(b)

Gina McCarthy

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

From: Gina McCarthy
Sent: 01/07/2011 02:58 PM EST
To: Richard Windsor; McIntosh.David@EPA.GOV
Subject: Fw: Pew and EPA

(b)(5) Deliberative

POLITICS: One Republican, unhappy with his party's position on carbon, prepares a new agenda (12/14/2010)

Evan Lehmann, E&E reporter

Sen. Lindsey Graham is concerned that the Republican Party faces political dangers by resisting efforts to reduce carbon dioxide and other air pollution. That assertion seems to challenge GOP campaigns this year, in which candidates often rejected the science behind climate change.

Graham, a Republican from South Carolina, is designing an agenda for next year featuring a clean energy standard for utilities, which rewards increased nuclear and renewable power alike. Similar ideas have failed because they tended to dilute incentives for wind and solar. But under an increasingly conservative Congress, many advocates see that outcome as a potential victory, under reduced expectations.

For Graham, it might mark another opportunity to insert himself in the center of the energy debate. He says it's urgent to begin a speedy national transition to clean technology. He points to jobs, jobs, jobs. He predicts new energy mandates can be tailored to help businesses compete with China and not harm them economically.

Sen. Lindsey Graham (R-S.C.) Photo courtesy of his office.

Politics is not far from the calculation, either. Graham shrugged off the notion that he might feel a conservative backlash in 2014, when he's up for re-election, by pushing forward with an agenda that counts clean air as a central objective.

"I'm concerned that if the Republican Party doesn't embrace the idea [that] it's OK to clean up the air, we're gonna lose young people forever," Graham told *Climate* Wire. "Whether you like it or not, young people are environmentally sensitive. I happen to like it."

"So the Republican Party has to find out where are we at on carbon? The more, the better, or is it something we should control in a business-friendly manner?" he added. "I'm in the camp that all things being equal, that it would be good to clean up the air, carbon being just one pollutant. But I want to do it in a way that creates jobs, not loses jobs."

When the new Congress assembles next month, the Senate could be where the action on energy is. The incoming Republican-led House is expected to focus on challenging President Obama's policies, while diving into spending and tax issues. The Senate's thinner party split might spark cooperation, observers say.

The idea of a clean energy standard is already finding some traction. Energy Secretary Steven Chu said last week the policy is something that "Congress should think about seriously," though the White House and Energy Department stress that it's just one of many policies that should be considered.

A formula to pre-empt EPA climate rules?

Sen. Ben Cardin (D-Md.), a liberal member of the Environment and Public Works Committee, called the standard a "good starting point" in the effort to address climate change.

"If a clean energy standard gets us all off of imported oil, that's good," he said. "If it gets us using more alternative renewable energy sources, that's good. If it gets us off of more fossil-based energy sources, that's good. If it creates more jobs here in America, that's good."

Including "clean coal" in the standard by either allowing utilities to get credits for using future carbon sequestration technologies or reducing the amount of renewable power they must obtain could be a point of consternation for some Democrats. But it's not a "non-starter," Cardin said.

A clean energy standard has been in the shadows of stricter environmental policies for several years. It was introduced by Graham this year as a substitute for a renewable energy standard passed by the Senate Energy and Natural Resources Committee in 2009. No nuclear power or "clean coal" was included in that bipartisan legislation.

"We've had that debate around for many years, and I haven't seen a proposal for a clean energy standard that continued to provide a real incentive for renewable energy," said Sen. Jeff Bingaman (D-N.M.), chairman of that panel, who calculates it this way: There's less room for wind and solar in a program that allows for power from nuclear and coal sources.

But Eileen Claussen, president of the Pew Center on Global Climate Change, says it's no radical GOP achievement to add those types of energy technologies into legislation that cuts carbon emissions. She notes that provisions supporting new nuclear plants and coal sequestration projects were within the sprawling Senate climate legislation heralded by Democrats this year. That bill failed, largely because it had a cap-and-trade component.

"I think if it's done right, it would be very helpful," Claussen said of a clean energy standard. She went even further to say that if the standard achieved enough clean power production and greenhouse gas reductions, it might be reasonable for the legislation to pre-empt U.S. EPA's authority to regulate carbon emissions.

Vague endorsement from a tea party leader

Still, she wonders if such a standard, even under a Republican's name, is possible in the next Congress. Incoming GOP freshmen in both chambers have promised to resist big government intrusion on private companies and taxpayers. An energy standard of any kind could fall under that ax.

But a clean energy standard is "a good agenda item" for conservatives, said Sen. Jim DeMint (R-S.C.), a key supporter of incoming tea party lawmakers.

"I think a conversion to nuclear makes a whole lotta long-term economic sense," he said. "And it's certainly good for the environment. So it doesn't make a whole lotta sense to come up some elaborate cap-and-trade scheme."

DeMint, however, never mentioned renewable energy in a brief interview and provided a clear warning about government intrusion on the energy markets: "We just want to do it within some reasonable cost-benefit parameters, and not keep picking

winners and losers with subsidies."

That South Carolina is home to Graham and DeMint helps explain why a clean energy standard might be appealing to Southeasterners, says Jason Grumet, president of the Bipartisan Policy Center. There's a perception that the region is short on renewable energy resources, prompting some utilities to say a renewable electricity standard would make them less competitive. So politicians, often of both parties, have pushed back. Add nuclear power, coal and natural gas, though, and the calculation might be different.

"I think the idea of a clean-energy portfolio standard has a lot of promise," Grumet said. "It's never been given a real run. If you just look at the interests and geographies that it brings together, it presents a very good entry point for bipartisan legislation."

Graham is one of several Republicans who might be key clean-energy players in the next Congress, analysts say. Sen. Dick Lugar (R-Ind.) introduced broad energy efficiency legislation this year, and he will "probably continue to do so" next year, Lugar said in the Capitol.

"I think there were many elements in it that might have appeal," he added.

A GOP that is 'environmentally sensitive'?

Sen. Lamar Alexander (R-Tenn.), meanwhile, offered bills this session to further regulate air pollutants from power plants, and to enhance the electrification of automobiles. In a recent speech, he criticized Democrats for pushing catchall bills that sought to do too much. He was aiming, in part, at climate legislation.

Still, his agenda for next year includes strides to power half of the nation's cars with electricity. Some analysts cheer that effort, but note that parallel efforts to advance clean energy must accompany the move. Otherwise, those cars would be fueled with electricity derived from coal.

As for Graham's worries about losing younger voters who want cleaner air? The Pew Research Center for the People & the Press says his concern is consistent with its polling research. In an October survey, 66 percent of respondents aged 18 to 29 said there's solid evidence the Earth is warming, compared to 55 percent of respondents who are at least age 65.

There's a bigger disparity between those two age categories on whether climate change is caused by humans. Forty-three percent of younger respondents say the effects are man-made, compared to 25 percent of the older survey takers.

"See, the Republican Party is in a box here," Graham said. "Are we for sulfur emissions? You know, I mean, where are we at on pollution? The EPA was created by Richard Nixon. I'd like to be seen as a party that's environmentally sensitive, but also pro-business. **They're not inconsistent.**"

01268-EPA-4339

David
McIntosh/DC/USEPA/US
01/11/2011 07:55 PM

To Richard Windsor
cc Diane Thompson
bcc
Subject Re: Green Cabinet Meeting Agenda

(b)(5) Deliberative



Heidi Ellis Green Cabinet Meeting January 12, 2011 01/11/2011 04:40:12 PM

From: Heidi Ellis/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 01/11/2011 04:40 PM
Subject: Green Cabinet Meeting Agenda

Green Cabinet Meeting
January 12, 2011
EEOB Room 430 B/C
3 PM
AGENDA

(b) (5)



(b) (5) [Redacted]

[Redacted]

IV. Next steps

Heidi M. Ellis
Director of Scheduling
Office of the Administrator | US EPA
Phone: 202-564-3204
Cell: 202-355-5212
Fax: 202-501-1480

01268-EPA-4341

Richard Windsor/DC/USEPA/US
01/11/2011 08:03 PM

To David McIntosh
cc Diane Thompson
bcc
Subject Re: Green Cabinet Meeting Agenda

Tx
David McIntosh

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

From: David McIntosh
Sent: 01/11/2011 07:55 PM EST
To: Richard Windsor
Cc: Diane Thompson
Subject: Re: Green Cabinet Meeting Agenda

(b)(5) Deliberative



Heidi Ellis Green Cabinet Meeting January 12, 2011 01/11/2011 04:40:12 PM

From: Heidi Ellis/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 01/11/2011 04:40 PM
Subject: Green Cabinet Meeting Agenda

Green Cabinet Meeting

**January 12, 2011
EEOB Room 430 B/C
3 PM**

AGENDA

(b) (5)



IV. Next steps

Heidi M. Ellis
Director of Scheduling
Office of the Administrator | US EPA
Phone: 202-564-3204
Cell: 202-355-5212
Fax: 202-501-1480

01268-EPA-4353

David
McIntosh/DC/USEPA/US
01/13/2011 10:00 PM

To Al Armendariz
cc Arvin Ganesan, Bob Perciasepe, Diane Thompson, Michelle DePass, Peter Silva, Richard Windsor, Seth Oster, "Larry Elworth", "Scott Fulton", "David McIntosh"
bcc
Subject Re: CONFIDENTIAL - Tribal Affairs / Congressional Issue in Oklahoma

(b)(5) Deliberative
[Redacted]

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

From: Al Armendariz
Sent: 01/13/2011 08:41 PM CST
To: David McIntosh
Cc: Arvin Ganesan; Bob Perciasepe; Diane Thompson; Michelle DePass; Peter Silva; Richard Windsor; Seth Oster; "Larry Elworth" <elworth.lawrence@epa.gov>; "Scott Fulton" <fulton.scott@epa.gov>; "David McIntosh" <mcintosh.david@epa.gov>
Subject: Re: CONFIDENTIAL - Tribal Affairs / Congressional Issue in Oklahoma

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Al

Al Armendariz
Regional Administrator
Environmental Protection Agency
Region 6

Dallas, Texas
armendariz.al@epa.gov
office: 214-665-2100
twitter: @al_armendariz

-----David McIntosh/DC/USEPA/US wrote: -----
To: Al Armendariz/R6/USEPA/US@EPA, "David McIntosh" <mcintosh.david@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Larry Elworth" <elworth.lawrence@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, "Scott Fulton" <fulton.scott@epa.gov>
From: David McIntosh/DC/USEPA/US
Date: 01/13/2011 08:27PM
Subject: Re: CONFIDENTIAL - Trial Affairs / Congressional Issue in Oklahoma

(b)(5) Deliberative
[Redacted]

----- Original Message -----
From: Al Armendariz
Sent: 01/13/2011 07:45 PM CST
To: "David McIntosh" <mcintosh.david@epa.gov>; Arvin Ganesan; Michelle DePass; Peter Silva; Diane Thompson; "Larry Elworth" <elworth.lawrence@epa.gov>; Richard Windsor; Bob Perciasepe; Seth Oster; "Scott Fulton" <fulton.scott@epa.gov>
Subject: CONFIDENTIAL - Trial Affairs / Congressional Issue in Oklahoma

Hello everyone,

(b)(5) Deliberative
[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Best to all,

Al

Al Armendariz
Regional Administrator
Environmental Protection Agency
Region 6
Dallas, Texas
armendariz.al@epa.gov
office: 214-665-2100
twitter: @al_armendariz

01268-EPA-4355

David
McIntosh/DC/USEPA/US
01/17/2011 10:07 AM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Bob
Sussman, Seth Oster, Arvin Ganesan
cc
bcc

Subject Fw: Environment: Dear Colleague: EPA - AGENCY GONE
WILD

Just FYI. [Not unexpected.](#)

From: e-Dear Colleague
Sent: Friday, January 14, 2011 4:52 PM
To: E-DEARCOLL_ISSUES_A-F_0000@ls2.house.gov
Subject: Environment: Dear Colleague: EPA - AGENCY GONE WILD

EPA - AGENCY GONE WILD

From: The Honorable Don Young

Sent By: Jeremy.Price@mail.house.gov

Date: 1/14/2011

Become an original cosponsor to reign in the EPA

Dear Colleague,

On January 13, 2011, the Environmental Protection Agency (EPA) took the unprecedented step of revoking a 404 permit that was issued by the Corps of Engineers in 2007 to stop a coal mine from operating in West Virginia. Never before has the EPA usurped this power and authority. What's worse, this "agency gone wild" is not done. A mine in Kentucky is next on the list for possible permit revocation. The Congress must act now to rein in this radical agency. *BEWARE! A project in your district may be next!*

I invite you to become original cosponsors of my bill (H.R. 5992 from the 111th Congress) to eliminate EPA's veto authority over the Corps of Engineers. Section 404 of the Clean Water Act gives authority to the Army Corps of Engineers to issue permits for discharges of dredged or fill material into navigable waters at specified disposal sites. Permit applicants must meet requirements that have been established by the Corps and the EPA. In turn, the Corps issues these 404 permits for activities including construction, mining, farming, and other purposes.

However, the Clean Water Act also gives EPA the authority to overturn the Corps decision if the discharge of materials will have an unacceptable adverse effect on municipal water supplies, shellfish beds, fishery areas, wildlife, and recreation areas. While this language may have had good intentions, the EPA can stop a project by withholding the permit. And now, it is revoking Corps permits even after they're issued.

Giving EPA so much authority over construction projects, mining activities, and energy production projects has become problematic in recent years.

If you would like to become a cosponsor of this legislation, please contact Jeremy Price of my staff at 5-5765.

Sincerely,

DON YOUNG

Member of Congress

Visit the [e-Dear Colleague Service](#) to manage your subscription to the available Issue and Party list(s).

01268-EPA-4362

**David
McIntosh/DC/USEPA/US**
01/18/2011 06:25 PM

To Richard Windsor
cc
bcc

Subject Fw: follow up on prop 23 WH briefing

Hi Administrator. I think the attached is worth a read. It's the briefing Axelrod recently got.
----- Forwarded by David McIntosh/DC/USEPA/US on 01/18/2011 06:25 PM -----

From: "Herzog, Antonia" <aherzog@nrdc.org>
To: David McIntosh/DC/USEPA/US@EPA
Cc: <ganeasan.arvin@epa.gov>, "Slesinger, Scott" <sslesinger@nrdc.org>, Seth Oster/DC/USEPA/US@EPA
Date: 01/18/2011 06:23 PM
Subject: RE: follow up on prop 23 WH briefing

Here it is. Confidential and preliminary till the full national polling results can be folded in this week. It has been shared with a few select Hill staff as well. Any questions let me know.

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

From: McIntosh.David@epamail.epa.gov
[mailto:McIntosh.David@epamail.epa.gov]
Sent: Tuesday, January 18, 2011 6:20 PM
To: Herzog, Antonia
Cc: ganeasan.arvin@epa.gov; Slesinger, Scott; Oster.Seth@epamail.epa.gov
Subject: Re: follow up on prop 23 WH briefing

Thanks Antonia. We'd love to see the memo. And Seth (cc'd here) hopefully will be able to attend your briefing of EPA Comms.
-David

From: "Herzog, Antonia" <aherzog@nrdc.org>
To: David McIntosh/DC/USEPA/US@EPA
Cc: <ganeasan.arvin@epa.gov>, "Slesinger, Scott" <sslesinger@nrdc.org>
Date: 01/18/2011 05:37 PM
Subject: follow up on prop 23 WH briefing

CONFIDENTIAL.

David,

Annie Notthoff from our SF office and Wade Crowfoot from SF EDF office along with the campaign pollster briefed Axelrod and a couple other WH staff (at their request) on the success of the prop 23 campaign last Tuesday (a similar briefing was given to select Senate staff that day and select House staff late last year).

We are right now finishing up focus group and national polling on CAA messaging. We hope to brief the WH on it Friday (nothing set up yet). It was mentioned in the prop 23 briefing and we gave them a memo

summarizing the focus group results which had already been completed (do you want to see this too?). They expressed interest in hearing more.

In fact, I am currently arranging a briefing with EPA comms folks on the focus grp/polling results. Kate Smolski of USCAN got a request from the Comms Director in the EPA climate change division (Erin?) to come in and discuss any recent polling the community had done. I very much hope you can participate in that briefing too. Working on a date still.

Antonia

Antonia Herzog, Ph.D.
Assistant Director
Climate Center
Natural Resources Defense Council
1200 New York Ave. NW, Suite 400
Washington, DC 20005
202-289-2428



handout for Hill staff_1_10_11.docx

Communicating on new EPA air pollution standards

Preliminary recommendations from eight focus groups

January 2011

Overview of Findings

BRS conducted eight focus groups among voters in Boston, Las Vegas, Harrisburg, and Cleveland between November 30 and December 13, 2010. Participants in all of the groups were voters and news consumers. Six of the groups consisted of swing voters with moderate views on environmental issues. The remaining two groups were conducted among voters who hold more environmentally-leaning views. This is the first phase of a larger research project, and will be followed by a national telephone survey. Key findings include these:

- Support for EPA mission: Despite strains of anti-government attitudes among the public, the overwhelming view in the discussions is that the EPA is a necessary government agency that protects the air, water, and our health.
- Threats to health drive concerns about pollution: As we have found in previous research, the primary reason that voters in our discussions worry about air pollution is that they believe it causes health problems and want to protect themselves and their families. Asthma is the main health problem that is top of mind when these voters think of air pollution.
- Air pollution still seen as a problem: Many of the voters, particularly the older men and women, say that air pollution has improved a great deal over the past thirty or forty years. At the same time, others cite increased rates of asthma as a sign that pollution is still a problem or has even worsened. Overall, these voters agree the air quality could be improved.

- Support for EPA efforts to reduce air pollution: Although none in the groups had heard about the upcoming EPA rules before our discussions, most say that reducing toxic pollution and smog is something the EPA should be working on and they are willing to support stricter standards. For most, the fact that there is currently no limit on carbon emissions is reason enough to support the EPA action on carbon dioxide. Although few identify that global warming is the reason for concern, they believe that putting unlimited amounts of any pollutant into the atmosphere must be problematic. Educating them about the link to global warming does not make the case more urgent, and in fact only increases the level of confusion because so many are ill-informed about global warming and have been persuaded that there is a serious scientific debate about whether it is caused by people or is part of a natural cycle.
- Health-related statistics generate urgency: Including statistics about the number of people sickened or killed by pollution and the related health care costs makes the need for quick action more apparent to the voters in our groups.
- Fairness helps make the case for action: Even the most skeptical voters in our groups agree with the toxic pollution rules when they hear that the rules will level the playing field by bringing older facilities up to current standards. They do not think it is fair for some companies to get away with not meeting the standards that others do because they were grandfathered or found loopholes in the current standards. This information also creates a “villain” who is holding back progress – the “big polluters” who have been resisting regulations or have been grandfathered.
- Opposition arguments about jobs and economy can gain slight traction and answering that the rules could actually create jobs is credible for many: In the absence of strong communications that make the case for acting now, some of the voters in our groups are susceptible to arguments that the EPA should wait to take action on these pollutants until the economy is stronger because of the risk to jobs and the economy. However, when it is suggested that the updated standards could create jobs in installing new technology and by spurring innovation, many of the voters say it answers their concerns about whether now is the time. Another response many find effective is that the dollar savings on health care will be greater than the costs to industry. Less effective is the assertion that this is just the same old complaint by industry – like the car companies saying that adding seatbelts would destroy

their industry. Although some find it compelling, others say that we could still wait for the regulations until the economy improves a little.

- Addressing Congressional attacks: Even the voters in the groups most skeptical of global warming are resistant to the idea of Congress telling the EPA not to regulate carbon pollution. Congress is much less trusted than the EPA, and most of these voters believe that regulating pollutants, including carbon dioxide, is the job of the EPA, not Congress. The voters are receptive to messages blaming “polluting campaign contributors” for encouraging this Congressional interference. This villain is particularly powerful because it fits with feelings the voters already have about their government – that it favors the interests of a few large companies and rich people over the needs of the rest of the country.

Message and Communications Recommendations

Language and terms

Use:

- ✓ Update/improve the Clean Air Act: suggests that the EPA is not starting from scratch but is building on standards that are already working.
- ✓ Enforcement
- ✓ Safeguards/Standards: sound less burdensome and bureaucratic than rules/regulations.
- ✓ Life-threatening pollution
- ✓ Health-threatening pollution
- ✓ Toxic: Instantly communicates a danger to health
- ✓ Carbon pollution or carbon dioxide
- ✓ Lessen the impact of global warming

Avoid:

- Set **new** standards/make **new** rules
- Poison connects to household chemicals instead of pollution
- Global warming pollution
- Greenhouse gases

Preliminary Message Recommendations

At this time, we recommend that the overall message include the following elements:

- A headline focused on “updates” or “improvements” to the Clean Air Act to address “life-threatening” or “health-threatening” pollution;
- An assertion that the technology to reduce pollution is available;
- Specific examples of pollutants that will be affected;
- Two to four statistics that show the impact these pollutants have on people’s health; and
- “Big polluters” as the villain

The survey will help us refine the recommendations, but some examples of using the message in various contexts are below:

Bumper sticker message: Update air pollution standards for the health of our families.

One-sentence message: The EPA should protect our health and our families by improving its standards to address mercury, arsenic, carbon dioxide, and other life-threatening pollution in our air.

30-second message: We can protect the health of our families and communities by supporting the EPA’s efforts to update the Clean Air Act to address more sources and types of life-threatening pollution such as mercury, arsenic, smog, and carbon dioxide. The rules need updating because air pollution costs us \$100 billion a year in health costs; because reducing pollution will prevent up to tens of thousands of asthma attacks a year; and because there is currently no limit on the amount of carbon pollution companies are allowed to emit. The technology exists to greatly reduce the air pollution affecting our communities, but big polluters have blocked progress for too long. Tell INSERT TARGET to support stronger standards.

Dos and Don'ts

DO	DON'T
Keep the focus on preventing pollution that harms people's health	Spend too much time on the other side's themes, such as jobs
Talk about limits on specific pollutants, such as mercury, lead, arsenic, or carbon dioxide	Leave your communications vague, about "pollution" in general
Say we have the technology to reduce pollution; highlight examples of companies using it	Get into the details of specific technologies
Point out that there is currently <u>no limit</u> on the amount of carbon dioxide pollution that can be released	Communicate on carbon dioxide in terms of global warming
Use two to four examples that show the impact of pollution on health or health care costs	Overwhelm with more than four examples
Use specific numbers if you can: <i>i.e.</i> smog pollution causes 3,700 deaths a year. Asthma in particular is a strong example	Use softer assertions such as something being "associated with" cancer
Cite university studies or other independent research	Rely on EPA research to justify EPA actions
Talk about "leveling the playing field" by making all polluters follow the same rules	
For a villain: "big polluters" who have been blocking stronger standards; or when Congress gets involved – politicians and their polluting campaign contributors	

01268-EPA-4364

Richard Windsor/DC/USEPA/US
01/18/2011 09:32 PM

To David McIntosh, "Seth Oster"
cc
bcc

Subject Re: follow up on prop 23 WH briefing

V inyteresting. Tx.
David McIntosh

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

From: David McIntosh
Sent: 01/18/2011 06:25 PM EST
To: Richard Windsor
Subject: Fw: follow up on prop 23 WH briefing

Hi Administrator. I think the attached is worth a read. It's the briefing Axelrod recently got.

----- Forwarded by David McIntosh/DC/USEPA/US on 01/18/2011 06:25 PM -----

From: "Herzog, Antonia" <aherzog@nrdc.org>
To: David McIntosh/DC/USEPA/US@EPA
Cc: <ganeasan.arvin@epa.gov>, "Slesinger, Scott" <sslesinger@nrdc.org>, Seth Oster/DC/USEPA/US@EPA
Date: 01/18/2011 06:23 PM
Subject: RE: follow up on prop 23 WH briefing

Here it is. Confidential and preliminary till the full national polling results can be folded in this week. It has been shared with a few select Hill staff as well. Any questions let me know.

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

From: McIntosh.David@epamail.epa.gov
[mailto:McIntosh.David@epamail.epa.gov]
Sent: Tuesday, January 18, 2011 6:20 PM
To: Herzog, Antonia
Cc: ganeasan.arvin@epa.gov; Slesinger, Scott; Oster.Seth@epamail.epa.gov
Subject: Re: follow up on prop 23 WH briefing

Thanks Antonia. We'd love to see the memo. And Seth (cc'd here) hopefully will be able to attend your briefing of EPA Comms.
-David

From: "Herzog, Antonia" <aherzog@nrdc.org>
To: David McIntosh/DC/USEPA/US@EPA
Cc: <ganeasan.arvin@epa.gov>, "Slesinger, Scott" <sslesinger@nrdc.org>
Date: 01/18/2011 05:37 PM
Subject: follow up on prop 23 WH briefing

CONFIDENTIAL.

David,

Annie Notthoff from our SF office and Wade Crowfoot from SF EDF office along with the campaign pollster briefed Axelrod and a couple other WH staff (at their request) on the success of the prop 23 campaign last Tuesday (a similar briefing was given to select Senate staff that day and select House staff late last year).

We are right now finishing up focus group and national polling on CAA messaging. We hope to brief the WH on it Friday (nothing set up yet). It was mentioned in the prop 23 briefing and we gave them a memo summarizing the focus group results which had already been completed (do you want to see this too?). They expressed interest in hearing more.

In fact, I am currently arranging a briefing with EPA comms folks on the focus grp/polling results. Kate Smolski of USCAN got a request from the Comms Director in the EPA climate change division (Erin?) to come in and discuss any recent polling the community had done. I very much hope you can participate in that briefing too. Working on a date still.

Antonia

Antonia Herzog, Ph.D.
Assistant Director
Climate Center
Natural Resources Defense Council
1200 New York Ave. NW, Suite 400
Washington, DC 20005
202-289-2428

[attachment "handout for Hill staff_1_10_11.docx" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-4365

Richard Windsor/DC/USEPA/US
01/19/2011 06:19 AM

To "Michael Moats", "Vicki Ekstrom"
cc
bcc

Subject Fw: follow up on prop 23 WH briefing

Please do not forward.

(b) (5) Deliberative

David McIntosh

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

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To: Richard Windsor

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Antonia

Antonia Herzog, Ph.D.
Assistant Director
Climate Center
Natural Resources Defense Council
1200 New York Ave. NW, Suite 400
Washington, DC 20005
202-289-2428



handout for Hill staff_1_10_11.docx

Communicating on new EPA air pollution standards

Preliminary recommendations from eight focus groups

January 2011

Overview of Findings

BRS conducted eight focus groups among voters in Boston, Las Vegas, Harrisburg, and Cleveland between November 30 and December 13, 2010. Participants in all of the groups were voters and news consumers. Six of the groups consisted of swing voters with moderate views on environmental issues. The remaining two groups were conducted among voters who hold more environmentally-leaning views. This is the first phase of a larger research project, and will be followed by a national telephone survey. Key findings include these:

- Support for EPA mission: Despite strains of anti-government attitudes among the public, the overwhelming view in the discussions is that the EPA is a necessary government agency that protects the air, water, and our health.
- Threats to health drive concerns about pollution: As we have found in previous research, the primary reason that voters in our discussions worry about air pollution is that they believe it causes health problems and want to protect themselves and their families. Asthma is the main health problem that is top of mind when these voters think of air pollution.
- Air pollution still seen as a problem: Many of the voters, particularly the older men and women, say that air pollution has improved a great deal over the past thirty or forty years. At the same time, others cite increased rates of asthma as a sign that pollution is still a problem or has even worsened. Overall, these voters agree the air quality could be improved.

- Support for EPA efforts to reduce air pollution: Although none in the groups had heard about the upcoming EPA rules before our discussions, most say that reducing toxic pollution and smog is something the EPA should be working on and they are willing to support stricter standards. For most, the fact that there is currently no limit on carbon emissions is reason enough to support the EPA action on carbon dioxide. Although few identify that global warming is the reason for concern, they believe that putting unlimited amounts of any pollutant into the atmosphere must be problematic. Educating them about the link to global warming does not make the case more urgent, and in fact only increases the level of confusion because so many are ill-informed about global warming and have been persuaded that there is a serious scientific debate about whether it is caused by people or is part of a natural cycle.
- Health-related statistics generate urgency: Including statistics about the number of people sickened or killed by pollution and the related health care costs makes the need for quick action more apparent to the voters in our groups.
- Fairness helps make the case for action: Even the most skeptical voters in our groups agree with the toxic pollution rules when they hear that the rules will level the playing field by bringing older facilities up to current standards. They do not think it is fair for some companies to get away with not meeting the standards that others do because they were grandfathered or found loopholes in the current standards. This information also creates a “villain” who is holding back progress – the “big polluters” who have been resisting regulations or have been grandfathered.
- Opposition arguments about jobs and economy can gain slight traction and answering that the rules could actually create jobs is credible for many: In the absence of strong communications that make the case for acting now, some of the voters in our groups are susceptible to arguments that the EPA should wait to take action on these pollutants until the economy is stronger because of the risk to jobs and the economy. However, when it is suggested that the updated standards could create jobs in installing new technology and by spurring innovation, many of the voters say it answers their concerns about whether now is the time. Another response many find effective is that the dollar savings on health care will be greater than the costs to industry. Less effective is the assertion that this is just the same old complaint by industry – like the car companies saying that adding seatbelts would destroy

their industry. Although some find it compelling, others say that we could still wait for the regulations until the economy improves a little.

- Addressing Congressional attacks: Even the voters in the groups most skeptical of global warming are resistant to the idea of Congress telling the EPA not to regulate carbon pollution. Congress is much less trusted than the EPA, and most of these voters believe that regulating pollutants, including carbon dioxide, is the job of the EPA, not Congress. The voters are receptive to messages blaming “polluting campaign contributors” for encouraging this Congressional interference. This villain is particularly powerful because it fits with feelings the voters already have about their government – that it favors the interests of a few large companies and rich people over the needs of the rest of the country.

Message and Communications Recommendations

Language and terms

Use:

- ✓ Update/improve the Clean Air Act: suggests that the EPA is not starting from scratch but is building on standards that are already working.
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Avoid:

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Preliminary Message Recommendations

At this time, we recommend that the overall message include the following elements:

- A headline focused on “updates” or “improvements” to the Clean Air Act to address “life-threatening” or “health-threatening” pollution;
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The survey will help us refine the recommendations, but some examples of using the message in various contexts are below:

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One-sentence message: The EPA should protect our health and our families by improving its standards to address mercury, arsenic, carbon dioxide, and other life-threatening pollution in our air.

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Dos and Don'ts

DO	DON'T
Keep the focus on preventing pollution that harms people's health	Spend too much time on the other side's themes, such as jobs
Talk about limits on specific pollutants, such as mercury, lead, arsenic, or carbon dioxide	Leave your communications vague, about "pollution" in general
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Use two to four examples that show the impact of pollution on health or health care costs	Overwhelm with more than four examples
Use specific numbers if you can: <i>i.e.</i> smog pollution causes 3,700 deaths a year. Asthma in particular is a strong example	Use softer assertions such as something being "associated with" cancer
Cite university studies or other independent research	Rely on EPA research to justify EPA actions
Talk about "leveling the playing field" by making all polluters follow the same rules	
For a villain: "big polluters" who have been blocking stronger standards; or when Congress gets involved – politicians and their polluting campaign contributors	

01268-EPA-4376

David
McIntosh/DC/USEPA/US
01/20/2011 05:44 PM

To Seth Oster, Brendan Gilfillan, Richard Windsor, Arvin
Ganesan, Gina McCarthy, Scott Fulton
cc
bcc

Subject Fw: From E&ENews PM -- AIR POLLUTION: Court orders
EPA to finish boiler rules by next month

(b)(5) Deliberative
[REDACTED]

----- Forwarded by David McIntosh/DC/USEPA/US on 01/20/2011 05:42 PM -----

From: David McIntosh/DC/USEPA/US@EPA
To: David McIntosh/DC/USEPA/US@EPA
Date: 01/20/2011 05:42 PM
Subject: From E&ENews PM -- AIR POLLUTION: Court orders EPA to finish boiler rules by next month

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

Personal message:



An E&E Publishing Service

AIR POLLUTION: Court orders EPA to finish boiler rules by next month *(Thursday, January 20, 2011)*

Gabriel Nelson, E&E reporter

A federal judge in Washington, D.C., has given U.S. EPA one more month to finalize a set of limits on toxic air pollution from industrial boilers, saying the agency's concerns about the controversial rules don't justify its request for another 15 months to rework them.

The agency has not shown that it would have been impossible to meet the previous deadline of Jan. 16, 2011, District Court Judge Paul Friedman **ruled** today. He sided with environmental groups, which had challenged EPA's request for more time.

The deadline was put in place after EPA lost a court challenge to the George W. Bush administration's handling of air pollution from industrial boilers, which provide power to paper mills, factories and many other large facilities. Under the regulations, these facilities would need to install the maximum achievable control technology (MACT) to limit their emissions of mercury, dioxins and other types of toxic pollution.

When the Obama administration issued a draft "Boiler MACT" rule last summer, the proposed standards drew intense criticism from industry groups and many lawmakers in Congress, who worried that the rules would force businesses to close and drive jobs overseas.

In the months leading up to the deadline, EPA officials started raising concerns about the proposed rules. Days before the agency announced that it wanted to go back to the drawing board, air chief Gina McCarthy told reporters that EPA thought some facilities might not have been able to achieve the proposed standards (*Greenwire*, Dec. 2, 2010).

EPA asked Friedman for more time to overhaul the standards, but he ruled that the Clean Air Act sets clear deadlines.

"The policy arguments EPA raises have no place in a case where Congress has mandated expedition, and its statutorily-mandated deadlines have long since passed," he wrote in his opinion today. "While EPA's view on the importance of its rules and the preferable course of conduct may have merit, at this stage EPA's remedy lies with Congress, not the courts."

Barring action on Capitol Hill, the agency now has until Feb. 21 to issue a final rule.

The divisive boiler standards are seen as a crucial prelude to upcoming toxic pollution standards for power plants, which the agency is legally obligated to propose in March.

Some advocacy groups grew critical of EPA after the agency asked for more time to finish the boiler standards, along with an unrelated rule that would tighten the national limit on smog. Though the agency said the decisions were driven by science, critics said it appeared the Obama administration was bowing to political pressure after an election in which Republicans campaigned against federal regulations.

Industry groups, which had praised the agency for taking a second look, bemoaned today's decision. It will only lead to more litigation, Donna Harman, president and CEO of the American Forest & Paper Association, said in a statement.

"Regulations such as the Boiler MACT rule have far-reaching implications for communities, workers and businesses across the country," she said. "The overriding mission should be to produce a sound rule that keeps Americans healthy and employed, and today's decision by the court fails to give the agency what it said it needed."

[Click here](#) to read the decision.

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About E&ENews PM

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E&E Publishing, LLC 122 C St., Ste. 722, NW, Wash., D.C. 20001. Phone: 202-628-6500. Fax: 202-737-5299. www.eenews.net

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01268-EPA-4377

Richard Windsor/DC/USEPA/US
01/20/2011 05:45 PM

To David McIntosh, Seth Oster, Brendan Gilfillan, Arvin Ganesan, Gina McCarthy, Scott Fulton
cc
bcc

Subject Re: From E&ENews PM -- AIR POLLUTION: Court orders EPA to finish boiler rules by next month

(b)(5)

David McIntosh

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

From: David McIntosh
Sent: 01/20/2011 05:44 PM EST
To: Seth Oster; Brendan Gilfillan; Richard Windsor; Arvin Ganesan; Gina McCarthy; Scott Fulton
Subject: Fw: From E&ENews PM -- AIR POLLUTION: Court orders EPA to finish boiler rules by next month

(b)(5) Deliberative

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01268-EPA-4394

Richard Windsor/DC/USEPA/US
01/24/2011 09:12 PM

To Arvin Ganesan
cc Bob Sussman, David McIntosh, Diane Thompson, Bob Perciasepe
bcc
Subject Re: CWA fill rule meeting with Rogers

(b)(5) [Redacted]

[Redacted]

From: Arvin Ganesan
Sent: 01/24/2011 08:42 PM EST
To: Richard Windsor
Cc: Bob Sussman; David McIntosh; Diane Thompson; Bob Perciasepe
Subject: CWA fill rule meeting with Rogers

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks. Arvin

01268-EPA-4395

**Bob
Perciasepe/DC/USEPA/US**
01/24/2011 09:21 PM

To Richard Windsor, Arvin Ganesan
cc Bob Sussman, David McIntosh, Diane Thompson
bcc
Subject Re: CWA fill rule meeting with Rogers

(b)(5) Deliberative [Redacted]

[Redacted]

Up to us. We should consider.
Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c) (b) (5) Deliberative [Redacted]

From: Richard Windsor
Sent: 01/24/2011 09:12 PM EST
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Subject: CWA fill rule meeting with Rogers

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative



Thanks. Arvin

01268-EPA-4403

Richard Windsor/DC/USEPA/US
01/25/2011 12:27 PM

To Betsaida Alcantara
cc
bcc

Subject Re: TIME Blog: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

Tx

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 01/25/2011 12:06 PM EST
To: Richard Windsor; Seth Oster; Brendan Gilfillan; Adora Andy; Bob Perciasepe; Bob Sussman; David McIntosh; Arvin Ganesan; Diane Thompson
Subject: TIME Blog: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

(b)(5)
Deliberative

Politics: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

Posted by Bryan Walsh Tuesday, January 25, 2011 at 11:00 am

TIME

As Politico first reported last night, Carol Browner will be stepping down from her post as White House climate and energy czar. Browner, an Environmental Protection Agency (EPA) administrator in the Clinton Administration, was a key member of the "Green Dream Team" of cabinet appointees and White House aides who accompanied President Obama into office two years ago, and a strong voice for the environment inside a West Wing that was usually dominated by centrists like former chief of staff Rahm Emanuel. From her perch in the White House, Browner helped push for climate and energy legislation in Congress—and since cap-and-trade failed, for lots of reasons, greens are worried that Browner's exit could signal the West Wing's surrender on climate. As Mike Allen and Darren Samuelsohn report:

Even so, some of Obama's allies on and off Capitol Hill who two years ago considered Browner the leader of a dream team on their issues said they were concerned about the latest shakeup on the eve of a State of the Union where the president is expected to move to the center.

"This does strike me as a quiet kill, so to speak," said a House Democratic aide who works on energy and environmental issues, including the 2009 cap-and-trade bill. "If there were a sacrificial lamb, it could have been on health care, financial issues, on a whole number of other things. But it's the climate czar that's going down.

"I don't know the exact circumstances of it, but the circumstantial evidence, I think the timing is frankly fairly frightening," the staffer added.

How big a difference will Browner's departure make? There are some clues in that quote. While the Obama Administration obviously had a bumpy first two years, leading to that shellacking in the midterm elections, the White House managed to push through both health care and financial reform legislation. Though cap-and-trade legislation passed the House in a close vote in 2009, it never came up for a vote in the Senate, where the need for 60 votes and the resistance of conservative Democrats (not to mention just about every Republican) proved an insurmountable barrier. Now with the Republicans in firm control of the House and the Democratic majority even weaker in the Senate, it's virtually impossible to imagine new climate and energy legislation going through the Congress. If anything is likely to be done, it will almost certainly come through the EPA, which has begun the controversial process of regulating greenhouse gas emissions, perhaps along with smaller initiatives from the Department of Energy (DOE).

If Browner's job chiefly was to liaise with Congress on climate and energy, it's not clear she'd have much of a portfolio left.

That doesn't mean her departure is meaningless. Early on in 2009, Browner scored a victory when she presided over successful negotiations with the auto industry to vastly improve fuel efficiency requirements, and she was also front and center for the Administration's response to the BP oil spill, which was better than many critics gave it credit for. (I remember speaking to Browner in the early days of the spill, and she was able to make the clear connection between the disaster and America's oil addiction—though that relationship was lost as the spill dragged on.) Symbolism matters in the White House—the appointment of Browner and other heavyweights like DOE Secretary Steven Chu in 2009 was viewed by greens as evidence that Obama was really going to make climate and energy a priority. (There's a reason TIME made them all Heroes of the Environment in 2009.) But even if it's possible that ambitious climate legislation was doomed from the start, it's tough to make the argument that this issue was high enough on the agenda for President Obama. Greens are already feeling left out—Browner's departure will likely only deepen that sense, especially with pro-business figures like new chief of staff William Daley on the rise in the West Wing.

Practically, though, the battle lines had already moved. The real fight for climate, energy and the environment will be between the EPA and Republicans in the House, who seem dedicated to making agency administrator Lisa Jackson's life as miserable as possible. You can expect Jackson, a New Orleans native tempered in the unfriendly fields of New Jersey state politics, to play tough. Just since the beginning of 2011, the EPA has continued with the process of greenhouse gas regulations (though they remain limited), and made a controversial decision to deny a permit for a mountaintop removal mine. The question is whether the White House and President Obama will stand behind her. (So far it looks like they will, with the Department of Justice making the defense of greenhouse gas regulations a top priority.) That should matter more to greens than whether we see another White House climate czar.

01268-EPA-4405

Richard Windsor/DC/USEPA/US
01/25/2011 12:39 PM

To Gina McCarthy, David McIntosh
cc "Scott Fulton"
bcc

Subject Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
Gina McCarthy

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

From: Gina McCarthy
Sent: 01/25/2011 12:35 PM EST
To: David McIntosh
Cc: Richard Windsor; Fulton.Scott@EPA.GOV
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

David McIntosh (b)(5) Deliberative 01/25/2011 10:15:13 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 10:15 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

Richard Windsor (b)(5) Deliberative ----- O... 01/25/2011 06:05:35 AM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 06:05 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative

David McIntosh

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

From: David McIntosh
Sent: 01/24/2011 05:46 PM EST
To: Richard Windsor; Gina McCarthy
Subject: Fw: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 01/24/2011 05:46 PM -----

From: e-Dear Colleague
Sent: Monday, January 24, 2011 3:30 PM
To: E-DEARCOLL_ISSUES_A-F_0000@ls2.house.gov
Subject: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

Oppose EPA Boiler MACT regulations
From: The Honorable F. James Sensenbrenner, Jr.
Sent By: joshua.ledden@mail.house.gov
Date: 1/24/2011

**Oppose EPA Boiler MACT regulations
that will harm our economy**

Dear Colleague:

The Environmental Protection Agency (EPA) is in the final stage of rulemaking to reduce certain toxic air pollutants from industrial boilers, process heaters, and solid waste incinerators. The Boiler Maximum Achievable Control Technology (MACT) regulation would mandate emissions standards that, for many, cannot be met. These new standards would often require the installation of expensive control technologies without sufficient assurance that proposed emission limits would routinely be achieved.

The often large capital costs needed to retrofit many current plants will prove economically difficult for many existing units and could lead to closure of some operations. I will soon be introducing legislation to block the EPA from issuing these heavy-handed regulations. A recent study found that for every \$1 billion spent on upgrade and compliance costs, 16,000 jobs will be put at risk and U.S. GDP will be reduced by as much as \$1.2 billion. Now is not the time to make it more difficult for our manufacturing sector to compete.

The Small Business Administration's Office of Advocacy held two roundtables to discuss the rule's requirements. As Winslow Sargeant, the office's Chief Counsel noted, "There was widespread agreement among the participants representing a large diversity of manufacturing sectors that this proposal has impractical emissions limits that will be exceedingly costly to meet for almost all facilities." Additionally, the United Steel Workers union believes the Boiler MACT: "will be sufficient to imperil the operating status of many industrial plants."

Anytime you have industry and unions come together in agreement, you know you

have an argument that transcends politics. Simply put, EPA's Boiler MACT regulations are too stringent, and the net result of their implementation would be an onerous burden on businesses, which will be forced to either shut down operations or terminate employees in order to survive.

If you have any questions, or would like to be added as an original cosponsor, please contact Joshua Ledden at Joshua.Ledden@mail.house.gov or x55101.

Sincerely,

F. JAMES SENSENBRENNER, JR.
Member of Congress

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01268-EPA-4406

Richard Windsor/DC/USEPA/US
01/25/2011 12:57 PM

To Scott Fulton
cc
bcc

Subject Re: Action Required

(b)(5) Deliberative
Scott Fulton

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

From: Scott Fulton
Sent: 01/25/2011 12:43 PM EST
To: Richard Windsor
Subject: Re: Action Required

(b)(5) Deliberative
[Redacted]

Richard Windsor (b)(5) Deliberative 01/25/2011 11:57:01 AM

From: Richard Windsor/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA
Date: 01/25/2011 11:57 AM
Subject: Action Required

(b)(5) Deliberative
[Redacted]

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/25/2011 11:55 AM -----

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 10:15 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

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[Redacted]

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Sincerely,

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Member of Congress

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01268-EPA-4407

David McIntosh/DC/USEPA/US
01/25/2011 01:02 PM

To Scott Fulton
cc Richard Windsor, "Scott Fulton", Gina McCarthy
bcc
Subject Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

Scott Fulton (b)(5) Deliberative 01/25/2011 12:48:26 PM

From: Scott Fulton/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA, "Scott Fulton" <Fulton.Scott@epa.gov>, Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 12:48 PM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

Richard Windsor (b)(5) Deliberative 01/25/2011 12:39:52 PM

From: Richard Windsor/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Cc: "Scott Fulton" <Fulton.Scott@epa.gov>
Date: 01/25/2011 12:39 PM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

Gina McCarthy

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

From: Gina McCarthy
Sent: 01/25/2011 12:35 PM EST
To: David McIntosh
Cc: Richard Windsor; Fulton.Scott@EPA.GOV
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

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

(b)(5) Deliberative [Redacted]

David McIntosh (b)(5) Deliberative 01/25/2011 10:15:13 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 10:15 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

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Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative [Redacted]

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

From: David McIntosh
Sent: 01/24/2011 05:46 PM EST
To: Richard Windsor; Gina McCarthy
Subject: Fw: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative [Redacted]

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Sent: Monday, January 24, 2011 3:30 PM
To: E-DEARCOLL_ISSUES_A-F_0000@ls2.house.gov
Subject: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

Oppose EPA Boiler MACT regulations
From: The Honorable F. James Sensenbrenner, Jr.
Sent By: joshua.ledden@mail.house.gov
Date: 1/24/2011

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Sincerely,

F. JAMES SENSENBRENNER, JR.
Member of Congress

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01268-EPA-4408

Richard Windsor/DC/USEPA/US
01/25/2011 01:04 PM

To David McIntosh, Scott Fulton
cc "Scott Fulton", Gina McCarthy
bcc

Subject Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

Ok. Then we stand pat. Tx anyway Scott.
David McIntosh

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

From: David McIntosh
Sent: 01/25/2011 01:02 PM EST
To: Scott Fulton
Cc: Richard Windsor; "Scott Fulton" <Fulton.Scott@epa.gov>; Gina McCarthy
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

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To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA, "Scott Fulton" <Fulton.Scott@epa.gov>, Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 12:48 PM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b)(5) Deliberative
[Redacted]

Richard Windsor (b)(5) Deliberative ... 01/25/2011 12:39:52 PM

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Sent: Monday, January 24, 2011 3:30 PM
To: E-DEARCOLL_ISSUES_A-F_0000@ls2.house.gov
Subject: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

Oppose EPA Boiler MACT regulations

From: The Honorable F. James Sensenbrenner, Jr.
Sent By: joshua.ledden@mail.house.gov
Date: 1/24/2011

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Sincerely,

F. JAMES SENSENBRENNER, JR.
Member of Congress

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01268-EPA-4415

Richard Windsor/DC/USEPA/US
01/25/2011 04:50 PM

To Seth Oster, Brendan Gilfillan, Adora Andy, Bob Perciasepe, Arvin Ganesan, David McIntosh
cc
bcc

Subject Re: AP: Gingrich calls for replacing EPA

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

Seth Oster

(b)(5) Deliberative [Redacted]

01/25/2011 04:27:34 PM

From: Seth Oster/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>, Arvin Ganesan/DC/USEPA/US, David McIntosh/DC/USEPA/US
Date: 01/25/2011 04:27 PM
Subject: Re: AP: Gingrich calls for replacing EPA

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

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 01/25/2011 04:11 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen
Subject: AP: Gingrich calls for replacing EPA

FYI - as you'll see in the story, AP has asked us for comment on this.

Gingrich calls for replacing EPA

(AP) – 2 hours ago

DES MOINES, Iowa (AP) — Former House Speaker Newt Gingrich called Tuesday for the elimination of the Environmental Protection Agency, which he wants to replace with a new

organization that would work more closely with businesses and be more aggressive in using science and technology.

In an interview with The Associated Press, Gingrich said the EPA was rarely innovative and focused only on issuing regulations and litigation.

"What you have is a very expensive bureaucracy that across the board makes it harder to solve problems, slows down the development of new innovations," Gingrich said.

Gingrich, who has acknowledged that he's mulling a run for the Republican presidential nomination, was in Iowa to talk to the Iowa Renewable Fuels Association. He also met privately with Republican legislators, often a sign in Iowa that people are laying the groundwork for a campaign. The state has the nation's first presidential caucuses.

Gingrich, who has made several visits to Iowa recently, said the EPA was founded on sound ideas but has become a traditional Washington bureaucracy. Tuesday was the first time he had proposed eliminating it, Gingrich spokesman R.C. Hammond said.

"We need to have an agency that is first of all limited, but cooperates with the 50 states," Gingrich said. "The EPA is based on bureaucrats centered in Washington issuing regulations and litigation and basically opposing things."

A telephone message left for EPA spokesman Brenden Gilfillan in Washington was not immediately returned.

Gingrich denied his proposal would result in environmental damage, saying he would replace the EPA with what he called the Environmental Solution Agency.

"I think you have an agency which would get up every morning, very much like the National Institutes for Health or the National Science Foundation, and try to figure out what do we need to do today to get a better environment that also gets us a better economy," he said.

Gingrich also said his proposed agency would pursue the development of a clean coal and rewrite regulations governing the development of small nuclear plants.

"There's a whole new emerging technology that allows you to build smaller nuclear plants, but all of our rules were designed for very complex, very expensive systems," he said.

Gingrich's anti-Washington, pro-business theme was designed to appeal to the conservatives who dominate Republican precinct caucuses, which traditionally launch the presidential nominating process. Iowa's next presidential caucus is Feb. 6, 2012.

"The level of control that Washington bureaucrats want to extend over topics they don't understand and communities they don't live in is wrong," he said. "Having an attitude of getting up every morning and trying to stop the economy is just a very destructive attitude."

01268-EPA-4416

Richard Windsor/DC/USEPA/US
01/25/2011 04:55 PM

To: Brendan Gilfillan, Seth Oster
cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, David McIntosh
bcc:
Subject: Re: AP: Gingrich calls for replacing EPA

(b)(5) Deliberative
Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 01/25/2011 04:53 PM EST
To: Seth Oster
Cc: Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Richard Windsor
Subject: Re: AP: Gingrich calls for replacing EPA

(b)(5) Deliberative
[Redacted]

Seth Oster (b)(5) Deliberative 01/25/2011 04:52:29 PM

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 01/25/2011 04:52 PM
Subject: Re: AP: Gingrich calls for replacing EPA

(b)(5) Deliberative
[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 01/25/2011 04:50 PM EST
To: Seth Oster; Brendan Gilfillan; Adora Andy; Bob Perciasepe; Arvin Ganesan; David McIntosh
Subject: Re: AP: Gingrich calls for replacing EPA

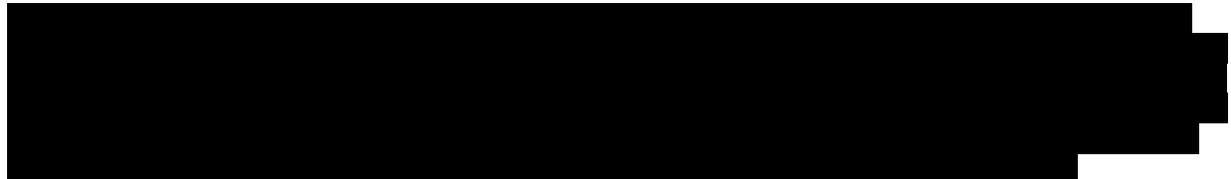
(b)(5) Deliberative
[Redacted]

Seth Oster (b)(5) Deliberative 01/25/2011 04:27:34 PM

From: Seth Oster/DC/USEPA/US

To: Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>, Arvin Ganesan/DC/USEPA/US, David McIntosh/DC/USEPA/US
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(b)(5) Deliberative



Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 01/25/2011 04:11 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen
Subject: AP: Gingrich calls for replacing EPA

FYI - as you'll see in the story, AP has asked us for comment on this.

Gingrich calls for replacing EPA

(AP) – 2 hours ago

DES MOINES, Iowa (AP) — Former House Speaker Newt Gingrich called Tuesday for the elimination of the Environmental Protection Agency, which he wants to replace with a new organization that would work more closely with businesses and be more aggressive in using science and technology.

In an interview with The Associated Press, Gingrich said the EPA was rarely innovative and focused only on issuing regulations and litigation.

"What you have is a very expensive bureaucracy that across the board makes it harder to solve problems, slows down the development of new innovations," Gingrich said.

Gingrich, who has acknowledged that he's mulling a run for the Republican presidential nomination, was in Iowa to talk to the Iowa Renewable Fuels Association. He also met privately with Republican legislators, often a sign in Iowa that people are laying the groundwork for a campaign. The state has the nation's first presidential caucuses.

Gingrich, who has made several visits to Iowa recently, said the EPA was founded on sound ideas but has become a traditional Washington bureaucracy. Tuesday was the first time he had

proposed eliminating it, Gingrich spokesman R.C. Hammond said.

"We need to have an agency that is first of all limited, but cooperates with the 50 states," Gingrich said. "The EPA is based on bureaucrats centered in Washington issuing regulations and litigation and basically opposing things."

A telephone message left for EPA spokesman Brenden Gilfillan in Washington was not immediately returned.

Gingrich denied his proposal would result in environmental damage, saying he would replace the EPA with what he called the Environmental Solution Agency.

"I think you have an agency which would get up every morning, very much like the National Institutes for Health or the National Science Foundation, and try to figure out what do we need to do today to get a better environment that also gets us a better economy," he said.

Gingrich also said his proposed agency would pursue the development of a clean coal and rewrite regulations governing the development of small nuclear plants.

"There's a whole new emerging technology that allows you to build smaller nuclear plants, but all of our rules were designed for very complex, very expensive systems," he said.

Gingrich's anti-Washington, pro-business theme was designed to appeal to the conservatives who dominate Republican precinct caucuses, which traditionally launch the presidential nominating process. Iowa's next presidential caucus is Feb. 6, 2012.

"The level of control that Washington bureaucrats want to extend over topics they don't understand and communities they don't live in is wrong," he said. "Having an attitude of getting up every morning and trying to stop the economy is just a very destructive attitude."

01268-EPA-4417

Richard Windsor/DC/USEPA/US
01/25/2011 05:58 PM

To David McIntosh
cc
bcc

Subject Re: From E&ENews PM -- REGULATIONS: Sunstein to testify on Obama admin's reform effort tomorrow

(b)(5) Deliberative

David McIntosh REGULATIONS: Sunstein to testify on... 01/25/2011 05:41:03 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 01/25/2011 05:41 PM
Subject: From E&ENews PM -- REGULATIONS: Sunstein to testify on Obama admin's reform effort tomorrow

REGULATIONS: Sunstein to testify on Obama admin's reform effort tomorrow

(Tuesday, January 25, 2011)

Sarah Abruzzese and John McArdle, E&E reporters

Turns out, Republicans on the House Energy and Commerce Committee eventually got their man for tomorrow's hearing on the White House's new regulatory reform efforts.

Last week, Chairman Fred Upton (R-Mich.) said that Cass Sunstein, who oversees the White House Office of Information and Regulatory Affairs, would appear before the panel. But after some back and forth, the committee announced Friday that Office of Management and Budget Director Jacob Lew had instead been called to testify. Today, the committee announced that Sunstein was back on and would be the sole witness.

Despite the evolving witness list, Oversight and Investigations Subcommittee Chairman Cliff Stearns (R-Fla.), who will be conducting the hearing, said he is eager to hear from Sunstein tomorrow.

"We feel that a lot of what the administration is saying has not occurred," Stearns said today. "So we are going to explore with him is this actually real or is this language that is done to try and move the president towards a center left?"

Stearns said he wanted to know specifics about what regulations would be targeted to be rolled back and about Republican concerns that the administration is actually creating more regulations in certain areas like health care and U.S. EPA rules on greenhouse gas emissions.

"We just want to see the credibility of what the administration is doing versus what they are saying," he said.

Stearns also offered some insight on other hearings that might be on the committee's agenda for the year, including possible hearings on the 2010 BP PLC oil spill and on how those who were affected by the spill were compensated. Stearns said he also had hoped to have White House energy and climate czar Carol Browner appear before the panel. Browner announced today that she was leaving her post at the White House, but Stearns indicated there still may be time to bring her before Congress.

"I think there is a lot of questions members have asked me that they would like to ask her, since she has been the lead in so many of the areas that Republicans are concerned about," Stearns said. "It would have been helpful to have her providing some kind of answers, but she said she is going to stay on for a little while, so if that is true, we'll go ahead and try to bring her in and talk to her about some of these issues."

Stearns described Browner's announcement today as abrupt but did not indicate whether he believed she was leaving to avoid congressional hearings.

"She's been there how long -- two years?" Stearns said. "She has a very strong feeling about the issues, so I would think she would want to tell the American people and answer some of the questions that we have."

01268-EPA-4418

David
McIntosh/DC/USEPA/US
01/25/2011 06:03 PM

To Richard Windsor
cc Arvin Ganesan
bcc

Subject Re: From E&ENews PM -- REGULATIONS: Sunstein to testify on Obama admin's reform effort tomorrow

(b)(5) Deliberative

Richard Windsor **(b)(5) Deliberative** From:... 01/25/2011 05:58:33 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Date: 01/25/2011 05:58 PM
Subject: Re: From E&ENews PM -- REGULATIONS: Sunstein to testify on Obama admin's reform effort tomorrow

(b)(5) Deliberative

David McIntosh **REGULATIONS: Sunstein to testify on...** 01/25/2011 05:41:03 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
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01268-EPA-4479

Michael Moats/DC/USEPA/US
02/08/2011 08:05 AM

To Richard Windsor, "Adora Andy"
cc
bcc
Subject Speech Part 1

(b)(5) Deliberative
[Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/08/2011 07:56 AM EST
To: Adora Andy; "Lisa Jackson" <windsor.richard@epa.gov>; "Michael Moats" <moats.michael@epa.gov>
Cc: "Seth Oster" <oster.seth@epa.gov>; Clay Diette
Subject: Re: FYI: Updated speech

Can someone send it to me in the body of an email so I can read it in the car?
Adora Andy

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

From: Adora Andy
Sent: 02/08/2011 07:51 AM EST
To: "Richard Windsor" <windsor.richard@epa.gov>
Cc: "Seth Oster" <oster.seth@epa.gov>; Clay Diette
Subject: FYI: Updated speech

Administrator,

(b)(5) Deliberative

Clay has the latest version and will have

to you when you arrive.

Thanks,

Adora

01268-EPA-4484

**David
McIntosh/DC/USEPA/US**
02/08/2011 02:17 PM

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

Subject This is sooooo worth reading

-----Forwarded by David McIntosh/DC/USEPA/US on 02/08/2011 02:16PM

To: David McIntosh/DC/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Joel Beauvais/DC/USEPA/US@EPA
From: "Dotson, Greg" <Greg.Dotson@mail.house.gov>
Date: 02/08/2011 02:14PM
Cc: "Teitz, Alexandra" <Alexandra.Teitz@mail.house.gov>, "Baran, Jeff" <Jeff.Baran@mail.house.gov>, "Cheatham, Melissa Bez" <Melissa.Cheatham@mail.house.gov>
Subject: Letter to Mr. Upton

(See attached file: Upton EPA 2011 2 8.pdf)
(See attached file: Johnson Ltr to Pres 1-31-08.pdf)

FYI

Greg Dotson
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515
(202) 225-4407



- Upton EPA 2011 2 8.pdf



- Johnson Ltr to Pres 1-31-08.pdf

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RANKING MEMBER

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Majority (202) 225-2927

Minority (202) 225-3641

February 8, 2011

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

I am writing you to share with you a letter that has an important bearing on tomorrow's hearing on your legislation to overturn EPA's scientific determination that carbon emissions endanger public health and welfare.

The letter is a private letter that former EPA Administrator Stephen L. Johnson wrote to President Bush on January 31, 2008. It addresses the same issue as your legislation: whether carbon emissions endanger the public.

Administrator Johnson wrote: "the latest science of climate change requires the Agency to propose a positive endangerment finding, as was agreed to at the Cabinet-level meeting in November." According to Mr. Johnson, "the latest climate change science does not permit a negative finding, nor does it permit a credible finding that we need to wait for more research."

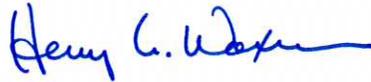
Administrator Johnson also wrote: "A robust interagency policy process involving principal meetings over the past eight months has enabled me to formulate a plan that is prudent and cautious yet forward thinking. ... [I]t ... creates a framework for responsible, cost-effective and practical actions." He added that actions to reduce carbon emissions "should spur both private sector investment in developing new, cost-effective technologies and private sector deployment of these technologies at a large scale."

Administrator Johnson released an advanced notice of proposed rulemaking in July 2008, which solicited public comment on an endangerment finding. The final endangerment finding was made by Administrator Lisa Jackson in December 2009.

The Honorable Fred Upton
February 8, 2011
Page 2

As Administrator Johnson's letter makes clear, both Republican and Democratic Administrations have had the same view of the science: carbon emissions are a serious threat to our nation's welfare. I urge you to leave the science to scientists and drop your effort to use legislation to overturn EPA's endangerment finding.

Sincerely,



Henry A. Waxman
Ranking Member

Enclosure



The Administrator
Washington, D.C. 20460

Joel,

I sincerely appreciate your continued advice and counsel.

As I mentioned, I really need your help in bringing these issues to closure.

Thank you,
Stan



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

January 31, 2008

THE ADMINISTRATOR

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

You have committed the US to pursue new, quantifiable actions to reduce carbon emissions. These new actions should spur both private sector investment in developing new, cost-effective technologies and private sector deployment of these technologies at a large scale. I believe legislation is the best approach to achieve this. However, your Administration is compelled to act on this issue under existing law given the many lawsuits and petitions before the Environmental Protection Agency (EPA). It is my intent to do so in a way that is responsible and that does not foreclose a superior legislative solution.

First, the Supreme Court's *Massachusetts v EPA* decision still requires a response. That case combined with the latest science of climate change requires the Agency to propose a positive endangerment finding, as was agreed to at the Cabinet-level meeting in November. Some have noted that the Energy Independence and Security Act (EISA) enables implementation of your 20-in-10 plan without an endangerment finding. Even if that is true, a finding is still required by the Supreme Court case, and the state of the latest climate change science does not permit a negative finding, nor does it permit a credible finding that we need to wait for more research. EISA also did not change EPA's obligation regarding the regulation of vehicles although it did expand the Department of Transportation's authority in a way that will facilitate a joint rulemaking.

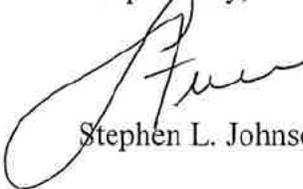
A second set of actions will be required by other imminent lawsuits and petitions. For instance, EPA has pending before it petitions seeking greenhouse gas standards for aircraft, marine vessels, and off-road vehicles. Also within the next several months, EPA must face regulating greenhouse gases from power plants, some industrial sources, petroleum refineries and cement kilns.

A robust interagency policy process involving principal meetings over the past eight months has enabled me to formulate a plan that is prudent and cautious yet forward thinking. This plan will fulfill your Administration's obligations under the Supreme Court decision and also will provide a response to the multiple pending lawsuits and petitions rather than risk additional unfavorable court action. Further, it follows your May 14th 2007 Executive Order and creates a framework for responsible, cost-effective and practical actions.

I want to thank you for talking with me about this plan when we met last month and, of course, I welcome your guidance as we move forward. After careful and sometime difficult deliberation, I have concluded that it is in the Administration's best interest to move forward with this plan in the next few weeks. I appreciate the senior-level discussions that have enabled me to develop this approach, and I look forward to working with other members of your team to discuss details and a rollout.

Attached is my plan.

Respectfully,



Stephen L. Johnson

*Privileged
Communication to the President*

EPA Climate Change Plan

Phase 1

- In response to the Supreme Court mandate in *Massachusetts v EPA*, issue a proposed positive endangerment finding for public notice and comment as agreed to in the policy process.
- In response to the direction in EISA, issue a proposed vehicles rule jointly with the Department of Transportation to implement the new EISA and address issues raised in the Supreme Court case.
- To address requirements under the Clean Air Act, issue a proposed rule to update the New Source Review program to raise greenhouse gas thresholds to avoid covering small sources and to better define cost-effective, available technology.

Timing: Proposal in March or April. Final by the end of 2008.

Phase 2

- Issue advanced notices covering remaining petitions, lawsuits and court required deadlines. This would enable EPA to frame issues for the legislative debate and to channel future rulemakings to pursue environmental protection in context of benefit-cost analysis, availability of existing technologies, energy security, and remaining useful life of affected facilities.

Timing: Spring 2008.

Phase 3

- As required by EISA, issue a proposed renewable fuels rule following new authority provided by EISA. Note that the new EISA significantly altered the regulatory approach that EPA, in coordination with Department of Energy and the Department of Agriculture, must take.

Timing: Proposal by September 2008. Final rule in 2009. Additional administrative steps will be taken in 2008.

01268-EPA-4511

David
McIntosh/DC/USEPA/US
02/15/2011 07:02 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Barbara Bennett, Bob Sussman, Scott Fulton, Michael Goo, Bicky Corman, Seth Oster, "Adora Andy", Janet Woodka, Arvin Ganesan, Lawrence Elworth, Lisa Garcia, Eric Wachter, Daniel Kanninen, Heidi Ellis, Jose Lozano, Aaron Dickerson
cc
bcc
Subject Fw: From E&ENews PM -- HOUSE: GOP amendments would zero out CEQ budget, block air and water rules

(b)(5) Deliberative



-----Forwarded by David McIntosh/DC/USEPA/US on 02/15/2011 06:55PM

To: David McIntosh/DC/USEPA/US@EPA
From: David McIntosh/DC/USEPA/US@EPA
Date: 02/15/2011 06:51PM
Subject: From E&ENews PM -- HOUSE: GOP amendments would zero out CEQ budget, block air and water rules

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

Personal message:

An E&E Publishing Service

HOUSE: GOP amendments would zero out CEQ budget, block air and water rules (Tuesday, February 15, 2011)

Gabriel Nelson and Paul Quinlan, E&E reporters

As Congress works on a stopgap plan to keep the federal government open for business once the current spending measure expires on March 4, House Republicans have proposed dozens of amendments that would defund the White House Council on Environmental Quality, block new limits on mountaintop-removal coal mining and override new U.S. EPA rules that are meant to clean up air and water pollution.

Both Republican and Democratic leaders are insisting that they want to avoid a government shutdown. But as House Republicans seek to craft a continuing resolution (CR) that would

shrink the size of government -- especially in the environmental arena -- tonight will be an early test of how far they are willing to go.

Environmental regulations have been thrust into the spotlight as the Republicans seek to pass a bill that would "spend less, stop undue interference in American lives and businesses, and take action to create jobs and get our economy moving again," as House Appropriations Chairman Hal Rogers (R-Ky.) said on the House floor today.

Many of the resolutions came from tea party-backed freshmen such as Rep. Raúl Labrador (R-Idaho), who floated the measure to pull all funding for CEQ. He also introduced amendments to stop EPA from issuing new limits on toxic emissions from industrial boilers and to bar the White House from designating new national monuments on public lands under the century-old Antiquities Act.

Jim DiPeso, policy director at Republicans for Environmental Protection, cautioned House Republicans about going too far on the spending bill. Many of the environmental programs save taxpayers money, he said.

"The resolution reads more like a wish list for anti-environmental radicalism than it does a serious plan to address our nation's debt," DiPeso said.

It is unclear how many proposals will be brought to the floor -- or how. The House Rules Committee had received a daunting 403 amendments to the CR by the time the *Congressional Record* went to press today. More amendments arrived before this afternoon's deadline, setting up another round of votes tomorrow, committee aides said.

So far, most of the attention has been focused on a measure in the CR that would block U.S. EPA from regulating greenhouse gases. Several amendments were introduced yesterday to target other parts of the administration's climate program ([Greenwire](#) , Feb. 15).

Rep. Paul Tonko (D-N.Y.) has introduced two amendments that would strip anti-EPA language from the resolution from the House GOP-proposed spending plan. He said the Republican strategy was an "inappropriate" use of the budget process.

Environmental advocates echoed that criticism. They have warned Republicans about reading their November victory as a mandate for rejecting rules such as new pollution standards for cement kilns.

"They're using fiscal responsibility as a cloak to mount a serious attack on the Clean Water Act

and the Clean Air Act," said Josh Saks, senior legislative representative for water resources at the National Wildlife Federation. "While Americans may have voted for some fiscal responsibility, they certainly didn't vote for dirtier water and dirtier air and the health impacts that come with it."

Industry representatives cheered the amendments, saying the House is serving as a check on rules they consider harmful to the economy. Carol Raulston, a spokeswoman for the National Mining Association, said EPA was going beyond its authority on mountaintop mining by "usurping powers given to the states."

Several lawmakers, including Rep. Morgan Griffith (R-Va.), introduced amendments to stop EPA from implementing new rules and guidance for mining applications.

"Since we have sued EPA on this matter, we agree with the substance of the amendment," Raulston said.

Some of the amendments that could see votes tonight are:

Administration environment programs

- Amendment No. 202 from Labrador to defund the White House CEQ, which advises the president on environmental issues.
- Amendment No. 203 from Labrador to stop the administration from using its funding to designate new monuments under the Antiquities Act. The administration downplayed that authority last summer after Republicans on the House Natural Resources Committee released a leaked Interior Department memo listing 14 possible sites for future monuments ([Greenwire](#) , Aug. 11, 2010).
- Amendment No. 344 from Rep. Steve Pearce (R-N.M.) to stop the federal government from reimbursing attorneys' fees that were incurred while seeking enforcement of the National Environmental Policy Act.

- Amendment No. 204 from Rep. Steve Scalise (R-La.) to stop the White House from using its funds to pay for an assistant to the president for energy and climate change, a special envoy for climate change or a special adviser for green jobs, enterprise and innovation. The first of those posts is held by departing climate czar Carol Browner ([E&E Daily](#) , Jan. 26).
- Amendment No. 257 from Rep. Tim Huelskamp (R-Kan.), also to stop the White House from paying for an assistant to the president for energy and climate change, the position held by Carol Browner.

Air and climate

- Amendment No. 165 from Rep. John Carter (R-Texas) to stop EPA from using its funding to implement new air pollution rules for cement kilns. Carter has recently drawn fire from environmentalists for introducing a resolution to block the standards, which would set limits on mercury and other types of toxic air pollution ([E&ENews PM](#) , Jan. 21).
- Amendment No. 201 from Labrador to stop EPA from issuing or enforcing final standards for air pollution from industrial boilers. EPA sought an extension after industry groups and many lawmakers in Congress slammed the rule that was proposed last summer, but a court ordered the agency to issue a final rule by Feb. 21. The agency sent its draft to the White House for review last month, saying it would open up a reconsideration proceeding after issuing a final rule ([Greenwire](#) , Jan. 21).
- Amendments No. 65 and 66 from Rep. Jared Polis (D-Colo.) to allow EPA to limit greenhouse gases under the Clean Air Act if it is deemed "necessary to protect the public health or prevent severe environmental degradation."

- Amendment No. 198 from Rep. Ted Poe (R-Texas) to stop EPA from creating a cap-and-trade program for greenhouse gases under the Clean Air Act. Poe introduced a similar bill last month, as well as during the previous Congress ([Greenwire](#) , Jan. 7).
- Amendment No. 348 from Pearce to stop Interior from putting funding toward climate change adaptation.

Energy policy

- Amendment No. 94 from Rep. John Sullivan (R-Okla.) to stop EPA from using its funding to implement its decision to allow the ethanol content of gasoline to be increased from 10 percent to 15 percent. EPA issued a rule in October that said E-15 could be used in vehicles made after 2007, and in January, the agency followed up with another rule allowing cars made between 2001 and 2006 to use the fuel ([Greenwire](#) , Jan. 21).
- Amendment No. 241 from Rep. John Carney (D-Del.) to stop the Department of Energy from using its funding for the Oil and Gas Research and Development Program.
- Amendment No. 181 from Rep. Todd Akin (R-Mo.) to bar the use of federal funds to implement the section of the Energy Independence and Security Act of 2007 that phases out incandescent light bulbs in favor of more energy-efficient alternatives. Republicans have gone after the provision, citing it as an example of an overreaching federal government ([E&E Daily](#) , Sept. 17, 2010).
- Amendment No. 251 from Scalise to stop Interior from using any funding to delay the

approval of a plan or permit for energy exploration on the outer continental shelf. The agency has been rebuked twice by a federal court for slowing new oil and gas drilling as part of its response to last year's oil spill in the Gulf of Mexico ([E&E Daily](#) , Feb. 3).

- Amendments No. 300 through 320 from Rep. Tom McClintock (R-Calif.) to make a variety of changes to the appropriations given to DOE for energy efficiency and renewable energy research.
- Amendment No. 329 from Rep. Marcy Kaptur (D-Ohio) to bar additional funding for the operations and maintenance of the Southeastern Power Administration, which operates hydroelectric power projects in the southeastern United States.
- Amendment No. 27 from Rep. Ed Markey (D-Mass.) to stop Interior from issuing new oil or natural gas leases on the outer continental shelf if they do not include limitations on royalty relief based on market price.

Water and mining rules

- Amendment No. 13 from Rep. Tom Rooney (R-Fla.) would stop EPA from using its funding to implement, administer or enforce new water quality standards for Florida's lakes and flowing waters, which were issued in November. They have been challenged by the state of Florida ([E&ENews PM](#) , Dec. 7, 2010).
- Amendment No. 109 from Griffith to stop EPA from using its funding to implement or enforce new guidance for the review of possible water pollution from proposed coal-mining projects. The guidance was challenged last summer by the National Mining Association, which claims EPA has enforced the guidance as if it were a final rule without going through the usual notice-and-comment process ([Greenwire](#) , July 20, 2010).

- Amendment No. 216 from Rep. David McKinley (R-W.Va.) to stop EPA from administering or enforcing the sections of the Clean Water Act that govern dredge-and-fill permits. Those are the permits needed by mountaintop-removal operations such as the Spruce No. 1 coal mine, a West Virginia project that had its water quality permit revoked by EPA last month ([Greenwire](#) , Jan. 13).
- Amendment No. 218 from Rep. Bill Johnson (R-Ohio) to stop EPA from issuing new rules for the circumstances under which mining may be conducted near streams or from conducting an environmental impact statement on the impact of the rules.
- Amendment No. 289 from McClintock to stop Interior from issuing grants under the WaterSMART program. The conservation initiative, which was created by Interior Secretary Ken Salazar last year, is intended to find solutions for the water shortages in many areas of the West ([E&ENews PM](#) , Feb. 22, 2010).

Chemicals and toxics

- Amendment No. 10 from Rep. Cliff Stearns (R-Fla.) to stop EPA from developing or issuing standards that list coal ash as hazardous waste under the Resource Conservation and Recovery Act. After issuing a proposal last year, the agency has not signaled when it might make a final decision on coal ash, which was thrust into the public eye after a massive spill at a Tennessee Valley Authority power plant in late 2008 ([E&ENews PM](#) , July 29, 2010).
- Amendment No. 217 from McKinley, also to stop the coal ash rules.

- Amendment No. 279 from Rep. Aaron Schock (R-Ill.) to stop EPA from using its funding to re-evaluate the possible health effects of the approved herbicide atrazine. In late 2009, the agency started a new review of atrazine, which is widely used by corn and sugar cane growers, to investigate whether the herbicide can have effects on the human endocrine system ([Greenwire](#) , Nov. 4, 2009).

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01268-EPA-4529

Bob Perciasepe/DC/USEPA/US
02/21/2011 09:20 PM

To Bob Sussman, Michael Goo
cc Bicky Corman, David McIntosh, Diane Thompson, Venu Ghanta, Gina McCarthy, "Jose Lozano", Mathy Stanislaus, Richard Windsor, Scott Fulton, Seth Oster
bcc
Subject Re: Completion of OMB Review of Boiler MACT. RIA Language

(b)(5) Deliberative

[Redacted]

[Redacted]

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b)(5) Deliberative
Bob Sussman

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

From: Bob Sussman
Sent: 02/21/2011 09:02 PM EST
To: Michael Goo
Cc: Bob Perciasepe; Bicky Corman; David McIntosh; Diane Thompson; Venu Ghanta; Gina McCarthy; "Jose Lozano" <lozano.jose@epa.gov>; Mathy Stanislaus; Richard Windsor; Scott Fulton; Seth Oster
Subject: Re: Completion of OMB Review of Boiler MACT. RIA Language

(b)(5) Deliberative
[Redacted]

Michael Goo (b)(5) Deliberative 02/21/2011 04:29:22 PM

From: Michael Goo/DC/USEPA/US
To: Mathy Stanislaus/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, "Venu Ghanta" <Ghanta.Venu@epamail.epa.gov>, "Bicky Corman" <Corman.Bicky@epamail.epa.gov>
Cc: "Jose Lozano" <lozano.jose@epa.gov>
Date: 02/21/2011 04:29 PM
Subject: Re: Completion of OMB Review of Boiler MACT. RIA Language

(b)(5) Deliberative
[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

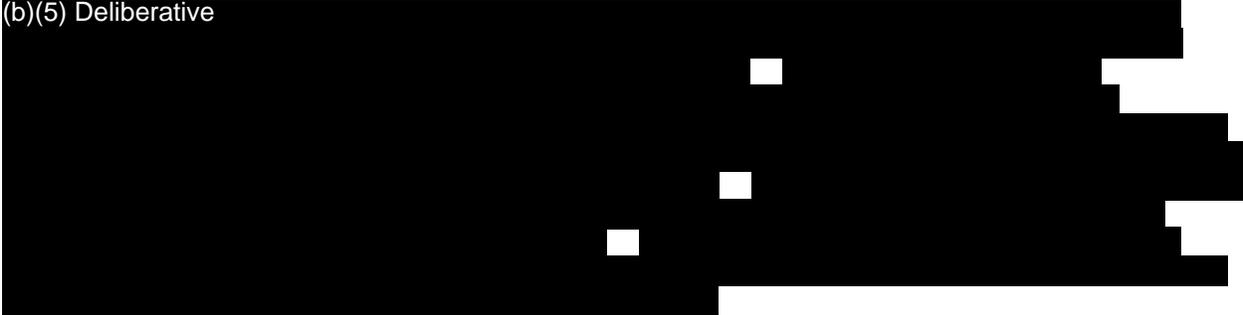
[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

(b)(5) Deliberative



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

From: Michael Goo

Sent: 02/21/2011 09:31 AM EST

To: Mathy Stanislaus; Diane Thompson; Richard Windsor; Bob Sussman; Gina McCarthy; Seth Oster; Scott Fulton; David McIntosh; Bob Perciasepe; Venu Ghanta; Bicky Corman

Cc: "Jose Lozano" <lozano.jose@epa.gov>

Subject: Re: Completion of OMB Review of Boiler MACT URGENT

01268-EPA-4546

**Bob
Perciasepe/DC/USEPA/US**
02/26/2011 01:15 PM

To Richard Windsor, Bob Sussman, "Goo Michael"
cc
bcc

Subject 316 (b) and Utility Toxics - OMB

All:

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 (b) (5) Deliberative

01268-EPA-4551

Bob Perciasepe/DC/USEPA/US
02/27/2011 06:50 PM

To Bob Sussman
cc Richard Windsor, Goo.Michael
bcc
Subject Re: 316 (b) and Utility Toxics - OMB

(b)(5) Deliberative
[Redacted]

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 (b) (5) Deliberative

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

To: Bob Perciasepe/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 02/27/2011 06:33PM
Cc: "Goo Michael" <Goo.Michael@epa.gov>, Richard Windsor/DC/USEPA/US@EPA
Subject: Re: 316 (b) and Utility Toxics - OMB

Thanks Bob.

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe---02/26/2011 01:15:23 PM---All:

From: Bob Perciasepe/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, "Goo Michael" <Goo.Michael@epa.gov>
Date: 02/26/2011 01:15 PM
Subject: 316 (b) and Utility Toxics - OMB

All:

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) +1 (b) (5) Deliberative

01268-EPA-4577

Noah Dubin/DC/USEPA/US

To

03/07/2011 05:41 PM

cc

bcc Richard Windsor

Subject Tuesday, March 8, 2011 Schedule for Lisa P. Jackson

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

**Schedule for Lisa P. Jackson EPA Administrator
Tuesday, March 8, 2011**

Notes:

Drivers

AM (b) (6) Privacy

Shift Leaders

AM (b) (6) Privacy

PM (b) (6) Privacy

Staff Contact

Heidi Ellis 202-355-5212

08:00 AM - 09:30 AM	U.S. Dept of State Annex 2200 C Street, NW	Remarks for International Women's Day (via LiveStream) Ct: Elle Beard - 202-564-7723 8:00am - Speaker introductions & Format Overview by host Dr. Joan Herbers, President of the Association of Women in Science Brief introductory remarks from Indonesian panelists and Dr. Kerri Ann Jones (2-3 min each) 8:08am - Introduction of Administrator Jackson by host Dr. Herbers 8:10am - Keynote by Administrator Jackson (5 min) 8:15am - Host Dr. Herbers opens the floor for Q&A from live audience in Jarkarta and the US 8:50am - Host Dr. Herbers asks for closing remarks by panelists Brief closing remarks from Indonesian panelists and Dr. Kerri Ann Jones (2-3 min each) 8:57am - Closing Remarks by Administrator Jackson (3 minutes) 9:00am - Host Dr. Herbers thanks the audience and makes final statements 9:03am- LiveStream to Jarkarta goes offline. US panel will take 20 minutes of conversation from DC studio. 9:30am- Program ends
---------------------	--	---

Attendees:

Herawati Sudoyo, Principle Investigator, Deputy Director of the Eijkman Institute

Dr. Eng. Eniya L. Dewi, Deputy for Information, Energy and Material Technologies (TIEM)

Agency for the Assessment and Application of Technology, Indonesia (BPPT)

Dr. Kerri-Ann Jones- US Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

US Embassy in Jakarta will host a live audience of 150 students and

		scientists and State Department HQ will host a live audience of 25 students and scientists
08:45 AM - 09:15 AM	Administrator's Office	FYI Daily Meeting
09:30 AM - 09:45 AM	U.S. Dept of State Annex	Depart for Russell Senate Building * The Administrator will head to a hold room before the meeting starts. Directions to hold: Enter through Russell 336. Walk to the back of the room and take a left.
10:00 AM - 11:00 AM	Russell 328A	Meeting with Secretary Vilsack and Senate Ag Committee Ct: Arvin Ganesan 564-4741 Ann Stanski (Stabenow) 202 228 6302 Attendees: Secretary Vilsack Debbie Stabenow (MI) Amy Klobuchar (MN) Michael Bennett (CO) Robert Casey (PA) Max Baucus (MT) Ben Nelson (NE) Sherrod Brown (OH) Pat Roberts (KS) Mike Johanns (NE) Saxby Chambliss (GA) Chuck Grassley (IA) John Hoeven (ND) Thad Cochran (MS) John Thune (SD) John Boozman (AR) Staff: Arvin Ganesan (OCIR) Larry Elworth (OA) To discuss general agricultural and environmental issues
11:00 AM - 11:15 AM	Russell Senate Building	Depart for Ariel Rios
11:15 AM - 12:00 PM	Bullet Room	Briefing on EPA's Enhanced Chemical Management Program Ct: Gloria Milhouse 564-4206 Staff: Bob Perciasepe, Bob Sussman, Diane Thompson (OA) Steve Owens, Jim Jones, Wendy Cleland-Hamnett, Barbara Cunningham, Maria Doa, Robert Lee, Oscar Hernandez, Jim Willis (OSCPP) Bicky Corman (OPEI) Brenda Mallory (OGC)
12:00 PM - 01:00 PM	Administrator's	No Meetings

Office		
01:00 PM - 01:15 PM	Ariel Rios	Depart for One Potomac Yard (South Building), 2777 S. Crystal Dr., Arlington, VA 22202
01:15 PM - 01:40 PM	2777 South Crystal Drive, Arlington, VA, 22202 1st floor conference center One Potomac Yard (South Building)	EPA Executive Management Council EMC Ct: Robert Sachs - 202-566-2884 Advance Ct: Clay Diette - 202-564-1480
01:40 PM - 01:55 PM	One Potomac Yard (South Building), 2777 S. Crystal Dr., Arlington, VA 22202	Depart for Ariel Rios
02:00 PM - 02:30 PM	Administrator's Office	Meeting with Utility Workers Union of America President, Mike Langford Arvin Ganesan - 202-564-4741 Attendees: Mike Langford, President Michael G. Williams, Legislative Representative Staff: Arvin Ganesan (OCIR) Gina McCarthy (OAR) Optional: Diane Thompson (OA)
02:40 PM - 03:20 PM	Bullet Room	Options Selection: Revisions to Motor Vehicle Fuel Economy Label Ct: Cindy Huang: 202-564-1850 Purpose: Options selection for EPA/NHTSA joint Revisions to Motor Vehicle Fuel Economy Label FRM Staff: Bob Perciasepe, Bob Sussman, Janet Woodka, Charles Imohiosen (OA) Michael Goo, Bicky Corman (OPEI) Paul Anastas (ORD) Scott Fulton, John Hannon, Gretchen Graves (OGC) Barbara Bennett (OCFO) Susan Hedman (R5) Al Armendariz (R6) Jared Blumenfeld (R9) Gina McCarthy, Don Zinger, Margo Oge, Sarah Dunham, Lori Stewart, Lisa Snapp, Linc Wehrly (OAR) Seth Oster, Stephanie Owens, (OEAE)

Optional:

Anne Wick, Christopher Thompson, Gerald Kraus, Jason Weinstein, Mark Corrales, Tim Benner, Larke Williams (Work Group)
 Fransisco Acevedo, Phuong Nguyen (R5)
 Gloria Vaughn, Sandra Rennie (R6)
 Jeffery Buss (R9)

**Teleconference is needed for this meeting

03:30 PM - 04:00 PM	Administrator's Office	Meeting with John Rowe, CEO of Exelon Ct: Emily Duncan - 312-394-8037 Subj: Mr. Rowe would like to discuss the MACT rule generally and how Exelon can help EPA Attendees: John Rowe, CEO Joe Dominguez, Senior VP Federal Regulatory Affairs David Brown, Senior VP Federal Government Affairs Emily Duncan, Asst. Chief of Staff to John Rowe Staff: Bob Perciasepe (OA) David McIntosh (OCIR) Scott Fulton (OGC) Joe Goffman (OAR) Optional: Diane Thompson (OA)
<hr/>		
04:00 PM - 04:45 PM	Administrator's Office	Office Time
<hr/>		
04:45 PM - 05:00 PM	Ariel Rios	Depart for White House Use Southeast entrance
<hr/>		
05:00 PM - 06:30 PM	The White House - State Floor	100th Anniversary International Women's Day with FLOTUS Ct: Ryan Robison
<hr/>		

*** 03/07/2011 05:33:16 PM ***

01268-EPA-4579

**David
McIntosh/DC/USEPA/US**
03/08/2011 06:42 AM

To windsor.richard, thompson.diane, "Bob Perciasepe",
oster.seth, fulton.scott, goo.michael, "Bicky Corman",
andy.adora
cc "Arvin Ganesan", "Laura Vaught"
bcc
Subject Fw: Issa, EPA in protocol dispute

(b)(5) Deliberative



From: Arvin Ganesan
Sent: 03/08/2011 05:39 AM EST
To: David McIntosh
Subject: Issa, EPA in protocol dispute

Issa, EPA in protocol dispute

By: [Robin Bravender](#)

March 8, 2011 04:39 AM EST

Darrell Issa doesn't want the Obama administration telling him how to run his House Oversight and Government Reform Committee.

Agency officials don't want top staffers sitting around for hours in hearing rooms before testifying.

Several incidents over the past month have Obama administration officials and House Democrats bristling over how senior officials have been treated at committee hearings since Republicans took over the gavels.

The most recent feud involves Issa and the Environmental Protection Agency. Staffers have been engaged in a back-and-forth over whether the EPA has the right to certain protocols before deciding whether to send an official to testify, according to a series of letters obtained by POLITICO.

Issa's not budging. He says there is nothing wrong with the way the GOP regime treats agency witnesses, and he accuses the administration of attempting to undermine Congress's authority.

The EPA has refused to commit to sending a witness Wednesday to an Oversight and Government Reform subpanel hearing on regulations unless it's on the agency's terms.

David McIntosh, EPA's associate administrator for the office of congressional and intergovernmental relations, requested that the committee allow the EPA official to testify on the first panel and to follow the "traditional practice" of having the administration witness on a panel comprising only administration officials.

"Unfortunately, we never settled on a format that would accommodate an administration witness," McIntosh wrote in a letter to the Oversight Committee last Friday.

Committee Republicans offered to allow an EPA witness to testify alone on the second panel, but McIntosh said that wasn't acceptable, citing what happened last week to Gina McCarthy, chief of EPA's air programs.

McCarthy, summoned to testify before the House Energy and Commerce Committee about the agency's climate regulations, waited for several hours for her turn in the witness chair.

"The result of the EPA witness not comprising the earliest panel was that she was kept away from her other responsibilities at EPA for more than four hours before she even began testifying," McIntosh wrote.

The EPA isn't the only agency feeling the sting. Last week in the House, Bob Abbey, director of the Bureau of Land Management, waited for about four hours for the first panel to wrap up before giving his testimony to the Natural Resources Committee.

Energy and Commerce Committee Republicans have also upset the apple cart, having to reschedule a budget meeting with EPA officials after not inviting Democratic staffers and after several walked out early from a similar meeting with DOE aides.

"In return for our demonstrated solicitousness of the needs of congressional committees, we do ask that committees take all reasonable steps to be respectful of the time and other important responsibilities of executive branch officials," McIntosh wrote.

For his part, Issa says the administration shouldn't be trying to tell his committee how to do business. In a letter sent Monday to EPA Administrator Lisa Jackson, the California Republican called EPA's responses "an attempt to avoid meaningful oversight."

Issa accused the EPA of acting "with arrogance and without foundation to stifle this debate," and he asked Jackson to reconsider the "hard-line position" that her staff has articulated.

"In light of the troubles facing our nation, it is disturbing that EPA's highest priority is to secure assurances that the witnesses will not have to engage with the regulated community and the order in which the agency witnesses will appear," Issa wrote. "Moreover, EPA's disdain for having to sit through and listen to or respond to the concerns of individuals affected by EPA regulation is shameful."

Issa said there's a precedent for doing things differently. He cited 10 examples in recent years in which administration officials appeared before his committee on the second witness panel. He noted another instance in which an EPA official appeared on the same panel as the chairman of EPA's science advisory committee — a position that's technically independent of the administration.

House Democrats have also lashed out at their colleagues for giving administration officials a back seat to other witnesses. Rep. Henry Waxman, the top Democrat on the Energy and Commerce Committee, criticized Republicans for putting McCarthy on the hearing's second panel.

In response to Waxman's concerns, Energy and Commerce Committee Chairman Fred Upton said he's keeping his options open. "In most cases, we've had them first, and I'll bet in most cases that we will," the Michigan Republican told POLITICO last week. "Today we didn't, but in most cases, we'll be following that tradition."

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

01268-EPA-4603

**Robert
Goulding/DC/USEPA/US**
01/30/2009 03:44 PM

To Richard Windsor
cc "Amy Salzman", "Robert Goulding", "Nancy Sutley"
bcc
Subject Re: Fw: Coeur AL

Please see the attached briefing.

(b)(5) Deliberative

Kensington Update JAN 30 09.doc

Robert Goulding
US EPA
Office of the Administrator
Director of Operations
(p) 202-564-4700
(f) 202-501-1450

Richard Windsor [Hi Nancy and Amy, \(b\)\(5\) Deliberative](#) 01/30/2009 03:19:32 PM

From: Richard Windsor/DC/USEPA/US
To: "Amy Salzman" <(b)(6) Privacy> "Nancy Sutley" <(b)(6) Privacy>
Cc: "Robert Goulding" <goulding.robert@epa.gov>
Date: 01/30/2009 03:19 PM
Subject: Fw: Coeur AL

Hi Nancy and Amy,

(b)(5) Deliberative

(b)(5) Deliberative

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 01/30/2009 02:00 PM EST
To: Richard Windsor
Subject: Fw: Coeur AL

(b)(5) Deliberative

Please advise.

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 01/30/2009 01:59 PM -----

"Salzman, Amelia S."
(b)(6) Privacy
01/30/2009 01:47 PM

To Lisa Heinzerling/DC/USEPA/US@EPA
cc
Subject RE: Coeur AL

(b)(5) Deliberative

[Redacted]

[Redacted]

Thanks

-Amy

Amelia Salzman
Associate Director for Policy Outreach
White House Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

(b)(6) Privacy

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

From: Heinzerling.Lisa@epamail.epa.gov
[mailto:Heinzerling.Lisa@epamail.epa.gov]
Sent: Friday, January 30, 2009 10:18 AM
To: Salzman, Amelia S.
Subject: Coeur AL

Hi Amy --

(b)(5) Deliberative

[Redacted]

[Redacted]

Best,
Lisa,

01268-EPA-4604

Richard Windsor/DC/USEPA/US
01/31/2009 09:53 PM

To "Carol Browner", "Nancy Sutley", jcarson
cc "Heather Zichal", hzichal, "Lisa Heinzerling", "David McIntosh", "Robert Goulding", "Eric Wachter", "Brandon Hurlbut", "Chris Lu", Marygrace Galston, "Jim Messina", "Amy Salzman", jaldy, jfreeman, msutphen
bcc
Subject EPA Points of Contact

Carol, Nancy, and Jon,

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

Carol, Nancy, and Jon - Of course, I am always available to you personally. Emails and numbers follow.

Lisa Jackson

Lisa Jackson
Windsor.richard@epa.gov
Office - 202-564-4700
Cell - (b) (6) Privacy

David McIntosh
Mcintosh.david@epa.gov
Office - 202-564-0539
Cell - (b) (6) Privacy

Lisa Heinzerling
Heinzerling.lisa@epa.gov
Office - 202-564-0582
Cell - (b) (6) Privacy

Eric Wachter
Wachter.eric@epa.gov
Office - 202-564-4700
Cell - (b) (6) 6

Robert Goulding (Dir of Operations)
Goulding.robert@epa.gov
Office - 202-564-0473
Cell - (b) (6) Privacy

01268-EPA-4605

Richard Windsor/DC/USEPA/US
01/31/2009 09:59 PM

To "Nancy Sutley", jcarson, Carol_M._Browner
cc "Heather Zichal", hzichal, "Lisa Heinzerling", "David McIntosh", "Robert Goulding", "Eric Wachter", "Brandon Hurlbut", "Chris Lu", Marygrace Galston, "Jim Messina", "Amy Salzman", jaldy, jfreeman, msutphen
bcc
Subject EPA Points of Contact

Carol, Nancy, and Jon,

(b)(5) Deliberative

[Redacted]

Carol, Nancy, and Jon - Of course, I am always available to you personally. Emails and numbers follow.

Lisa Jackson

Lisa Jackson
Windsor.richard@epa.gov
Office - 202-564-4700
Cell - (b) (6) Privacy

David McIntosh
Mcintosh.david@epa.gov
Office - 202-564-0539
Cell - (b) (6) Privacy

Lisa Heinzerling
Heinzerling.lisa@epa.gov
Office - 202-564-0582
Cell - (b) (6) Privacy

Eric Wachter
Wachter.eric@epa.gov
Office - 202-564-4700
Cell - (b) (6) Privacy

Robert Goulding (Dir of Operations)
Goulding.robert@epa.gov
Office - 202-564-0473
Cell - (b) (6) Privacy

01268-EPA-4606

"Zichal, Heather R."

(b)(6) Privacy

02/01/2009 12:25 PM

To Richard Windsor, "Sutley, Nancy H.", "Carson, Jonathan K.", "Browner, Carol M."

cc Heather.Zichal, Lisa Heinzerling, David McIntosh, Robert Goulding, Eric Wachter, "Hurlbut, Brandon K.", "Lu, Christopher P.", Marygrace Galston, "Messina, James A.", "Salzman, Amelia S.", "Aldy, Joseph E.", "Freeman, Jody L.", "Sutphen, Mona K."

bcc

Subject Re: EPA Points of Contact

Thank you for your note. (b)(5) Deliberative

You will see more details on that this week.

Thanks again,
Heather

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
To: Sutley, Nancy H.; Carson, Jonathan K.; Browner, Carol M.
Cc: Heather Zichal <(b)(5) Deliberative> Zichal, Heather R.; Lisa Heinzerling <heinzerling.lisa@epa.gov>; David McIntosh <mcintosh.david@epa.gov>; Robert Goulding <goulding.robert@epa.gov>; Eric Wachter <wachter.eric@epa.gov>; Hurlbut, Brandon K.; Lu, Christopher P.; Galston.Marygrace@epamail.epa.gov <Galston.Marygrace@epamail.epa.gov>; Messina, James A.; Salzman, Amelia S.; Aldy, Joseph E.; Freeman, Jody L.; Sutphen, Mona K.
Sent: Sat Jan 31 21:59:25 2009
Subject: EPA Points of Contact

Carol, Nancy, and Jon,

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative

Carol, Nancy, and Jon - Of course, I am always available to you personally. Emails and numbers follow.

Lisa Jackson,

Lisa Jackson,
Windsor.richard@epa.gov
Office - 202-564-4700
Cell - (b) (6) Privacy

David McIntosh
Mcintosh.david@epa.gov
Office - 202-564-0539
Cell - (b) (6) Privacy

Lisa Heinzerling
Heinzerling.lisa@epa.gov
Office - 202-564-0582
Cell - (b) (6) Privacy

Eric Wachter
Wachter.eric@epa.gov
Office - 202-564-4700
Cell - (b) (6) Privacy

Robert Goulding (Dir of Operations)
Goulding.robert@epa.gov
Office - 202-564-0473
Cell - (b) (6) Privacy

01268-EPA-4607

**Robert
Goulding/DC/USEPA/US**
02/02/2009 12:46 PM

To Richard Windsor, Lisa Heinzerling, David McIntosh, Eric
Wachter
cc
bcc

Subject Contact Info

Attached please find useful contact information. If anything changes or you become aware of good points of contact (i.e. not just the main #'s, but live voices and/or assistants) at various Cabinet offices, White House, state offices, etc please feel free to pass this info along to me for updated contact info. Let's keep this within the AO for now. Thanks.

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

Cabinet&WH_Contact.doc MorningTeamContact2.doc

Robert Goulding
US EPA
Office of the Administrator
Director of Operations
(p) 202-564-4700
(f) 202-501-1450

*Please consider the environment before printing this e-mail

01268-EPA-4608

"Holdren, John P."

(b)(6) Privacy

02/04/2009 08:02 AM

To "Browner, Carol M.", Richard Windsor, "Sutley, Nancy H.",
"Sutphen, Mona K."

cc SChu, "Kalil, Thomas A.", "Kohlenberger, Jim C."

bcc

Subject FW: Coal River Mountain

Dear Carol, Lisa, Nancy, Mona –

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

Best,
John

(b)(5) Deliberative

[Redacted]

JOHN P. HOLDREN
Assistant to the President for Science and Technology
Executive Office of the President of the United States

(b)(6) Privacy

From: Anniek Hansen [mailto:(b) (6) Privacy]

Sent: Tuesday, February 03, 2009 10:59 PM

To: John Holdren; Steve Chu

Cc: Jim Hansen

Subject: Coal River Mountain

<http://climategroundzero.org>.

Dear John, Steve,

The opposition in this case is surely going to swell. Does EPA not have authority to step in? What is happening here is truly environmental madness, from a local, national, and planetary

perspective. The President and the Administration would look a whole lot better if they came in sooner, rather than later. I don't know either Lisa Jackson or Carol Browner. Is there some way that you can get them to look at this situation?

Best, Jim

----- Forwarded message -----

From: **Vivian Stockman** <vivian@ohvec.org>

Date: Tue, Feb 3, 2009 at 2:23 PM

Subject: Eight more arrests following second wave of citizen protest at toxic coal sludge lake and mountaintop removal site

To: Press <vivian@ohvec.org>

FOR IMMEDIATE RELEASE

Feb. 3, 2009

Contact: Charles Suggs 304-854-7372

Eight more arrests following second wave of citizen protest at toxic coal sludge lake and mountaintop removal site

Massey Energy blasting would endanger community, destroy permanent renewable energy potential

PETTUS, W.Va. — This morning five activists, who had chained themselves to a bulldozer and an excavator, and one videographer were arrested for trespassing at a mountaintop removal site. By afternoon, dozens of local residents, friends and supporters from throughout Appalachia converged at the mine's gate. Eight more citizens were arrested in the afternoon action.

The latest wave of protesters, trained in and committed to non-violence, delivered a letter to mine company officials. The letter, ultimately intended for Massey Energy CEO Don Blankenship, insists that Massey cease the mountaintop removal operation on Coal River Mountain. (A copy of the letter is posted at http://climategroundzero.com/gate_letter.pdf).

Blasting for part of the operation could begin at any time, very close to a nine-billion-gallon toxic coal waste sludge dam called the Brushy Fork Impoundment. Blasting would occur above underground mines close to the dam and the lake of toxic coal waste it impounds.

Instead of mountaintop removal, residents and their supporters are advocating for a wind farm on the site as a safe alternative for cleaner energy and long-term jobs (www.coalriverwind.org).

"I fear for my friends and all the people living below this coal sludge dam," said Gary Anderson, who lives on the mountain near the site. "Blasting beside the dam, over underground mines, could decimate the valley for miles. The 'experts' said that the Buffalo Creek sludge dam was safe, but it failed. They said that the TVA sludge dam was safe, but it failed. Massey is setting up an even greater catastrophe here."

In 1972, a sludge dam operated by Pittston Coal Company failed and killed 125 people in Buffalo Creek, W.Va.

In 2000, a sludge dam operated by Massey Energy in Martin County, Ky., released approximately 300 million gallons of coal waste that broke through into underground mines. The EPA called that the worst environmental disaster in the Southeast.

Then, in December 2008, a coal ash sludge impoundment operated by the Tennessee Valley Authority (TVA) failed near Harriman, Tenn. That disaster released over one billion gallons of toxic sludge that destroyed three homes, damaged twelve more and covered 300 acres.

The Brushy Fork coal sludge impoundment currently contains seven billion gallons and has a nine-billion-gallon capacity.

Residents have lost faith in their state government and taken their plea nationally. Climate expert James Hansen, the head of NASA's Goddard Institute for Space Studies, said, "President Obama, please look at Coal River Mountain. Your strongest supporters are counting on you to stop this madness."

"We can't sit by while Massey jeopardizes the lives and homes of thousands of people," said Vernon Haltom of Naoma, W.Va. "Governor Manchin and the West Virginia Department of Environmental Protection have proven that they are unwilling to protect the citizens. What do they expect us to do? Will they wait until we're in body bags to take this threat seriously?"

A 2008 report by the federal Office of Surface Mining revealed serious deficiencies in the WVDEP's regulation of coal waste dams (www.wvgazette.com/News/200901110512?page=1&build=cache).

In November, WVDEP approved a permit revision allowing Massey to begin the mountaintop removal operation. Despite citizens' objections, DEP denied public participation in its decision process.

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Arrested in the morning action were Rory McImoil, Matt Noerpel, James McGuinness Mike Roselle, Glen Collins and videographer Chad Stevens.

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For updates, photos and video footage, go to <http://climategroundzero.org>.

###

01268-EPA-4609

"Holdren, John P."

<(b)(6) Privacy
[REDACTED]

02/04/2009 02:56 PM

To "Browner, Carol M.", Richard Windsor, "Sutley, Nancy H.",
"Sutphen, Mona K."

cc SChu, "Kalil, Thomas A.", "Kohlenberger, Jim C."

bcc

Subject Correction of thinko in PS to this morning's coal message

(b)(5) Deliberative
[REDACTED]

01268-EPA-4610

Richard Windsor/DC/USEPA/US
02/04/2009 02:59 PM

To "Holdren, John P."
cc "Browner, Carol M.", "Kohlenberger, Jim C.", "Sutphen, Mona K.", "Sutley, Nancy H.", SChu, "Kalil, Thomas A."
bcc
Subject Re: FW: Coal River Mountain

John,

(b)(5) Deliberative
[Redacted]

"Holdren, John P." Dear Carol, Lisa, Nancy, Mona - 02/04/2009 08:02:30 AM

From: "Holdren, John P." <(b)(6) Privacy
To: "Browner, Carol M." <(b)(5) Deliberative Richard Windsor/DC/USEPA/US@EPA,
"Sutley, Nancy H." <(b)(6) Privacy "Sutphen, Mona K."
Cc: <(b)(6) Privacy
<(b)(5) Deliberative "Kalil, Thomas A." <(b)(6) Privacy "Kohlenberger, Jim
C." <(b)(6) Privacy
Date: 02/04/2009 08:02 AM
Subject: FW: Coal River Mountain

Dear Carol, Lisa, Nancy, Mona –

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Best,
John

(b)(5) Deliberative
[Redacted]

JOHN P. HOLDREN
Assistant to the President for Science and Technology
Executive Office of the President of the United States
(b)(6) Privacy

From: Anniek Hansen [mailto: (b) (5) Deliberative]
Sent: Tuesday, February 03, 2009 10:59 PM
To: John Holdren; Steve Chu
Cc: Jim Hansen
Subject: Coal River Mountain

<http://climategroundzero.org>.

Dear John, Steve,

The opposition in this case is surely going to swell. Does EPA not have authority to step in? What is happening here is truly environmental madness, from a local, national, and planetary perspective. The President and the Administration would look a whole lot better if they came in sooner, rather than later. I don't know either Lisa Jackson or Carol Browner. Is there some way that you can get them to look at this situation?

Best, Jim

----- Forwarded message -----

From: Vivian Stockman <vivian@ohvec.org>
Date: Tue, Feb 3, 2009 at 2:23 PM
Subject: Eight more arrests following second wave of citizen protest at toxic coal sludge lake and mountaintop removal site
To: Press <vivian@ohvec.org>
FOR IMMEDIATE RELEASE
Contact: Charles Suggs 304-854-7372

Feb. 3, 2009

Eight more arrests following second wave of citizen protest at toxic coal sludge lake and mountaintop removal site

Massey Energy blasting would endanger community, destroy permanent renewable energy potential

PETTUS, W.Va. — This morning five activists, who had chained themselves to a bulldozer and an excavator, and one videographer were arrested for trespassing at a mountaintop removal site. By afternoon, dozens of local residents, friends and supporters from throughout Appalachia converged at the mine's gate. Eight more citizens were arrested in the afternoon action.

The latest wave of protesters, trained in and committed to non-violence, delivered a letter to mine company officials. The letter, ultimately intended for Massey Energy CEO Don Blankenship, insists that Massey cease the mountaintop removal operation on Coal River Mountain. (A copy of the letter is posted at

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Instead of mountaintop removal, residents and their supporters are advocating for a wind farm on the site as a safe alternative for cleaner energy and long-term jobs (www.coalriverwind.org).

"I fear for my friends and all the people living below this coal sludge dam," said Gary Anderson, who lives on the mountain near the site. "Blasting beside the dam, over underground mines, could decimate the valley for miles. The 'experts' said that the Buffalo Creek sludge dam was safe, but it failed. They said that the TVA sludge dam was safe, but it failed. Massey is setting up an even greater catastrophe here."

In 1972, a sludge dam operated by Pittston Coal Company failed and killed 125 people in Buffalo Creek, W.Va.

In 2000, a sludge dam operated by Massey Energy in Martin County, Ky., released approximately 300 million gallons of coal waste that broke through into underground mines. The EPA called that the worst environmental disaster in the Southeast.

Then, in December 2008, a coal ash sludge impoundment operated by the Tennessee Valley Authority (TVA) failed near Harriman, Tenn. That disaster released over one billion gallons of toxic sludge that destroyed three homes, damaged twelve more and covered 300 acres.

The Brushy Fork coal sludge impoundment currently contains seven billion gallons and has a nine-billion-gallon capacity.

Residents have lost faith in their state government and taken their plea nationally. Climate expert James Hansen, the head of NASA's Goddard Institute for Space Studies, said, "President Obama, please look at Coal River Mountain. Your strongest supporters are counting on you to stop this madness."

"We can't sit by while Massey jeopardizes the lives and homes of thousands of people," said Vernon Haltom of Naoma, W.Va. "Governor Manchin and the West Virginia Department of Environmental Protection have proven that they are unwilling to protect the citizens. What do they expect us to do? Will they wait until we're in body bags to take this threat seriously?"

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###

01268-EPA-4611

"Sutley, Nancy H."

(b)(6) Privacy

02/04/2009 07:51 PM

To Richard Windsor, "Holdren, John P."

cc "Browner, Carol M.", "Kohlenberger, Jim C.", "Sutphen, Mona K.", SChu, "Kalil, Thomas A.", "Carson, Jonathan K."

bcc

Subject Re: FW: Coal River Mountain

(b)(5) Deliberative Nancy

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>

To: Holdren, John P.

Cc: Browner, Carol M.; Kohlenberger, Jim C.; Sutphen, Mona K.; Sutley, Nancy H.;

(b)(5) Deliberative <(b)(5) Deliberative> Kalil, Thomas A.

Sent: Wed Feb 04 14:59:57 2009

Subject: Re: FW: Coal River Mountain

John,

(b)(5) Deliberative

From: "Holdren, John P." <(b)(6) Privacy>
To: "Browner, Carol M." <(b)(5) Deliberative> Richard Windsor/DC/USEPA/US@EPA, "Sutley, Nancy H." <(b)(6) Privacy>, "Sutphen, Mona K." <(b)(6) Privacy>
Cc: <(b)(5) Deliberative> "Kalil, Thomas A." <(b)(6) Privacy>, "Kohlenberger, Jim C." <(b)(6) Privacy>

Date: 02/04/2009 08:02 AM

Subject: FW: Coal River Mountain

Dear Carol, Lisa, Nancy, Mona -

(b)(5) Deliberative

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

Best,
John,

(b) [Redacted]
(5) [Redacted]
Deli [Redacted]
ber [Redacted]

JOHN P. HOLDREN
Assistant to the President for Science and Technology
Executive Office of the President of the United States

(b)(6) Privacy [Redacted]

From: Anniek Hansen [mailto:[Redacted] (b) (5) Deliberative]
Sent: Tuesday, February 03, 2009 10:59 PM
To: John Holdren; Steve Chu
Cc: Jim Hansen
Subject: Coal River Mountain

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Subject: Eight more arrests following second wave of citizen protest at

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To: Press <vivian@ohvec.org>

FOR IMMEDIATE RELEASE

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###

01268-EPA-4612

David Cohen/DC/USEPA/US

02/06/2009 02:12 PM

To Richard Windsor

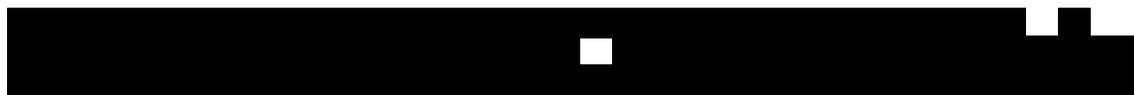
cc Lisa Heinzerling

bcc

Subject write house statement!!!!!!

Thanks dave

(b)(5) Deliberative



01268-EPA-4613

David Cohen/DC/USEPA/US
02/06/2009 02:30 PM

To Richard Windsor
cc
bcc

Subject Re: write house statement!!!!!!

(b)(5) Deliberative [Redacted]

[Redacted]

Dave,

(b)(5) Deliberative [Redacted]

[Redacted]

Richard Windsor (b)(5) Deliberative 02/06/2009 02:24:08 PM

Richard Windsor/DC/USEPA/US
02/06/2009 02:24 PM

To David Cohen/DC/USEPA/US@EPA
cc
Subject Re: write house statement!!!!!! 📎

(b)(5) Deliberative [Redacted]

David Cohen

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

From: David Cohen
Sent: 02/06/2009 02:12 PM EST
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: write house statement!!!!!!!

Thanks dave

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

01268-EPA-4614

David McIntosh/DC/USEPA/US
02/09/2009 04:19 PM

To Richard Windsor
cc
bcc

Subject Fw: EPA's proposed climate and energy legislative principles

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 02/09/2009 04:19 PM -----

From: David McIntosh/DC/USEPA/US
To: (b)(6) Privacy "Levine, Jacob C." <(b)(6) Privacy > "Aldy, Joseph E." <(b)(6) Privacy >
Cc: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 02/09/2009 04:19 PM
Subject: EPA's proposed climate and energy legislative principles

Hi again,

(b)(5) Deliberative

Thanks
David and Lisa

(b)(5) Deliberative

EPA on Climate Legislation.doc EPA on Energy Legislation.doc

David McIntosh | Hi Heather, Joe, and Jake, (b)(5) | 02/06/2009 05:01:48 PM

From: David McIntosh/DC/USEPA/US
To: (b)(6) Privacy "Aldy, Joseph E." <(b)(6) Privacy > "Levine, Jacob C." <(b)(6) Privacy >
Cc: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 02/06/2009 05:01 PM
Subject: Re: Memorandum for Interagency Working Group on Energy and Climate and Next Meeting

Hi Heather, Joe, and Jake,

(b)(5) Deliberative

Have a good weekend,
David and Lisa

[attachment "EPA Climate Offices Activities and Capabilities.doc" deleted by David McIntosh/DC/USEPA/US]

"Levine, Jacob C." | February 6, 2009 | 02/06/2009 11:49:19 AM

From: "Levine, Jacob C." <(b)(6) Privacy >
To: "McSweeney, Terrell P." <(b)(6) Privacy > David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Carson, Jonathan K." <(b)(6) Privacy > "Sullivan, Maureen, Ms, OSD-ATL" <Maureen.Sullivan@osd.mil>, "Lally, Brian J Mr OSD ATL" <Brian.Lally@osd.mil>, "Anderson, Karen L." <(b)(6) Privacy > "Siger, Rick" <RSiger@doc.gov>, <mary.glackin@noaa.gov>, "Kessler-Smith, Debi" <Debi.Kessler-Smith@noaa.gov>, <Steve_Black@ios.doi.gov>, <William.Pizer@do.treas.gov>, "Linscott, Mark" <(b)(6) Privacy > <rajesh.de@usdoj.gov>, "Ericsson, Sally C." <(b)(6) Privacy > (b) (6) Privacy <John.r.norris@osec.usda.gov>, "Kalil, Thomas A." <(b)(6) Privacy > "Leslie,

Grant" <Grant.Leslie@osec.usda.gov>, "Cohn, Adam" <Adam.Cohn@hq.doe.gov>, "Hurlbut, Brandon K." <(b)(6) Privacy > "Kopits, Elizabeth A." <(b)(6) Privacy > "Connors, Celeste A." <(b)(6) Privacy > <Judson.Jaffe@do.treas.gov>, <mgreenst@mit.edu>, "Talley, Trigg \ (OES)" <TalleyT@state.gov>, "Vockerodt, Amanda P \ (OES)" <VockerodtAP@state.gov>

Cc: "Zichal, Heather R." <(b)(6) Privacy > "Aldy, Joseph E." <(b)(6) Privacy > "Farrell, Diana" <(b)(6) Privacy >

Date: 02/06/2009 11:49 AM

Subject: Memorandum for Interagency Working Group on Energy and Climate and Next Meeting

February 6, 2009

MEMORANDUM FOR INTERAGENCY WORKING GROUP ON ENERGY AND CLIMATE

FROM: HEATHER ZICHAL AND JOE ALDY

SUBJECT: (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Our next meeting will be in 180 EEOB from 4-6PM Tuesday, February 10. This meeting will focus on our compilation and synthesis of the submitted draft principles from the agencies, so it is imperative that you meet the 5PM Monday deadline in order for us to have a productive meeting on Tuesday. We will identify principles on which we have general agreement, discuss those for which we have differences, and attempt to craft language to bridge those differences in the Tuesday meeting. Our near-term goal is to present the two sets of principles, and identify any issues which cannot be resolved at our level, for consideration by principals by the end of next week.

Please let Jake Levine (b)(6) Privacy know if you will attend the meeting. If you plan to bring a +1, please submit clearance information (full name, date of birth, and social security number) to

Jake for clearance by 10AM Tuesday.

If you have any questions, please feel free to contact us:

Heather R. Zichal
Deputy Assistant to the President for Energy and Climate Change
Office of Energy and Climate Change
w: (b) (6) Privacy
e: (b)(6) Privacy

Joseph E. Aldy
Special Assistant to the President for Energy and the Environment
National Economic Council/Office of Energy and Climate Change
w: (b) (6) Privacy
e: (b)(6) Privacy

01268-EPA-4617

LisaP Jackson/DC/USEPA/US To "Sunstein, Cass R."
Sent by: Richard Windsor cc Robert Goulding
02/12/2009 02:51 PM bcc Lisa Heinzerling
Subject Re: lunch?

Hi Cass,

Of course it's OK. In fact, please jot down my cell number as well **(b) (6) Privacy**

Let's shoot for lunch Thursday. Noon? I am cc-ing my office director so he can adjust my schedule around that as need be.

I know Lisa has kept you up to speed on the immediate regulatory issues in the air/climate world but I look forward to finding ways we can be helpful to each other.

Lisa

"Sunstein, Cass R." [Hi Lisa-Any chance for lunch one...](#) 02/12/2009 02:06:18 PM

From: "Sunstein, Cass R." <**(b) (6) Privacy**>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 02/12/2009 02:06 PM
Subject: lunch?

Hi Lisa—Any chance for lunch one of these days? At the White House? Maybe next Thurs or Fri? And let me know if/how I can be helpful with anything these days? – Cass (PS I have your special email from my friend Lisa H. – hope that's ok!)

01268-EPA-4618

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

To carol_m._browner

cc

02/12/2009 05:01 PM

bcc

Subject Information We Discussed re PSD

Carol,

(b)(5) Deliberative

 Lisa

01268-EPA-4619

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

To Lisa Heinzerling
cc

02/13/2009 10:07 AM

bcc

Subject Fw: Information We Discussed re PSD

(b)(5) Deliberative

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/13/2009 10:07 AM -----

From: LisaP Jackson/DC/USEPA/US
To: (b) (5) Deliberative
Date: 02/12/2009 05:01 PM
Subject: Information We Discussed re PSD

Carol,

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted] Lisa

01268-EPA-4620

"Salzman, Amelia S."

(b)(6) Privacy

02/14/2009 08:40 PM

To Richard Windsor

cc

bcc

Subject FW: Fwd: (b) (6) for region

Dear Lisa,

(b)(5) Deliberative
(b)(5) Deliberative

best,

Amy

From: Katecfay
To: (b)(6) Privacy
CC: kate.fay@state.co.us
Sent: 1/26/2009 8:04:17 P.M. Mountain Standard Time
Subj: Josh Epel

Amy:

(b)(5) Deliberative

[Redacted]

[Redacted]

Kate

(b)(5) Deliberative

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(b) (6) Privacy

(b) (6) Privacy resume.doc

01268-EPA-4621

Richard Windsor/DC/USEPA/US
02/15/2009 09:53 AM

To "Nancy Sutley", "Jonathan K. Carson", "Carol Browner",
"Heather Zichal", "John Holdren"
cc
bcc "Steven Chu", "Tom Vilsack"
Subject Fw: A washingtonpost.com article from:
jackson.lisap@epa.gov

Folks,

(b)(5) Deliberative

Lisa Jackson

From: LisaP Jackson
Sent: 02/15/2009 08:20 AM EST
To: Richard Windsor
Subject: A washingtonpost.com article from: jackson.lisap@epa.gov

This page was sent to you by: jackson.lisap@epa.gov
[Scientists: Pace of Climate Change Exceeds Estimates](#)

By Kari Lydersen

CHICAGO, Feb. 14 -- The pace of global warming is likely to be much faster than recent predictions, because industrial greenhouse gas emissions have increased more quickly than expected and higher temperatures are triggering self-reinforcing feedback mechanisms in global ecosystems, scientists said...

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01268-EPA-4622

Richard Windsor/DC/USEPA/US
02/15/2009 10:02 AM

To "Cass Sunstein"
cc
bcc

Subject Fw: A washingtonpost.com article from:
jackson.lisap@epa.gov

Hey. Wanted to make sure you saw this as well as my note looking fwd to our lunch.

Lisa Jackson

From: Richard Windsor
Sent: 02/15/2009 09:53 AM EST
To: "Nancy Sutley" <(b)(6) Privacy > "Jonathan K. Carson" <(b)(6) Privacy > "Carol Browner" <(b) (6) Privacy > "Heather Zichal" <(b) (6) Privacy > "John Holdren" <(b)(6) Privacy >
Subject: Fw: A washingtonpost.com article from: jackson.lisap@epa.gov

Folks,

(b)(5) Deliberative
[Redacted]
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01268-EPA-4623

"Sunstein, Cass R."

(b)(6) Privacy

02/15/2009 10:12 AM

To Richard Windsor

cc

bcc

Subject Re: A washingtonpost.com article from:
jackson.lisap@epa.gov

Thanks Lisa! I did see this. Very important as is your note. Much looking forward to lunch.

From: Windsor.Richard@epamail.epa.gov
To: Sunstein, Cass R.
Sent: Sun Feb 15 10:02:18 2009
Subject: Fw: A washingtonpost.com article from: jackson.lisap@epa.gov

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To: "Nancy Sutley" <(b)(6) Privacy> "Jonathan K. Carson" <(b)(6) Privacy> "Carol Browner" <(b) (6) Privacy> "Heather Zichal" <(b) (6) Privacy> "John Holdren" <(b)(6) Privacy>
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01268-EPA-4624

Richard Windsor/DC/USEPA/US
02/15/2009 10:15 AM

To "David McIntosh", "Lisa Heinzerling"
cc
bcc

Subject Fw: A washingtonpost.com article from:
jackson.lisap@epa.gov

Fyi.

From: "Sunstein, Cass R." (b)(6) Privacy
Sent: 02/15/2009 10:12 AM EST
To: Richard Windsor
Subject: Re: A washingtonpost.com article from: jackson.lisap@epa.gov

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Sent: Sun Feb 15 10:02:18 2009
Subject: Fw: A washingtonpost.com article from: jackson.lisap@epa.gov

Hey. Wanted to make sure you saw this as well as my note looking fwd to our lunch.

Lisa Jackson

From: Richard Windsor
Sent: 02/15/2009 09:53 AM EST
To: "Nancy Sutley" <(b)(6) Privacy> "Jonathan K. Carson" (b)(6) Privacy "Carol Browner" <(b) (6) Privacy> "Heather Zichal" <(b) (6) Privacy> "John Holdren" (b)(6) Privacy
Subject: Fw: A washingtonpost.com article from: jackson.lisap@epa.gov

Folks,

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

From: LisaP Jackson
Sent: 02/15/2009 08:20 AM EST
To: Richard Windsor
Subject: A washingtonpost.com article from: jackson.lisap@epa.gov

This page was sent to you by: jackson.lisap@epa.gov

Scientists: Pace of Climate Change Exceeds Estimates

By Kari Lydersen

CHICAGO, Feb. 14 -- The pace of global warming is likely to be much faster than recent predictions, because industrial greenhouse gas emissions have increased more quickly than expected and higher temperatures are triggering self-reinforcing feedback mechanisms in global ecosystems, scientists said...

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01268-EPA-4625

David
McIntosh/DC/USEPA/US
02/15/2009 05:32 PM

To windsor.richard, heinzerling.lisa
cc
bcc

Subject Fw: Interagency Working Group on Energy and Climate --
Energy and Climate Principles

(b)(5) Deliberative
[Redacted]

----- Forwarded by David McIntosh/DC/USEPA/US on 02/15/2009 05:21 PM -----

From: "Levine, Jacob C." <(b)(6) Privacy >
To: "McSweeney, Terrell P." <(b)(6) Privacy > David
McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, "Carson, Jonathan K." <(b)(6) Privacy > "Sullivan, Maureen, Ms, OSD-ATL" <Maureen.Sullivan@osd.mil>, "Lally, Brian J Mr OSD ATL" <Brian.Lally@osd.mil>, "Anderson, Karen L." <(b)(6) Privacy > "Siger, Rick" <RSiger@doc.gov>, <mary.glackin@noaa.gov>, "Kessler-Smith, Debi" <Debi.Kessler-Smith@noaa.gov>, <Steve_Black@ios.doi.gov>, <William.Pizer@do.treas.gov>, "Linscott, Mark" <(b)(6) Privacy > <rajesh.de@usdoj.gov>, "Ericsson, Sally C." <(b)(6) Privacy > (b) (5) Deliberative <John.r.norris@osec.usda.gov>, "Kalil, Thomas A." <(b)(6) Privacy > "Leslie, Grant" <Grant.Leslie@osec.usda.gov>, "Cohn, Adam" <Adam.Cohn@hq.doe.gov>, "Hurlbut, Brandon K." <(b)(6) Privacy > "Kopits, Elizabeth A." <(b)(6) Privacy > "Connors, Celeste A." <(b)(6) Privacy > <Judson.Jaffe@do.treas.gov>, "Talley, Trigg \ (OES)" <TalleyT@state.gov>, "Vockerodt, Amanda P \ (OES)" <VockerodtAP@state.gov>, "Sunstein, Cass R." <(b)(6) Privacy > "Greenstone, Michael B." <(b)(6) Privacy > "Gonzalez, Roberto J." <(b)(6) Privacy > "Salzman, Amelia S." <(b)(6) Privacy > "Prescott, Jennifer" <(b)(6) Privacy > "York, George" <(b)(6) Privacy > <beth.urbanas@do.treas.gov>, <dan.utech@hq.doe.gov>, "Bhowmik, Rachana" <(b)(6) Privacy > "Amrit Mehra" <Amrit.Mehra@noaa.gov>, "Cruden, John \ (ENRD)" <John.Cruden@usdoj.gov>, <john.worth@do.treas.gov>, "Smith, Justin \ (ENRD-LPS Attorney)" <Justin.Smith@usdoj.gov>
Cc: "Zichal, Heather R." <(b)(6) Privacy > "Farrell, Diana" <(b)(6) Privacy > "Aldy, Joseph E." <(b)(6) Privacy > "Freeman, Jody L." <(b)(6) Privacy >
Date: 02/15/2009 04:18 PM
Subject: Interagency Working Group on Energy and Climate -- Energy and Climate Principles

Dear Working Group,

Please find the Energy and Climate Principles for tomorrow's meeting attached.

Tomorrow we will meet in the EEOB, room 350. Please note that since tomorrow is a federal holiday the main entrance to the EEOB will be closed and everyone will have to enter through the Southwest Gate.

Thanks very much.

(b)(5) Deliberative
[Redacted]

01268-EPA-4626

(b) (6) Privacy
02/16/2009 09:20 AM

To Richard Windsor, Marygrace Galston, Eric Wachter
cc
bcc
Subject Macon Cowles -- Region 8 Administrator

(b)(5) Deliberative
[Redacted]

[Redacted]

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

From: Macon Cowles [mailto: (b) (5) Deliberative]
Sent: Friday, February 13, 2009 1:25 PM
To: Sussman, Bob (DC)
Subject: Re: Senior Policy Counsel

Dear Bob,

I will confirm today that the consensus recommendation of the Colorado delegation on EPA Regional Administrator has been made in writing, and forwarded to Don Gips and Lisa Jackson. In addition to the consensus I have the very fine recommendation of Senator Mark Udall that he wrote to the President, with copies to Lisa Jackson and Don Gips. (See Attached.)

I am preparing the letter to Lisa and Don about why I want this job, and will have it completed later this afternoon. I will send that with my 4-page resume that highlights my Environmental Justice work. I will attach a copy of it to this email. It is similar to the resume you already received from me, but it devotes a whole section at the beginning to my work in that area.

In another email, you asked me if I had the support of Environmental Justice leaders in the state. The answer to that is, "Yes." Most of the 31 letters of support that people wrote on different facets of my career mention specific instances of my involvement in EJ. My experience is unusual in that I have not worked for clients in industry, but rather all my work as it is relevant to the EPA's jurisdiction has been for citizens, citizen groups, and impacted communities, usually low income and ethnic.

I have also been reaching out to the states in Region 8, asking to meet with the Governors of ND, SD, WY and UT. And I have outstanding requests for meetings with the Senators from these same states to find out their interests, aspirations and concerns in connection with EPA.

This will enable me, if I am fortunate enough to receive the appointment, to have these things in mind from the very first day.

Thanks very much for your continued encouragement and support, Bob. I am grateful for it. I look forward to meeting you soon.

Macon Cowles
Boulder City Council Member
1680 Wilson Court
Boulder, Colorado 80304 USA
(303) 447-3062

(b) (5) Deliberative
Cell (b) (6) Privacy

*

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Latham & Watkins LLP



090125 Cowles Resume NR.pdf ATT738351.txt

01268-EPA-4627

**Lisa
Heinzerling/DC/USEPA/US**
02/16/2009 12:38 PM

To Richard Windsor
cc
bcc
Subject Fw: Deseret

(b)(5) Deliberative



----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 02/16/2009 12:34 PM -----

"Freeman, Jody L."

(b)(6) Privacy



02/16/2009 12:28 PM

To Lisa Heinzerling/DC/USEPA/US@EPA
cc
Subject RE: Deseret

Lisa,

(b)(5) Deliberative



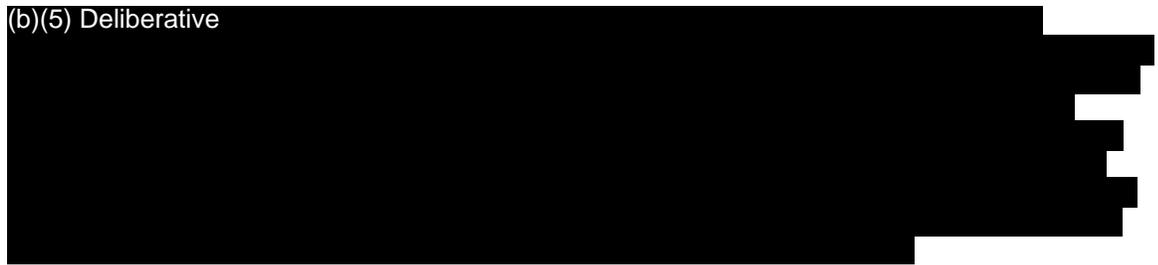

Jody

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

From: Heinzerling.Lisa@epamail.epa.gov
[mailto:Heinzerling.Lisa@epamail.epa.gov]
Sent: Monday, February 16, 2009 12:22 PM
To: Freeman, Jody L.
Subject: Re: Deseret

Jody,

(b)(5) Deliberative



(b)(5) Deliberative

Lisa

"Freeman, Jody
L."

(b)(6) Privacy
(b)(6) Privacy

02/16/2009 12:10
PM

To
Lisa Heinzerling/DC/USEPA/US@EPA
cc

Deseret

Subject

Lisa,

(b)(5) Deliberative

Jody Freeman

Counselor for Energy and Climate Change
Office of Energy and Climate Change

(b)(6) Privacy

01268-EPA-4628

**Robert
Goulding/DC/USEPA/US**
02/16/2009 01:25 PM

To "Richard Windsor"
cc
bcc
Subject Fw: Environment and Climate Change Working Group

(b)(5) Deliberative

From: "Brandt, Kate E." **(b)(6) Privacy**
Sent: 02/16/2009 01:22 PM EST
To: Robert Goulding
Subject: FW: Environment and Climate Change Working Group

(b)(5) Deliberative

Best,

Kate

From: Brandt, Kate E.
Sent: Monday, February 16, 2009 10:56 AM
To: Brandt, Kate E.; 'Goulding.Robert@epamail.epa.gov'; 'Katz, David'; Thomson, John F.; 'luke.knowles@osec.usda'; 'renee_stone@ios.doi.gov'; 'robin.jallow@dot.gov'; Kalil, Thomas A.; 'jackson.lisap@epa.gov'; 'lucas.knowles@osec.usda.gov'; Browner, Carol M.; Zichal, Heather R.
Subject: RE: Environment and Climate Change Working Group

Please note the time and location change for Wednesday's meeting.

Due to a conflicting VPOTUS event we have moved the meeting to 1:45 pm – 2:45 pm in the Indian Treaty Room in the EEOB.

Also please note that this is a principals meeting.

Thank you and please let me know if you have any questions.

Best,

Kate

Kate E. Brandt

Office of Energy and Climate Change

(b)(6) Privacy

(b)(6) Privacy

-----Original Appointment-----
From: Brandt, Kate E.

Sent: Friday, February 13, 2009 7:21 PM

To: 'Goulding.Robert@epamail.epa.gov'; 'Katz, David'; Thomson, John F.; 'luke.knowles@osec.usda'; 'renee_stone@ios.doi.gov'; 'robin.jallow@dot.gov'; Kalil, Thomas A.; 'jackson.lisap@epa.gov'; lucas.knowles@osec.usda.gov; Browner, Carol M.; Zichal, Heather R.

Subject: Environment and Climate Change Working Group

When: Wednesday, February 18, 2009 1:45 PM-2:45 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Indian Treaty Room

Good evening,

Please share the below memo with your principals and let them know about the meeting. Let me know if you have any questions.

Thank you.

Kate

Kate E. Brandt

Office of Energy and Climate Change

(b)(6) Privacy

(b)(6) Privacy

To: Energy and Environment Departments and Agencies

Fr: Carol Browner – Assistant to the President for Energy and Climate Change

Re: Environment and Climate Change Working Group

Dt: February 13, 2009

(b)(5) Deliberative

01268-EPA-4629

Richard Windsor/DC/USEPA/US
02/16/2009 10:49 PM

To: Robert Goulding
cc
bcc
Subject: Re: Environment and Climate Change Working Group

(b)(5) Deliberative

From: Robert Goulding
Sent: 02/16/2009 01:25 PM EST
To: Richard Windsor
Subject: Fw: Environment and Climate Change Working Group

(b)(5) Deliberative

From: "Brandt, Kate E." (b)(6) Privacy
Sent: 02/16/2009 01:22 PM EST
To: Robert Goulding
Subject: FW: Environment and Climate Change Working Group

(b)(5) Deliberative

Best,

Kate

From: Brandt, Kate E.
Sent: Monday, February 16, 2009 10:56 AM
To: Brandt, Kate E.; 'Goulding.Robert@epamail.epa.gov'; 'Katz, David'; Thomson, John F.; 'luke.knowles@osec.usda'; 'renee_stone@ios.doi.gov'; 'robin.jallow@dot.gov'; Kalil, Thomas A.; 'jackson.lisap@epa.gov'; 'lucas.knowles@osec.usda.gov'; Browner, Carol M.; Zichal, Heather R.
Subject: RE: Environment and Climate Change Working Group

Please note the time and location change for Wednesday's meeting.

Due to a conflicting VPOTUS event we have moved the meeting to 1:45 pm – 2:45 pm in the Indian Treaty Room in the EEOB.

Also please note that this is a principals meeting.

Thank you and please let me know if you have any questions.

Best,

Kate

Kate E. Brandt

Office of Energy and Climate Change

(b)(6) Privacy

(b)(6) Privacy

-----Original Appointment-----

From: Brandt, Kate E.

Sent: Friday, February 13, 2009 7:21 PM

To: 'Goulding.Robert@epamail.epa.gov'; 'Katz, David'; Thomson, John F.; 'luke.knowles@osec.usda'; 'renee_stone@ios.doi.gov'; 'robin.jallow@dot.gov'; Kalil, Thomas A.; 'jackson.lisap@epa.gov'; lucas.knowles@osec.usda.gov; Browner, Carol M.; Zichal, Heather R.

Subject: Environment and Climate Change Working Group

When: Wednesday, February 18, 2009 1:45 PM-2:45 PM (GMT-05:00) Eastern Time (US & Canada).

Where: Indian Treaty Room

Good evening,

(b)(5) Deliberative

Thank you.

Kate

Kate E. Brandt

Office of Energy and Climate Change

(b)(6) Privacy

(b)(6) Privacy

To: Energy and Environment Departments and Agencies

Fr: Carol Browner – Assistant to the President for Energy and Climate Change

Re: Environment and Climate Change Working Group

Dt: February 13, 2009

(b)(5) Deliberative

01268-EPA-4630

Richard Windsor/DC/USEPA/US
02/16/2009 10:51 PM

To Lisa Heinzerling
cc
bcc
Subject Re: Deseret

(b)(5) Deliberative [Redacted]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 02/16/2009 12:38 PM EST
To: Richard Windsor
Subject: Fw: Deseret

(b)(5) Deliberative [Redacted]

----- Forwarded by Lisa Heinzerling/DC/USEPA/US on 02/16/2009 12:34 PM -----

"Freeman, Jody L."

(b)(6) Privacy [Redacted]

02/16/2009 12:28 PM

To Lisa Heinzerling/DC/USEPA/US@EPA
cc
Subject RE: Deseret

Lisa,

(b)(5) Deliberative [Redacted]

[Redacted]

Thanks again.
Jody

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

From: Heinzerling.Lisa@epamail.epa.gov
[mailto:Heinzerling.Lisa@epamail.epa.gov]
Sent: Monday, February 16, 2009 12:22 PM
To: Freeman, Jody L.
Subject: Re: Deseret

Jody,

(b)(5) Deliberative [Redacted]

(b)(5) Deliberative
[Redacted]

[Redacted]

Lisa

"Freeman, Jody
L."

(b)(6) Privacy
(b)(6) Privacy

02/16/2009 12:10
PM

To
Lisa Heinzerling/DC/USEPA/US@EPA

CC

Deseret

Subject

Lisa,

(b)(5) Deliberative
[Redacted]

[Redacted]

Thanks.

Jody Freeman

Counselor for Energy and Climate Change
Office of Energy and Climate Change

(b)(6) Privacy

01268-EPA-4631

David McIntosh/DC/USEPA/US
02/17/2009 08:04 AM

To "Richard Windsor"
cc heinzerling.lisa
bcc

Subject Fw: Interagency Working Group on Energy and Climate -- Revised Energy and Climate Principles

From: "Aldy, Joseph E." (b)(6) Privacy
Sent: 02/16/2009 08:31 PM EST
To: "Levine, Jacob C." (b)(6) Privacy; "McSweeney, Terrell P." (b)(6) Privacy; David McIntosh; Lisa Heinzerling; "Carson, Jonathan K." (b)(6) Privacy; "Sullivan, Maureen, Ms, OSD-ATL" <Maureen.Sullivan@osd.mil>; "Lally, Brian J Mr OSD ATL" <Brian.Lally@osd.mil>; "Anderson, Karen L." (b)(6) Privacy; "Siger, Rick" <RSiger@doc.gov>; <mary.glackin@noaa.gov>; "Kessler-Smith, Debi" <Debi.Kessler-Smith@noaa.gov>; <Steve_Black@ios.doi.gov>; <William.Pizer@do.treas.gov>; "Linscott, Mark" (b)(6) Privacy; <rajesh.de@usdoj.gov>; "Ericsson, Sally C." (b)(6) Privacy; <John.r.norris@osec.usda.gov>; "Kalil, Thomas A." (b)(6) Privacy; "Leslie, Grant" <Grant.Leslie@osec.usda.gov>; "Cohn, Adam" <Adam.Cohn@hq.doe.gov>; "Hurlbut, Brandon K." (b)(6) Privacy; "Kopits, Elizabeth A." (b)(6) Privacy; "Connors, Celeste A." (b)(6) Privacy; "Judson.Jaffe@do.treas.gov"; "Talley, Trigg \OES\" <TalleyT@state.gov>; "Vockerodt, Amanda P \OES\" <VockerodtAP@state.gov>; "Sunstein, Cass R." (b)(6) Privacy; "Greenstone, Michael B." (b)(6) Privacy; "Gonzalez, Roberto J." (b)(6) Privacy; "Salzman, Amelia S." (b)(6) Privacy; "Prescott, Jennifer" (b)(6) Privacy; "York, George" (b)(6) Privacy; <beth.urbanas@do.treas.gov>; <dan.utech@hq.doe.gov>; "Bhowmik, Rachana" (b)(6) Privacy; "Amrit Mehra" <Amrit.Mehra@noaa.gov>; "Cruden, John \ENRD\" <John.Cruden@usdoj.gov>; <john.worth@do.treas.gov>; "Smith, Justin \ENRD-LPS Attorney\" <Justin.Smith@usdoj.gov>; "Heimbach, James T." (b)(6) Privacy
Cc: "Zichal, Heather R." (b)(6) Privacy; "Farrell, Diana" (b)(6) Privacy; "Freeman, Jody L." (b)(6) Privacy
Subject: Interagency Working Group on Energy and Climate -- Revised Energy and Climate Principles

February 16, 2009

MEMORANDUM FOR INTERAGENCY WORKING GROUP ON ENERGY AND CLIMATE

FROM: HEATHER ZICHAL AND JOE ALDY

SUBJECT: Review of Revised Energy and Climate Principles

(b)(5) Deliberative
[Redacted]

(b)(5) Deliberative

01268-EPA-4632

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

To: Eric Wachter

cc

02/17/2009 02:29 PM

bcc

Subject: Fw: Macon Cowles -- Region 8 Administrator

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/17/2009 02:29 PM -----

From: <Bob.Sussman@retiredpartner.lw.com>
To: Richard Windsor/DC/USEPA/US@EPA, Marygrace Galston/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA
Date: 02/16/2009 09:21 AM
Subject: (b)(6) Privacy

Macon is vying for the Region 8 Administrator slot. I do not know him well but he comes highly recommended from close friends serving with him on the Boulder, Colorado City Council. He is an able and experienced environmental lawyer who has taken on some big companies (like Exxon) and has strong ties to NRDC. He indicates that he has the support of Senator Udall and other members of the Colorado delegation. He seems like a strong candidate although we will need to confirm the level of support from members of Congress in Region 8 states.

I wanted to put macon on your screen to the extent he isn't already. Let me know if I can be of any help.

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

From: Macon Cowles [mailto:macon.cowles@gmail.com]
Sent: Friday, February 13, 2009 1:25 PM
To: Sussman, Bob (DC)
Subject: Re: Senior Policy Counsel

Dear Bob,

I will confirm today that the consensus recommendation of the Colorado delegation on EPA Regional Administrator has been made in writing, and forwarded to Don Gips and Lisa Jackson. In addition to the consensus I have the very fine recommendation of Senator Mark Udall that he wrote to the President, with copies to Lisa Jackson and Don Gips. (See Attached.)

I am preparing the letter to Lisa and Don about why I want this job, and will have it completed later this afternoon. I will send that with my 4-page resume that highlights my Environmental Justice work. I will attach a copy of it to this email. It is similar to the resume you already received from me, but it devotes a whole section at the beginning to my work in that area.

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communities, usually low income and ethnic.

I have also been reaching out to the states in Region 8, asking to meet with the Governors of ND, SD, WY and UT. And I have outstanding requests for meetings with the Senators from these same states to find out their interests, aspirations and concerns in connection with EPA.

This will enable me, if I am fortunate enough to receive the appointment, to have these things in mind from the very first day.

Thanks very much for your continued encouragement and support, Bob. I am grateful for it. I look forward to meeting you soon.

Macon Cowles
Boulder City Council Member
1680 Wilson Court
Boulder, Colorado 80304 USA
(303) 447-3062
macon.cowles@comcast.net
Cell (303) 638-6884

*

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Latham & Watkins LLP



090125 Cowles Resume NR.pdf ATT738351.txt

01268-EPA-4633

David
McIntosh/DC/USEPA/US
02/18/2009 09:52 AM

To "Richard Windsor", heinzerling.lisa
cc
bcc

Subject Fw: 1:45 pm principals' meeting today

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

From: David McIntosh

Sent: 02/18/2009 09:45 AM EST

To: "Zichal, Heather R." (b)(6) Privacy "Aldy, Joseph E."

<(b)(6) Privacy

Subject: Re: 1:45 pm principals' meeting today

Thanks Heather. No problem. That makes sense.

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

From: "Zichal, Heather R." (b)(6) Privacy

Sent: 02/18/2009 09:38 AM EST

To: David McIntosh; "Aldy, Joseph E." (b)(6) Privacy

Subject: Re: 1:45 pm principals' meeting today

(b)(5) Deliberative

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

From: McIntosh.David@epamail.epa.gov <McIntosh.David@epamail.epa.gov>

To: Aldy, Joseph E.; Zichal, Heather R.

Sent: Wed Feb 18 09:35:09 2009

Subject: 1:45 pm principals' meeting today

(b)(5) Deliberative

01268-EPA-4634

Richard Windsor/DC/USEPA/US
02/18/2009 12:47 PM

To David McIntosh
cc
bcc

Subject Re: 1:45 pm principals' meeting today

Thx

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

From: David McIntosh
Sent: 02/18/2009 09:52 AM EST
To: Richard Windsor; heinzerling.lisa@epa.gov
Subject: Fw: 1:45 pm principals' meeting today

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

From: David McIntosh
Sent: 02/18/2009 09:45 AM EST
To: "Zichal, Heather R." (b)(6) Privacy "Aldy, Joseph E." <(b)(6) Privacy>
Subject: Re: 1:45 pm principals' meeting today

Thanks Heather. No problem. That makes sense.

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

From: "Zichal, Heather R." (b)(6) Privacy
Sent: 02/18/2009 09:38 AM EST
To: David McIntosh; "Aldy, Joseph E." <(b)(6) Privacy>
Subject: Re: 1:45 pm principals' meeting today

(b)(5) Deliberative
[Redacted]

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

From: McIntosh.David@epamail.epa.gov <McIntosh.David@epamail.epa.gov>
To: Aldy, Joseph E.; Zichal, Heather R.
Sent: Wed Feb 18 09:35:09 2009
Subject: 1:45 pm principals' meeting today

(b)(5) Deliberative
[Redacted]

(b)(5) Deliberative



01268-EPA-4635

Richard Windsor/DC/USEPA/US
02/19/2009 06:39 AM

To "Eric Wachter"
cc "Amelia Salzman"
bcc
Subject Fw: Fwd: (b)(6) for region

Tx Amy!

From: "Salzman, Amelia S." (b)(6) Privacy
Sent: 02/14/2009 08:40 PM EST
To: Richard Windsor
Subject: FW: Fwd: (b)(6) for region

Dear Lisa,

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

best,

Amy

From: Katecfay
To: (b)(6) Privacy
CC: kate.fay@state.co.us
Sent: 1/26/2009 8:04:17 P.M. Mountain Standard Time
Subj: Josh Epel

Amy:

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

[Redacted]

[Redacted]

Kate

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

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(b) (6) Privacy [Redacted]

(b)(6) Privacy AA.resume.doc

01268-EPA-4636

Allyn
Brooks-LaSure/DC/USEPA/US

To Richard Windsor
cc Lisa Heinzerling, David McIntosh

02/19/2009 09:40 AM

bcc

Subject "far superior"

(b) (5) Deliberative

MABL.

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/19/2009 09:39 AM -----

From: "LaBolt, Benjamin" <(b)(6) Privacy>
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 02/19/2009 09:07 AM
Subject: here's guidance on any followups to the nyt article

(b)(5) Deliberative

Ben LaBolt
Office of the Press Secretary
The White House
Direct: (b) (6) Privacy

01268-EPA-4637

David
McIntosh/DC/USEPA/US
02/19/2009 10:03 AM

To Allyn Brooks-LaSure
cc Lisa Heinzerling, Richard Windsor
bcc
Subject Re: "far superior"

(b)(5) Deliberative [Redacted]

Allyn Brooks-LaSure (b)(5) Deliberative 02/19/2009 09:40:16 AM

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 02/19/2009 09:40 AM
Subject: "far superior"

(b)(5) Deliberative [Redacted]

MABL.

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/19/2009 09:39 AM -----

From: "LaBolt, Benjamin" (b)(6) Privacy
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 02/19/2009 09:07 AM
Subject: here's guidance on any followups to the nyt article

(b)(5) Deliberative [Redacted]

[Redacted]

Ben LaBolt
Office of the Press Secretary
The White House
Direct: (b) (6) Privacy

01268-EPA-4638

Richard Windsor/DC/USEPA/US
02/19/2009 10:07 AM

To David McIntosh, Allyn Brooks-LaSure
cc Lisa Heinzerling
bcc
Subject Re: "far superior"

Fine w me
David McIntosh

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

From: David McIntosh
Sent: 02/19/2009 10:03 AM EST
To: Allyn Brooks-LaSure
Cc: Lisa Heinzerling; Richard Windsor
Subject: Re: "far superior"

(b)(5) Deliberative [Redacted]

Allyn Brooks-LaSure (b)(5) Deliberative 02/19/2009 09:40:16 AM

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 02/19/2009 09:40 AM
Subject: "far superior"

(b)(5) Deliberative [Redacted]

MABL.

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/19/2009 09:39 AM -----

From: "LaBolt, Benjamin" (b)(6) Privacy [Redacted]
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 02/19/2009 09:07 AM
Subject: here's guidance on any followups to the nyt article

(b)(5) Deliberative [Redacted]

[Redacted]

Ben LaBolt
Office of the Press Secretary
The White House
Direct: (b) (6) Privacy [Redacted]

01268-EPA-4639

Lisa Heinzerling/DC/USEPA/US
 02/19/2009 10:12 AM
 To Richard Windsor
 cc
 bcc
 Subject Re: "far superior"

(b) (5)

Richard Windsor [Fine w me ----- Original Message -----](#) 02/19/2009 10:06:35 AM

Richard Windsor/DC/USEPA/US
 02/19/2009 10:07 AM
 To David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
 cc Lisa Heinzerling/DC/USEPA/US@EPA
 Subject Re: "far superior"

Fine w me
David McIntosh

----- Original Message -----
From: David McIntosh
Sent: 02/19/2009 10:03 AM EST
To: Allyn Brooks-LaSure
Cc: Lisa Heinzerling; Richard Windsor
Subject: Re: "far superior"

(b)(5) Deliberative

Allyn Brooks-LaSure [\(b\)\(5\) Deliberative](#) MABL. 02/19/2009 09:40:16 AM

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 02/19/2009 09:40 AM
Subject: "far superior"

(b)(5) Deliberative

MABL.
----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/19/2009 09:39 AM -----

From: "LaBolt, Benjamin" [\(b\)\(6\) Privacy](#)
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 02/19/2009 09:07 AM
Subject: here's guidance on any followups to the nyt article

(b)(5) Deliberative

(b)(5) Deliberative

(b)(5) Deliberative

Ben LaBolt
Office of the Press Secretary
The White House
Direct: (b) (6) Privacy

01268-EPA-4640

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

To carol_m._browner

cc Lisa Heinzerling

02/20/2009 06:17 PM

bcc

Subject Per our discussion

Carol,

Here it is.

Thanks, Lisa

(b)(5) Deliberative

 Joint EPA:DOT memo 2-20.doc

01268-EPA-4641

Richard Windsor/DC/USEPA/US
02/20/2009 06:56 PM

To Bob Sussman
cc
bcc

Subject Re: Review of Guidance

(b)(5) Deliberative [Redacted]

Bob Sussman

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

From: Bob Sussman
Sent: 02/20/2009 06:52 PM EST
To: Richard Windsor; Scott Fulton; Lisa Heinzerling; David McIntosh
Subject: Fw: Review of Guidance

(b)(5) Deliberative [Redacted]

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 02/20/2009 06:49 PM -----

Bob Sussman/DC/USEPA/US
02/20/2009 05:36 PM

To (b)(6) Privacy [Redacted]
cc

Subject Review of Guidance

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

[Redacted]

[Redacted]

(b)(5) Deliberative



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

01268-EPA-4642

Craig Hooks/DC/USEPA/US

To "Richard Windsor"

02/21/2009 10:50 AM

cc

bcc

Subject Fw: Presidential Meeting

Fyi

Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600
Fax - 202 564-0233

Sent by EPA Wireless E-Mail Services.

From: Ray Spears
Sent: 02/21/2009 10:31 AM EST
To: Craig Hooks
Subject: Fw: Presidential Meeting

(b)(5) Deliberative

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Brandt, Kate E." (b)(6) Privacy
Sent: 02/20/2009 07:25 PM EST
To: <John.R.Norris@osec.usda.gov>; <Rod.oconnor@hq.doe.gov>; <Laurel.A.Blatchford@hud.gov>; <thomas_strickland@ios.doi.gov>; <joan.deboer@dot.gov>; Ray Spears; "Carson, Jonathan K." (b)(6) Privacy
"Kohlenberger, Jim C." (b)(6) Privacy
Cc: <Aida.N.Rodriguez@hud.gov>; <joan_padilla@ios.doi.gov>; <justin_nisly@dot.gov>; Robert Goulding; <doug_mckalip@osec.usda.gov>; "Thomson, John F." (b)(6) Privacy
<Lindsay.Scola@hq.doe.gov>; "Kalil, Thomas A." (b)(6) Privacy "Hurlbut, Brandon K." (b)(6) Privacy
"Crutchfield, Danielle M." (b)(6) Privacy
Subject: Presidential Meeting

Good evening,
Please see the below memo inviting your Principals to the first Presidential meeting with the energy and environment agencies and departments.

If you have any questions please feel free to be in touch.

Best,

Kate

Kate E. Brandt
Office of Energy and Climate Change

(b)(6) Privacy

(b)(6) Privacy

MEMO

To: Energy and Environment Departments and Agencies

Ken L. Salazar, Secretary of the Interior

Tom J. Vilsack, Secretary of Agriculture

Shaun Donovan, Secretary of Housing and Urban Development

Ray H. LaHood, Secretary of Transportation

Steven Chu, Secretary of Energy

Lisa P. Jackson, Administrator, Environmental Protection Agency

John P. Holdren, Assistant to the President for Science and Technology, Director of the White House Office of Science and Technology Policy

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

From: Carol Browner, Assistant to the President for Energy and Climate Change

Re: Presidential Meeting

Date: February 20, 2009

The first Presidential meeting with the energy and environment agencies and departments will focus on plans for implementation of the Recovery Act, upcoming regulatory actions, and legislative activities.

The meeting will be held on Monday, February 23, 2009 from 2:00 pm – 2:45 pm in the Roosevelt Room.

01268-EPA-4643

Ray Spears/DC/USEPA/US
02/25/2009 08:42 AM

To Scott Fulton, Eric Wachter, Allyn Brooks-LaSure, Bob Sussman, Lisa Heinzerling
cc Richard Windsor
bcc
Subject Fw: EPA Budget Chapter -- new version as of 2/25

FYI.

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 02/25/2009 08:39 AM -----

From: Maryann Froehlich/DC/USEPA/US
To: Ray Spears/DC/USEPA/US@EPA
Date: 02/25/2009 08:36 AM
Subject: Fw: EPA Budget Chapter -- new version as of 2/25

----- Forwarded by Maryann Froehlich/DC/USEPA/US on 02/25/2009 08:36 AM -----

From: David Bloom/DC/USEPA/US
To: maryann froehlich, joshua baylson
Date: 02/25/2009 07:58 AM
Subject: Fw: EPA Budget Chapter

This needs to get to the 3rd floor. David

Sent by EPA Wireless E-Mail Services

From: "Irwin, Janet E." (b)(6) Privacy
Sent: 02/24/2009 07:58 PM EST
To: David Bloom; Carol Terris
Subject: EPA Budget Chapter

Attached is a copy of EPA's chapter in the President's Economic and Budget Plan document.

I am supposed to make this available to the Administrator and her office too, but don't have a good e-mail

(b)(5) Deliberative

address for her or them. Would you please forward this to them? Thank you. New Era EPA Chapter.pdf

01268-EPA-4644

**Maryann
Froehlich/DC/USEPA/US**
02/25/2009 08:49 AM

To Richard Windsor
cc Eric Wachter, Scott Fulton
bcc

Subject Fw: EPA Budget Chapter == from OMB

Lisa -- (b)(5) Deliberative



Eric has a copy of this as well.

Maryann Froehlich

----- Forwarded by Maryann Froehlich/DC/USEPA/US on 02/25/2009 08:37 AM -----

From: "Irwin, Janet E." (b)(6) Privacy

Sent: 02/24/2009 07:58 PM EST

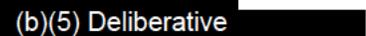
To: David Bloom; Carol Terris

Subject: EPA Budget Chapter

Attached is a copy of EPA's chapter in the President's Economic and Budget Plan document.

I am supposed to make this available to the Administrator and her office too, but don't have a good e-mail

(b)(5) Deliberative



address for her or them. Would you please forward this to them? Thank you. New Era EPA Chapter.pdf

01268-EPA-4645

Ray Spears/DC/USEPA/US
02/25/2009 08:58 AM

To Allyn Brooks-LaSure, Bob Sussman, Eric Wachter, Lisa
Heinzerling, Richard Windsor, Scott Fulton
cc
bcc

Subject Re: Fw: EPA Budget Chapter -- new version as of 2/25

Reminder. This information is close hold until the release of the President's budget tomorrow.

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

Ray Spears FYI. Ray E. Spears, Esq. 02/25/2009 08:42:08 AM

From: Ray Spears/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Allyn
Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa
Heinzerling/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 02/25/2009 08:42 AM
Subject: Fw: EPA Budget Chapter -- new version as of 2/25

FYI.

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 02/25/2009 08:39 AM -----

From: Maryann Froehlich/DC/USEPA/US
To: Ray Spears/DC/USEPA/US@EPA
Date: 02/25/2009 08:36 AM
Subject: Fw: EPA Budget Chapter -- new version as of 2/25

----- Forwarded by Maryann Froehlich/DC/USEPA/US on 02/25/2009 08:36 AM -----

From: David Bloom/DC/USEPA/US
To: maryann froehlich, joshua baylson
Date: 02/25/2009 07:58 AM
Subject: Fw: EPA Budget Chapter

This needs to get to the 3rd floor. David

Sent by EPA Wireless E-Mail Services

From: "Irwin, Janet E." (b)(6) Privacy

Sent: 02/24/2009 07:58 PM EST

To: David Bloom; Carol Terris

Subject: EPA Budget Chapter

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I am supposed to make this available to the Administrator and her office too, but don't have a good e-mail

(b)(5) Deliberative

address for her or them. Would you please forward this to them? Thank you. New Era EPA Chapter.pdf

01268-EPA-4646

David
McIntosh/DC/USEPA/US
02/26/2009 11:06 AM

To Richard Windsor, Lisa Heinzerling
cc
bcc

Subject Fw: tentative schedule of some EPA actions

----- Forwarded by David McIntosh/DC/USEPA/US on 02/26/2009 11:06 AM -----

From: David McIntosh/DC/USEPA/US
To: (b)(6) Privacy
Date: 02/26/2009 11:04 AM
Subject: tentative schedule of some EPA actions

Hi Heather. (b)(5) Deliberative



01268-EPA-4647

Ray Spears/DC/USEPA/US
02/27/2009 08:10 AM

To Allyn Brooks-LaSure, Eric Wachter, Bob Sussman
cc Richard Windsor
bcc
Subject Fw: Budget Responses

FYI

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 02/27/2009 08:08 AM -----

From: "Lu, Christopher P." <(b)(6) Privacy >
To: "Lu, Christopher P." (b)(6) Privacy "Smith, Elizabeth S."
(b)(6) Privacy "Kimball, Astri B." (b)(6) Privacy
"Hurlbut, Brandon K." <(b)(6) Privacy > "French, Michael J."
(b)(6) Privacy "Milakofsky, Benjamin E."
(b)(6) Privacy
Date: 02/26/2009 06:33 PM
Subject: Budget Responses

Cabinet Chiefs of Staff:

Attached please find comprehensive budget responses. Please let us know if you have any questions.

(b)(5) Deliberative

--Cabinet Affairs Budget Responses.pdf

01268-EPA-4648

Lisa
Heinzerling/DC/USEPA/US
03/04/2009 12:21 PM

To Richard Windsor
cc
bcc
Subject RE:

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

"Freeman, Jody L." Lisa, 03/04/2009 12:00:28 PM

From: "Freeman, Jody L." (b)(6) Privacy
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 03/04/2009 12:00 PM
Subject: RE:

Lisa,

(b)(5) Deliberative
[Redacted]

[Redacted]

From: Heinzerling.Lisa@epamail.epa.gov [mailto:Heinzerling.Lisa@epamail.epa.gov]
Sent: Wednesday, March 04, 2009 11:58 AM
To: Freeman, Jody L.
Subject: Re:

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

From: "Freeman, Jody L." (b)(6) Privacy

Sent: 03/04/2009 09:42 AM EST

To: Lisa Heinzerling

(b)(5) Deliberative

Thanks.

Jody

Jody Freeman

Counselor for Energy and Climate Change
White House Office of Energy and Climate Change

(b)(6)

01268-EPA-4649

LisaP Jackson/DC/USEPA/US To Lisa Heinzerling
 Sent by: Richard Windsor cc
 03/04/2009 12:21 PM bcc
 Subject RE:

(b)(5) Deliberative [redacted] ? I just tried calling you. Sorry.

Lisa Heinzerling (b)(5) Deliberative [redacted] 03/04/2009 12:21:18 PM

From: Lisa Heinzerling/DC/USEPA/US
 To: Richard Windsor/DC/USEPA/US@EPA
 Date: 03/04/2009 12:21 PM
 Subject: RE:

(b)(5) Deliberative [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

"Freeman, Jody L." Lisa, 03/04/2009 12:00:28 PM

From: "Freeman, Jody L." (b)(6) Privacy [redacted]
 To: Lisa Heinzerling/DC/USEPA/US@EPA
 Date: 03/04/2009 12:00 PM
 Subject: RE:

Lisa,

(b)(5) Deliberative [redacted]

[redacted]

From: Heinzerling.Lisa@epamail.epa.gov [mailto:Heinzerling.Lisa@epamail.epa.gov]
Sent: Wednesday, March 04, 2009 11:58 AM
To: Freeman, Jody L.
Subject: Re:

(b)(5) Deliberative



From: "Freeman, Jody L." (b)(6) Privacy

Sent: 03/04/2009 09:42 AM EST

To: Lisa Heinzerling

(b)(5) Deliberative



Thanks.

Jody

Jody Freeman

Counselor for Energy and Climate Change
White House Office of Energy and Climate Change

(b)(6)

01268-EPA-4650

Ray Spears/DC/USEPA/US
03/05/2009 04:01 AM

To "Richard Windsor", "Scott Fulton", "Eric Wachter"
cc
bcc

Subject Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." <(b)(6) Privacy>
Sent: 03/04/2009 08:27 PM EST
To: "Lu, Christopher P." <(b)(6) Privacy>; "Smith, Elizabeth S." <(b)(6) Privacy>; "Kimball, Astri B." <(b)(6) Privacy>; "Hurlbut, Brandon K." <(b)(6) Privacy>; "French, Michael J." <(b)(6) Privacy>; "Milakofsky, Benjamin E." <(b)(6) Privacy>
Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks.

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b) (6) Privacy
(b)(6) Privacy

(b)(5) Deliberative

2009govtcontract mem rel.pdf 2009endangered mem rel.pdf

01268-EPA-4651

Richard Windsor/DC/USEPA/US
03/05/2009 05:18 AM

To Ray Spears
cc
bcc

Subject Re: some follow-up from today's call

(b)(5) Deliberative [Redacted]

From: Ray Spears
Sent: 03/05/2009 04:01 AM EST
To: Richard Windsor; Scott Fulton; Eric Wachter
Subject: Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." ((b)(6) Privacy [Redacted])
Sent: 03/04/2009 08:27 PM EST
To: "Lu, Christopher P." ((b)(6) Privacy [Redacted]) "Smith, Elizabeth S."
((b)(6) Privacy [Redacted]) "Kimball, Astri B." ((b)(6) Privacy [Redacted]) "Hurlbut, Brandon K." ((b)(6) Privacy [Redacted]) "French, Michael J." ((b)(6) Privacy [Redacted])
"Milakofsky, Benjamin E." ((b)(6) Privacy [Redacted])
Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative

[REDACTED]

Thanks.

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b) (6) Privacy
(b)(6) Privacy

01268-EPA-4652

Richard Windsor/DC/USEPA/US
03/05/2009 05:19 AM

To "Craig Hooks", "Bob Sussman", "Allyn Brooks-Lasure", "Robert Goulding"

cc

bcc

Subject Fw: some follow-up from today's call

From: Ray Spears
Sent: 03/05/2009 04:01 AM EST
To: Richard Windsor; Scott Fulton; Eric Wachter
Subject: Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." (b)(6) Privacy
Sent: 03/04/2009 08:27 PM EST
To: "Lu, Christopher P." (b)(6) Privacy "Smith, Elizabeth S."
(b)(6) Privacy "Kimball, Astri B." (b)(6) Privacy "Hurlbut, Brandon
K." (b)(6) Privacy "French, Michael J." (b)(6) Privacy
"Milakofsky, Benjamin E." (b)(6) Privacy
Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative




--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b)(6) Privacy
(b)(6) Privacy

(b)(5) Deliberative



2009govtcontract mem rel.pdf 2009endangered mem rel.pdf

01268-EPA-4653

Craig Hooks/DC/USEPA/US
03/05/2009 05:37 AM

To Richard Windsor, "Bob Sussman", "Allyn Brooks-Lasure",
"Robert Goulding"
cc "Scott Fulton"

bcc

Subject Re: some follow-up from today's call

(b)(5) Deliberative

Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600
Fax - 202 564-0233

Sent by EPA Wireless E-Mail Services.

From: Richard Windsor
Sent: 03/05/2009 05:19 AM EST
To: Craig Hooks; "Bob Sussman" <sussman.bob@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Robert Goulding" <goulding.robert@epa.gov>
Subject: Fw: some follow-up from today's call

From: Ray Spears
Sent: 03/05/2009 04:01 AM EST
To: Richard Windsor; Scott Fulton; Eric Wachter
Subject: Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." ((b)(6) Privacy

Sent: 03/04/2009 08:27 PM EST

To: "Lu, Christopher P." (b)(6) Privacy "Smith, Elizabeth S." (b)(6) Privacy
"Kimball, Astri B." (b)(6) Privacy "Hurlbut, Brandon K." (b)(6) Privacy
"French, Michael J." (b)(6) Privacy "Milakofsky, Benjamin E." (b)(6) Privacy

Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b)(6) Privacy
(b)(6) Privacy

01268-EPA-4654

Richard Windsor/DC/USEPA/US
03/05/2009 05:40 AM

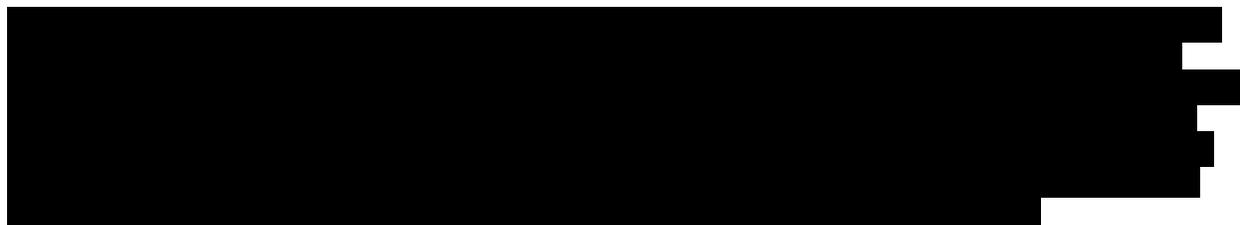
To Craig Hooks
cc
bcc

Subject Re: some follow-up from today's call

I thought I was the only one working this time of the morning! Thx for all.

From: Craig Hooks
Sent: 03/05/2009 05:37 AM EST
To: Richard Windsor; "Bob Sussman" <sussman.bob@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Robert Goulding" <goulding.robert@epa.gov>
Cc: "Scott Fulton" <fulton.scott@epa.gov>
Subject: Re: some follow-up from today's call

(b)(5) Deliberative



Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600
Fax - 202 564-0233

Sent by EPA Wireless E-Mail Services.

From: Richard Windsor
Sent: 03/05/2009 05:19 AM EST
To: Craig Hooks; "Bob Sussman" <sussman.bob@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Robert Goulding" <goulding.robert@epa.gov>
Subject: Fw: some follow-up from today's call

From: Ray Spears
Sent: 03/05/2009 04:01 AM EST
To: Richard Windsor; Scott Fulton; Eric Wachter
Subject: Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." (b)(6) Privacy
Sent: 03/04/2009 08:27 PM EST
To: "Lu, Christopher P." (b)(6) Privacy; "Smith, Elizabeth S." (b)(6) Privacy; "Kimball, Astri B." (b)(6) Privacy; "Hurlbut, Brandon K." (b)(6) Privacy; "French, Michael J." (b)(6) Privacy; "Milakofsky, Benjamin E." (b)(6) Privacy
Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b)(6) Privacy
(b)(6) Privacy

01268-EPA-4655

Ray Spears/DC/USEPA/US
03/05/2009 06:10 AM

To Richard Windsor
cc
bcc

Subject Re: some follow-up from today's call

Thanks. Will do.
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: Richard Windsor
Sent: 03/05/2009 05:18 AM EST
To: Ray Spears
Subject: Re: some follow-up from today's call

(b)(5) Deliberative [Redacted]

From: Ray Spears
Sent: 03/05/2009 04:01 AM EST
To: Richard Windsor; Scott Fulton; Eric Wachter
Subject: Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." (b)(6) Privacy
Sent: 03/04/2009 08:27 PM EST
To: "Lu, Christopher P." (b)(6) Privacy "Smith, Elizabeth S."
(b)(6) Privacy "Kimball, Astri B." (b)(6) Privacy "Hurlbut, Brandon
K." (b)(6) Privacy "French, Michael J." (b)(6) Privacy
"Milakofsky, Benjamin E." (b)(6) Privacy
Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative [Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b) (6) Privacy
(b)(6) Privacy

01268-EPA-4656

Craig Hooks/DC/USEPA/US

03/05/2009 06:12 AM

To Richard Windsor

cc

bcc

Subject Re: some follow-up from today's call

A glutton for punishment.

Your very welcome.

Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600
Fax - 202 564-0233

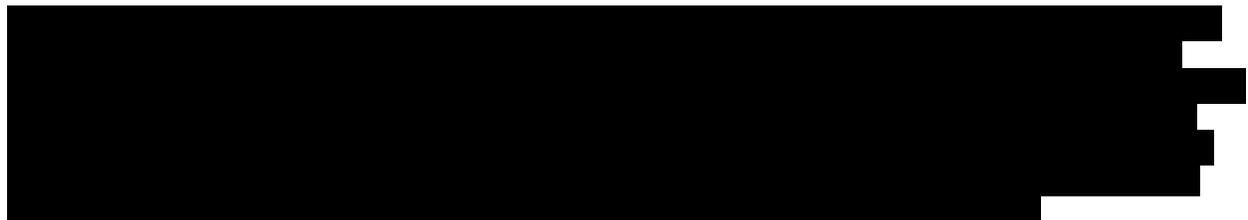
Sent by EPA Wireless E-Mail Services.

From: Richard Windsor
Sent: 03/05/2009 05:40 AM EST
To: Craig Hooks
Subject: Re: some follow-up from today's call

I thought I was the only one working this time of the morning! Thx for all.

From: Craig Hooks
Sent: 03/05/2009 05:37 AM EST
To: Richard Windsor; "Bob Sussman" <sussman.bob@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Robert Goulding" <goulding.robert@epa.gov>
Cc: "Scott Fulton" <fulton.scott@epa.gov>
Subject: Re: some follow-up from today's call

(b)(5) Deliberative



Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600

Fax - 202 564-0233

Sent by EPA Wireless E-Mail Services.

From: Richard Windsor
Sent: 03/05/2009 05:19 AM EST
To: Craig Hooks; "Bob Sussman" <sussman.bob@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Robert Goulding" <goulding.robert@epa.gov>
Subject: Fw: some follow-up from today's call

From: Ray Spears
Sent: 03/05/2009 04:01 AM EST
To: Richard Windsor; Scott Fulton; Eric Wachter
Subject: Fw: some follow-up from today's call

Fyi from COS Conference call
Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

From: "Lu, Christopher P." ((b)(6) Privacy [redacted])
Sent: 03/04/2009 08:27 PM EST
To: "Lu, Christopher P." ((b)(6) Privacy [redacted]); "Smith, Elizabeth S." ((b)(6) Privacy [redacted]); "Kimball, Astri B." ((b)(6) Privacy [redacted]); "Hurlbut, Brandon K." ((b)(6) Privacy [redacted]); "French, Michael J." ((b)(6) Privacy [redacted]); "Milakofsky, Benjamin E." ((b)(6) Privacy [redacted])
Subject: some follow-up from today's call

Dear Cabinet Chiefs of Staff:

(b)(5) Deliberative [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(b)(5) Deliberative

[REDACTED]

Thanks.

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b) (6) Privacy
(b)(6) Privacy

01268-EPA-4657

David Cohen/DC/USEPA/US
03/05/2009 01:39 PM

To Richard Windsor
cc
bcc

Subject Re: Enviro Feedback per INSIDE EPA

(b)(5) Deliberative
[Redacted]

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
[Redacted]

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
[Redacted]

(b) (6) Privacy
[Redacted]

[Redacted]

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

Yea I saw it. Inside EPA must write these articles. Its all they've got right now. (b)(5) Deliberative
[Redacted] Lj

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.

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

Environmentalists and industry sources agree that while the Obama administration appears to be saying “all the right things” to activist groups on some of their top priorities, the extent of Obama’s willingness to swiftly develop policies on those issues remains to be seen. Complicating matters is the state of the economy, as well as a number of other non-environmental administration priorities, primarily health care reform.

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."

In recent weeks, activists have also pushed Obama to take a strong position opposing the development of oil from Canadian tar sands and are urging EPA to use its Clean Air Act permitting authority to place new limits on oil refineries' ability to process heavy crude. EPA has said little on the issue, though Obama does appear open to finding ways to make oil from tar sands "clean" given the long-running concerns about the oil development's adverse environmental impacts, according to recent statements he made.

Meanwhile, a group of legal scholars that favor strict regulation is urging the Obama administration to drop the use of cost-benefit methods when reviewing EPA and other agencies' regulations. The likelihood that Obama will nominate Cass Sunstein -- a strong proponent of cost-benefit analysis -- already drew a "collective groan" from activists opposed to such regulatory reviews.

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.

"What's interesting," the first environmentalist says, "is that the Obama administration has laid out a set of markers but acted on precious few of them," adding, "that's not a criticism, it's reality." Both the environmentalist and the industry source compare the current situation to the early Clinton administration, in which the then-president signaled strongly on environmental issues but was forced to prioritize.

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.

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.

The Obama administration is also asking to enter settlement talks with environmentalists

and states that sued the Bush EPA over a rule changing Toxic Release Inventory reporting requirements. At the time the rule was issued, critics said the changes weakened requirements for companies to report their toxic emissions.

Jackson has also said she is open to reviewing the Bush EPA's changes to the agency's national ambient air quality standards for ozone and fine particulate matter (PM2.5). EPA must conduct a new review of the PM2.5 standard after an appellate court recently remanded it to the agency.

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-4658

Richard Windsor/DC/USEPA/US
03/09/2009 09:23 PM

To Lisa Heinzerling
cc
bcc
Subject Re: mtg with Sen Feinstein

Cool. Tx.
Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 03/09/2009 07:09 PM EDT
To: Richard Windsor
Cc: David McIntosh
Subject: mtg with Sen Feinstein

(b)(5) Deliberative
[Redacted]

[Redacted]

[Redacted]

01268-EPA-4659

Ray Spears/DC/USEPA/US
03/10/2009 09:22 AM

To Richard Windsor
cc Allyn Brooks-LaSure, Craig Hooks, Scott Fulton, Craig Hooks, Eric Wachter, Bob Sussman
bcc
Subject Fw: Memo to the Cabinet

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 03/10/2009 09:20 AM -----

From: "Lu, Christopher P." (b)(6) Privacy
To: "Lu, Christopher P." (b)(6) Privacy "Smith, Elizabeth S."
(b)(6) Privacy "Kimball, Astri B." (b)(6) Privacy
"Hurlbut, Brandon K." (b)(6) Privacy "French, Michael J."
(b)(6) Privacy "Milakofsky, Benjamin E."
(b)(6) Privacy
Date: 03/10/2009 09:14 AM
Subject: Memo to the Cabinet

Dear Cabinet Chiefs of Staff:

Attached is a memo from David Axelrod, Senior Advisor to the President. He requests that you pass this along to your Cabinet secretaries. Many thanks.

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b)(6) Privacy
(b)(6) Privacy

(b)(5) Deliberative

Memo to Cabinet 3-10-09.pdf

01268-EPA-4660

Ray Spears/DC/USEPA/US
03/10/2009 10:28 AM

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

cc

bcc

Subject Fw: Memo to the Cabinet (updated)

Ray E. Spears, Esq.
Deputy Chief of Staff
Office of the Administrator (1101A)
(202) 564-4715
(202) 501-3202 FAX

----- Forwarded by Ray Spears/DC/USEPA/US on 03/10/2009 10:27 AM -----

From: "Milakofsky, Benjamin E." (b)(6) Privacy
To: "Lu, Christopher P." (b)(6) Privacy "Smith, Elizabeth S."
(b)(6) Privacy "Kimball, Astri B." (b)(6) Privacy
"Hurlbut, Brandon K." (b)(6) Privacy "French, Michael J."
(b)(6) Privacy
Date: 03/10/2009 10:13 AM
Subject: Memo to the Cabinet (updated)

Dear Cabinet Chiefs of Staff:

Attached is an updated version of the memo from David Axelrod, Senior Advisor to the President.
Please use this version instead.

--Cabinet Affairs

 (b)(5) Deliberative

Memo to Cabinet 3-10-09 v2.pdf

01268-EPA-4661

"Lu, Christopher P."

(b)(6) Privacy

03/10/2009 07:39 PM

To Richard Windsor

cc

bcc

Subject my wife

Lisa -

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

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b) (6) Privacy
(b)(6) Privacy

01268-EPA-4662

**Robert
Goulding/DC/USEPA/US**
03/10/2009 08:19 PM

To "Richard Windsor"
cc
bcc

Subject Fw: Can we get the remarks below in advance?

What do ya think?

From: "Hurlbut, Brandon K." [(b)(6) Privacy]
Sent: 03/10/2009 08:15 PM AST
To: Robert Goulding; Marygrace Galston
Subject: Can we get the remarks below in advance?

(b)(5) Deliberative

Brandon Hurlbut
White House Cabinet Affairs
Deputy Director
Email: (b)(6) Privacy
Office: (b)(6) Privacy
Cell: (b)(6) Privacy

01268-EPA-4663

Richard Windsor/DC/USEPA/US
03/10/2009 09:51 PM

To Robert Goulding
cc
bcc

Subject Re: Can we get the remarks below in advance?

Course

From: Robert Goulding
Sent: 03/10/2009 08:19 PM EDT
To: Richard Windsor
Subject: Fw: Can we get the remarks below in advance?

What do ya think?

From: "Hurlbut, Brandon K." (b)(6) Privacy
Sent: 03/10/2009 08:15 PM AST
To: Robert Goulding; Marygrace Galston
Subject: Can we get the remarks below in advance?

(b)(5) Deliberative

Brandon Hurlbut
White House Cabinet Affairs
Deputy Director
Email: (b)(6) Privacy
Office: (b)(6) Privacy
Cell: (b)(6) Privacy

01268-EPA-4664

Richard Windsor/DC/USEPA/US
03/10/2009 10:51 PM

To "Chris Lu"
cc
bcc "Eric Wachter"
Subject Re: my wife

Hi Chris.

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

Lisa

From: "Lu, Christopher P." (b)(6) Privacy
Sent: 03/10/2009 07:39 PM AST
To: Richard Windsor
Subject: my wife

Lisa –

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

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b) (6) Privacy
(b)(6) Privacy

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) (b)(6) Privacy
(Fax) (b)(6) Privacy
(b)(6) Privacy

(b)(5) Deliberative

[ig_cv_10_08\[1\].doc](#)

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

01268-EPA-4666

**Robert
Goulding/DC/USEPA/US**
03/11/2009 06:32 PM

To "Richard Windsor"
cc
bcc

Subject Fw: Address for Capitol Grille

From: "Brandt, Kate E." [(b)(6) Privacy]
Sent: 03/11/2009 06:31 PM AST
To: Robert Goulding
Subject: RE: Address for Capitol Grille

[Lisa and Carol are meeting there shortly – I believe 6:45. Make sense? Thanks](#)

From: Goulding.Robert@epamail.epa.gov [mailto:Goulding.Robert@epamail.epa.gov]
Sent: Wednesday, March 11, 2009 6:30 PM
To: Brandt, Kate E.
Subject: Re: Address for Capitol Grill

I'm sorry - what is this for?

From: "Brandt, Kate E." [(b)(6) Privacy]
Sent: 03/11/2009 06:29 PM AST
To: Robert Goulding
Subject: Address for Capitol Grill

601 Pennsylvania Ave NW
Washington, DC 20004
(202) 737-6200
[Get directions](#)

Kate E. Brandt
Office of Energy and Climate Change
[(b)(6) Privacy]
[(b)(6) Privacy]

01268-EPA-4667

Richard Windsor/DC/USEPA/US
03/11/2009 06:33 PM

To Robert Goulding
cc
bcc
Subject Re: Address for Capitol Grille

Yes. Carol called and asked for a drink.

From: Robert Goulding
Sent: 03/11/2009 06:32 PM EDT
To: Richard Windsor
Subject: Fw: Address for Capitol Grille

From: "Brandt, Kate E." [(b)(6) Privacy]
Sent: 03/11/2009 06:31 PM AST
To: Robert Goulding
Subject: RE: Address for Capitol Grille

Lisa and Carol are meeting there shortly – I believe 6:45. Make sense? Thanks

From: Goulding.Robert@epamail.epa.gov [mailto:Goulding.Robert@epamail.epa.gov]
Sent: Wednesday, March 11, 2009 6:30 PM
To: Brandt, Kate E.
Subject: Re: Address for Capitol Grill

I'm sorry - what is this for?

From: "Brandt, Kate E." [(b)(6) Privacy]
Sent: 03/11/2009 06:29 PM AST
To: Robert Goulding
Subject: Address for Capitol Grill

601 Pennsylvania Ave NW
Washington, DC 20004
(202) 737-6200
[Get directions](#)

Kate E. Brandt
Office of Energy and Climate Change
[(b)(6) Privacy]
[(b)(6) Privacy]

01268-EPA-4668

Richard Windsor/DC/USEPA/US
03/18/2009 10:48 AM

To Bob Sussman
cc "Sutley, Nancy H."
bcc
Subject

Clocks ticking

Obama pressed for mountaintop removal ban (*Charleston Gazette*)

By **Ken Ward Jr.**

Staff writer
March 18, 2009
West Virginia

CHARLESTON, W.Va. -- Environmental groups and coalfield residents are pushing the Obama administration this week to take action to block new mountaintop removal mining permits in Appalachia.

Leaders of several citizens groups met with administration officials Monday and Tuesday in Washington to ask for a moratorium on new permits until federal regulators can come up with a plan to ban mountaintop removal permanently.

The push comes a month after a federal appeals court struck down the latest in a series of court rulings aimed at tougher oversight of mountaintop removal permitting by the U.S. Army Corps of Engineers.

Environmentalists say more than 100 permits are pending at the corps office in Huntington that would bury more than 200 miles of streams in Southern West Virginia and Eastern Kentucky.

"Our members feel a sense of urgency like never before," said Jim Foster, a Van resident and member of the Ohio Valley Environmental Coalition. "Unless the Obama administration steps in to protect coalfield communities and retrain coal workers, the coal industry is going to take all it can, leaving us poisoned water, abandoned towns and a toxic future."

Various environmental group lawyers, activists and citizens met in Washington with top officials from the U.S. Environmental Protection Agency, the White House Council on Environmental Quality, and the federal Office of Surface Mining, Reclamation and Enforcement.

Specifically, the mining opponents want EPA to sue its Clean Water Act authority to step in and block the corps from issuing the new permits, and they want the CEQ to back up such a move by EPA.

In mountaintop removal, coal operators use explosives to blow up mountaintops and uncover valuable, low-sulfur coal reserves. Leftover rock and dirt - the stuff that used to be the mountains - is dumped into nearby hollows, burying streams.

Between 1985 and 2001, mine operators buried 724 miles of Appalachian streams, according to a federal government study published in 2003. A more recent study found that permits issued between October 2001 and June 2005 would likely bury another 357 miles of the region's waterways.

Bill Raney, president of the West Virginia Coal Association, could not be reached for comment Tuesday.

OVEC sent a two-page letter to EPA administrator Lisa Jackson on Monday, congratulating her on her appointment and asking Jackson to "take a stand to protect our communities, our national heritage and our climate from mountaintop removal coal mining." The letter notes that the 4th U.S. Circuit Court of Appeals ruling last month "would permit mining companies to conduct mountaintop removal coal mining without acting to minimize stream destruction or conducting adequate environmental reviews."

"In the wake of this decision, we are writing to ask that the Environmental Protection Agency prevent additional devastation by freezing the permitting of any new mines," wrote Janet Keating, OVEC's director. "We also request that the EPA provide long-term protection for the waterways and communities of this region by initiating a rulemaking process to prevent the use of mining waste as fill material."

Adora Andy, press secretary for Jackson, could not immediately say what steps EPA plans to take on mountaintop removal issues.

"We're working with other government agencies about next steps right now," Andy said.

Christine Glunz, spokeswoman for the White House Council on Environmental Quality, said officials there are reviewing the Bush administration's industry-backed changes to the stream "buffer zone" rule and the 4th Circuit decision.

"The Council on Environmental Quality works closely with all of the federal agencies on environmental policies and we have been meeting with the agencies and other interested stakeholders to discuss these issues," Glunz said. "We are in an information gathering stage at this point asking for information about the environmental impacts of these decisions."

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

01268-EPA-4669

Marygrace
Galston/DC/USEPA/US
03/18/2009 04:51 PM

To Richard Windsor
cc Eric Wachter, Allyn Brooks-LaSure
bcc
Subject Fw: President Obama Announces More Key Administration Posts

From: bounce-694522-2219262@list.whitehouse.gov [mailto:bounce-694522-2219262@list.whitehouse.gov] **On Behalf Of** White House Press Office
Sent: Wednesday, March 18, 2009 4:48 PM
Subject: President Obama Announces More Key Administration Posts

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
March 18, 2009

President Obama Announces More Key Administration Posts

WASHINGTON, DC - Today, President Barack Obama announced his intent to nominate the following individuals to key administration posts: Susan Burk, Special Representative of the President, with the rank of Ambassador, State Department; Raphael Bostic, Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development; Michelle J. DePass, Assistant Administrator for International Affairs, Environmental Protection Agency; Cynthia J. Giles, Assistant Administrator for Enforcement and Compliance Assurance, Environmental Protection Agency; Michael L. Connor, Director, Bureau of Reclamation, Department of the Interior; Scott Blake Harris, General Counsel, Department of Energy; and Joseph C. Szabo, Administrator, Federal Railroad Administration, Department of Transportation.

President Obama said, "These individuals bring the breadth and depth of experience to do the important work of keeping America safe and secure, strengthening our economy, achieving real energy independence and protecting our environment. I am grateful for their decision to serve, and am confident that they will be valuable additions to my administration as we work to tackle the enormous challenges ahead of us."

President Obama announced his intent to nominate the following individuals today:

Susan Burk, Nominee for Special Representative of the President,

with the rank of Ambassador

Susan Burk currently serves as the Deputy Coordinator for Homeland Security in the Office of the Coordinator for Counter-Terrorism at the Department of State where she has had responsibility for coordinating the Department's handling of cross-cutting policy issues related to homeland security and counterterrorism. Prior to assuming her present duties, Ms. Burk was the Department of State's Principal Deputy Assistant Secretary for Nonproliferation Controls in the Bureau of Nonproliferation where she led efforts to respond to and prevent proliferation of weapons of mass destruction and advanced conventional weapons. Ms. Burk also served in various positions in the U.S. Arms Control and Disarmament Agency where she focused on regional and functional nuclear nonproliferation issues. She led U.S. preparations for the 1995 NPT Review and Extension Conference. Ms. Burk received her M.A. in Government from Georgetown University. She has a B.A. from Trinity College, Washington, DC where she was elected to Phi Beta Kappa. She is married to David M. Burk and has a daughter and a son.

Raphael Bostic, Nominee for Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development

Dr. Bostic is a Professor in USC's School of Policy, Planning, and Development. Mr. Bostic studies the roles that credit markets, financing, and policy play in enhancing household access to economic and social amenities. Dr. Bostic is an expert on housing and homeownership, and has extensively studied the roles that credit markets, financing, and policy play in enhancing household access to economic and social amenities. He is also currently studying the effects of community development financial institutions on neighborhood well-being, how anti-predatory lending laws impact credit flows, and the role of the private label secondary market in facilitating the flow of capital to subprime and possibly predatory loans. He teaches courses in affordable housing development, urban economics, real estate finance, policy and planning analysis, and public finance. Dr. Bostic was formerly Director of the school's Master of Real Estate Development degree program and was the founding director of the Casden Real Estate Economics Forecast. He previously worked at the Federal Reserve Board of Governors, where he was awarded a Special Achievement Award for his performance associated with a review of the CRA. He earned his Ph.D. in Economics from Stanford University and his BA from Harvard University.

Michelle J. DePass, Nominee for Assistant Administrator for International Affairs, Environmental Protection Agency

Michelle DePass is currently a program officer at the Ford

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To Richard Windsor

cc

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FOR IMMEDIATE RELEASE
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To Michelle DePass, m.depass
cc
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Subject Fw: President Obama Announces More Key Administration Posts

woohooooo!!!!!!!!!!!!!!!!!!!!!!!

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Richard Windsor/DC/USEPA/US
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To "Sutley, Nancy H."
cc
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Subject Re: FW: President Obama Announces More Key Administration Posts

yeah mon!

"Sutley, Nancy H." [Did you see this yet. Yippee and co...](#) 03/18/2009 04:53:43 PM

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To cynthia.giles
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Subject Fw: President Obama Announces More Key Administration Posts

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/18/2009 05:25 PM -----

From: Marygrace Galston/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Eric Wachter/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 03/18/2009 04:51 PM
Subject: Fw: President Obama Announces More Key Administration Posts

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President Obama announced his intent to nominate the following individuals today:

Susan Burk, Nominee for Special Representative of the President, with the rank of Ambassador

Susan Burk currently serves as the Deputy Coordinator for Homeland Security in the Office of the Coordinator for Counter-Terrorism at the Department of State where she has had responsibility for coordinating the Department's handling of cross-cutting policy issues related to homeland security and counterterrorism. Prior to assuming her present duties, Ms. Burk was the Department of State's Principal Deputy Assistant Secretary for Nonproliferation Controls in the Bureau of Nonproliferation where she led efforts to respond to and prevent proliferation of weapons of mass destruction and advanced conventional weapons. Ms. Burk also served in various positions in the U.S. Arms Control and Disarmament Agency where she focused on regional and functional nuclear nonproliferation issues. She led U.S. preparations for the 1995 NPT Review and Extension Conference. Ms. Burk received her M.A. in Government from Georgetown University. She has a B.A. from Trinity College, Washington, DC where she was elected to Phi Beta Kappa. She is married to David M. Burk and has a daughter and a son.

Raphael Bostic, Nominee for Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development

Dr. Bostic is a Professor in USC's School of Policy, Planning, and Development. Mr. Bostic studies the roles that credit markets, financing, and policy play in enhancing household access to economic and social amenities. Dr. Bostic is an expert on housing and homeownership, and has extensively studied the roles that credit markets, financing, and policy play in enhancing household access to economic and social amenities. He is also currently studying the effects of community development financial institutions on neighborhood well-being, how anti-predatory lending laws impact credit flows, and the role of the private label secondary market in facilitating the flow of capital to subprime and possibly predatory loans. He teaches courses in affordable housing development, urban economics, real estate finance, policy and planning analysis, and public finance. Dr. Bostic was formerly Director of the school's Master of Real Estate Development degree program and was the founding director of the Casden Real Estate Economics Forecast. He previously worked at the Federal Reserve Board of Governors, where he was awarded a Special Achievement Award for his performance

associated with a review of the CRA. He earned his Ph.D. in Economics from Stanford University and his BA from Harvard University.

Michelle J. DePass, Nominee for Assistant Administrator for International Affairs, Environmental Protection Agency

Michelle DePass is currently a program officer at the Ford Foundation where she manages the foundation's initiative on Environmental Justice and Healthy Communities. Her work concentrates on the environmental and social justice intersections in the United States and supporting transnational linkages that support environmental justice policies and practices. She taught federal environmental law and policy at the City University of New York, developed and administered a bi-state workforce development training program for disadvantaged youth on superfund waste sites, and served as executive director of the New York City Environmental Justice Alliance. In this position, she assisted communities and community organizations in their negotiations with government agencies, implemented advocacy campaigns and co-organized the Northeast Environmental Justice Network. Subsequently, she served as Assistant to the City Manager of San Jose, California, advising on environmental policy matters, and served as an Environmental Compliance Manager for the City of San Jose. After completing a term with the Center for Constitutional Rights in New York as a William Kunstler Racial Justice Fellow, Michelle joined the New Jersey Department of Environmental Protection where she was Senior Policy Advisor to the Commissioner. In this position, she developed a framework for an Environmental Justice Order that required the use of public health data to identify communities for priority compliance, enforcement, remediation, siting and permitting action. She received a B.A. in Political Science from Tufts University, a law degree from Fordham University School of Law, and a Master of Public Administration degree from Baruch College School of Public Affairs.

Cynthia J. Giles, Nominee for Assistant Administrator for Enforcement and Compliance Assurance, Environmental Protection Agency

Cynthia Giles is Vice President and Director of Conservation Law Foundation's Rhode Island Advocacy Center, where she has focused on state and regional advocacy to combat climate change. From 2001 to 2005, Cynthia served as head of the Bureau of Resource Protection at the Massachusetts Department of Environmental Protection. Giles worked for the U.S. Environmental Protection Agency in a variety of capacities from 1991 to 1997. From 1995-1997, she was Enforcement Director for Region 3 and developed a "results-targeted" approach to enforcement, which she has since published in a paper written for OECA. Her

responsibilities included overseeing enforcement of federal laws regulating toxics and protecting air, drinking water and surface water. She also chaired a regional ozone compliance initiative, developing strategies for reducing smog-causing emissions from stationary sources. Prior to joining EPA, Giles was an Assistant United States Attorney, where she prosecuted violations of federal environmental laws. She holds a BA from Cornell University, as well as a JD from the University of California at Berkeley and an MPA from the Harvard University Kennedy School of Government. She is admitted to the bar in the State of Rhode Island, U.S. District Court for the District of Rhode Island and State of Pennsylvania.

Michael L. Connor, Nominee for Director, Bureau of Reclamation, Department of the Interior

Mike Connor has more than 15 years of experience in the public sector including serving as the Counsel to the U.S. Senate and Natural Resources Committee since May 2001. As Counsel, he has negotiated and managed legislation related to water reclamation, Indian lands and energy issues. Connor also directed the Water & Power Subcommittee which has legislative oversight of the Bureau of Reclamation and the US Geological Survey. From 1993 to 2001, Connor served at the Department of the Interior as deputy director and then director of the Secretary's Indian Water Rights Office. Connor received his J.D. from the University of Colorado School of Law, and is admitted to the bars of Colorado and New Mexico. He has a B.S. in Chemical Engineering from New Mexico State University.

Scott Blake Harris, Nominee for General Counsel, Department of Energy

Scott Blake Harris is Managing Partner of Harris, Wiltshire & Grannis LLP, a Washington, D.C. law firm with nationally known telecommunications, litigation, and appellate practices. From 1994 to 1996, Mr. Harris served as the first chief of the International Bureau at the Federal Communications Commission. Before joining the Commission, he was Chief Counsel for Export Administration at the U.S. Department of Commerce. Prior to government service, Mr. Harris was a partner at the law firm of Williams & Connolly. Mr. Harris is a *magna cum laude* graduate of both Brown University and Harvard Law School.

Joseph C. Szabo, Nominee for Administrator, Federal Railroad Administration, Department of Transportation

Joe Szabo is currently the Illinois State Legislative Director for the United Transportation Union. As State Director Joe has provided vision and direction to rail safety and regulatory issues and worked with business and civic leaders in the advancement of freight and passenger rail service. Joe also

serves on the Federal Railroad Administration's Rail Safety Advisory Committee participating in the development of federal regulations on rail safety. Prior to this Joe served as the Mayor of the Village of Riverdale where he managed over 100 employees and budget of \$9 Million serving 15,000 residents. Joe was elected Mayor after serving ten years as a Village Trustee.

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