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September 6, 2011

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 EXECUTIVE SECRETARIAT

RE: Request for Reconsideration and Stay; Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Docket No. EPA-HQ-OAR-2009-0491)

Administrator Jackson and Assistant Administrator McCarthy:

The Texas Association of Business (TAB) requests that the Environmental Protection Agency (EPA) reconsider the final rule entitled "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals" as published in the Federal Register on August 8, 2011 (76 *FedReg* 48208) and delay the effective date of the rule beyond October 7, 2011. Founded in 1922, the Texas Association of Business is a broad-based, bipartisan organization representing more than 3,000 Texas employers and over 200 local chambers of commerce. While TAB represents some of the largest multi-national corporations, many members are small businesses in almost every community of the state.

The final transport rule, as adopted, will have severe negative effects, not only on our members who are in the business of providing electric power, but also on every business that depends on affordable and dependable electric service. The adoption of this final rule is based on a significantly flawed analysis of procedural requirements, legal authority and technical justification. The scope of impact to Texas businesses and citizens and the failure to provide adequate opportunities for due process and public participation in the rulemaking make the reconsideration of the rule and a stay of its enforcement essential.

The final transport rule is the result of EPA's reconsideration of the previous Clean Air Interstate Rule (CAIR) adopted in 2005 and later remanded to the agency by the D.C. Circuit Court of Appeals in its 2008 decision in *North Carolina v. EPA*. In that decision overturning the previous

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attempt to adopt a rule to address interstate transport of pollutants and the contribution of states to nonattainment in other states, the court clearly identified the burden on EPA of addressing each individual state's contributions to other states and established an unambiguous standard for any new rule to replace CAIR. As will be more fully explained below, this final transport rule, now six years after the promulgation of the original CAIR, is not consistent with the court's clear directive and fails to adhere to the specific criteria the court established for a transport rule under Section 110(a)(2)(D)(i)(I) of the Clean Air Act, related to the provisions required in a State Implementation Plan (SIP) to address the contribution of one state to nonattainment in another state.

The rule as originally proposed on August 2, 2010 (*75 FedReg* 45210) would have required only modest emission reductions from sources in Texas and only during the ozone season. That proposal was based squarely on the analysis and resulting lack of evidence that emissions from Texas were resulting in any significant contribution to air quality nonattainment in areas in downwind states. In the final rule that was adopted, however, Texas is not only included in the annual emission reduction program, but also required to make far more significant reductions in emissions. The effect of this final rule on Texas will be dramatically different than what was proposed. An essentially new rule with a completely different effect was adopted without providing constructive notice to potentially affected parties and the opportunity for comment on the technical merits of the rule and the analysis supporting it. In fact, the technical justification of the rule is based on such a significant number of mistaken assumptions and factual errors that reconsideration on that basis alone would be justified, notwithstanding the procedural shortcomings of effective notice and opportunity for comment. Furthermore, EPA's assumptions concerning the legal basis for a Federal Implementation Plan (FIP) to implement the rule and the schedules for compliance are inconsistent with well-founded provisions of the federal Clean Air Act and must also be reviewed.

The Final Rule was adopted without constructive notice to affected parties and the opportunity to comment as required by law.

The Administrative Procedures Act requires a notice of proposed rulemaking and the opportunity to comment. Title III of the Clean Air Act, in Section 307(d) mirrors these requirements of due process, but also provides more specific requirements, including that the statement of basis and purpose for the rule must contain (1) the factual data on which the proposed rule is based, (2) the methodology used in obtaining and analyzing the data and (3) the legal interpretations and policy decisions on which the rule is based. Also, and particularly pertinent to this final action, is the requirement in Section 307(d)(4)(B)(i) that the docket be promptly updated to include any information which becomes available after the proposed rule has been published and which EPA determines is relevant to the rulemaking.

A final rule may differ from a proposal, but only within certain bounds and then only after certain provisions are made for notice to affected parties that provide the parties not only an understanding of how the final rule may differ, but also on what basis the final action is justified. This final transport rule fails this test. No affected party in Texas could have reasonably predicted the direction and scope of the final rule and the basis for the final rule's effect on

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Texas. Any basis for including Texas was abandoned between proposal and adoption and the presumed justification for the final rule cannot be logically derived from any evidence presented in the proposal. The justification for including Texas as contemplated in the final rule is based on an analysis that defies both logic and simple fact.

In the proposed rule, EPA reached the conclusion that sources at electric generators in Texas were not contributing to nonattainment or interfering with maintenance of the PM_{2.5} NAAQS in any downwind state. In fact, EPA determined that Texas' maximum contribution to nonattainment downwind was 0.13 µg/m³ for the annual standard and 0.21 µg/m³ for the 24-hour standard when the threshold for inclusion of any state as a significant contributor was 0.15 and 0.35 µg/m³, respectively. Then, despite the straightforward demonstration that sources in Texas were not having a downwind effect that justified further consideration, EPA went to some length to build a case under which comments on whether Texas should be covered by the more significant provisions of the rule would be solicited. With no supporting analysis or clear technical justification, comments regarding the inclusion of Texas were then solicited by way of one sentence in a proposal of some 276 pages.

Although EPA did request comment as to whether Texas should be included in the annual program under the final rule, the basis for the request was completely speculative and had little, if any, application to actual circumstances in Texas. EPA suggested, indeed quite strongly, that increases in emissions were somehow possible due to the interconnected nature of the nation's energy grid and fuel supplies. This assumption, however, ignores the fact that Texas' electric grid is far more self-contained than other states. In addition, the use of lignite coal in Texas is not driven by a simple market decision based on the relative costs of different types or grades of coal. Lignite-fueled generation facilities are co-located at the mines. The major cost driver, therefore, is the cost effectiveness of using fuel mined at the actual point of use balanced against whatever limitations may be imposed on the use of lignite by the requirement to meet emission limitations enforced by the state. It is simply not credible to assume that the use of lignite in Texas will increase as a result of changing simple cost differentials between lignite and a lower sulfur coal. It is even less rational to assume that electric generators in Texas are free to make those market choices solely on the basis of cost alone without consideration of air quality effects and ongoing attainment of air quality standards in Texas.

In the proposed transport rule, EPA solicited comment on including Texas in the annual program, but only after stating in the proposed rule that its own analysis indicated that "...Texas SO₂ emissions *would* increase Texas's contribution to an amount that would exceed the 0.15 µg/m³ threshold for annual PM_{2.5}," (emphasis added) In other words, EPA did not ask commenters to offer opinions or provide evidence as to whether the suggested rationale of changes in coal prices would lead to increases in emissions. Instead, EPA told commenters that their analysis had already reached that conclusion. Then EPA asked whether a state should be included in the rule if that state had been determined to be likely to impact attainment in another state. The fact that EPA received comment supporting the inclusion of Texas can hardly come as a surprise when commenters were led to the conclusion by EPA's own statement.

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It is now obvious that EPA's premise on which comments regarding Texas were solicited was false. That this premise was without any foundation is clearly shown by the fact that it was abandoned entirely in the final rule and a completely different rationale substituted for including Texas – a rationale that was never subject to the opportunity for review and comment by affected parties in Texas, because it was never revealed until the final rule was executed. Because the basis for soliciting comments had no merit, the comments received in response to the solicitation are equally without merit, both technically and legally. These comments in no way establish a basis for including Texas in the rule in a manner that was not clearly contemplated in the proposal.

A more realistic assessment of the potential for emission increases in Texas as a function of coal prices would have quickly eliminated the one opportunity EPA manufactured for soliciting comments regarding Texas. Without a reasonable basis for comments regarding Texas, any consideration of including Texas in the final rule would have required a new or supplemental notice and additional opportunity for review and comment. Just such an opportunity was afforded to other states EPA has proposed to add to those originally covered in the proposed rule, but not Texas. Texas alone is included in the final rule based on comments received in response to a scenario now known to be groundless. Until the final rule was actually released, Texas was never presented a proposed emission budget or any valid analysis of how such a budget was arrived at or how it presumably could be complied with.

Under EPA's completely new analysis, revealed only in the final rule, Texas's modeled contribution to downwind states increased by some 38 percent. In addition, receptors which were not even identified at proposal are now presumed to be in nonattainment due to Texas' contribution. Such a dramatic change in outcome of EPA's analysis raises serious questions about the validity of the underlying methodology and analytical tools and demands that the provisions of the Clean Air Act regarding notice of a proposed rule and the updating of the docket to include all new information that is being used in developing a final rule be strictly complied with.

EPA's final rule solves a problem that does not exist and its analysis of downwind emission impacts is not credible.

EPA's justification for including Texas in the final transport rule is now based on an assumption that emissions from Texas will cause one monitor in Granite City, Illinois to fail to comply with the PM_{2.5} NAAQS. The monitor in question, however, is currently monitoring attainment. The problem this rule will address was manufactured by a computer program, not by power plants in Texas. Quite simply, there is no nonattainment to correct and Texas cannot be significantly contributing to a condition of nonattainment that does not exist.

EPA has offered that its modeling demonstrates that the monitor will be in nonattainment due to emission increases that could occur in Texas. However, EPA's assumptions about emissions from Texas significantly overstate the actual budget for emissions and would be plausible only if one assumes that over 15 years of progressive and significant (if not unprecedented) emission reductions in Texas will suddenly and inexplicably be reversed in essentially four months or less.

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EPA's analysis also assumes that emissions from Texas will somehow travel well over 500 miles to one monitor in Illinois and cause that monitor that is currently in attainment to record levels in excess of the NAAQS. Such an assessment simply lacks credibility. It certainly is sufficiently counter-intuitive to demand a rigorous and clear technical demonstration that is made public well before any final adoption and subject to the opportunity to review and critique it.

The analysis is further suspect given that the source of any potential nonattainment at the subject monitor in Granite City is already well recognized by EPA. In fact, modeling conducted in conjunction with an assessment of the local emissions inventory and reported by EPA in 2010 clearly identifies a steel mill in the Granite City area as the source of contributions that are primarily responsible for the excess emissions resulting in exceedances of design values at the monitor in question. The obvious role of this local source is further substantiated by the fact that operating records of the mill between 2005 and 2009 show conclusively that mean PM_{2.5} values measured at the monitor before 2009 ranged from 15.2 to 18.2 µg/m³. When the plant reduced production in 2009, however, monitored PM_{2.5} values fell to 11.3 µg/m³, well below the attainment design value. In addition, the plant in question is reported to be operating under a compliance agreement with the Illinois EPA that specifically requires reductions in emissions, yet these reductions are not factored into EPA's basis for projecting design values at the Granite City monitor. In its final rule then, EPA felt compelled to look over 500 miles away to Texas to find the solution to a hypothetical problem while ignoring the obvious answer to be found virtually next door.

EPA failed to provide an emission budget for Texas at proposal and its assumption of Texas' emission budget in the final rule is in error.

In the proposed transport rule EPA did not include or even suggest an emission budget for Texas. That omission should have surprised no one who read the rule to assess its impact, since Texas was not included in the rule under the annual emission reduction program. Having a proposed budget, however, is critical to any assessment of (1) the impact the rule will have on any one state, (2) that state's significant downwind contribution and (3) the technical justification of the proposed budget. There can be no doubt that EPA recognizes the significance of the emission budget in the deliberative rulemaking process. That recognition is certainly reflected in EPA's issuance of supplemental notices of proposed rulemaking for those states which EPA now proposes to include in the annual program under a final transport rule – every state, that is, except Texas.

The failure to provide an emission budget for Texas at proposal is again understandable – Texas was not proposed to be subject to the rule in a way that required it. To now segregate Texas, however, as the only state to be added to the annual program without benefit of any opportunity to review that budget and provide comment as to its merit is inexplicable, inconsistent with long-standing practice and again, not proper under any reasonable reading of the due process requirements imposed on EPA under both general law and the Clean Air Act procedural requirements.

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The budget for Texas now included in the final rule is also unjustified under any defensible analysis of emissions in Texas or any anticipated changes in Texas' emissions inventory and reflects an unreasonable policy decision. First, EPA has decided that emission reductions from CAIR implemented after 2005 will be discounted in the calculation of an emission base for each state. The D.C. Court in overturning CAIR decided to remand the rule to EPA, but ultimately did so without vacating the rule. It is simply not rational or reasonable policy to establish an emission limit that ignores real and enforceable reductions that have been made by electric generators, regardless of whether those reductions derive from CAIR or any other directive. In addition, EPA failed to include quantifiable and enforceable reductions from facilities in Texas that, if properly accounted for, would reduce Texas' emission inventory and the calculation of any emission budget. In one example, the failure to include in EPA's base case the Lower Colorado River Authority's Fayette project scrubbers, which were installed under an agreement with the State of Texas rather than to satisfy CAIR requirements, results in an overstatement of Texas' emission budget by some 20,000 tons per year. Given the very narrow margin ($0.03 \mu\text{g}/\text{m}^3$) by which Texas is presumed to be contributing to nonattainment at the one monitor in Illinois, an accurate and logical assessment of the real emissions in Texas is critical. Again, if EPA had provided a proposed budget and the analysis on which it was based, including modeling inputs and assumptions, at the appropriate time, affected parties in Texas could have provided useful information that would have (and now should be) utilized to review that proposal.

The reductions required of Texas under the final transport rule exceed EPA's authority to reduce a state's significant contribution under the Clean Air Act.

Even if one could ignore the technical and procedural failures in the promulgation of the transport rule, the emission reductions proposed to be enforced on Texas exceed what EPA can lawfully require. Even more troubling is the fact that under the final rule other states will not be required to make reductions equal to the contributions that EPA has shown they are making to states downwind, contributions far in excess of what Texas is assumed to contribute. Section 110 of the Clean Air Act requires that an implementation plan for each state contain provisions that will prohibit emissions in that state which will contribute significantly to nonattainment of a NAAQS or interfere with attainment in another state. EPA has the authority to reduce one state's contribution to another state to the extent that contribution exceeds a threshold of significance, but no more. If EPA's assessment that Texas' downwind contribution of $0.03 \mu\text{g}/\text{m}^3$ above a threshold of $0.15 \mu\text{g}/\text{m}^3$ could be technically justified (by some process yet not identified), the reductions legally enforceable against Texas sources would be far less than the amount contained in the final rule, which amount is equal to 25 percent of the total reductions expected nationally.

EPA's proposed budget for Texas is also inconsistent with the very decision by the D.C. Circuit Court which remanded CAIR to EPA and initiated this most recent iteration of the transport rule. The court stated quite clearly that a proper rule to address interstate transport of an air pollutant must measure each state's downwind contribution and eliminate that contribution on the basis of each individual state. The court rejected the specific methodology that EPA has resurrected yet again in this final transport rule – the use of arbitrary, uniform cost standards to determine whether reductions are reasonable. We must assume that the current rule would be found equally

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lacking in that it would allow some states to continue to make downwind contribution to nonattainment in other states significantly greater than the contribution Texas will be held responsible for. In fact, the greatest disparity in relative contributions is for the state within which the Granite City monitor actually resides (Illinois) or the immediate neighboring states of Indiana and Missouri. These three states, even after making the reductions required under the final rule, will still contribute to downwind nonattainment by a factor of 2.3 times (Indiana), 4.8 times (Illinois) and 5.1 times (Missouri) as much as what Texas will contribute.

In this rule EPA has determined that Texas should make far greater reductions than other states solely on the basis of an analysis that those reductions in Texas can be achieved more cheaply. And while we find many valid objections to the underlying cost analysis, it is not necessary to go there – EPA lacks the authority to discriminate between states in allocating the burden of compliance. Both the Clean Air Act and the D.C. Circuit Court make that clear.

EPA's imposition of a Federal Implementation Plan (FIP) is premature and usurps the authority of Texas granted to the states under the Clean Air Act.

Each state shares not only an equal responsibility for its own contributions downwind but also an equal authority to make decisions as to where to place the burden of compliance within their respective jurisdictions. EPA's imposition of a FIP as the vehicle for enforcement of reductions of downwind transport ignores the state's authority to address attainment of a NAAQS within the state before a finding can be made that a state is responsible for a significant contribution to a downwind state. The FIP also is inconsistent with the fundamental principle embodied in the Clean Air Act of the federal-state complementary relationship under which the state retains substantial responsibility for the decisions concerning how to apportion reductions within the state's economy. This final transport rule provides Texas (as well as the other affected states) little, if any, of the discretion which the state should be afforded to address any significant out-of-state contribution through a State Implementation Plan (SIP). A FIP is only in order when a state defaults to EPA by failing to make a required SIP submittal to EPA or after EPA disapproves a SIP submittal. Neither of these conditions that would then make a FIP eligible for promulgation has been satisfied. Further, EPA has provided no suggestion as to why a SIP would be inappropriate to address interstate transport, beyond the arbitrary and essentially impossible implementation schedule, and that schedule clearly ignores the time frames and process that the Clean Air Act provides for states to develop implementation plans and control measures.

The final rule and FIP further usurp the authority of Texas by appearing to offer some flexibility in how operating sources in Texas can comply when, in fact, none of the options described in the rule, or offered by EPA in public communications following execution of the rule, are practicable or reasonable. As a result, the rule denies the state the opportunity to develop a plan that places responsibility and accountability with state decision makers as to how the state's businesses and economy will be affected if emission reductions are necessary to meet federal air quality standards. In essence, EPA has established a target for emission reductions to satisfy a prescribed condition of air quality and then dictated exactly which facilities will make what reductions to achieve that condition. That arbitrary approach suggests strongly the assumption by EPA that the state could not possibly be in a position to suggest better alternatives that would be

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less damaging to the state's economy. If the goal of the rule is to eliminate significant downwind contributions of air pollution, it is quite illogical to assume that emissions from coal-fueled electric generators will impact the one lone monitor in Granite City, Illinois or public health in that city any differently than would the same emissions from some other source. The only conclusion that can be reached from the approach EPA has taken to by-pass the process established in the Clean Air Act that vests authority with the states is that EPA is compelled to enforce a policy decision regarding the operation of coal-fueled generation units. While Texas or another state is free to reach the same decision after evaluating the options for required emission reductions, the first opportunity to address that question lies with the states under the SIP process and within the SIP time frame - not with EPA, not through a FIP and not in only a very few months.

The emission budget imposed on Texas is based on factual errors and cannot be complied with except in ways that are unacceptable to the state's economy and public safety.

EPA mistakenly assumes that certain plants in Texas that burn lignite can simply replace that lignite with lower sulfur coal from Wyoming's Powder River Basin (PRB) to comply with the rule. These plants are designed to burn lignite with a lower heat value. To burn or significantly increase the use of PRB coal they would have to be retro-fitted with new or modified boilers and other facility changes would be required. These changes and the prerequisite engineering, design, permitting and construction would require many months, if not years, to complete. In addition, it is generally believed within the industry that there is insufficient production of compliant PRB coal to meet the demand that this rule would produce through fuel switching requirements. The rule ignores the real world conditions that would have to be satisfied to expand new mining operations and ensure adequate rail infrastructure and transportation to every facility that would be increasing the use of PRB coal. The offer of a compliance option that takes years to implement to satisfy a rule that is effective in a few short months is no genuine offer at all.

EPA also suggests that dispatching of electric service to sources elsewhere on the grid, including certain gas-fired units can alleviate the loss of generation from coal-fueled plants that will either shut down or reduce operating times under this rule. It is well-known that in Texas, unlike most other states, the electric grid is almost self-contained within the state. It is simply not feasible to call on capacity from other states to be provided in Texas for the large majority of our service area. The inactive gas-fueled plants EPA assumes can simply be turned back on to fill in the gap in capacity do not represent a reasonable solution. While some are functional and can be reactivated, the effect on the marginal electric costs passed on to customers will be exorbitant.

Curiously, EPA has not recognized or asked the pertinent question as to why these plants are inactive. The answer is generally that they were too inefficient to operate economically and their air quality impacts due to older technology and locations in urban areas forced their retirement to comply with state ozone control plans. There is no small irony in the consideration of re-starting plants that were retired due to demands for ozone NAAQS attainment in Texas in order to reduce downwind effects of a tiny fraction of a μg of $\text{PM}_{2.5}$ at a monitor over 500 miles away that is in attainment. EPA's inventory of gas-fueled plants that are available to take up the slack also include at least one that has been decommissioned and is no longer permitted and another that

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has been completely demolished. There is clearly no scenario under which these plants will be available to meet any demands created by a reduction in electric production at coal-fueled units. There has also been no response from EPA in defense of the final rule as to how to fill this significant gap in the analysis of compliance options under the rule.

In its assumption concerning the ability of Texas generators to meet electric demand while complying with the final rule, EPA also projects that emission reductions can be readily achieved by simply increasing the efficiency of existing flue gas desulfurization units at certain plants. EPA bases this assumption on design values for efficiency for these scrubber units that are theoretical. They are not representative of real world operating conditions and the recorded operating efficiencies that have been observed in practice and reported routinely to EPA for years. These differences are not insignificant. While EPA assumes operating efficiencies of up to 95% removal, these units actually demonstrate removal efficiencies from 65% to 75%. That difference between theory and fact means that reductions EPA believes to be readily available are not.

In another example, EPA's inaccurate assessment of scrubber efficiency is compounded by including non-existent scrubbers in their inventory of pollution control units that are believed to be capable of further emission reductions. Just as with the physical and regulatory changes that would be required for fuel switching, the improvement in removal efficiency at existing scrubbers (and certainly the construction of non-existent scrubbers) will take far longer than the very brief period available before this rule will become effective. Again, the errors contained in EPA's analysis are both significant and troubling and lead to a compliance alternative that is an alternative on paper but not in reality.

EPA is also mistaken in its assumptions about the prospect for certain NO_x emission reductions in Texas. While acknowledging that the installation of selective catalytic reduction (SCR) units could provide significant emission reductions in some cases, but would require several years to engineer, permit and construct, EPA assumes that Texas can still achieve an additional 8% reduction in NO_x emissions after January 1, 2012 on an expedited schedule. The plants that EPA assumes can make these reductions, however, have already installed the control equipment. These reductions EPA believes can be made in the future are already being made, are reflected in Texas' current emission inventory and do not represent opportunities for further emission reductions. Again, reductions in emissions EPA suggests are readily available are not available within a time frame where compliance with the rule is feasible. The real option that remains is closing or reducing operations at plants whose output cannot be spared given the current demands on Texas' electric supply system.

Another alternative offered by EPA is the trading of allowances by those facilities that cannot or choose not to make the reductions required. But again, this offer does not have the value or utility suggested. It appears obvious that there will be insufficient allowances available to cover the generation in Texas that must continue to ensure electric service reliability. That continuation of critical service is also likely to come at a significant cost due to market penalties. Also, even where allowances may be available, the acceleration of the effective date for assurance

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provisions in the final rule from 2014 to 2012, the many uncertainties with the new program, the incentives for banking of credits for compliance in future years and the requirement that all allowances be accounted for before a unit can emit all suggest that the trading options offered by EPA are substantially less valid and far more uncertain than assumed.

Inaccuracies concerning the use of Wyoming coal, gas plants that are not operational or don't exist, the air quality impacts of using old gas plants that do exist, operating efficiencies of scrubbers, limited availability of the Texas electric grid, options for installation of non-SCR pollution controls, and uncertain credit trading markets – the list of errors, mistaken assumptions and serious questions in EPA's analysis of compliance options for Texas is simply too long and the implications of these errors on the final outcome of the transport rule too significant to ignore. Each of these errors in assumption or analysis effectively removes from consideration an option offered by EPA for compliance with an emission budget that has itself already been shown to have serious technical flaws. Any one of these errors alone would be a basis for reconsideration of the rule. Taken together, the basis for reconsideration becomes overwhelming.

These shortcomings in EPA's analysis of compliance options demonstrate that Texas has no actual discretion in complying with the final rule on January 1, 2012. To ensure that emissions do not exceed the established budget, generators in Texas must cease operations at a particular plant or plants or reduce production. Either way, the margins in our electric market in Texas that are critical to address seasonal high demands for power, respond to unforeseen emergencies and support new business opportunities will be reduced below levels that are safe, prudent or reasonable.

EPA's analysis of costs and benefits is inadequate and incomplete and ignores critical factors that will increase public health risks.

The common rebuttal to criticisms of the procedural and technical flaws in the final rule has been that public health benefits to accrue from the rule will exceed the costs of compliance. On the one hand, even if that were true, it does not justify the failure to adhere to legal authority, procedural standards for due process or the requirements for a valid technical justification that apply to such a rulemaking. In addition, it is entirely unreasonable to assume that the determination of alleged public health benefits to accrue from this rule is any more accurate or valid than the technical analysis upon which the costs are based. Given the many inadequacies in both the Texas emission budget and the technical justification for compliance options in Texas, no confidence in the cost figures attached to the final rule can be justified, nor can the cost/benefit ratio be regarded as having any validity. No argument that the rule is cost effective can be legitimately made until it is reconsidered and these errors addressed.

EPA also completely ignores obvious negative public health impacts in its assessment. The failure to consider the air quality effects of re-activating older, inefficient gas plants in urban areas has already been mentioned. Also not considered, however, are the potential effects of other "options" such as the increased production of PRB coal in Wyoming and the transportation of that coal to Texas (or other states). Nowhere in the rule is found even the question of how much coal would reasonably be expected to be needed, what new mining areas would be opened

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to meet that demand or what additional rail and other transportation infrastructure would be needed to move coal to the market. Absent also is any discussion of what the air quality or other environmental effects would be of the additional mining activity in Wyoming or the transportation of the coal through the intervening states, including Texas. And again, just as was the case with Texas, EPA did not provide those potentially affected states any constructive notice of the potential effects of the rule or the likelihood that EPA would even adopt a rule that would include compliance options that would affect them.

More significant, however, is the failure to consider the very real public health effects of what is ultimately the only compliance option available to Texas on January 1, 2012 – the reduction of electric production from lignite-fueled power plants. This rule will, without question, increase the cost of electrical power in Texas. It will dangerously reduce the reliability margins that protect the citizens of this state from losses of power at critical times. There are sufficient examples, and some all too recent, of weather extremes in Texas and the potential impact of reduced service reserves. Those examples are compelling evidence that the potential harm to citizens, particularly those of limited means, who will be affected by a loss of service during weather extremes is beyond question.

This issue is far more critical than suggested in the rule for the simple reason that EPA, in yet another mistaken assumption, has based its assessment of the electric capacity in Texas on incorrect figures. EPA's assessment of the reliability of the Texas grid assumes that over 90,000 MW of power will be available in 2014 with coal plants providing approximately 18,500 MW of that total. The Electric Reliability Council of Texas, who is responsible for operation and regulation of most of the grid in Texas, reported in May of 2011 that Texas in 2014 would have less than 76,000 MW available, of which coal would provide almost 20,000 MW. The list of errors contributing to this incorrect assessment is long, but the result can be stated briefly – EPA has overstated the amount of power that they assume Texas will have access to by some 14,000 MW and underestimated the contribution made by coal-fueled plants by 1,500 MW. And it bears repeating that this error could have been addressed if parties in Texas had been afforded an opportunity to comment on an estimate of capacity before reading it in a support document to the final rule for the first time.

It is also essential, however, that the indirect effects of increased costs of utility service not be ignored. Low income utility customers, regardless of programs in place to provide assistance with paying bills, will be increasingly forced to make almost impossible decisions between paying for electricity and paying for other expenses that have a direct effect on the health and welfare of themselves and their families. It is disingenuous to assume that the highly speculative, and frankly poorly demonstrated, health benefits that are presumed to result from reducing a downwind contribution that exceeds the significance threshold by a minute $0.03 \mu\text{g}/\text{m}^3$ some 500 miles away in Illinois are more significant, more justifiable or more necessary than preserving the ability of people in Texas to pay their utility bills and still provide basic nutrition and health care for their families.

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The final transport rule should be stayed and the effective date delayed to avoid unacceptable results to Texas citizens and businesses that can and should be avoided.

The above discussion outlines many compelling reasons why the final transport rule should be reconsidered in order that it be properly promulgated and justified. Many of the unintended consequences of the rule, however, can be avoided only by staying the effective date and enforcement of the rule pending its reconsideration. It is only equitable that the enforcement be suspended given the clear demonstration of significant cost impacts to Texas that will result unnecessarily and the risks to public health, safety and security that cannot be justified under a rulemaking whose presumed benefits and rationale must be questioned and reexamined. Because the compliance date is so near and the "easy" options for compliance truly nonexistent, only a stay of the rule will provide Texas and its businesses and citizens the due process that should be afforded under any regulatory action of this magnitude.

Sincerely,



Stephen Minick
Vice President for Government Affairs

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01268-EPA-5748

Richard Windsor/DC/USEPA/US
09/16/2011 10:10 AM

To "Nancy Sutley", "Heather Zichal"
cc
bcc

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

Ex.5 - Deliberative
Richard Windsor

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

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

Ex.5 - Deliberative


Seth Oster

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

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

Andra Belknap

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

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

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

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

State of play: The Environmental Protection Agency sought to quell concerns Thursday that climate change regulations will face the same fate as an ozone rule that the White House [scuttled this month](#).

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

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

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

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

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

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

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

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

01268-EPA-5749

"Sutley, Nancy H." To Richard Windsor
 <(b) (6)> cc
 ov> bcc
 09/16/2011 11:29 AM
 Subject Re: OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

Just tried you - am available on cell for a couple of hours. (b) (6)

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
 To: Sutley, Nancy H.; Zichal, Heather R.
 Sent: Fri Sep 16 10:10:55 2011
 Subject: Fw: OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

Ex.5 - Deliberative

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

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

Ex.5 - Deliberative

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

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

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

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

OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret
By Ben Geman and Andrew Restuccia - 09/15/11 06:42 PM ET

State of play: The Environmental Protection Agency sought to quell concerns Thursday that climate change regulations will face the same fate as an ozone rule that the White House scuttled this month.

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She told San Francisco radio station KQED on Thursday that the agency will "absolutely" continue moving ahead with the standards. EPA officials say they will announce a new schedule shortly.

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

01268-EPA-5750

EPAExecSec

Sent by: (b) (6) Personal Privacy

09/16/2011 04:48 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch, Veronica Burley, Janet Woodka

cc

bcc

Subject Daily Reading File: September 16, 2011



Daily Reading File.9.16.11.pdf



Correspondence Management System

Control Number: AX-11-001-5466

Printing Date: September 16, 2011 12:32:04



Citizen Information

Citizen/Originator: Mellon, Paul J.

Organization: Philadelphia Naval Business Center
Address: 4900 South Broad Street, Commandants Building, Philadelphia, PA 19112

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5466 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Sep 15, 2011 Received Date: Sep 16, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_167_a Transitory Files Record copy
 Subject: DRF - Novetas Request for Meeting with EPA Administrator Lisa Jackson;
 SCH001-Scheduling Request - Meeting - President of Novetas Solutions, Paul Mellon, to
 discuss the misuse of the EPA's CCR Beneficial Use Program
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: Event Date: TBD Location: US EPA, 1200 Pennsylvania Avenue, NW, Washington, DC
 Contact: Paul Mellon, (215) 551-3070, pmell@comcast.net
 CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	Noah Dubin	Sep 16, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to Noah Dubin	Sep 16, 2011

9/16
mwb
DAILY READING FILE

RECEIVED

2011 SEP 16 AM 6:52

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 09/15/2011 12:55 PM
From "Paul Mellon" <pmell@comcast.net>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Novetas Request for Meeting with EPA Administrator Lisa Jackson

Message Body

September 15, 2011

Ms. Lisa Jackson

Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Jackson,

My name is Paul Mellon, President of Novetas Solutions. My company has been seeking to work with the EPA concerning significant issues we have found regarding the misuse of the EPA's CCR Beneficial Use Program. Specifically, Novetas has been trying to work with the EPA on removing coal slag abrasives which are toxic to human health from the EPA Beneficial Use program and have the EPA issue a press release on this decision as soon as possible. To date we have been unsuccessful in our attempts to work with the EPA on this issue.

On March 21st 2011, Representative Robert Brady, sent you a letter requesting that a member of your staff meet with me to discuss issues that Novetas brought to the Congressman's attention about the EPA which included the "conduct of the Office of Solid Waste (OSW)."

Unfortunately, the EPA decided to have Novetas meet on May 23rd 2011 with the employees of the OSW whose "conduct" helped generate Rep Brady's letter to you. In addition to seeing the letter from Rep Brady, the OSWER employees attending the meeting also learned days before the meeting that Senator Casey had requested the Office of Inspector General also investigate the conduct of the OSW on the coal slag abrasives issue and advised OSWER that employees of the OIG would attend the May 23rd meeting with Novetas.

The meeting did not go well in large part because the OSWER clearly was defensive and openly admitted they did not read any of the documents that I had sent to them over the last 2 years. As a result, I determined there was no basis to submit the key information about the misconduct of the OSWER to the actual employees of the OSWER, one of whom was in attendance at the meeting

Despite a second letter from Rep Brady to the OSW requesting another meeting with the EPA to address the issues raised by Novetas, we have had no additional contact with the EPA on our concerns about coal slag abrasives and the Beneficial Use Program.

The reason I wanted to meet with you or your staff was to review all the information I had shared with Rep Brady's Office and Senator Casey's Office.

Last week, I copied you on a series of emails that I sent to the EPA's OSWER concerning additional data from OSHA and the DOE that I have discovered about how toxic coal slag abrasives are to human health due to beryllium exposure.

I would also like to now share with you and your office one key EPA document that I have shared with the Offices of Rep Brady, Sen Casey and the OIG. This document plus the actions by the EPA's OSWER since 2010, I believe, conclusively prove how the EPA has purposely used the CCR Beneficial Use Program to hide and protect coal slag abrasives from regulations by the EPA which has hurt human health.

The EPA document which I have attached (it is also on the EPA website) to my Email is entitled:

**BACKGROUND DOCUMENT FOR THE
FINAL COMPREHENSIVE PROCUREMENT GUIDELINE (CPG) IV
AND
FINAL RECOVERED MATERIALS ADVISORY NOTICE (RMAN) IV**

U.S. Environmental Protection Agency

Office of Solid Waste

Mailcode 5306W

1200 Pennsylvania Avenue, NW

Washington, DC 20460-0002

April 2004

This document, hereafter referred to as the Final CPG IV/RMAN IV Background Document, provides a comprehensive summary of all the supporting analyses used by the Agency to issue the final CPG IV and the final RMAN IV. This document explains EPA's overall objectives, the process for designating procurement items, and the methodology used in recommending recovered materials content levels for items designated in the final CPG IV.

There are 12 pages of information on the EPA's assessment of coal slag abrasives and even crushed glass abrasives that I wanted to discuss with your office. However the below statement from this document really is the heart of the matter.

“b. Technically Proven Uses

EPA identified potential issues associated with the use of some recovered materials in blasting grit and is requesting comments on whether it should proceed with the designation. In particular, there is some evidence that documents dangerously high levels of heavy metals in abrasives containing coal and mineral slag materials that may present risks to workers.

For example, a study by NIOSH entitled **“Evaluation of Substitute Materials for Silica Sand in Abrasive Blasting”** reveals high concentrations of heavy metals present in airborne dust from blasting with copper, nickel, and coal slags, as well as several other mineral abrasives.

EPA regulations do not, however, restrict the use of materials of these types or require their management under the RCRA hazardous waste management system.

Thus, recently, in EPA’s final rule on the **Regulatory Determination on Wastes from the Combustion of Fossil Fuels** (40 CFR Part 261), issued May 22, 2000, **the Agency chose to retain the exemption** for fossil fuel combustion wastes from the hazardous waste management system under RCRA section 3001(b)(3)(C).

In addition, EPA stated in the final rule that it did not wish to place any unnecessary barriers on the beneficial use of fossil fuel combustion wastes for applications that conserve natural resources and reduce disposal costs.

Therefore, EPA is proposing to include blasting grit containing slag materials in this designation but recommends that workers using these types of abrasives exercise OSHA or other required standard practices designed to protect worker health and safety.”

This document actually states in writing that the EPA considers “worker health” an “unnecessary barrier” to the sales of coal slag abrasives. There can be no dispute on this fact because the only “barrier” mentioned in this statement are the “heavy metals” in coal/copper/nickel slags that are cited as a threat to “worker health”.

This document is a direct contradiction of the EPA Mission Statement: **To Protect Human Health and the Environment.**

This document was created in 2004 by the then OSW which is now the OSWER. I have documented proof that the same EPA employees who created the first CCR Beneficial Use Program on May 22, 2000 were also at the OSW when the above document was produced in 2004. And many of the same employees are also still present at the OSWER since you have been Administrator of the EPA. These same employees also have attempted to hide coal slag abrasives in the CCR Proposed Rule issued in June 2010.

I believe their actions regarding coal slag abrasives have directly contradicted your May 10, 2010 press release that stated: **“The time has come for common-sense national protections to ensure the safe disposal of coal ash,”** said EPA Administrator Lisa P. Jackson.

President Obama last week in his jobs speech was just as emphatic on human health issues when he said to the nation:

Sept 8, 2011. "We should have no more regulation than the health, safety, and security of the American people require. Every rule should meet that common sense test.

But what we can't do – **what I won't do** – is let this economic crisis be used as **an excuse to wipe out the basic protections that Americans have counted on** for decades. **I reject the idea that we need to ask people to choose between their jobs and their safety.** I reject the argument that says for the economy to grow, we have to roll back protections that ban hidden fees by credit card companies, **or rules that keep our kids from being exposed to mercury.**"

This is why I wanted to discuss my information with your office directly not the OSWER.

The facts that I have uncovered like the above EPA document, while publically available, have been hidden from public view in the maze of large, complicated websites and spread across numerous government agencies. I have been working on this issue for 5 years and only this summer figured out all the data that was available about beryllium exposure in coal slag. I have now assembled a wealth of facts on the toxicity of coal slag abrasives and shared it with the EPA.

I remain open and committed to work directly with the EPA given the public statements on the importance of common sense regulations for human health by both yourself and the President. My company, in part as a direct result of my attempts to work with the EPA, is now under massive legal and financial attack by the coal slag industry which has greatly benefited financially by the wrongful actions of the OSWER from 2000 and continuing through this year.

We are a small company, \$2 million in revenue while the coal slag industry is quite large, they have publically admitted to selling \$200 million of coal slag every year. One company alone does \$3 billion in revenue each year. But we have the facts on the toxicity of coal slag that ironically comes from NIOSH, OSHA...and the EPA..

I have a fiduciary duty to my company and employees to insure Novetas Solutions has the ability to compete on a level playing field. The EPA's continued refusal to address the past mistakes regarding coal slag abrasives and the Beneficial Use Program has denied us that opportunity and we therefore will now explore all legal and public options to insure we can compete in a fair and equal, expendable abrasive market. Please advise if your office is willing to meet with me to discuss the above document and the other information I have on the toxicity of coal slag abrasives.

Sincerely,



Paul J. Mellon Jr.



Correspondence Management System

Control Number: AX-11-001-5485

Printing Date: September 16, 2011 03:47:01



Citizen Information

Citizen/Originator: Hogan, Tim

Organization: National Petrochemical & Refiners Association
Address: 1667 K Street N.W., Washington, DC 20006

Drevna, Charles T.

Organization: National Petrochemical and Refiners Association (NPRA)
Address: 1667 K Street, N.W., Washington, DC 20006

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5485

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Oct 3, 2011

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Letter Date: Sep 16, 2011

Received Date: Sep 16, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

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

Subject: DRF - National Petrochemical & Refiners Association second petition for reconsideration of the E15 misfueling mitigation rule

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

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R8 - Region 8 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Sep 16, 2011	Oct 3, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

Message Information

Date 09/16/2011 07:57 AM
From Tim Hogan <THogan@npra.org>
To LisaP Jackson/DC/USEPA/US@EPA; Gina McCarthy/DC/USEPA/US@EPA
 Margo Oge/DC/USEPA/US@EPA; Paul Argyropoulos/DC/USEPA/US@EPA;
cc Karl Simon/DC/USEPA/US@EPA; Chet France/AA/USEPA/US@EPA; Paul
 Machiele/AA/USEPA/US@EPA; Jeff Kodish/R8/USEPA/US@EPA
Subject NPRA's second petition for reconsideration of the E15 misfueling mitigation
 rule

Message Body

Attached is a petition for reconsideration of the E15 misfueling mitigation rule (76 FR 44406; 7/25/11). This petition addresses product transfer document provisions.

This petition covers regulations that were not included in the petition that I sent you dated Aug. 17. NPRA sent you the first petition because those provisions were effective on Aug. 24. The effective date for the product transfer document regulations is Nov. 1, 2011.

Tim Hogan Director, Motor Fuels
 National Petrochemical and Refiners Association
 1667 K Street NW, Suite 700
 Washington, DC 20006
 T 202-457-0480 F 202-457-0486
www.npra.org



NPRA Petition re Misfueling final 09 15 11.pdf

OEX Processing Information

Processed Date:
Processed By
PO Office **Category:**

Message Count

Charles T. Drevna
President



National Petrochemical & Refiners Association

1667 K Street, NW
Suite 700
Washington, DC
20006

202.457.0480 voice
202.457.0486 fax
cdrevna@npra.org

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

September 15, 2011

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Room 300, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(jackson.lisa@epa.gov)

Assistant Administrator Gina McCarthy
U.S. Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building, Mail Code 6101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(mccarthy.gina@epa.gov)

RE: Request for Partial Reconsideration of EPA's "Misfueling Rule" 76 Fed. Reg. 44,406 (July 25, 2011)

Dear Administrator Jackson and Assistant Administrator McCarthy:

The National Petrochemical & Refiners Association ("NPRA") requests that the Environmental Protection Agency ("EPA") reconsider certain provisions of the July 25, 2011 final rule regarding the misfueling of vehicles and engines with gasoline-ethanol blends ("Final Misfueling Rule")¹. NPRA requests that EPA reconsider regulatory requirements and implementation policies affecting 10 percent gasoline-ethanol blends ("E10"), including product transfer document requirements applicable to E10, and labeling, survey and product transfer requirements that apply to gasoline-ethanol blends that will be considered to contain greater than 10 and less than 15 volume percent ethanol ("E15").

This petition is in addition to the petition for reconsideration sent to you on August 17, 2011. That petition involved parts of the Final Misfueling Rule that were subject to implementation

¹ Regulation To Mitigate the Misfueling of Vehicles and Engines With Gasoline Containing Greater Than Ten Volume Percent Ethanol and Modifications to the Reformulated and Conventional Gasoline Program, 76 Fed. Reg. 44,406 (July 25, 2011).



NPR

Page 2

concurrent with the effective date of August 24, 2011. Therefore, in our first petition NPRA requested that you stay and toll the effective date and compliance obligations for new labeling, survey and product transfer requirements contained in the Final Misfueling Rule. While that date has now passed, we would reiterate the urgency of your review of the matters addressed in our first petition.

With regard to this petition, NPRA is concerned that the product transfer regulations at 40 C.F.R. 80.1503 (the "PTD regulations") are not comprehensive and do not address all situations. Since these requirements will be effective after October 31, 2011, NPRA requests that you take action well before that date to stay or otherwise delay the effectiveness of the provisions in order to allow time for an additional rulemaking process under which corrections could be finalized by the agency.

I. EPA Did Not Address the Situation for Winter Conventional Gasoline Containing 10 vol% Ethanol.

Under the structure of the regulatory text found at 40 C.F.R. § 80.1503, it is not clear what the PTDs should include for winter gasoline containing 10 vol% ethanol. While certain information is specified with respect to the name and address of the transferor, transferee, volume amounts, location of the conventional blendstock and date of the transfer (*see* 40 C.F.R. 1503(a)(1)(i)-(v)), information regarding ethanol content and other matters is not specified. This is opposed to EPA's treatment of information provisions contained in 40 C.F.R. §1503(a)(1)(vi)(A) and (B), which is applicable to summer gasoline.

NPR's concern is that those who need to comply with the rule are uncertain as to how to create an appropriate product transfer document for winter gasoline. In this regard, NPR suggests that EPA work with stakeholders in order to create a new 40 C.F.R. §1503(a)(1)(vii) by moving §1503(a)(1)(vi)(C) to cover information requirements for winter gasoline. This new or moved paragraph should have two subsections, one for gasoline containing up to 10 vol% ethanol and one for gasoline containing up to 15 vol% ethanol. When §1503(a)(1)(vi)(C) is moved, this provision should also replace "gasoline" with "gasoline or blendstock/gasoline for oxygenate blending."

NPR believes that this is a matter which requires the agency's prompt attention. Although the requirements will not be effective until October 31, 2011, parties affected by these regulatory requirements will be moving to prepare for supplying winter E10 conventional gasoline and conventional blendstock for oxygenate blending well ahead of that date. Thus, providing for a period where the regulations are not effective, in order to promulgate more understandable and clear requirements, is justified.

II. Final Regulations Do Not Address the Situation Where the One PSI RVP Waiver Is Not Permitted by State Regulations for Summer Conventional Gasoline.

There are areas in the United States where the one pound square inch ("psi") Reid Vapor Pressure waiver is not permitted for summer conventional gasoline. These areas include New York, Maine, the city of Pittsburgh, and eastern Texas. This summer conventional gasoline is not clearly addressed in the PTD regulations. First, this gasoline is not designed for gasoline-



NPRA

Page 3

ethanol blends in 40 C.F.R. §80.27(d)(2) because the one psi RVP waiver is not applicable. Do all of these areas have approved SIPs? 40 C.F.R. §1503(a)(1)(vi)(B) applies when 40 C.F.R. §80.27(d)(2) applies. Does §80.27(d)(2) cover areas where the one psi RVP waiver is not applicable? Second, this gasoline is intended for blending with 10 vol% ethanol and 40 C.F.R. §1503(a)(1)(vi)(C) requires insertion of the following format: "Suitable for blending with ethanol at a concentration of no more than 15 vol % ethanol." Is this an example or is this a required statement? This text does not clearly state that this conventional blendstock for oxygenate blending should *only be blended with 10 vol% ethanol* at the terminal.

This could result in an anomalous situation. It would be confusing for a refiner to place two statements on the product transfer document. That is, in order to comply with 40 C.F.R. §1503(a)(1)(vi)(C), the refiner would include the information: "Suitable for blending with ethanol at a concentration of no more than 15 volume percent ethanol." But, in addition, to attempt to notify the terminal, the following statement would be appropriate: "Suitable for blending with ethanol at a concentration of no more than 10 volume percent ethanol." Therefore, the Agency should clarify the PTD regulations to address this situation, or otherwise supplement the current provisions contained at 40 C.F.R. §1503(a)(1).

The Agency should clarify the appropriate PTD regulation in this case by creating another regulation, §1503(a)(1)(vi)(D). This new §1503(a)(1)(vi)(D) should have two subsections, one for gasoline containing up to 10 vol% ethanol and one for gasoline containing up to 15 vol% ethanol.

In addition, EPA should revise §1503(a)(1)(vi)(C) as follows: "For gasoline not described in paragraphs (a)(1)(vi)(B) **and (D)** of this section, ..." Note that "(a)(vi)(B)" should be corrected as "(a)(1)(vi)(B)" in §1503(a)(1)(vi)(C).

The Agency should provide clear guidance on PTD requirements for every scenario. Clarity is necessary to avoid regulated parties using different interpretations. NPRA will work with the Agency to define all of the situations.

III. The regulatory provision for PTD codes should be moved.

The Final Misfueling Rule includes 40 C.F.R. §1503(b)(2): "Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (b)(1) of this section if such codes are clearly understood by each transferee." This should be moved to §1503(a) because §1503(b) only applies to parties downstream of an oxygenate blending facility, i.e., truck carriers, retailers, or wholesale purchaser-consumers. Since these codes are permitted only for parties upstream of an oxygenate blending facility, this regulatory provision should be moved out of §1503(b) and into §1503(a).

For example, the Agency could create 40 C.F.R. §1503(a)(3): "Except for transfers to truck carriers, retailers, or wholesale purchaser-consumers, product codes may be used to convey the information required under paragraph (a)(1) of this section if such codes are clearly understood by each transferee."



NPRA

Page 4

IV. The PTD regulatory language does not provide sufficient flexibility to also comply with state standards.

The PTD regulations require explicit language at 40 C.F.R. §1503(b)(1)(vi):

(B) For gasoline containing less than 9.0 volume percent ethanol, the following statement: “EX — Contains up to X% ethanol. The RVP does not exceed [fill in appropriate value] psi.” The term X refers to the maximum volume percent ethanol present in the gasoline.

(C) For gasoline containing between 9.0 and 10.0 volume percent ethanol (E10), the following statement: “E10: Contains between 9 and 10 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi. The 1.0 psi RVP waiver applies to this gasoline. Do not mix with gasoline containing anything other than between 9 and 10 vol % ethanol.”

(D) For gasoline containing greater than 10.0 volume percent and not more than 15.0 volume percent ethanol (E15), the following statement: “E15: Contains up to 15 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi;”

The Agency should be open to suggestions for alternative language for compliance with state standards. For example, a state could require a little more precision on the ethanol content and “up to X vol%” (where X is a number between 0 and 9) or “up to 15 vol%” may be too vague. The petroleum industry should have the flexibility to meet a state’s precision requirements while complying with the federal Final Misfueling Rule without disrupting the clarity of the PTD.

V. A few other regulatory provisions should be clarified.

The regulation at 40 C.F.R. §1503(a)(1)(vi)(B)(2) requires the insertion of a psi value for this “blendstock/gasoline for oxygenate blending.” What is required – the RVP of the BOB or the RVP that will not be exceeded by the BOB or the maximum RVP of the finished E10 gasoline?

The provision at 40 C.F.R. §1503(a)(2) regarding reformulated blendstock for oxygenate blending (RBOB) should also be included in 40 C.F.R. §1503(b). The requirements in 40 C.F.R. §1503(b)(1) should not apply to RBOB.

The regulation at 40 C.F.R. §1503(b)(1)(vi) states that the information regarding the RVP is only required for summer gasoline. The provision at 40 C.F.R. §1503(b)(1)(vi)(C) states that 9-10 vol% ethanol summer gasoline should only be mixed with 9-10 vol% ethanol summer gasoline. Does EPA intend that this warning only apply to summer gasoline or should it apply year-round?

The provision at 40 C.F.R. §1503(b)(1)(vi)(C) requires the insertion of a psi value. Is this value supposed to include the one psi RVP waiver? Was it your intention that this value be the applicable regulatory limit (including the one psi RVP waiver) or the actual RVP of the shipment?



NPRA

Page 5

VI. Conclusion

NPRA believes that changes are necessary to the current regulatory text for the Misfueling Rule to provide for uniform enforcement, standardized communications between refiners and terminals, and the successful implementation of the final rule. In addition, clarifying the requirements identified above and altering the regulations will also help to identify whether or not a refiner will be subject to regulations contained in 40 C.F.R. §1502 regarding survey requirements. Promulgating new regulatory text would serve to make it very clear whether the conventional gasoline blendstock for oxygenate blending was intended to manufacture E10 or E15.

Altogether, NPRA believes that the omissions and uncertainty identified in this petition are inadvertent. Therefore, we would reiterate that the proper response of the Agency in this matter should involve an administrative stay in the effective date of the requirements, followed by actions to promulgate corrections to the regulatory text. In this regard, NPRA stands ready to work with EPA to resolve this matter in an expeditious fashion.

If you have any questions regarding any matter contained in this petition, please contact Tim Hogan at 202-552-8462.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles T. Drevna", written in a cursive style.

Charles T. Drevna
President

cc: Margo Oge
Chet France
Paul Argyropoulos
Jeff Kodish
Paul Machiele
Karl Simon



Correspondence Management System

Control Number: AX-11-001-5486

Printing Date: September 16, 2011 03:53:13



Citizen Information

Citizen/Originator: White, Arnette C

Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Lew, Jacob J

Organization: Executive Office of the President, Office of Management and Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A
Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-5486 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Sep 14, 2011 Received Date: Sep 16, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: DRF - FY 2011 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCFO - OCFO -- Immediate Office
 OEAE - Office of External Affairs and Environmental Education
 OEI - Office of Environmental Information - Immediate Office
 OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OHS	Sep 16, 2011

History



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

September 14, 2011

THE DIRECTOR

M-11-33

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jacob J. Lew
Director

A handwritten signature in black ink, appearing to read "J. Lew", written over the printed name and title.

SUBJECT: FY 2011 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management

The attached memorandum provides instructions for meeting your agency's FY 2011 reporting requirements under the Federal Information Security Management Act of 2002 (FISMA) (Title III, Pub. L. No. 107-347). It also includes reporting instructions on your agency's privacy management program.

The goal for Federal information security in FY 2011 is to build a defensible Federal enterprise that enables agencies to harness technological innovation, while protecting agency information and information systems. To maximize the timeliness and fidelity of security related information, the collection of data should be a by-product of existing continuous monitoring processes.

As discussed in OMB Memorandum 10-28, "*Clarifying Cybersecurity Responsibilities and Activities of the Executive Office of the President and the Department of Homeland Security (DHS)*," DHS is exercising primary responsibility within the Executive Branch for the operational aspects of Federal agency cybersecurity with respect to the Federal information systems that fall within FISMA under 44 U.S.C. §3543. As stated in previous FISMA guidance, agencies are required to adhere to Department of Homeland Security (DHS) direction to report data through CyberScope. This shift from the once-a-year FISMA reporting process to a monthly reporting of key metrics through CyberScope allows security practitioners to make decisions using more information – delivered more quickly than ever before.

I ask for your help in overseeing your agency's implementation of the reporting guidance outlined in the DHS memorandum.

Questions for OMB may be directed to Carol Bales at 202-395-9915 or fisma@omb.eop.gov.

Attachment



August 24, 2011

FISM 11-02

FEDERAL INFORMATION SECURITY MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:  Roberta Stempfley, Acting Assistant Secretary, Office of Cybersecurity and Communications, Department of Homeland Security

SUBJECT: FY 2011 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management

This Federal Information Security Memorandum (FISM)¹ provides instructions for meeting your agency's FY 2011 reporting requirements under the Federal Information Security Management Act of 2002 (FISMA) (Title III, Pub. L. No. 107-347). It also includes reporting instructions for your agency's privacy management program.

The goal for Federal information security in FY 2011 is to build a defensible Federal enterprise that enables agencies to harness technological innovation, while protecting agency information and information systems. To maximize the timeliness and fidelity of security-related information, the collection of data should be a by product of existing continuous monitoring processes, not a bolt-on activity that redirects valuable resources from important mission activities. As stated in previous FISMA guidance, agencies are required to adhere to Department of Homeland Security (DHS) direction to report data through CyberScope. This shift from the once-a-year FISMA reporting process to a monthly reporting of key metrics through CyberScope allows security practitioners to make decisions using more information – delivered more quickly than ever before.

Agency Reporting Activities

To comply with this guidance, agencies will carry out the following activities:

1. Establish monthly data feeds to CyberScope;
2. Respond to security posture questions; and
3. Participate in CyberStat accountability sessions and agency interviews

1. Monthly Data Feeds

Effective next month, agencies must load data from their automated security management tools into CyberScope on a monthly basis for a limited number of data elements. While full implementation of automated security management tools across agencies will take time, agencies should report what they can using output from their automated security management tools. These reporting requirements will mature over time as the efforts of the Chief Information Officer (CIO) Council's Continuous Monitoring Working Group (CMWG), in collaboration with the agencies, evolve and additional metrics and capabilities are developed.

¹ The Department of Homeland Security issues Federal Information Security Memoranda to inform federal departments and agencies of their responsibilities, required actions, and effective dates to achieve federal information security policies.

FISM 11-02

DHS will provide advance notice to agencies as these metrics evolve. The initial monthly reporting metrics and schema for FY 2011 will remain identical to the metrics and schema used for the auto-feed portion of the FY 2010 reporting cycle. Revisions of metrics will be published in CyberScope and on the CyberScope page within the Office of Management and Budget (OMB) MAX Portal prior to the reporting period in order to allow sufficient time for adoption. As associated data feed schemas are revised, they will be posted on the NIST Security Content Automation Protocol (SCAP) web page as well as the CyberScope page within the OMB MAX Portal.

Frequently asked questions related to data feeds can be found on the CyberScope information page within the OMB MAX Portal. The URL for the page is: <https://max.omb.gov/community/x/EqQrEQ>

2. Information Security Questions

In addition to providing the data feeds described above, agencies are also required to answer a set of information security questions in CyberScope. These questions address areas of risk and are designed to assess the implementation of security capabilities and measure their effectiveness.

3. CyberStat Review Sessions and Agency Interviews

Building on the TechStat model, DHS launched CyberStat accountability sessions in January 2011. Through CyberStat, DHS cybersecurity experts engage with selected agencies to help them develop focused actions plans for improving their information security posture. CyberStat is grounded in analysis that is based on data provided through CyberScope and other key data sources. The development of clear and consistent metrics for CyberScope has improved the ability of agencies to have more accountability for outcomes. As DHS works with agencies to improve data quality, the insights provided through CyberStat and CyberScope will enable DHS to assist agencies in quickly addressing problems that pose risks.

DHS-led CyberStat sessions promote accountability and assist Federal civilian agencies in driving progress with key strategic enterprise cybersecurity capabilities. Specifically, CyberStat is designed to:

- Highlight capability areas where agencies must place additional focus;
- Help agencies remove roadblocks to meeting requirement standards; and
- Recognize agencies in those areas where they are meeting requirement standards.

CyberStat sessions feature representatives from DHS, OMB, the National Security Staff (NSS), and agency teams working together to carefully examine program data with a focus on problem solving. The outcome is a prioritized action plan for the agency to improve overall agency performance. Information compiled from the review process will also give DHS, OMB, NSS and other relevant stakeholders a holistic viewpoint of the cybersecurity posture of the Executive Branch of the Federal Government, informing future policy and oversight decisions.

A team of government security specialists will interview agencies not selected for a formal CyberStat review. These interviews will be focused on specific threats that each agency faces as a consequence of its unique mission.

Effective Dates of Compliance

FISM 11-02

- **Monthly Data Feeds:** Agencies are required to submit information security data to CyberScope by close of business on the fifth calendar day of each month. Small and micro agencies are not required to submit monthly reports, although they are highly encouraged to do so.
- **Quarterly Reporting:** Moving forward, agencies will be expected to submit metrics data for 2nd and 3rd quarters. For 2nd quarter, agencies must submit their updates to Cyberscope between April 1st and April 15th. For 3rd quarter, agencies must submit their updates to CyberScope between July 1st and July 15th. Agencies are not expected to submit metrics data for 1st or 4th quarters, other than what is required for the annual report.
- **Annual Reporting:** The due date for annual FISMA reporting through CyberScope is November 15, 2011.

Additional Requirements

- CyberScope is the platform for the FISMA reporting process. Agencies should note that a Personal Identity Verification card, compliant with Homeland Security Presidential Directive 12, is required for access to CyberScope. No FISMA submissions will be accepted outside of CyberScope. For information related to CyberScope, please visit:
<https://max.omb.gov/community/x/EgQrFQ>
- CIOs, Inspectors General, and Senior Agency Officials for Privacy will all report through CyberScope. Micro agencies will also report using this automated collection tool.
- Consistent with prior years' guidance, the agency head should submit an electronic copy of an official letter to CyberScope providing a comprehensive overview reflecting his or her assessment of the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of FISMA for the agency.
- Senior Agency Officials for Privacy are to submit the following documents through CyberScope:
 - Breach notification policy if it has changed significantly since last year's report;
 - Progress update on eliminating unnecessary use of Social Security Numbers; and
 - Progress update on the review and reduction of holdings of personally identifiable information.

Please direct questions on FISMA to the Cybersecurity Performance Management Office, Federal Network Security Branch, DHS, at FISMA.FNS@dhs.gov or 703-235-5045.

For OMB policy related questions, please contact Carol Bales, 202-395-9915 or fisma@omb.eop.gov.

Attachment: FY 2011 Frequently Asked Questions on Reporting for FISMA

cc: Director, Office of Management and Budget

01268-EPA-5751

Richard Windsor/DC/USEPA/US
09/17/2011 07:40 AM

To "Nancy Sutley", "Heather Zichal"
cc
bcc

Subject Fw: NSPS statements

Hi. The below is DYI. I asked Arvin to forward them to me and thought you might also like to see them. Lisa

From: Arvin Ganesan
Sent: 09/16/2011 07:31 PM EDT
To: Richard Windsor
Subject: NSPS statements

Hi there.

Here are statements from UCS and NRDC and NWF. I can't seem to find Sierra Club's statement on their website.

Union of Concerned Scientists

Statement by Alden Meyer, director of strategy and policy at the Union of Concerned Scientists
WASHINGTON (September 15, 2011) – The Environmental Protection Agency (EPA) announced today that it will delay climate change rules, just weeks after the White House postponed important ground-level ozone standards.

“Playing kick the can down the road with EPA rules is a dangerous game. The longer we wait, the more costly climate change will be.

“We’re seeing a dangerous trend with the president first pulling the ozone rule, and now this. We’re skeptical that politics didn’t influence this decision. The EPA has been under incredible pressure from industry and anti-environmental members of Congress who are working overtime to block its efforts to protect Americans’ health and well-being. President Obama needs to stand firm in the face of this pressure, and meet his responsibilities on clean air, public health and climate change.”

NRDC

In response to the Environmental Protection Agency’s announcement that carbon pollution standards for power plants will not be issued this month, David Doniger, NRDC’s Climate and Clean Air Program policy director, made the following statement:

“Right now, power companies can dump unlimited amounts of dangerous carbon pollution into the air. This year’s unprecedented floods, storms, and fires tell us we are in a race against time to curb the dangerous pollution that is driving climate change.

“We are disappointed that EPA will not meet its commitment to propose clean-up standards this month for the carbon pollution coming from the nation’s power plants, the largest polluters. It is not clear how long a delay EPA wants. Taking a little more time to get it done right is one thing. Punting on its duty to protect our children and our planet would be utterly unacceptable. Our reaction will depend on what they propose.

The Supreme Court has twice ruled that it is EPA’s job under the Clean Air Act to protect Americans from dangerous carbon pollution. How many more delays does the EPA need before it does its job?”

NWF

Joe Mendelson, NWF policy director, climate and energy programs said:

“Delaying action puts our nation unacceptably at risk from the ravages of air pollution and climate change. With record summer heat, fires raging in Texas and unprecedented floods in the Northeast, the costly impacts of global warming have never been clearer.

“Every day we delay cleaning up our nation’s power plants fattens polluter profits and shrinks our chances of tackling the climate crisis. Today’s decision suggests that when it comes to uncontrolled carbon pollution, the administration appears content with business as usual.”

Cleaning up air pollution has also protected wildlife from harmful emissions that threaten species directly and also contaminate water, degrade habitats, and damage the environment. Despite these efforts, **unlimited carbon pollution** that causes climate change, toxic mercury emissions, and numerous other air pollutants still pose a

serious threat to all species [including many icons of America's](#) hunting and fishing heritage.

NWF says it is critical that our nation build on the successful track record of the Clean Air Act in using the law as a tool to tackle urgent threats like climate change and toxic air pollution. A [2007 Supreme Court case](#) (pdf) confirmed that the Act, as passed by Congress, requires EPA to take action on controlling air pollution that leads to climate change. Now, after decades of federal inaction, the Obama administration seemed poised to move forward on this urgent issue, until today. For far too long, polluters across this country have been allowed to release unlimited amounts of pollution that contributes to climate change.

01268-EPA-5752

Noah Dubin/DC/USEPA/US

To

09/21/2011 05:51 PM

cc

bcc Richard Windsor

Subject 09/23/2011 thru 10/06/2011 Schedule for Lisa P. Jackson

*** Do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule**

09/21/2011 05:32:52 PM

Friday, 9/23/2011

08:45 AM-09:15 AM FYI Daily Briefing
Location: Administrator's Office

08:45 AM-09:00 AM Depart for EEOB
Location: Ariel Rios

09:00 AM-09:30 AM Meet with California Community Leaders
Ct: Ryan Robison - 202-564-2856

Agenda:

Welcome speaker: Michael Strautmanis

8:00 - 9:00: Listening Session with Jon Carson

9:00 -9:30: Administrator Jackson

9:30 - 10:00: Economic /Jobs Update

10:00 - 10:15: OPE update: Stephanie Valencia or Greg Nelson

10:15 - 10:30: WH.gov: Macon Phillips

10:30 - 11:00: Labor Update: Secretary Solis

Location: EEOB - South Court Auditorium

09:30 AM-09:45 AM Depart for Washington Convention Center
Location: EEOB

09:45 AM-10:00 AM Meeting with Representative James Clyburn (SC)
Ct: Lindy Birch Kelly - (b) (6)
EPA Ct: Dru Ealons - 202-573-3063
Location: Washington Convention Center, Room 143-B
801 Mt Vernon PI NW,
Washington, DC

10:00 AM-10:20 AM EPA & Public Health Braintrust Panel - Hosted by Representative Emanuel Cleaver (MO)

Ct: Latrice Powell - (b) (6) Latrice.Powell@mail.house.gov
EPA Ct: Dru Ealons - 202-573-3063

Format: Closed Press

**The Administrator will provide opening remarks to the panel

Panelists:

- Gina McCarthy, Assistant Administrator, OAR
- Peter Iwanowicz, Director, American Lung Association, Healthy Air Campaign
- Phaedra Ellis-Lamkins, CEO, Green for All
- Representative Emmanuel Cleaver, Chair, Congressional Black Caucus

Location: Washington Convention Center, Room 143 - A
801 Mt Vernon PI NW,
Washington, DC

10:20 AM-10:30 AM Depart for Ariel Rios

Location: Washington Convention Center

11:00 AM-11:45 AM Meeting on School Siting Guidelines

Ct: Khesha Reed 566-0594

Staff:

Peter Grevatt, Margot Brown (OCHP)
Cynthia Giles (OECA)
Scott Fulton (OGC)
Barbara Bennett (OCFO)
Jim Jones, Mike Flynn (OAR)
Nancy Stoner (OW)
Mathy Stanislaus (OSWER)
Steve Owens (OCSPP)
Malcolm Jackson (OEI)
Paul Anastas (ORD)
Michelle DePass (OITA)
Michael Goo (OP)
Arvin Ganesan (OCIR)
Stephanie Owens (OEAE)
Lisa Garcia (OEJ)
Charles Imohiosen (OA)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe (OA)
Curt Spalding (R1)
Susan Hedman (R5)
Jared Blumenfeld (R9)

**Teleconferencing is required for this meeting

Location: Bullet Room

11:45 AM-12:45 PM No Meetings

Location: Administrator's Office

12:45 PM-01:00 PM Depart for the Willard

Location: Ariel Rios

01:00 PM-01:45 PM Texas Instruments Braintrust Luncheon - Hosted By Representative Eddie Bernice Johnson (TX)

Ct: Marianne Maher Kolcio - (b) (6)
EPA Ct: Dru Ealons - 202-573-3063

Format: Closed Press

Agenda:

- 1:00 PM: Everyone seated and luncheon begins
- 1:15 PM: MC, Ezra Penermon, introduces Congresswoman Johnson
- 1:20 PM: Congresswoman Johnson introduces Administrator Jackson
- 1:25 PM: Administrator Jackson gives remarks
- 1:35 PM: Congresswoman Johnson gives closing remarks
- 1:50 PM: Pictures
- 2:00 PM: Depart

Location: Willard Hotel - The Nest Room, Mezzanine Level
1401 Pennsylvania Ave NW, Washington, DC

01:45 PM-02:00 PM Depart for Ariel Rios

Location: The Willard

02:30 PM-03:00 PM Prep for Meeting on New Source Performance Standards for Electric Generating Units

Ct: Noah Dubin - 202-564-7314

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)
Michael Goo (OP)
Scott Fulton (OGC)

Location: Administrator's Office

03:00 PM-03:30 PM Meeting on New Source Performance Standards for Electric Generating Units

Ct: Noah Dubin - 202-564-7314

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)
Michael Goo (OP)
Scott Fulton (OGC)
Gina McCarthy, Joe Goffman (OAR)

Location: Administrator's Office

Saturday, 9/24/2011

05:00 PM-06:00 PM Congressional Black Caucus Phoenix Award Dinner

Ct: Krisa Haggins - (b) (6) khaggins@cbcfinc.org
EPA Ct: Stephanie Owens - 202-450-0969

Format: Open Press

Honorees:

- The Administrator
- Two-time Former World Heavyweight Boxing Champion and Entrepreneur George Foreman
- Former President of the Southern Leadership Conference Dr. Joseph Lowery
- Civil Rights Activist and United States Representative John Lewis (GA)

Location: Washington Convention Center
 801 Mt Vernon PI NW,
 Washington, DC

Sunday, 9/25/2011

Monday, 9/26/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

09:30 AM-09:45 AM Pre-brief for meeting with UBS Chairman , Robert Wolf

Ct: Ryan Robison - 202-564-2856

Staff:

- Charles Imohiosen (OA)
- Barbara Bennett (OCFO)
- Seth Oster (OEAE)

Optional:

- Diane Thompson (OA)
 - Michael Goo (OP)
 - Location: Administrator's Office
-

10:00 AM-10:30 AM Follow-up meeting with Edison Electric Institute

Ct: Ryan Robison - 202-564-2856

Staff:

- Bob Perciasepe, Bob Sussman (OA)
- Gina McCarthy (OAR)
- Michael Goo (OP)
- Arvin Ganesan, Laura Vaught (OCIR)

Attendees:

TBD

Location: Bullet Room

10:45 AM-11:15 AM Pre-Brief to Governor Scott Phone Call

Ct: Marcus McClendon - 202-564-0452

Staff:

Bob Sussman (OA)
Sarah Pallone (OCIR)
Avi Garbow (OGC)
Gwen Keyes- Fleming (R4)

Optional:

Diane Thompson (OA)
Arvin Ganesan or Laura Vaught (OCIR)

**Aaron Dickerson will dial (b) (6) and the receptionist will transfer to Gwen

Location: Administrator's Office

11:30 AM-11:45 AM Phone Call with Governor Rick Scott (FL)

Ct: Sarah Finebloom - Sarah.Finebloom@eog.myflorida.com

**Conference Number: (b) (6)
Conference Passcode: (b) (6)

**Topic: Everglades Restoration

Staff:

Bob Sussman (OA)
Sarah Pallone (OCIR)
Gwen Keyes-Fleming (R4)

Optional:

Diane Thompson (OA)
Arvin Ganesan or Laura Vaught (OCIR)

Location: Administrator's Office

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

01:00 PM-02:00 PM Senior Staff

Location: Bullet Room

01:45 PM-02:15 PM Depart for DCA

Location: Ariel Rios

03:00 PM-04:16 PM En Route to New York

US Airways flight #2176

Departs DC (DCA) at 3:00 PM EDT

Arrives in New York (LGA) at 4:16 PM EDT

Location: En Route to New York

04:30 PM-05:00 PM Depart for Hotel

Location: LaGuardia

Tuesday, 9/27/2011

08:45 AM-09:05 AM FYI Daily Briefing

Location: Administrator's Office

10:00 AM-11:30 AM Meeting with UBS Chairman , Robert Wolf

Ct: Karin Yoykon - (b) (6)

Format: Closed Press

Location: UBS Executive Boardroom,
1285 6th Ave,
New York, NY 10019

01:00 PM-02:03 PM En Route to DC

US Airways flight #2175

Departs New York (LGA) at 1:00 PM EDT

Arrives in DC (DCA) at 2:03 PM EDT

Location: En Route to DC

02:15 PM-02:45 PM Depart for TBD

Location: DCA

Wednesday, 9/28/2011

08:00 AM-09:00 AM HOLD Breakfast

Ct: Nathan Gentry - 202-564-9084

Staff:

Paul Anastas (ORD)

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

10:00 AM-10:30 AM One on One with Peter Grevatt

Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

11:15 AM-12:00 PM Strategy Discussion of Vehicle and Fuel Standards (Tier 3)

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)

Scott Fulton, John Hannon (OGC)

Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori

Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)
Michael Goo (OP)

Optional:
Bob Sussman, Diane Thompson (OA)
Arvin Ganesan, Laura Vaught (OCIR)

**This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection

**Teleconferencing is required for this briefing

Location: Bullet Room

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

02:45 PM-03:15 PM Update on Pavillion

Ct: Shelly Dawson 202-564-2440

Staff:
Bob Sussman (OA)
Cynthia Giles (OECA)
Nancy Stoner (OW)
Paul Anastas (ORD)
Avi Garbow (OGC)
Jim Martin (By Phone) (R8)

Optional:
Diane Thompson (OA)

**Teleconferencing is required for this briefing

Location: Administrator's Office

03:30 PM-05:00 PM Senior Policy Meeting

Location: Bullet Room

Thursday, 9/29/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

11:00 AM-12:00 PM No Meetings

Location: Administrator's Office

12:00 PM-01:00 PM HOLD: Lunch at Central with Barb Bennett

Liz Ashwell 564.1008

02:00 PM-02:45 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT

Ct: Cindy Huang - 202-564-7314

Staff:
Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)

Lisa Garcia (OEJ)
 Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)
 Scott Fulton, Avi Garbow (OGC)
 Michael Goo (OP)
 Cynthia Giles (OECA)
 Mathy Stanislaus (OSWER)
 Paul Anastas (ORD)
 Dennis McLerran (R10)
 Arvin Ganesan, Laura Vaught (OCIR)
 Barbara Bennett (OCFO)

Optional:

Diane Thompson (OA)
 Janet Woodka (Reg. Ops)
 Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda Farrar, Tom Eagles (OAR)
 Marilyn Kuray, Wendy Blake, Paul Versace (OGC)
 Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)
 Gerard Kraus, Gregory Fried, Sally Harmon (OECA)
 Gerain Perry, George Faison (OSWER)
 Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)
 Heather Valdez, Andrea Schrock (R10)

**Teleconferencing is required for this briefing

Location: Bullet Room

05:00 PM-05:30 PM Meet with Elliott Laws

Ct: Ryan Robison - 202-564-2856

O'Tilia Hunter - (b) (6)

Location: Administrator's Office

Friday, 9/30/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

02:00 PM-02:45 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule

Ct: Cindy Huang - 202-564-1850

Staff:

Dan Kanninen (OA)
 Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge,
 Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele,
 Glenn Passavant, John Koupal, Mike Olechiw (OAR)
 Scott Fulton, Avi Garbow (OGC)
 Michael Goo (OP)
 Paul Anastas (ORD)
 Cynthia Giles (OECA)
 Judith Enck (R2)
 Shawn Garvin (R3)
 Jared Blumenfeld (R9)
 Arvin Ganesan, Laura Vaught (OCIR)

Barbara Bennett (OCFO)

Optional:

- Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)
- Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)
- Lester Facey (OA)
- Matthew Davis (OHCP)
- Anne Wick, Jeff Kodish (OECA)
- John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)
- Larke Williams, Sarah Mazur, Tim Benner, Gene Stroup, John Cowden, Will Boyes,
- Deb Luecken (ORD)
- Dan Birkett (R2)
- Brian Rehn (R3)
- Jeffrey Buss (R9)
- Peter Grevatt (OCHP)

*Teleconferencing is required for this meeting

Location: Bullet Room

Saturday, 10/1/2011

Sunday, 10/2/2011

Monday, 10/3/2011

08:00 AM-06:00 PM In-house AA Day
Location: Green Room

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:30 AM-10:45 AM Depart for White House
Location: Ariel Rios

11:00 AM-12:15 PM Cabinet Meeting
Ct: (b) (6)
Location: Cabinet Room, West Wing, White House

12:15 PM-12:30 PM Depart for Ariel Rios
Location: White House

12:30 PM-01:30 PM No Meetings
Location: Administrator's Office

Tuesday, 10/4/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

09:15 AM-09:30 AM Depart for Hart

Location: Ariel Rios

09:30 AM-10:00 AM Meeting with Senator Sherrod Brown (OH)

Ct: Jennifer Parsons - jennifer_parsons@brown.senate.gov,

(b) (6)

Staff:

Arvin Ganesan (OCIR)

Location: Hart 713, US Senate

10:00 AM-10:15 AM Depart for Ariel Rios

Location: Hart

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

Wednesday, 10/5/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

11:00 AM-11:45 AM Early Guidance Meeting for Perchlorate Drinking Water Regulation

Ct: Martha Workman - 202-564-3774

Staff:

Bob Perciasepe, Bob Sussman (OA)

Nancy Stoner, Michael Shapiro, Cynthia Dougherty, Pamela Barr, Eric Burneson,

Elizabeth Doyle, Daniel Olson (OW)

Scott Fulton (OGC)

Cynthia Giles (OECA)

Michael Goo (OP)

Paul Anastas (ORD)

Mathy Stanislaus (OSWER)

Peter Grevatt (OCHP)

Shawn Garvin (R9)

Dennis McLerran (R10)

Optional:

Diane Thompson, Janet Woodka (OA)

Location: Bullet Room

03:30 PM-05:00 PM Senior Policy Meeting

Location: Bullet Room

Thursday, 10/6/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

11:00 AM-11:30 AM HOLD - CFC Kick-off Event

Ct: Linda Zarow - 202-564-7431

Location: Ariel Rios Oval Courtyard (12th St)

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

*** END ***

01268-EPA-5753

Noah Dubin/DC/USEPA/US

To

09/22/2011 05:52 PM

cc

bcc Richard Windsor

Subject 09/24/2011 thru 10/07/2011 Schedule for Lisa P. Jackson

*** Do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule**

09/22/2011 05:47:44 PM

Saturday, 9/24/2011

04:30 PM-05:00 PM Depart for Washington Convention Center

Location: Residence

05:00 PM-06:00 PM Congressional Black Caucus Phoenix Awards Gala VIP Reception

Ct: Krisa Haggins - (b) (6) khaggins@cbcfinc.org

EPA Ct: Stephanie Owens - 202-450-0969

Format: Closed Press

Location: Washington Convention Center,
Hall D Concourse,
801 Mt Vernon PI NW,
Washington, DC

06:00 PM-10:00 PM Congressional Black Caucus Phoenix Award Dinner

Ct: Krisa Haggins - (b) (6) khaggins@cbcfinc.org

EPA Ct: Stephanie Owens - 202-450-0969

Format: Open Press

**The Administrator will give two minutes of remarks for an acceptance speech

Honorees:

- The Administrator
- Two-time Former World Heavyweight Boxing Champion and Entrepreneur George Foreman
- Former President of the Southern Leadership Conference Dr. Joseph Lowery
- Civil Rights Activist and United States Representative John Lewis (GA)

Location: Washington Convention Center,
Hall D,
801 Mt Vernon PI NW,
Washington, DC

Sunday, 9/25/2011

Monday, 9/26/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

09:30 AM-09:45 AM Pre-Brief for Meeting with UBS Chairman , Robert Wolf

Ct: Ryan Robison - 202-564-2856

Staff:

Charles Imohiosen (By Phone) (OA)
Barbara Bennett (OCFO)
Seth Oster (OEAE)

*Conference Line will need to be opened.

Optional:

Diane Thompson (OA)
Michael Goo (OP)
Location: Administrator's Office

10:00 AM-10:30 AM Follow-up meeting with Edison Electric Institute

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy (OAR)
Michael Goo (OP)
Arvin Ganesan, Laura Vaught (OCIR)

Attendees:

TBD

Location: Bullet Room

10:45 AM-11:15 AM Pre-Brief to Governor Scott Phone Call

Ct: Marcus McClendon - 202-564-0452

Staff:

Bob Sussman (OA)
Sarah Pallone (OCIR)
Avi Garbow (OGC)
Gwen Keyes- Fleming (R4)

Optional:

Diane Thompson (OA)
Arvin Ganesan or Laura Vaught (OCIR)

**Aaron Dickerson will dial (b) (6) and the receptionist will transfer to Gwen

Location: Administrator's Office

11:30 AM-11:45 AM Phone Call with Governor Rick Scott (FL)

Ct: Sarah Finebloom - Sarah.Finebloom@eog.myflorida.com

**Conference Number: (b) (6)
Conference Passcode: (b) (6)

**Topic: Everglades Restoration

Staff:

Bob Sussman (OA)
Sarah Pallone (OCIR)
Gwen Keyes-Fleming (R4)

Optional:

Diane Thompson (OA)
Arvin Ganesan or Laura Vaught (OCIR)

Location: Administrator's Office

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

01:00 PM-02:00 PM Senior Staff

Location: Bullet Room

01:45 PM-02:15 PM Depart for DCA

Location: Ariel Rios

03:00 PM-04:16 PM En Route to New York

US Airways flight #2176

Departs DC (DCA) at 3:00 PM EDT

Arrives in New York (LGA) at 4:16 PM EDT

Location: En Route to New York

04:30 PM-05:00 PM Depart for Hotel

Location: LaGuardia

Tuesday, 9/27/2011

08:45 AM-09:05 AM FYI Daily Briefing

Location: Administrator's Office

10:00 AM-11:30 AM Meeting with UBS Chairman, Robert Wolf

Ct: Karin Yoykon - (b) (6)

Format: Closed Press

Location: UBS Executive Boardroom,
1285 6th Ave,
New York, NY 10019

01:00 PM-02:03 PM En Route to DC

US Airways flight #2175

Departs New York (LGA) at 1:00 PM EDT

Arrives in DC (DCA) at 2:03 PM EDT

Location: En Route to DC

02:15 PM-02:45 PM **Depart for TBD**

Location: DCA

Wednesday, 9/28/2011

08:00 AM-09:00 AM **HOLD Breakfast**

Ct: Nathan Gentry - 202-564-9084

Staff:

Paul Anastas (ORD)

08:45 AM-09:15 AM **Daily Briefing**

Location: Administrator's Office

10:00 AM-10:30 AM **One on One with Peter Grevatt**

Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

11:15 AM-12:00 PM **Strategy Discussion of Vehicle and Fuel Standards (Tier 3)**

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)

Scott Fulton, John Hannon (OGC)

Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori

Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)

Michael Goo (OP)

Optional:

Bob Sussman, Diane Thompson (OA)

Arvin Ganesan, Laura Vaught (OCIR)

**This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection

**Teleconferencing is required for this briefing

Location: Bullet Room

12:00 PM-01:00 PM **No Meetings**

Location: Administrator's Office

01:00 PM-02:30 PM **HOLD: Regional Phone Calls re: American Jobs Act**

Ct: Brendan Gilfillan 564.2081

02:45 PM-03:15 PM Update on Pavillion
Ct: Shelly Dawson 202-564-2440

Staff:
Bob Sussman (OA)
Cynthia Giles (OECA)
Nancy Stoner (OW)
Paul Anastas (ORD)
Avi Garbow (OGC)
Jim Martin (By Phone) (R8)

Optional:
Diane Thompson (OA)

**Teleconferencing is required for this briefing

Location: Administrator's Office

03:30 PM-05:00 PM Senior Policy Meeting
Location: Bullet Room

Thursday, 9/29/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

09:30 AM-11:00 AM HOLD: Regional Phone Calls re: American Jobs Act
Ct: Brendan Gilfillan 564.2081
Location: Administrator's Office

11:00 AM-12:00 PM No Meetings
Location: Administrator's Office

12:00 PM-01:00 PM HOLD: Lunch at Central with Barb Bennett
Liz Ashwell 564.1008

02:00 PM-02:45 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT
Ct: Cindy Huang - 202-564-7314

Staff:
Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)
Lisa Garcia (OEJ)
Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)
Scott Fulton, Avi Garbow (OGC)
Michael Goo (OP)
Cynthia Giles (OECA)
Mathy Stanislaus (OSWER)
Paul Anastas (ORD)
Dennis McLerran (R10)
Arvin Ganesan, Laura Vaught (OCIR)
Barbara Bennett (OCFO)

Optional:

Diane Thompson (OA)
 Janet Woodka (Reg. Ops)
 Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda Farrar, Tom Eagles (OAR)
 Marilyn Kuray, Wendy Blake, Paul Versace (OGC)
 Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)
 Gerard Kraus, Gregory Fried, Sally Harmon (OECA)
 Gerain Perry, George Faison (OSWER)
 Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)
 Heather Valdez, Andrea Schrock (R10)

**Teleconferencing is required for this briefing

Location: Bullet Room

03:00 PM-03:30 PM Meeting with League of United Latin American Citizens
 Ct: Elena Segura - esegura@lulac.org

Attendees:

**Five LULAC National Board members, names are TBD

Staff:
TBD

Optional:
Diane Thompson (OA)

Location: Bullet Room

05:00 PM-05:30 PM Meet with Elliott Laws
 Ct: Ryan Robison - 202-564-2856
 O'Tilia Hunter - 202-508-8961

Location: Administrator's Office

Friday, 9/30/2011

08:45 AM-09:15 AM Daily Briefing
 Location: Administrator's Office

02:00 PM-02:45 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule
 Ct: Cindy Huang - 202-564-1850

Staff:
 Dan Kanninen (OA)
 Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge,
 Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele,
 Glenn Passavant, John Koupal, Mike Olechiw (OAR)
 Scott Fulton, Avi Garbow (OGC)
 Michael Goo (OP)
 Paul Anastas (ORD)
 Cynthia Giles (OECA)
 Judith Enck (R2)

Shawn Garvin (R3)
Jared Blumenfeld (R9)
Arvin Ganesan, Laura Vaught (OCIR)
Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)
Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)
Lester Facey (OA)
Matthew Davis (OHCP)
Anne Wick, Jeff Kodish (OECA)
John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)
Larke Williams, Sarah Mazur, Tim Benner, Gene Stroup, John Cowden, Will Boyes,
Deb Luecken (ORD)
Dan Birkett (R2)
Brian Rehn (R3)
Jeffrey Buss (R9)
Peter Grevatt (OCHP)

*Teleconferencing is required for this meeting

Location: Bullet Room

Saturday, 10/1/2011

Sunday, 10/2/2011

Monday, 10/3/2011

08:00 AM-06:00 PM In-house AA Day
Location: Green Room

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:30 AM-10:45 AM Depart for White House
Location: Ariel Rios

11:00 AM-12:15 PM Cabinet Meeting
Ct: (b) (6)
Location: Cabinet Room, West Wing, White House

12:15 PM-12:30 PM Depart for Ariel Rios
Location: White House

12:30 PM-01:30 PM No Meetings
Location: Administrator's Office

Tuesday, 10/4/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

09:15 AM-09:30 AM **Depart for Hart**

Location: Ariel Rios

09:30 AM-10:00 AM **Meeting with Senator Sherrod Brown (OH)**

Ct: Jennifer Pasrson - jennifer_parsons@brown.senate.gov,

(b) (6)

Staff:

Arvin Ganesan (OCIR)

Location: Hart 713, US Senate

10:00 AM-10:15 AM **Depart for Ariel Rios**

Location: Hart

12:00 PM-01:00 PM **No Meetings**

Location: Administrator's Office

Wednesday, 10/5/2011

08:45 AM-09:15 AM **Daily Briefing**

Location: Administrator's Office

11:00 AM-11:45 AM **Early Guidance Meeting for Perchlorate Drinking Water Regulation**

Ct: Martha Workman - 202-564-3774

Staff:

Bob Perciasepe, Bob Sussman (OA)

Nancy Stoner, Michael Shapiro, Cynthia Dougherty, Pamela Barr, Eric Burneson,

Elizabeth Doyle, Daniel Olson (OW)

Scott Fulton (OGC)

Cynthia Giles (OECA)

Michael Goo (OP)

Paul Anastas (ORD)

Mathy Stanislaus (OSWER)

Peter Grevatt (OCHP)

Shawn Garvin (R9)

Dennis McLerran (R10)

Optional:

Diane Thompson, Janet Woodka (OA)

Location: Bullet Room

03:30 PM-05:00 PM **Senior Policy Meeting**

Location: Bullet Room

Thursday, 10/6/2011

08:45 AM-09:15 AM **Daily Briefing**

Location: Administrator's Office

11:00 AM-11:30 AM HOLD - CFC Kick-off Event

Ct: Linda Zarow - 202-564-7431

Location: Ariel Rios Oval Courtyard (12th St)

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

Friday, 10/7/2011

05:00 AM-08:00 PM HOLD

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

***** END *****

01268-EPA-5754

Richard
Windsor/DC/USEPA/US
09/23/2011 01:59 PM

To "Heather Zichal", "Nancy Sutley", "Stephanie Cutter"
cc "David Plouffe"
bcc
Subject Fw: TIME.com: Pro-life Christians Challenge Congressional
Republicans on Mercury Regulation

FYI

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 09/23/2011 01:39 PM EDT
To: Richard Windsor; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Gina McCarthy; Janet McCabe; Janet Woodka; Laura Vaught; Lawrence Elworth; Sarah Pallone; Seth Oster
Subject: TIME.com: Pro-life Christians Challenge Congressional Republicans on Mercury Regulation

CONGRESS

Pro-life Christians Challenge Congressional Republicans on Mercury Regulation

By **ELIZABETH DIAS** | September 23, 2011 |

You might not expect evangelical Christians to get involved in a political fight over mercury regulations. But when the Environmental Protection Agency proposed in March to tighten limits on industrial mercury emissions, the move caught the attention of an influential group of religious environmentalists who are now butting heads with pro-business Republicans seeking to weaken the regulations with a measure that the House of Representatives is voting on Friday afternoon.

The EPA says its rule would reduce mercury emissions from coal-burning power plants by more than 90%, and also sharply restrict acid gas and sulfur dioxide emissions. The plan delighted leaders of the growing evangelical environmentalist movement, which argues that humans have a Biblical mandate to protect nature. Of particular significance to pro-life evangelicals is the impact the rule could have on unborn children. Medical experts have long warned that high mercury levels in fish like tuna and swordfish can cause pre-natal brain damage and neurological disorders.

Not all Republicans in Congress have met the EPA's rules with open arms, however. The House will vote today on the TRAIN Act, a bill that creates a committee to determine whether the cost of proposed EPA regulations, including its latest mercury standards, is worth the benefit. Republicans argue that a weak economy is not the time for potentially costly changes. Chairman of the House Subcommittee on Energy and Power, Rep. Ed Whitfield of Kentucky, proposed in July to wrap mercury regulations into this yearlong review. "What I have proposed is that we go forward with regulations that are reasonable and workable but which allow a little more time for compliance, so as to temper the job loss impact as well as the increased costs on electricity consumers," he explained to TIME. Michigan Rep. Fred Upton and Joe Barton of Texas have

supported the delay on similar grounds. Alaska Senator Lisa Murkowski also sent a letter to the EPA on Sept. 8 asking them to hold off on their regulations, citing energy price increases if non-compliant power plants are forced to close. Since the Federal Energy Regulatory Commission has yet to verify the EPA's findings, her energy spokesman said, delay is imperative. Yet this delay faces strong opposition from the rule's supporters, including evangelicals who argue that mercury pollution is an immediate crisis for the unborn. At the forefront is the Evangelical Environmental Network, a coalition of religious leaders that calls its work "grounded in the Bible's teaching of the responsibility of God's people to 'tend the garden'" of Earth. The group's leader, Rev. Mitch Hescox, is a registered Republican who worked in the utility and coal industries for 14 years before becoming a pastor.

Taking the fight to Republican critics of the EPA move, the EEN is mounting an ad campaign targeting Republicans Whitfield, Upton and Barton for opposing mercury restrictions while running on pro-life platforms. "I expect members of Congress who claim that they are pro life to use their power to protect the life, especially the unborn," says a local pastor and mother in one of the ads. "I can't understand why Congressman Ed Whitfield is fighting to stop the EPA from enforcing its plan specifically meant to protect the unborn by cleaning up dangerous mercury pollution." The ads have run on 120 Christian and country radio station in Whitfield, Barton and Upton's districts for the week prior to the Train Act vote. More than 100 evangelical pastors and leaders have also signed the "Evangelical Call to Stop The Mercury Poisoning of the Unborn," including representatives from over 10 Christian colleges, National Association of Evangelicals President Leith Anderson and Christianity Today's Editor-in-Chief David Neff. The United States Council of Catholic Bishops submitted similar concerns. "A national standard limiting mercury and other toxic air pollution represents an important opportunity to protect the health and welfare of all people, especially our children and poor and vulnerable communities," wrote Bishop Stephen Blaire. "While there are short-term costs involved in implementing this standard, the health benefits of such a rule outweigh these costs."

Supporters of the regulations cite studies that jobs and costs are not at stake if the regulations go into effect as the EPA hopes. An analysis by the left-leaning Economic Policy Institute analysis shows the toxins rule would create a net 28,000 to 158,000 jobs over the next four years; the Political Economy Research Institute at the University of Massachusetts puts the overall estimate even higher at 1.5 million in positions associated with the new pollution controls. The EPI also argues that the new standards could save \$55 billion to \$146 billion per year in health costs, dwarfing the \$11.3 billion annual cost of imposing the regulations. Some inside the industry also agree the rules should pass soon. Over 30 energy companies, including PSE&G and National Grid, urged Congress in a July 11 letter to follow the EPA's regulations. Concerns about the industry's ability to implement new standards are, they say, "based on assumptions that underestimate the ability of America's electric sector to invest, retrofit, and construct new clean generation."

Even so, some of the Republicans under pressure are suspicious of the EEN's motives. "This is an activist environmental group parading under the banner of evangelical Christianity and the right to life," Whitfield's chief of staff John Sparkman told TIME. "I don't think it will have resonance in our district."

The latest guess is that the TRAIN Act will pass. Evangelical supporters of the regulation hope that a little help from President Obama might tip the balance. In his Sept. 8 jobs speech, Obama specifically referenced the issue: "What I will not do is let this economic crisis be used as an excuse to wipe out the basic protections that Americans have counted on," Obama said. "I reject the argument that says for the economy to grow, we have to roll back [...] rules that keep our kids from being exposed to mercury." While environmentalists complain that Obama is yielding on other fronts to pressure from big business—earlier this month the president halted a planned EPA ozone smog-reduction regulation—the White House affirmed its position on Wednesday with a vow to veto the TRAIN Act if it passes Congress.

That's thrilling news to pro-life evangelical leaders who differ with Obama on plenty of other issues, including abortion and stem cell research. But on this issue, Obama and evangelical environmentalists agree that, as the EEN's Hescoc argued, the pro-life position requires protecting children and the unborn from industrial pollution. "Let the little children come to me, and *do not hinder them*, for the kingdom of God belongs to such as these," Hescoc said, quoting the Bible with emphasis. "We are denying our children a full and abundant life by threatening them with mercury." If the bill passes the House on Friday, that's a message Hescoc and his allies are sure to bring to what they hope will be a more receptive Democratic-led Senate.

Read more:

<http://swampland.time.com/2011/09/23/pro-life-christians-challenge-congressional-republicans-on-mercury-regulation/#ixzz1YnNsUwmz>

01268-EPA-5755

Betsaida Alcantara/DC/USEPA/US
09/23/2011 03:13 PM

To Richard Windsor, Seth Oster, Dru Ealons, Stephanie Owens, Brendan Gilfillan, Shira Sternberg
cc
bcc

Subject FW: Study: Latinos Face Major Health Risks From Delays of EPA Air Pollution Rules

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 09/23/2011 03:13 PM -----

From: "Miranda, Luis" <(b) (6)>
To: Betsaida Alcantara/DC/USEPA/US@EPA, "Wali, Sahar" <(b) (6)> "Sutley, Nancy H." <(b) (6)> "Munoz, Cecilia" <(b) (6)> "Rodriguez, Julie" <(b) (6)> "Valencia, Stephanie M." <(b) (6)>
Date: 09/23/2011 03:12 PM
Subject: FW: Study: Latinos Face Major Health Risks From Delays of EPA Air Pollution Rules

fyi

From: Evelyn Castillo [mailto:ECastillo@deweysquare.com]
Sent: Friday, September 23, 2011 3:07 PM
To: FN-WHO-Munoz; Valencia, Stephanie M.; Miranda, Luis; CEQ-Chair; 'alcantara.betsaida@epa.gov'
Subject: Study: Latinos Face Major Health Risks From Delays of EPA Air Pollution Rules
Importance: High

Hello,

On behalf of Adrianna Quintero, I would like to share with you a major new report about Latinos and Air pollution that was just released this week by the National Latino Coalition on Climate Change, Natural Resources Defense Council (NRDC), the Center for American Progress, and the National Wildlife Federation and released with the National Hispanic Medical Association.

A key finding of the report was that Latinos are among those facing the greatest risk from efforts to block the Environmental Protection Agency (EPA) updates to health safeguards protecting Americans from ozone, mercury and other dangerous air pollutants.

We hope that you will take the time to review this report and the accompanying media report surrounding it's release to continue to help you in your work surrounding these critical issues impacting the Latino community.

Sincerely,

National Resources Defense Council/Voces Verdes

evelyn c. castillo | dewey square group
1001 g st nw, suite 400e | washington, dc 20001
w. 202.638.5616 | d. (b) (6)
ecastillo@deweysquare.com

www.deweysquare.com
www.latinovations.com



LatinoAirReport.pdf Latino Air Pollution media roundup.docx

**September 20, 2011 Latinos and Air Pollution
Telenews Event Media Coverage Roundup
September 21, 2011**

NATIONAL

Huffington Post □ Half of All U.S. Latinos Live in The Country's Most Polluted Cities -
http://www.huffingtonpost.com/jorge-madrid/latinos-in-pollution_b_972429.html

MSNBC □ Poor Air Quality: Half of Hispanic Americans at Risk -
http://www.msnbc.msn.com/id/44602496/ns/local_news-los_angeles_ca

Univision □ Air que respiran latinos esta contaminando -
<http://univisionchicago.univision.com/videos/video/2011-09-21/aire-que-respiran-latinos-esta>

Fox News Latino (English) - Latinos Face Greater Health Risks Due to Air Pollution, Study Says
<http://latino.foxnews.com/latino/health/2011/09/21/latinos-face-greater-health-risks-due-to-air-pollution-study-says>

CALIFORNIA

Hola Ciudad Fresno □ 1 de cada 2 hispanos viven en zonas de aire contaminado, segun informe -
<http://fresno.holaciudad.com/notas/178902-1-cada-2-hispanos-viven-zonas-aire-contaminado-segun-informe>

KQED Radio □ Latinos Disproportionately Impacted by Air Pollution, Study Finds -
<http://www.kqed.org/a/kqednews/RN201109201304>

Latino Link The Orange County Register □ U.S. Latinos suffer a disproportionately higher health risk from air pollution
<http://oclatinolink.ocregister.com>

NBC Los Angeles □ Poor Air Quality: Half of Hispanic Americans at Risk -
<http://www.nbclosangeles.com/news/local/Poor-Air-Quality-Half-of-Hispanic-Americans-At-Risk--130232608.html>

San Francisco Chronicle - Latinos at risk without new pollution standards -
<http://www.sfgate.com/cgi-bin/article.cgi?f=c%20a%202011%2009%2020%20MN9K1L77J2.DTL>

The Orange County Register □ Report: higher smog risk for U.S. Latinos -
<http://sciencedude.ocregister.com/2011/09/20/report-higher-smog-risk-for-u-s-latinos/138376>

COLORADO

KDVR Denver □ Study: Latinos face greater risks due to air pollution -
<http://www.myfitv.com/videos/1443511/kdvr-denver-study-latinos-face-greater-health-risks-due-to-air-pollution>

KWGN Denver □ Air quality study suggests Hispanics at highest risk for illness -
<http://www.kwgn.com/news/kdvr-air-quality-study-suggests-hispanics-at-highest-risk-for-illness-20110920.0.1423839.story>

FLORIDA

Hola Ciudad Orlando -1 de cada 2 hispanos viven en zonas de aire contaminado, segun informe - <http://www.holaciudad.com/notas/178902-1-cada-2-hispanos-viven-zonas-aire-contaminado-segun-informe>

ILLINOIS

Hispanically Speaking News - Study: Half of Hispanic Americans Are at Risk of Breathing Unhealthy Air - <http://www.hispanicallyspeakingnews.com/noticias-de-noticias/details/study-half-of-hispanic-americans-are-at-risk-of-breathing-unhealthy-air-10400>

NEW JERSEY

Bergen County Record □ Report: Hispanics disproportionately impacted by air pollution - http://www.northjersey.com/news/Report_Hispanics_disproportionately_impacted_by_air_pollution.html

Passaic County News - Report: Hispanics disproportionately impacted by air pollution - http://www.northjersey.com/news/passaic_morris_passaic_news/Report_Hispanics_disproportionately_impacted_by_air_pollution.html

NEW YORK

Albany Times-Union □ Report: Pollution rules help Latinos - <http://www.timesunion.com/news/article/Report-Pollution-rules-help-Latinos-2180813.php>

PENNSYLVANIA

The (Harrisburg) Patriot-News □ Group: Air Here Still Dirty - <http://www.pennlive.com/newsflash/index.ssf/story/group-air-here-still-dirty/b391f30609ef41548411f62ea29d049f>

TEXAS

Fuel Fix Houston Chronicle □ Latinos could suffer from current smog levels - <http://fuelfix.com/blog/2011/09/20/latinos-could-suffer-from-current-smog-levels>

Houston Chronicle □ Texas Latinos face greater health risks from pollution-related diseases, study finds - <http://blog.chron.com/txpotomac/2011/09/texas-latinos-face-greater-health-risks-from-pollution-related-diseases>

San Antonio Express-News □ Tougher EPA rules touted as bring a benefit to Latinos - <http://www.mysanantonio.com/living/green/sa/article/Tougher-EPA-rules-touted-as-being-a-benefit-to-2180999.php>

WASHINGTON, DC

Hola Ciudad Washington, DC -1 de cada 2 hispanos viven en zonas de aire contaminado, segun informe -<http://washington.holaciudad.com/notas/178902-1-cada-2-hispanos-viven-zonas-aire-contaminado-segun-informe>

INTERNATIONAL

Noticias en Tiempo Real Zacatecas (Mexico) - Vive uno de cada dos hispanos en zonas contaminadas en EU - <http://ntrzacatecas.com/noticias/paisanos/2011/09/20/vive-uno-de-cada-dos-hispanos-en-zonas-contaminadas-en-eua>

Noticiero Salta (Argentina) □ El 50 □ de los hispanos estan en riesgo de respirar aire danino, segun estudio - <http://noticierodiario.com.ar/pt/el-50-de-los-hispanos-esta-en-riesgo-de-respirar-aire-danino-segun-estudio>

Zocalo Saltillo (Mexico) □ Vive uno de cada dos hispanos en zonas contaminadas en EU - <http://www.zocalo.com.mx/seccion/articulo/vive-uno-de-cada-dos-hispanos-en-zonas-contaminadas-en-eu>

ONLINE

Diario Digital Iquique Online □ Latinos Corren Un Mayor Riesgo A La Salud Por Retrasos En Normas De Contaminacion De Aire - <http://iquiquenoticias.blogspot.com/2011/09/latinos-corren-un-mayor-riesgo-la-salud.html>

Diario Digital RD □ Graves consecuencias impactan a la creciente poblacion latina de EE. U U - <http://www.diariodigital.com.do/articulo/67925.html>

Diversity Executive □ Study: Latinos Face Major Health Risks from Delays of EPA Air Pollution Rules - http://diversity-executive.com/article.php?article_1316

Green Living Guy □ As Congress Debates EPA, Report to Detail Major Dangers to Hispanics Across U.S. - <http://www.greenlivingguy.com/greenliving/as-congress-debates-epa-report-to-detail-major-dangers-to-hi.html>

Hispanic Herald □ Air quality study shoes Hispanics at highest risk for illness - <http://hispanicherald.com>

Hispanic Market Info □ Air Pollution and Hispanics - <http://www.hispanicmarketinfo.com/2011/09/20/air-pollution-and-hispanics>

Softpedia □ Health of Latino Americans at Risk Due to Lack of Air Pollution Rules □ Report Shows - <http://news.softpedia.com/news/Health-of-Latino-Americans-at-Risk-Due-to-Lack-of-Air-Pollution-Rules-Study-Shows-222679.shtml>



1 de cada 2 hispanos viven en zonas de aire contaminado, según informe

El contacto con estos contaminantes del aire agudiza los problemas de salud preexistentes, como el asma, un padecimiento que mata 3 veces más hispanos que otro grupo racial, según el Consejo para la Defensa de los Recursos Naturales.

Uno de cada dos hispanos en Estados Unidos viven en condados que frecuentemente violan las normas de contaminación del aire de acuerdo al informe titulado, "Los Latinos y la Contaminación del Aire: un llamado a la acción", realizado por parte del Consejo para la Defensa de Recursos Naturales (NRDC), la Coalición Nacional de Latinos Sobre el Cambio Climático, el Centro para el Progreso Americano y la Federación Nacional de Vida Silvestre (NWF).

De acuerdo al informe, aproximadamente 1 de cada 2 latinos viven en zonas que frecuentemente violan normas de aire limpio.

Los hispanos se convirtieron en el grupo minoritario más grande en 191 distritos metropolitanos el año pasado, con la mayor expansión en áreas donde hay grandes concentraciones de tráfico, industria y producción de energía.

"Los latinos son especialmente vulnerables porque viven en regiones que tienen la peor contaminación del aire, y enfermedades relacionadas con la contaminación del aire significan días de escuela y trabajos perdidos y un aumento en visitas de la sala de emergencia, y a veces hasta empleos perdidos," dijo Adrianna Quintero, asesora de Voces Verdes y abogada mayor de NRDC. "Los estadounidenses no pueden permitirse esta carga en sus billeteras en estos tiempos difíciles. La administración no puede seguir poniendo a los contaminadores antes de nuestros niños".

En 2008, 4.7 millones de hispanos habían sido diagnosticados con asma en sus vidas y la exposición a la contaminación del aire puede agravar problemas de salud preexistentes, especialmente los problemas respiratorios como el asma.

Coincidentemente, los latinos tienen tres veces más probabilidad de morir de asma que otros grupos raciales o étnicos.

"Los Latinos queremos aire limpio y una economía fuerte", dijo Jorge Madrid, investigador asociado del Center for American Progress, "somos el grupo de más rápido crecimiento de votantes en los Estados Unidos. "Necesitamos saber que nuestros líderes en Washington están luchando para proteger nuestra salud y crear empleos - esas dos cosas no son mutuamente excluyentes."

La doctora Elena Ros, Presidente y gerente general de la Asociación Médica Nacional Hispana (NHMA), dijo "uno de cada dos Latino Americanos ya viven en los condados donde el aire es frecuentemente nocivo para niños y adultos.

Esta informaci3n ha sido dada a conocer apenas unos d3as despu3s de la decisi3n del Presidente Obama de pedirle a la Agencia de Protecci3n Ambiental (EPA) que frenara su trabajo para adoptar un est3ndar de ozono m3s fuerte y poco antes de una serie de votaciones en la C3mara de Representantes para bloquear salvaguardias adicionales para proteger la salud p3blica de la contaminaci3n proveniente de centrales el3ctricas, hornos de cemento y otras plantas industriales.

El informe destaca que la norma de mercurio pendiente es cr3tica para la salud p3blica y proteger a a los casi 40 por ciento de latinos que viven a menos de 30 millas de una planta de energ3a.

¶Necesitamos aire limpio y bloquear esfuerzos para fortalecer salvaguardias contra la contaminaci3n afecta a los hispanoamericanos quienes pagan el precio por el aire contaminado." A3adi Rios, "la creciente poblaci3n de latinos de Estados Unidos, que incluye a millones de personas que no tiene seguro m3dico, enfrenta serias cargas financieras provocadas por la contaminaci3n del aire."

El informe establece que las reglas de aire limpio son buenas para la salud humana y la salud de la econom3a. Los proyectos de la EPA crear3n unos 31.000 empleos de construcci3n a corto plazo y 9.000 empleos a largo plazo.

Considerando que, en promedio, los trabajadores hispanos ocupan dos de cada tres nuevos empleos de construcci3n en los Estados Unidos, estas normas podr3an traer alivio a miles de familias latinas sufriendo la recesi3n econ3mica.



Report: higher smog risk for U.S. Latinos

September 20th, 2011, 12:46 pm · posted by Pat Brennan, science, environment editor

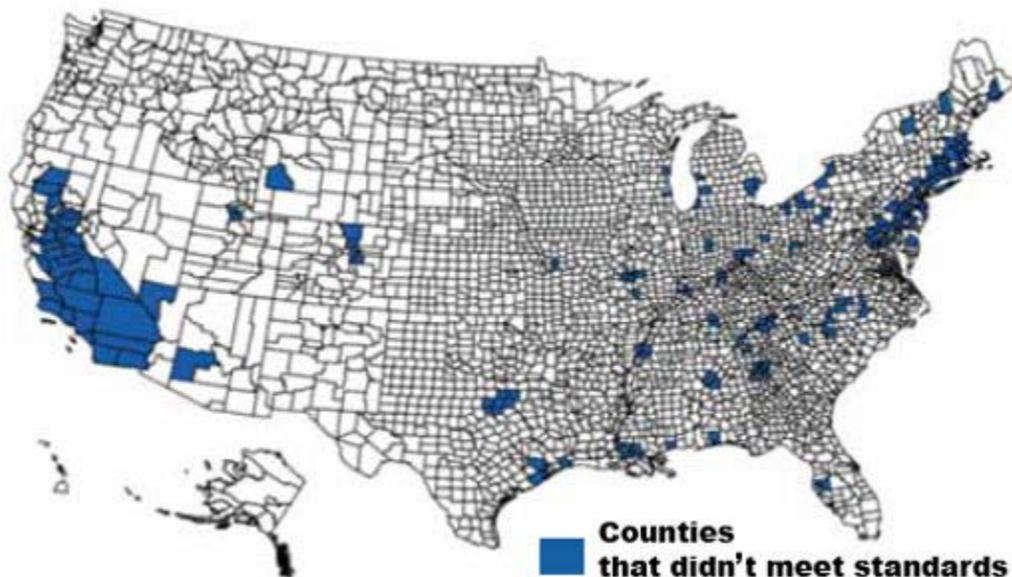
U.S. Latinos suffer a disproportionately higher health risk from air pollution according to a new report from advocacy groups, who are urging the Obama administration not to delay tougher regulations.

Nearly half of U.S. Latinos live in the nation's top 25 cities most polluted by ground-level ozone, the report says. Half of California Latinos live in counties that frequently violate air-quality standards.

□Latinos suffer from greater levels of asthma, □Adrianna Quintero, a senior attorney with the Natural Resources Defense Council, told reporters Tuesday. □And when faced with additional pollutants, these effects become more and more aggravated. □

Poverty appears to be driving much of the increased risk, according to the report's authors, who included the Natural Resources Defense Council, the National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation and who based their findings on data from the U.S. Environmental Protection Agency and the Centers for Disease Control and Prevention.

One in four Latinos lives in poverty, the report says, and they are the least likely of any ethnic or racial group to have health insurance. Some 32 percent have none.



And amidst a surge in the U.S. Latino population □ a 43 percent increase from 2000 to 2010 □ the greatest expansion is in high-traffic areas where industry and power plants are concentrated.

Ground-level ozone is cooked into life by sunlight acting on □precursor□pollutants from auto exhaust, industry and other sources. Warmer weather typically means more ozone pollution.

The largest Latino populations are in Arizona, California, Florida, Illinois, New Mexico, New Jersey, New York, Nevada and Texas, some of which report some of the nation's worst ozone pollution.

The South Coast Air Basin, which includes Los Angeles and Orange County, was ranked number one among most ozone-polluted metropolitan areas in the nation in the American Lung Association's most recent State of the Air report.

Ozone can bring coughing and sore throat, greater risk of infection and worsen asthma, emphysema and other lung ailments.

The report said the Obama administration's recent decision to delay revision of ozone standards was □capitulating to industry lobbyists□and urged a toughening of regulations.

The report also urges action on mercury pollution, largely from coal-fired power plants.



Poor Air Quality: Half of Hispanic Americans At Risk

Tuesday, Sep 20, 2011 | Updated 6:07 PM PDT



A major new report finds that half of Hispanic Americans face serious health risks because they live in areas that frequently violate air quality standards.

Titled ["U.S. Latinos and Air Pollution: A Call to Action"](#), the report is co-authored by the Natural Resources Defense Council, the National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation.

The report focuses on major metropolitan areas with large Hispanic populations such as those found in California, Arizona, Texas and New York.

Hispanics across the country are being urged by Latino groups to join a campaign aimed at pressuring politicians to protect and strengthen the federal Clean Air Act. That legislation and other environmental protections are being threatened by some in congress who feel it inhibits businesses and job growth.

"Latinos want clean air and a strong economy," said Jorge Madrid, research associate at the Center for American in a [press release](#) from the Natural Resources Defense Council. "We are the fastest growing group of voters in the U.S., and we need to know our leaders in Washington are fighting to protect our health and grow jobs, those two things are not mutually exclusive."

Already three times more likely to die from asthma than other racial groups, the Latino population stands to be hit hardest if clean air laws are repealed.



Latinos at risk without new pollution standards

Puneet Kollipara, Hearst Washington Bureau

Wednesday, September 21, 2011

Washington --

Latinos would have a higher risk of disease and death without tougher standards that the U.S. Environmental Protection Agency has developed for ozone and toxic emissions, environmental and Latino groups said Tuesday.

Latinos would also be affected more than other groups because they're more likely to live in polluted areas, according to a report prepared by the groups.

Asthma, bronchitis, organ damage and death rates would increase among the 39 percent of Latinos who live within 30 miles of a power plant and the one in two Latinos who live in the nation's top 25 cities for ozone, the report said.

The EPA should move forward with the standards because they will help protect Latinos' health, the groups said.

"Protecting our children and communities from smog and air toxics must be taken seriously," the report said. "With the health of so many at risk, we can no longer ignore the science. The EPA must strengthen the smog standard and set mercury and air toxics standards to the levels recommended by the agency's science advisers."

The report was co-authored by the National Latino Coalition on Climate Change, the Natural Resources Defense Council, the Center for American Progress and the National Wildlife Federation.



Jon Bowman FOX31 Denver

11:35 p.m. MDT, September 20, 2011

DENVER □ More than 23 million Latino children and adults are at risk of [asthma](#)-related health issues, according to a study from the National Resources Defense Council.

□ Nearly five million Hispanics have been diagnosed with asthma in their lifetime, □ said Dr. Elena Rios, CEO of the National Hispanic Medical Association. □ Latinos are three times more likely to die from asthma than other racial or ethnic groups. □

The Latino organizations who participated in the study are urging people to join a major campaign to urge elected officials to pledge to take action to protect and strengthen the Federal Clean Air Act, which is currently under fire in some quarters in Congress.

The study shows that one out of two Hispanic Americans in Colorado faces serious health risks due to living in counties that frequently violate air quality standards.



STUDY: Half of Hispanic Americans Are at Risk of Breathing Unhealthy Air

A major report to be released tomorrow, Tuesday, September 20, 2011, will show that one out of two Hispanic Americans faces serious health risks due to living in counties that frequently violate air quality standards.

In response, leading Latino organizations are urging Latinos everywhere to sign on to a major campaign urging elected officials to pledge to take action to protect and strengthen the federal Clean Air Act, which is currently under fire in some quarters in Congress.

The new report is co-authored by the Natural Resources Defense Council, the National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation. Problem areas highlighted in the report are major markets that are home to large numbers of Latinos in Arizona, California, Colorado, Florida, Illinois, Massachusetts, Nevada, New Jersey, New York, Pennsylvania, and Texas, among other states.

More than 23 million Latino children, grandparents, siblings, and friends consistently face a higher risk of asthma, bronchitis, and even death from air pollution. As of 2008, 4.7 million Hispanics had been diagnosed with asthma in their lifetime. Latinos are three times more likely to die from asthma than other racial or ethnic groups.

The growing U.S. Latino population, including millions who are uninsured, faces special pollution-related burdens arising from the additional unforeseen costs that come from asthma attacks, medication, hospitalizations and lost work days.

NorthJersey.com

Report: Hispanics disproportionately impacted by air pollution

Tuesday, September 20, 2011

BY MONSY ALVARADO

STAFF WRITER

The Record

[Print](#) [E-mail](#)

Hispanics are the fastest growing minority group in the nation and many are living in or near urban areas, which makes them disproportionately impacted by air pollution, a national report released Tuesday states.

In New Jersey, several counties, including Bergen, [Passaic](#), and Hudson counties, home to a growing number of Hispanics, do not meet federal ozone standards, according to information from the Environmental Protection Agency.

"We already have higher rates of asthma than others in our country because Latinos live in poor communities where there are lots of air pollutants but especially we are looking at smog and ozone," said Elena Rios, president and CEO of National Hispanic Medical Association, one of the organizations to release the report on Tuesday during a telephone news conference.

Fast facts

Key findings in the report include the following:

- Hispanics became the largest minority group in 191 metropolitan districts last year, with the highest expansion in areas of concentrated vehicle traffic, industry and power plant activity. Roughly one out of every two Latinos live in areas that frequently violate clean air rules.
- As of 2008, 4.7 million Hispanics had been diagnosed with asthma. In their lifetime, Latinos are three times more likely to die from asthma than other racial or ethnic groups.
- Exposure to air pollution can aggravate preexisting health problems — especially respiratory problems like asthma. For millions of uninsured Latinos, this can lead to additional emergency room visits in the absence of primary care.

The report entitled "U.S. Latinos and Air Pollution: A Call to Action," was written by members of the National Resources Defense Council (NRDC), National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation.

The report highlights air pollution in Arizona, California, Colorado, Florida, Illinois, Massachusetts, Nevada, New Jersey, New York, Pennsylvania and Texas where more than 75 percent of Hispanic Americans live. It calls for the EPA to strengthen its standards on ozone, mercury and other air toxins.

Asthma is on the rise among children living in New Jersey, according to the report. Latino and black children were the most likely to be diagnosed with asthma at 10.4 percent, and 12.8 percent, respectively, according to a section in the report written by Dr. Evelyn Montalvo-Stanton, a pediatric pulmonologist and assistant professor of pediatrics at the New Jersey Medical School at the University of Medicine & Dentistry of New Jersey.

Latino children in New Jersey were one and a half times more likely to be hospitalized for asthma and visit the emergency room compared to non-Latino children, she wrote..

The report comes a few weeks after President Obama announced that he would shelve plans to toughen the federal Clean Air Act by lowering the ozone standard, saying it would pose too much of a burden on businesses and government during a weakened economy.

The EPA had proposed lowering the ozone standard from 75 parts per billion to 60 to 70 parts per billion. Obama and EPA officials have said that the issue would be revisited in 2013.

"Latinos want clean air and a strong economy," said Jorge Madrid, research associate at the Center for American Progress. "We are the fastest growing group of voters in the U.S., and we need to know our leaders in Washington are fighting to protect our health and grow jobs — those two things are not mutually exclusive."

Besides living in areas with poor air quality, Latinos also face other obstacles, including working in jobs outdoors that expose them to more pollutants. Many Hispanics also lack or don't have adequate health insurance.

Cultural factors also contribute to when and how Hispanics seek treatment for respiratory problems, experts said.

"Many of our families, for example, wait until the last minute to go to the doctor or to a clinic," Rios said.

The report calls for the government to continue to fund studies on respiratory diseases and other air pollution related conditions in Latino and other minority communities, and recommends that states implement programs to notify Latinos about the health risks of air pollution.



Report: Pollution rules help Latinos

Tougher standards show measurable health benefits, groups say

By PUNEET KOLLIPARA Hearst Newspapers

Published 12:15 a.m., Wednesday, September 21, 2011

WASHINGTON -- Latinos would have a higher risk of disease and death without tougher standards that the U.S. Environmental Protection Agency has developed for ozone and toxic emissions, a coalition of environmental and Latino groups said Tuesday.

Latinos would also be affected more than other groups because they're more likely to live in polluted areas, according to a report prepared by the groups, "U.S. Latinos and Air Pollution: A Call to Action."

Asthma, bronchitis, organ damage and death rates would increase among the 39 percent of Latinos who live within 30 miles of a power plant and the one in two Latinos who live in the nation's top 25 cities for ozone, the report said.

The EPA should move forward with the standards because they will help protect Latinos' health, the groups said.

The report, whose co-authors include the National Latino Coalition on Climate Change and the Natural Resources Defense Council, comes on the heels of President Barack Obama's announcement in early September that he would delay a rule to toughen ozone standards until at least 2013, and as Republicans in Congress have pushed to weaken, delay or block EPA pollution rules.

It identifies eight states that contain 75 percent of the nation's Hispanic population as the ones whose Latino residents would suffer the most without tougher standards.

California and Texas have the largest Latino populations. Thirty-eight percent of Texas' 25.1 million people are of Hispanic or Latino origin, as are 38 percent of California's 37.3 million people, census data says. New York ranked fourth in total Latino or Hispanic population in 2010 at 3.4 million, 18 percent of its 19.4 million people.

The Patriot-News

Now you know

Group: Air here still dirty

Sept. 21, 2011, 1:06 a.m. EDT

The Intelligencer Journal

Despite continuing air quality improvements Lancaster was the 10th smoggiest midsize metropolitan area in the United States during 2010 according to a report.

Using data from government air quality monitors the Philadelphia-based group PennEnvironment also found the Lancaster area tied with Pittsburgh for the second most number of unhealthy smog days among all metropolitan areas in Pennsylvania.

Philadelphia had the worst smog in the state according to the report "Danger in the Air: Unhealthy Air Days in 2010 and 2011."

Despite the poor air quality marks Lancaster is in compliance with the federal Environmental Protection Agency's attainment requirements for ground level ozone the main component of smog. For many years it was out of attainment including as recently as 2009.

There were 13 days in the summer of 2010 in which the air violated smog limits. Ozone monitors are maintained atop Lincoln Middle School in Lancaster city and there is a downwind monitor in Leacock Township.

Smog is formed usually in the summer months when ozone pollution from vehicles coal-fired power plants and industrial processes bakes in the heat.

Ozone is one of the most harmful and pervasive air pollutants in the country according to the PennEnvironment Research Policy Center.

High ozone levels particularly affect children the elderly and people with respiratory ailments such as asthma. But even healthy adults can experience reduced lung function if exercising amid ozone pollution.

"It's important to keep this issue in front of the public so they understand that air quality is not all it should be" said Kevin M. Stewart director of environmental health for the American Lung Association's Mid-Atlantic region.

"It's not like the old days where you could cut smog with a knife. Those days are thankfully rare. But there also have been discoveries from scientists that air pollution is hazardous at levels that are lower than earlier thought.

"We want everyone to understand that even with invisible ozone you can still have health effects especially among certain at-risk individuals."

Lancaster has had poor ozone levels for years. It's not all the area's fault. Levels are exacerbated because the area sits downwind of plumes of high smog pollution blowing in from the Washington-Baltimore area and from power plants in western Pennsylvania and the Midwest.

Another poor showing in Lancaster's air comes amid controversy over federal efforts to toughen smog levels.

In 2008 the Bush administration set tougher smog limits but far below what the EPA's scientific panel had urged. Some environmental groups including the American Lung Association sued.

President Barack Obama seemed poised to implement those tougher ozone limits but announced earlier this month that he would hold off until at least 2013.

The president cited the need to ease regulatory burdens as the country tries to recover from a sick economy.

Business groups hailed the decision but environmental groups were critical. The ALA said it might revive its litigation.

EPA's scientific panel had claimed the more stringent ozone standards could save up to 12000 lives annually from heart attacks lung disease and asthma attacks.

On Tuesday the National Latino Coalition on Climate Change criticized the non-action saying one of every two Hispanic Americans lives in a county that frequently violate air pollution standards.

There is one new air-pollution move by the federal government that could bode well for Lancaster's air.

In July the EPA finalized rules that would require cuts in smokestack emissions at power plants that can travel hundreds of miles by wind.

The Cross-State Air Pollution Rule proposed to take effect in 2014 would require power plants to cut nitrogen oxides - a main component of smog - by 54 percent from 2005 levels.

The lives of an estimated 2900 Pennsylvanians could be saved annually by the pollution cuts according to EPA.

But already there is a battle in Congress to defeat the proposed regulation.

The five cities with the most smog in 2010 were all in California. They were followed by Baltimore Washington D.C. and Philadelphia.



Latinos could suffer from current smog levels

Posted on September 20, 2011 at 12:11 pm by [Puneet Kollipara](#)

The U.S. Environmental Protection Agency should move forward with tougher standards it has developed for ozone and toxic emissions to protect the health of Latinos, environmental and Latino groups said today.

By not toughening standards for ozone levels and toxic emissions from power plants, Latinos would be at risk for increased disease and death because they are disproportionately more likely to live near polluted areas, according to a report released by five groups today.

“Protecting our children and communities from smog and air toxics must be taken seriously. With the health of so many at risk, we can no longer ignore the science,” the report notes. “The EPA must strengthen the smog standard and set mercury and air toxics standards to the levels recommended by the agency’s science advisors.”

The report was written by the National Latino Coalition on Climate Change, the Natural Resources Defense Council, the Center for American Progress and the National Wildlife Federation, and released with the National Hispanic Medical Association. It comes on the heels of President Barack Obama’s announcement earlier this month that he would delay a rule on tougher ozone standards.

The U.S. Chamber of Commerce had said new ozone standards would have cost the nation as many as 7.3 million jobs by 2020.

The group’s report points to eight states that have 75 percent of the nation’s Hispanic population, the two largest being California and Texas. Thirty-eight percent of Texas’s 25.1 million people and 38 percent of California’s 37.3 million people are of Latino or Hispanic origin, according to 2010 census data.

“Leaving the current standard in place — the policy of choice of large, polluting industries — means more lives lost and more asthma attacks, suffering that Latinos will greatly bear,” the report says.

House Republicans have pushed to delay or block a host of EPA rules. Last week a House subpanel approved bills to delay and soften rules reducing emissions from cement plants and industrial boilers. Those bills are headed for a full House energy committee markup tomorrow.

Some Republicans such as Rep. Pete Olson, R-Sugar Land, have called for delaying or reversing an upcoming rule limiting emissions of sulfur dioxide and nitrous oxides from power plants, saying the rule could cause electricity service disruptions for Texans. EPA has rejected the notion, saying utilities can use multiple solutions that already exist to meet the new standards and they don't need to comply until 14 months after the standards kick in.



Texas Latinos face greater health risks from pollution-related diseases, study finds



Latinos face greater health risks from smog. (AFP photo)

The U.S. Environmental Protection Agency should move forward with tougher standards it has developed for ozone and toxic emissions because they will help protect Latinos' health in Texas and other states, environmental and Latino groups said Tuesday.

Latinos would have a higher risk of disease and death without the standards and would be affected more than other groups because they're more likely to live in polluted areas, according to a report released by five groups. Asthma, bronchitis, organ damage and death rates would increase among the 39 percent of Latinos who live within 30 miles of a power plant and the one in two Latinos who live in the nation's top 25 ozone-polluted cities such as Houston and Dallas, the report said.

"Protecting our children and communities from smog and air toxics must be taken seriously. With the health of so many at risk, we can no longer ignore the science," the report said. "The EPA must strengthen the smog standard and set mercury and air toxics standards to the levels recommended by the agency's science advisors."

The report identifies eight states that contain 75 percent of the nation's Hispanic population and would suffer the most without tougher rules. The largest of the eight are California and Texas. Thirty-eight percent of Texas' 25.1 million people and 38 percent of California's 37.3 million people are of Latino or Hispanic origin, according to 2010 census data.

The report was written by the National Latino Coalition on Climate Change, the Natural Resources Defense Council, the Center for American Progress and the National Wildlife Federation, and released with the National Hispanic Medical Association. It comes on the heels of President Barack Obama's announcement in early September that he would delay a rule to toughen ozone standards, and as Republicans in Congress have pushed to weaken, delay or block EPA pollution rules.

The Obama administration decided to delay the ozone standards until at least 2013 after pressure from Republicans and business groups. The U.S. Chamber of Commerce, which praised the president for delaying the standards, had said they would have cost the nation as many as 7.3 million jobs by 2020.

“Leaving the current standard in place — the policy of choice of large, polluting industries — means more lives lost and more asthma attacks, suffering that Latinos will greatly bear,” the report said.

House Republicans have pushed to delay or block a host of EPA rules. Last week a House subpanel approved bills to delay and weaken rules reducing toxic emissions from cement plants and industrial boilers. The House Energy and Commerce Committee will mark up the bills Wednesday.

Some Republicans such as Rep. Pete Olson, R-Sugar Land, have said utilities will struggle to meet the January 2012 start date of an EPA rule that will limit emissions of sulfur dioxide and nitrous oxide from power plants in 27 states, including Texas. EPA says the emissions can harm health across state lines and the rule’s projected 120 billion to 280 billion in benefits to public health in 2014 will outweigh its 800 million in projected costs that year.

The rule could reduce Texas’s electricity capacity, putting a state suffering from record high temperatures and droughts at risk of service blackouts and “placing Texas’s health and safety in jeopardy,” Olson wrote in a letter to Obama on Sept. 14 in asking him to delay or reverse the upcoming rule. Olson cited Dallas-based Luminant Generation Co., which recently announced it would cut 500 jobs and close two units at one of its coal power plants because it couldn’t meet the rule’s January 2012 start date.

Texas Gov. Rick Perry also has vocally criticized the emissions rule, calling it an example of “burdensome regulations based on assumptions, not facts, that will result in job losses and increased energy costs with no definite environmental benefit.”

The state’s nitrous oxide levels decreased 58 percent its ozone levels decreased 27 percent from where they were in 2000, more than any other state, the governor’s office said.

“The air Texans breathe today is cleaner than it was in 2000, even as our population has grown by nearly 4.3 million,” Allison Castle, a spokeswoman for Perry, said in an emailed statement.

Gina McCarthy, EPA’s top air-pollution official, said on Thursday that utilities can choose among several options that already exist to meet the new standards, and that they don’t need to comply until 14 months after the rule’s start. EPA won’t force the lights to go out in Texas, McCarthy told a House panel.



Tougher EPA rules touted as being a benefit to Latinos

By Puneet Kollipara Hearst Newspapers

WASHINGTON □ Latinos would have a higher risk of disease and death without tougher standards that the U.S. Environmental Protection Agency has developed for ozone and toxic emissions, a coalition of environmental and Hispanic groups said Tuesday.

Latinos also would be affected more than other groups because they're more likely to live in polluted areas, according to a report prepared by the groups, □U.S. Latinos and Air Pollution: A Call to Action.□

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The EPA should move forward with the standards because they will help protect Latinos' health, the groups said.

□Protecting our children and communities from smog and air toxics must be taken seriously,□the report said. □With the health of so many at risk, we can no longer ignore the science. The EPA must strengthen the smog standard and set mercury and air toxics standards to the levels recommended by the agency's science advisers.□

The report was co-authored by the National Latino Coalition on Climate Change, the Natural Resources Defense Council, the Center for American Progress and the National Wildlife Federation, and released in coordination with the National Hispanic Medical Association.

It comes on the heels of President Barack Obama's announcement in early September that he would delay a rule to toughen ozone standards until at least 2013, and as Republicans in Congress have pushed to weaken, delay or block EPA pollution rules.

It identifies eight states that contain 75 percent of the nation's Hispanic population as the ones whose Latino residents would suffer the most without tougher standards.

California and Texas have the largest Latino populations. Thirty-eight percent of Texas' 25.1 million people are of Hispanic or Latino origin, as are 38 percent of California's 37.3 million people, according to census data.

The report's release also comes at a time when President Obama's approval among Hispanics has fallen. A Gallup poll earlier this month found 48 percent of Latinos approved of him in August, down from 60 percent in January and its peak of 82 percent in 2009. Latinos supported

President Obama in 2008 over Sen. John McCain, R-Ariz., by a 36-percentage-point margin, according to exit polling data.

"We are the fastest growing group of voters in the U.S., and we need to know our leaders in Washington are fighting to protect our health and grow jobs — those two things are not mutually exclusive," Jorge Madrid, research associate at the Center for American Progress, said in a statement. The U.S. Latino population increased 43 percent between 2000 and 2010, according to census data.

The Obama administration's decision to delay the ozone standards came after pressure from Republicans and business groups. The U.S. Chamber of Commerce, which praised the president for delaying the standards, had said they would have cost the nation as many as 7.3 million jobs by 2020.

From 2007 through 2009, Hispanics were 51 percent more likely than non-Hispanic whites to live in a county that failed to meet ambient ozone standards, according to data from the Centers for Disease Control and Prevention cited in the report.

"Leaving the current standard in place — the policy of choice of large, polluting industries — means more lives lost and more asthma attacks, suffering that Latinos will greatly bear," the report said.

Luis Miranda, a White House spokesman, said the Obama administration has taken "some of the strongest actions" to protect the health of Latino families and all Americans from air pollution, ranging from reducing mercury to improving fuel efficiency to controlling toxic emissions from power plants.

"The historic steps we've already taken will dramatically cut dangerous pollution, including reducing ozone pollution, saving tens of thousands of lives each year, and producing hundreds of billions of dollars in benefits" for Americans, Miranda said in an emailed statement.

The president decided to delay the ozone rule because it will be reconsidered, with new science, in 2013, Miranda said.

House Republicans have pushed to delay or block a host of EPA rules. Last week a House subpanel approved bills to delay and weaken rules reducing toxic emissions from cement plants and industrial boilers. The House Energy and Commerce Committee will consider the measures on Wednesday.

Some Republicans such as Rep. Pete Olson, R-Texas, have said utilities are struggling to meet the January 2012 start date of an EPA rule that limits emissions of sulfur dioxide and nitrous oxide from power plants in 27 states, including Texas. EPA says the emissions can harm health across state lines and the rule's projected 120 billion to 280 billion in benefits to public health in 2014 outweighs its 800 million in projected costs that year.

The rule could reduce Texas' electricity capacity, putting a state suffering from record high temperatures and droughts at risk of service blackouts and "placing Texans' health and safety in jeopardy," Olson wrote in a letter to Obama on Sept. 14, asking him to delay or reverse the upcoming rule.

Gina McCarthy, EPA's top air-pollution official, said last week that utilities can choose among several options that already exist to meet the new standards, and that they don't need to comply until 14 months after the rule's January 2012 start. EPA won't "force the lights to go out" in Texas, McCarthy told a House panel.



Half of All U.S. Latinos Live In The Country's Most Polluted Cities

A major report released jointly this week by the Natural Resources Defense Council, the National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation finds that nearly one in two Latinos live in areas where breathing is unhealthy and even deadly.

This report comes on the heels of a shocking announcement from President Obama, blocking his own administration from adopting stronger smog standards that would have saved thousands of lives. Citing the need to reduce "regulatory burdens" as the motivation for delaying this critical rule, the administration has effectively put the profits of a few polluting industries ahead of the health and safety of the fastest growing population group in the country.

For the approximately 23 million Latinos living in unhealthy and possibly deadly air pollution, time is not a luxury. Latino children are 60 percent more likely to suffer from asthma attacks than white children, and as a group Latinos are more likely to die from this disease than whites.

Likewise, Latinos are far more likely to live within ten miles of a coal fired power plant, which means they are disproportionately exposed to mercury and other dangerous toxins that are known to cause developmental delays in young children and the unborn. As many as 1 in 6 Latinas of child bearing age have enough mercury in their system to put their children at risk.

But clean air is not the only issue on the Latino agenda.

Latino voters strongly believe that switching to cleaner sources of energy will create new jobs and grow the economy. Many conservative politicians in Washington D.C. are peddling false talking points that environmental regulations are "job killers" and constrict economic growth. As a group, Latino voters in key voting states overwhelmingly reject this notion.

With unemployment rates for Latinos hovering well above the national average, jobs and the economy are understandably a high priority. However, Latinos are not willing to sacrifice the health of their families and the community.

Latinos want clean air and a strong economy. They are the fastest growing group of voters in the U.S., with 12.2 million Latinos projected to vote in 2012. They need to know that their leaders in Washington D.C. are fighting to protect their health and grow jobs - two things that are not mutually exclusive.

The report, "U.S. Latinos and air pollution: a call to action" can be viewed [here](#).



Poor Air Quality: Half of Hispanic Americans At Risk

A major new report finds that half of Hispanic Americans face serious health risks because they live in areas that frequently violate air quality standards.

Titled "U.S. Latinos and Air Pollution: A Call to Action," the report is co-authored by the Natural Resources Defense Council, the National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation.

The report focuses on major metropolitan areas with large Hispanic populations such as those found in California, Arizona, Texas and New York.

Hispanics across the country are being urged by Latino groups to join a campaign aimed at pressuring politicians to protect and strengthen the federal Clean Air Act. That legislation and other environmental protections are being threatened by some in congress who feel it inhibits businesses and job growth.

"Latinos want clean air and a strong economy," said Jorge Madrid, research associate at the Center for American in a press release from the Natural Resources Defense Council. "We are the fastest growing group of voters in the U.S., and we need to know our leaders in Washington are fighting to protect our health and grow jobs, those two things are not mutually exclusive."

Already three times more likely to die from asthma than other racial groups, the Latino population stands to be hit hardest if clean air laws are repealed.



No text

Noticias en Tiempo Real Zacatectas

Vive uno de cada dos hispanos en zonas contaminadas en EUA

Washington.- Uno de cada dos hispanos en Estados Unidos vive en zonas que frecuentemente violan las normas de contaminaci3n del aire, seg3n un informe divulgado hoy.

Adem3s, en 2008 un total de 4.7 millones de hispanos fueron diagnosticados con asma. Los latinos tienen tres veces m3s probabilidad de morir de asma que otros grupos raciales o 3tnicos.

El informe fue realizado por el Consejo para la Defensa de Recursos Naturales (NRDC), la Coalici3n Nacional de Latinos Sobre el Cambio Clim3tico (NLCCC), el Centro para el Progreso Americano y la Federaci3n Nacional de Vida Silvestre (NWF).

Los latinos se encuentran entre los grupos que enfrentan el mayor riesgo por los esfuerzos para bloquear las actualizaciones a las normas de salud que protegen a estadounidenses del ozono, mercurio y otros contaminantes de aire peligrosos, de acuerdo con el informe.

Indic3 que los hispanos se convirtieron en el grupo minoritario m3s grande en 191 distritos metropolitanos el a3o pasado, con la mayor expansi3n en 3reas donde hay grandes concentraciones de tr3nsito vehicular, industrias y producci3n de energ3a.

El presidente estadounidense Barack Obama, citando argumentos econ3micos, pidi3 recientemente a la Agencia de Protecci3n Ambiental (EPA) que frenara la adopci3n de normas m3s estrictas sobre el ozono.

Asimismo, la C3mara de Representantes intenta bloquear protecciones adicionales a la salud p3blica de la contaminaci3n de centrales el3ctricas, hornos de cemento y otras plantas industriales.

3Una y otra vez los pol3ticos en Washington est3n ignorando las cuestiones que realmente le importan a los latinos y el aire limpio es una de ellas3 dijo Andrea Delgado, de la NLCCC.

La doctora Elena Ros, presidenta y gerente general de la Asociaci3n M3dica Nacional Hispana (NHMA), dijo que la creciente poblaci3n latina 3incluye a millones de personas que no tienen seguro m3dico y enfrentan 3serias cargas financieras provocadas por la contaminaci3n del aire3

3La exposici3n a la contaminaci3n del aire puede agravar problemas de salud preexistentes, especialmente los problemas respiratorios como el asma3 dijo Ros, quien se3 al3 que para millones de latinos sin seguro m3dico esto puede resultar en visitas a la sala de emergencia.



Vive uno de cada dos hispanos en zonas contaminadas en EU

Washington, EU.- Uno de cada dos hispanos en Estados Unidos vive en zonas que frecuentemente violan las normas de contaminación del aire, según un informe divulgado hoy.

Además, en 2008 un total de 4.7 millones de hispanos fueron diagnosticados con asma. Los latinos tienen tres veces más probabilidad de morir de asma que otros grupos raciales o étnicos.

El informe fue realizado por el Consejo para la Defensa de Recursos Naturales (NRDC), la Coalición Nacional de Latinos Sobre el Cambio Climático (NLCCC), el Centro para el Progreso Americano y la Federación Nacional de Vida Silvestre (NWF).

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Asimismo, la Cámara de Representantes intenta bloquear protecciones adicionales a la salud pública de la contaminación de centrales eléctricas, hornos de cemento y otras plantas industriales.

"Una y otra vez los políticos en Washington están ignorando las cuestiones que realmente le importan a los latinos y el aire limpio es una de ellas", dijo Andrea Delgado, de la NLCCC.

La doctora Elena Ros, presidenta y gerente general de la Asociación Médica Nacional Hispánica (NHMA), dijo que la creciente población latina incluye a millones de personas que no tienen seguro médico y enfrentan serias cargas financieras provocadas por la contaminación del aire.

La exposici n a la contaminaci n del aire puede agravar problemas de salud preexistentes, especialmente los problemas respiratorios como el asma, dijo Ros, quien se al que para millones de latinos sin seguro m dico esto puede resultar en visitas a la sala de emergencia.

Diario Digital "IQUIQUEONLINE"

Latinos corren un mayor riesgo a la salud por retrasos en normas de contaminacion de aire

Los latinos se encuentran entre los grupos que enfrentan el mayor riesgo por los esfuerzos para bloquear las actualizaciones a las normas de salud que protegen a los estadounidenses del ozono, el mercurio y otros contaminantes de aire peligrosos, de acuerdo a un importante informe nuevo del Consejo para la Defensa de Recursos Naturales (NRDC), la Coalición Nacional de Latinos Sobre el Cambio Climático, el Centro para el Progreso Americano y la Federación Nacional de Vida Silvestre (NWF) y lanzado con la Asociación Nacional de Médicos Hispanos (NHMA).

Uno de cada dos hispanos en Estados Unidos viven en condados que frecuentemente violan las normas de contaminación del aire de acuerdo al informe titulado, "Los Latinos y la Contaminación del Aire: un llamado a la acción" Apenas unos días después de la decisión del Presidente Obama de pedirle a la Agencia de Protección Ambiental (EPA) que frenara su trabajo para adoptar un estándar de ozono más fuerte y poco antes de una serie de votaciones en la Cámara de Representantes para bloquear salvaguardias adicionales para proteger la salud pública de la contaminación proveniente de centrales eléctricas, hornos de cemento y otras plantas industriales. El informe destaca la contaminación atmosférica en los estados que son hogar a más de un 75 por ciento de los hispanos estadounidenses.

"Los Latinos queremos aire limpio y una economía fuerte", dijo Jorge Madrid, investigador asociado del Center for American Progress, "somos el grupo de más rápido crecimiento de votantes en los Estados Unidos. "Necesitamos saber que nuestros líderes en Washington están luchando para proteger nuestra salud y crear empleos - esas dos cosas no son mutuamente excluyentes."

La doctora Elena Ros, Presidente y gerente general de la Asociación Médica Nacional Hispana (NHMA), dijo: "uno de cada dos Latino Americanos ya viven en los condados donde el aire es frecuentemente nocivo para niños y adultos. Necesitamos aire limpio y bloquear esfuerzos para fortalecer salvaguardias contra la contaminación afecta a los hispanoamericanos quienes pagan el precio por el aire contaminado." Añadió Ros, "la creciente población de latinos de Estados Unidos, que incluye a millones de personas que no tiene seguro médico, enfrenta serias cargas financieras provocadas por la contaminación del aire."

"Una y otra vez los políticos en Washington están ignorando las cuestiones que realmente le importan a los latinos y el aire limpio es una de ellas. El aire sucio está atacando a nuestras familias hace más difícil que los niños aprendan y más difícil que los padres provean por sus seres queridos", dijo Andrea Delgado de la Coalición Latina Nacional sobre el Cambio Climático (NLCCC) y analista política del Consejo Laboral para el Progreso Latinoamericano (LCLAA).

"Los latinos son especialmente vulnerables porque viven en regiones que tienen la peor

contaminación del aire, y enfermedades relacionadas con la contaminación del aire significan días de escuela y trabajos perdidos y un aumento en visitas de la sala de emergencia, y a veces hasta empleos perdidos", dijo Adrianna Quintero, asesora de Voces Verdes y abogada mayor de NRDC. "Los estadounidenses no pueden permitirse esta carga en sus billeteras en estos tiempos difíciles. La administración no puede seguir poniendo a los contaminadores antes de nuestros niños."

Entre las principales conclusiones del informe:

- Los hispanos se convirtieron en el grupo minoritario más grande en 191 distritos metropolitanos el año pasado, con la mayor expansión en áreas donde hay grandes concentraciones de tráfico, industria y producción de energía. Aproximadamente uno de cada dos Latinos viven en zonas que frecuentemente violan normas de aire limpio.
- En 2008, 4.7 millones de hispanos habrían sido diagnosticados con asma en sus vidas, Los latinos tienen además tres veces más probabilidad de morir de asma que otros grupos raciales o étnicos.
- La exposición a la contaminación del aire puede agravar problemas de salud preexistentes, especialmente los problemas respiratorios como el asma. Para millones de Latinos sin seguro médico esto puede resultar en visitas a la sala de emergencia.
- La norma de mercurio pendiente es crítica para la salud pública y proteger a los casi 40 por ciento de latinos que viven a menos de 30 millas de una planta de energía.

Las reglas de aire limpio son buenas para la salud humana y la salud de la economía. Los proyectos de la EPA crearán unos 31.000 empleos de construcción a corto plazo y 9.000 empleos a largo plazo. Considerando que, en promedio, los trabajadores hispanos ocupan dos de cada tres nuevos empleos de construcción en los Estados Unidos, estas normas podrán traer alivio a miles de familias Latinas sufriendo la recesión económica.



Graves consecuencias impactan a la creciente población latina de EE. UU

Uno de cada dos hispanos en Estados Unidos viven en condados que frecuentemente violan las normas de contaminación del aire.

WASHINGTON, 20 de septiembre de 2011 PRNewswire-HISPANIC PR WIRE -- Los latinos se encuentran entre los grupos que enfrentan el mayor riesgo por los esfuerzos para bloquear las actualizaciones a las normas de salud que protegen a los estadounidenses del ozono, el mercurio y otros contaminantes de aire peligrosos, de acuerdo a un importante informe nuevo del Consejo para la Defensa de Recursos Naturales (NRDC), la Coalición Nacional de Latinos Sobre el Cambio Climático, el Centro para el Progreso Americano y la Federación Nacional de Vida Silvestre (NWF) y lanzado con la Asociación Nacional de Médicos Hispanos (NHMA).

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"Los Latinos queremos aire limpio y una economía fuerte", dijo Jorge Madrid, investigador asociado del Center for American Progress, "somos el grupo de más rápido crecimiento de votantes en los Estados Unidos. "Necesitamos saber que nuestros líderes en Washington están luchando para proteger nuestra salud y crear empleos - esas dos cosas no son mutuamente excluyentes."

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"Una y otra vez los políticos en Washington están ignorando las cuestiones que realmente le importan a los latinos y el aire limpio es una de ellas. El aire sucio está atacando a nuestras

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Entre las principales conclusiones del informe:

Los hispanos se convirtieron en el grupo minoritario más grande en 191 distritos metropolitanos el año pasado, con la mayor expansión en áreas donde hay grandes concentraciones de tráfico, industria y producción de energía. Aproximadamente uno de cada dos Latinos viven en zonas que frecuentemente violan normas de aire limpio.

En 2008, 4.7 millones de hispanos habrán sido diagnosticados con asma en sus vidas, Los latinos tienen además tres veces más probabilidad de morir de asma que otros grupos raciales o étnicos.

La exposición a la contaminación del aire puede agravar problemas de salud preexistentes, especialmente los problemas respiratorios como el asma. Para millones de Latinos sin seguro médico esto puede resultar en visitas a la sala de emergencia.

La norma de mercurio pendiente es crítica para la salud pública y proteger a a los casi 40 por ciento de latinos que viven a menos de 30 millas de una planta de energía.

Las reglas de aire limpio son buenas para la salud humana y la salud de la economía. Los proyectos de la EPA crearán unos 31.000 empleos de construcción a corto plazo y 9.000 empleos a largo plazo. Considerando que, en promedio, los trabajadores hispanos ocupan dos de cada tres nuevos empleos de construcción en los Estados Unidos, estas normas podrán traer alivio a miles de familias Latinas sufriendo la recesión económica.

El nuevo informe está disponible en internet en
<http://www.nrdc.org/laondaverde/media/2011/110920.asp>.



Study: Latinos Face Major Health Risks from Delays of EPA Air Pollution Rules

Washington □ **Sept. 20**

Latinos are among those facing the greatest risk from efforts to block the Environmental Protection Agency (EPA) updates to health safeguards protecting Americans from ozone, mercury and other dangerous air pollutants, according to a major new report from the National Latino Coalition on Climate Change, Natural Resources Defense Council (NRDC), the Center for American Progress, and the National Wildlife Federation and released with the National Hispanic Medical Association.

Finding that one out of two Hispanic Americans living in counties that frequently violate air pollution standards, the report -- titled "U.S. Latinos and Air Pollution: A Call to Action" -- comes just days after President Obama pulled back the EPA's stronger standard for ozone, and shortly before a series of votes planned for the U.S. House of Representatives to block additional safeguards to protect public health from power plants, cement kilns and other industrial plants. The report highlights air pollution in states that are home to more than 75 percent of Hispanic Americans: Arizona, California, Colorado, Florida, Illinois, Massachusetts, Nevada, New Jersey, New York, Pennsylvania and Texas.

Dr. Elena Rios, president and CEO of the National Hispanic Medical Association, said: "One out of two Latino Americans already live in counties where the air is frequently unsafe for kids and adults to breathe. We need clean air, and blocking efforts to strengthen air pollution safeguards hits Hispanic Americans who pay the price for dirty air. The growing U.S. Latino population, which includes millions who are uninsured, faces serious health and financial burdens brought on by air pollution."

Key findings in the report include the following:

Hispanics became the largest minority group in 191 metropolitan districts last year, with the highest expansion in areas of concentrated vehicle traffic, industry and power plant activity. Roughly one out of every two Latinos live in areas the frequently violate clean air rules.

As of 2008, 4.7 million Hispanics had been diagnosed with asthma. In their lifetime, Latinos are three times more likely to die from asthma than other racial or ethnic groups.

Exposure to air pollution can aggravate preexisting health problems □ especially respiratory problems like asthma. For millions of uninsured Latinos, this can lead to additional emergency room visits in the absence of primary care.

The pending EPA mercury rule is critical to public health and would protect the nearly 40 percent of Latinos living within 30 miles of a power plant.

The EPA projects that the proposed mercury and air toxics standards will create up to 31,000 short-term construction jobs and 9,000 long-term utility jobs, as workers are hired to bring power plants into compliance. Considering that, on average, Hispanic workers occupy two out of every three new construction jobs in the U.S., these standards could bring relief to thousands of Latino families suffering under the economic downturn.



As Congress Debates EPA, Report to Detail Major Dangers to Hispanics Across U.S.

Latinos/Health Threat From Air Pollution –

A major report to be released at 1 p.m. EDT 10 a.m. PDT Tuesday (September 20, 2011) will show that one out of two Hispanic Americans faces serious health risks due to living in counties that frequently violate air quality standards.

The new report is co-authored by the Natural Resources Defense Council, the National Latino Coalition on Climate Change, the Center for American Progress and the National Wildlife Federation. Problem areas highlighted in the report are major markets that are home to large numbers of Latinos in Arizona, California, Colorado, Florida, Illinois, Massachusetts, Nevada, New Jersey, New York, Pennsylvania, and Texas, among other states.

More than 23 million Latino children, grandparents, siblings, and friends consistently face a higher risk of asthma, bronchitis, and even death from air pollution. As of 2008, 4.7 million Hispanics had been diagnosed with asthma in their lifetime. Latinos are three times more likely to die from asthma than other racial or ethnic groups.

Hispanic Herald

Jon Bowman FOX31 Denver

11:35 p.m. MDT, September 20, 2011

DENVER □ More than 23 million Latino children and adults are at risk of [asthma](#)-related health issues, according to a study from the National Resources Defense Council.

□ Nearly five million Hispanics have been diagnosed with asthma in their lifetime, □ said Dr. Elena Rios, CEO of the National Hispanic Medical Association. □ Latinos are three times more likely to die from asthma than other racial or ethnic groups. □

The Latino organizations who participated in the study are urging people to join a major campaign to urge elected officials to pledge to take action to protect and strengthen the Federal Clean Air Act, which is currently under fire in some quarters in Congress.

Hispanic Market Info

Air Pollution and Hispanics

The report was timely. I have been working on a research project about Hispanics and healthcare and medical services in the Los Angeles area. Nationally, we know that U.S. Hispanics over index in suffering from high blood pressure, diabetes, arthritis and obesity.

A new study released today shows that 48% of Hispanics live in the top 25 most ozone polluted U.S. cities.

The report was put together by authors from Natural Resources Defense Council, Center for American Progress, National Wildlife Federation and National Latino Coalition on Climate Change.

As a Southern California resident I can actually see smog in the air many days. We even get alerts that we should not exercise outdoors. Ozone is the primary component of smog.

High levels of ozone can diminish lung function, inflame airways and aggravate asthma and other respiratory illnesses. Air pollution is especially dangerous to children and pregnant women who are vulnerable to health problems.

Scarborough data from the nation's top 77 DMAs show that 1.8 million Hispanic adults have bought asthma medicine in the past 12 months.

A recent poll by the Public Policy Institute of California found that 87% of Hispanic California voters thought the government should regulate greenhouse gas emissions and 81% said they would like to see stronger standards for new passenger vehicles.

Different polls over the last few years have shown Hispanic support for switching to clean energy and that doing so will create jobs.

This report is especially timely now that the current administration chose to delay a revision of strengthening the standards under the Clean Air Act.

Protecting our communities from smog must be taken more seriously. Air pollution will not be solved overnight but the growing voting block of Hispanic voters can help turn the tide toward healthy communities.



Health of Latino Americans at Risk Due to Lack of Air Pollution Rules, Report Shows

A new report released today urges U.S. officials to adopt stronger standards under the Clean Air Act and let EPA do its job in setting limits on certain pollutants. The findings revealed that one in two Hispanic Americans living in counties that frequently violate air pollution standards face major health risks.

The report, titled "U.S. Latinos and Air Pollution: A Call to Action," comes just days after President Obama pulled back the EPA's stronger standard for ozone.

According to the Natural Resources Defense Council (NRDC), with each breath Latinos increase their risk of asthma or bronchitis, or even death due to poor air quality. Latinos are reportedly three times more likely to die from asthma than other racial or ethnic groups.

Affected areas highlighted in the report are major markets that are home to large numbers of Latinos in Arizona, California, Colorado, Florida, Illinois, Massachusetts, Nevada, New Jersey, New York, Pennsylvania, and Texas, among other states.

"Latinos want clean air and a strong economy," said Jorge Madrid, Research Associate at the Center for American Progress, "we are the fastest growing group of voters in the U.S., and we need to know our leaders in Washington are fighting to protect our health and grow jobs -- those two things are not mutually exclusive."

If approved, the pending EPA mercury rule would reportedly protect the nearly 40 percent of Latinos living within 30 miles of a power plant.

What's more, clean air rules would also benefit the economy. The EPA projects that the proposed mercury and air toxics standards will create up to 31,000 short-term construction jobs and 9,000 long-term utility jobs.

Considering that, on average, Hispanic workers occupy two out of every three new construction jobs in the United States, these standards could help thousands of Latino families currently facing financial issues.

The report also states that bilingual (English and Spanish) fish consumption advisories should be posted in grocery stores and Latino markets, as well as in public clinics.

"Latinos are especially vulnerable because they live in regions with the worst air contamination

and air-related illnesses mean missed school and work days, emergency room visits, and jobs lost," said Adrianna Quintero, advisor to Voces Verdes and senior attorney with NRDC. "Americans can't afford this burden on their wallets in these hard times. The administration cannot keep putting profits before people."

01268-EPA-5756

Noah Dubin/DC/USEPA/US

To

09/23/2011 05:24 PM

cc

bcc Richard Windsor

Subject 09/27/2011 thru 10/10/2011 Schedule for Lisa P. Jackson

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**EPA Administrator
Lisa P. Jackson
Schedule**

09/23/2011 05:20:55 PM

Tuesday, 9/27/2011

08:45 AM-09:05 AM FYI Daily Briefing
Location: Administrator's Office

10:00 AM-11:30 AM Meeting with UBS Chairman, Robert Wolf
Ct: Karin Yoykon - (b) (6)

Format: Closed Press

Location: UBS Executive Boardroom,
1285 6th Ave,
New York, NY 10019

01:00 PM-02:03 PM En Route to DC
US Airways flight #2175

Departs New York (LGA) at 1:00 PM EDT

Arrives in DC (DCA) at 2:03 PM EDT

Location: En Route to DC

02:15 PM-02:45 PM Depart for TBD
Location: DCA

Wednesday, 9/28/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:00 AM-10:30 AM One on One with Peter Grevatt
Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

11:15 AM-12:00 PM Strategy Discussion of Vehicle and Fuel Standards (Tier 3)
Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)
Scott Fulton, John Hannon (OGC)
Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)
Michael Goo (OP)

Optional:

Bob Sussman, Diane Thompson (OA)
Arvin Ganesan, Laura Vaught (OCIR)

****This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection**

****Teleconferencing is required for this briefing**

Location: Bullet Room

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

01:00 PM-02:30 PM HOLD: Regional Phone Calls re : American Jobs Act

Ct: Brendan Gilfillan 564.2081

02:45 PM-03:15 PM Update on Pavillion

Ct: Shelly Dawson 202-564-2440

Staff:

Bob Sussman (OA)
Cynthia Giles (OECA)
Nancy Stoner (OW)
Paul Anastas (ORD)
Avi Garbow (OGC)
Seth Oster, Betsaida Alcantara (OEAE)
Jim Martin (By Phone) (R8)

Optional:

Diane Thompson (OA)

****Teleconferencing is required for this briefing**

Location: Administrator's Office

03:30 PM-05:00 PM Senior Policy Meeting

Location: Bullet Room

Thursday, 9/29/2011

08:00 AM-08:30 AM Coffee

Ct: Nathan Gentry - 202-564-9084

Reservation is under P. Jackson

Staff:

Paul Anastas (ORD)

Location: Cafe du Parc
1401 Pennsylvania Avenue N.W. Washington, D.C.

08:30 AM-08:45 AM **Depart for Ariel Rios**

Location: Cafe du Parc

08:45 AM-09:15 AM **Daily Briefing**

Location: Administrator's Office

09:30 AM-11:00 AM **HOLD: Regional Phone Calls re: American Jobs Act**

Ct: Brendan Gilfillan 564.2081

Location: Administrator's Office

11:00 AM-12:00 PM **No Meetings**

Location: Administrator's Office

12:00 PM-01:00 PM **HOLD: Lunch at Central with Barb Bennett**

Liz Ashwell 564.1008

02:00 PM-02:45 PM **Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT**

Ct: Cindy Huang - 202-564-7314

Staff:

Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)

Lisa Garcia (OEJ)

Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Cynthia Giles (OECA)

Mathy Stanislaus (OSWER)

Paul Anastas (ORD)

Dennis McLerran (R10)

Arvin Ganesan, Laura Vaught (OCIR)

Barbara Bennett (OCFO)

Optional:

Diane Thompson (OA)

Janet Woodka (Reg. Ops)

Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda

Farrar, Tom Eagles (OAR)

Marilyn Kuray, Wendy Blake, Paul Versace (OGC)

Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)

Gerard Kraus, Gregory Fried, Sally Harmon (OECA)

Gerain Perry, George Faison (OSWER)

Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)

Heather Valdez, Andrea Schrock (R10)

**Teleconferencing is required for this briefing

Location: Bullet Room

03:00 PM-03:30 PM **Meeting with League of United Latin American Citizens**

Ct: Elena Segura - esegura@lulac.org

Attendees:

**Five LULAC National Board members, names are TBD

Staff:
TBD

Optional:
Diane Thompson (OA)

Location: Bullet Room

05:00 PM-05:30 PM Meet with Elliott Laws

Ct: Ryan Robison - 202-564-2856
O'Tilia Hunter - 202-508-8961

Location: Administrator's Office

Friday, 9/30/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

02:00 PM-02:45 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule

Ct: Cindy Huang - 202-564-1850

Staff:

Dan Kanninen (OA)
Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge,
Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele,
Glenn Passavant, John Koupal, Mike Olechiw (OAR)
Scott Fulton, Avi Garbow (OGC)
Michael Goo (OP)
Paul Anastas (ORD)
Cynthia Giles (OECA)
Judith Enck (R2)
Shawn Garvin (R3)
Jared Blumenfeld (R9)
Arvin Ganesan, Laura Vaught (OCIR)
Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)
Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)
Lester Facey (OA)
Matthew Davis (OHCP)
Anne Wick, Jeff Kodish (OECA)
John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)
Larke Williams, Sarah Mazur, Tim Benner, Gene Stroup, John Cowden, Will Boyes,
Deb Luecken (ORD)
Dan Birkett (R2)
Brian Rehn (R3)
Jeffrey Buss (R9)
Peter Grevatt (OCHP)

*Teleconferencing is required for this meeting

Location: Bullet Room

Saturday, 10/1/2011

Sunday, 10/2/2011

Monday, 10/3/2011

08:00 AM-06:00 PM In-house AA Day
Location: Green Room

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:30 AM-10:45 AM Depart for White House
Location: Ariel Rios

11:00 AM-12:15 PM Cabinet Meeting
Ct: [REDACTED] (b) (6)
Location: Cabinet Room, West Wing, White House

12:15 PM-12:30 PM Depart for Ariel Rios
Location: White House

12:30 PM-01:30 PM No Meetings
Location: Administrator's Office

02:30 PM-04:00 PM HOLD: Phone Calls for Gulf Coast Task Force Report Roll -out
Seth Oster: 564.1918
Location: Administrator's Office

Tuesday, 10/4/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

12:00 PM-01:00 PM No Meetings
Location: Administrator's Office

Wednesday, 10/5/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:00 AM-10:30 AM One on One with Cameron Davis
Ct: Ryan Robison - 202-564-2856

Staff:

Cameron Davis (By Phone) (GLTF)

*Aaron Dickerson will call Mr. Davis at (b) (6)

Optional:

Bob Perciasepe, Diane Thompson, Bob Sussman (OA)

Location: Administrator's Office

11:00 AM-11:45 AM Early Guidance Meeting for Perchlorate Drinking Water Regulation
Ct: Martha Workman - 202-564-3774

Staff:

Bob Perciasepe, Bob Sussman (OA)
Nancy Stoner, Michael Shapiro, Cynthia Dougherty, Pamela Barr, Eric Burneson,
Elizabeth Doyle, Daniel Olson (OW)
Scott Fulton (OGC)
Cynthia Giles (OECA)
Michael Goo (OP)
Paul Anastas (ORD)
Mathy Stanislaus (OSWER)
Peter Grevatt (OCHP)
Shawn Garvin (R9)
Dennis McLerran (R10)

Optional:

Diane Thompson, Janet Woodka (OA)
Location: Bullet Room

12:15 PM-12:30 PM Depart for Hart
Location: Ariel Rios

12:30 PM-01:00 PM Meeting with Senator Sherrod Brown (OH)
Ct: Jennifer Pasrson - jennifer_parsons@brown.senate.gov,
(b) (6)

Staff:

Arvin Ganesan (OCIR)

Location: Hart 713, US Senate

1:00 PM-1:15 PM Depart for Ariel Rios
Location: Hart

03:30 PM-05:00 PM Senior Policy Meeting
Location: Bullet Room

Thursday, 10/6/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

11:00 AM-11:30 AM HOLD - CFC Kick-off Event

Ct: Linda Zarow - 202-564-7431
Location: Ariel Rios Oval Courtyard (12th St)

12:00 PM-01:00 PM No Meetings
Location: Administrator's Office

Friday, 10/7/2011

05:00 AM-08:00 PM HOLD

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

12:00 PM-01:00 PM No Meetings
Location: Administrator's Office

Saturday, 10/8/2011

05:00 AM-08:00 PM HOLD

Sunday, 10/9/2011

Monday, 10/10/2011

08:00 AM-06:00 PM FYI: Columbus Day Holiday

*** END ***

01268-EPA-5757

Noah Dubin/DC/USEPA/US

To

09/26/2011 05:43 PM

cc

bcc Richard Windsor

Subject 09/28/2011 thru 10/11/2011 Schedule for Lisa P. Jackson

*** Do not copy or forward this information ***

**EPA Administrator
Lisa P. Jackson
Schedule**

09/26/2011 05:29:34 PM

Wednesday, 9/28/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

10:00 AM-10:30 AM One on One with Peter Grevatt

Ct: Florence Claggett 566-0637

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

11:00 AM-11:15 AM General Discussion

Ct: Donald Maddox - 202-564-8443

Staff:

Bob Perciasepe, Bob Sussman (OA)

Seth Oster (OEAE)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

11:15 AM-12:00 PM Strategy Discussion of Vehicle and Fuel Standards (Tier 3)

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)

Scott Fulton, John Hannon (OGC)

Gina McCarthy, Don Zinger, Margo Oge, Chet France, Paul Argyropoulos, Lori

Stewart, Paul Machiele (by phone), Kathryn Sargeant (by phone)

Michael Goo (OP)

Optional:

Bob Sussman, Diane Thompson (OA)

Arvin Ganesan, Laura Vaught (OCIR)

**This meeting will serve as a pre-brief to the Tier 3 Emissions Option Selection

**Teleconferencing is required for this briefing

Location: Bullet Room

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

01:00 PM-02:30 PM HOLD: Regional Phone Calls re: American Jobs Act

Ct: Brendan Gilfillan 564.2081

02:45 PM-03:15 PM Update on Pavillion

Ct: Shelly Dawson 202-564-2440

Staff:

Bob Sussman (OA)

Cynthia Giles (OECA)

Nancy Stoner (OW)

Paul Anastas (ORD)

Avi Garbow (OGC)

Seth Oster, Betsaida Alcantara (OEAE)

Jim Martin (By Phone) (R8)

Optional:

Diane Thompson, Bob Perciasepe (OA)

**Teleconferencing is required for this briefing

Location: Administrator's Office

03:30 PM-05:00 PM Senior Policy Meeting

Location: Bullet Room

Thursday, 9/29/2011

08:00 AM-08:30 AM Coffee

Ct: Nathan Gentry - 202-564-9084

Reservation is under P. Jackson

Staff:

Paul Anastas (ORD)

Location: Cafe du Parc

1401 Pennsylvania Avenue N.W. Washington, D.C.

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

Location: Cafe du Parc

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

09:30 AM-11:00 AM HOLD: Regional Phone Calls re: American Jobs Act

Ct: Brendan Gilfillan 564.2081

Location: Administrator's Office

11:00 AM-12:00 PM No Meetings

Location: Administrator's Office

12:00 PM-01:00 PM HOLD: Lunch at Central with Barb Bennett
Liz Ashwell 564.1008

02:00 PM-02:45 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT
Ct: Cindy Huang - 202-564-7314

Staff:

Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)
Lisa Garcia (OEJ)
Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)
Scott Fulton, Avi Garbow (OGC)
Michael Goo (OP)
Cynthia Giles (OECA)
Mathy Stanislaus (OSWER)
Paul Anastas (ORD)
Dennis McLerran (R10)
Arvin Ganesan, Laura Vaught (OCIR)
Barbara Bennett (OCFO)

Optional:

Diane Thompson (OA)
Janet Woodka (Reg. Ops)
Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda Farrar, Tom Eagles (OAR)
Marilyn Kuray, Wendy Blake, Paul Versace (OGC)
Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)
Gerard Kraus, Gregory Fried, Sally Harmon (OECA)
Gerain Perry, George Faison (OSWER)
Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)
Heather Valdez, Andrea Schrock (R10)

**Teleconferencing is required for this briefing

Location: Bullet Room

03:00 PM-03:30 PM Meeting with League of United Latin American Citizens
Ct: Elena Segura - esegura@lulac.org

Attendees:

**Five LULAC National Board members, names are TBD

Staff:

Bicky Corman, John Frece (OP)
Raul Soto (OARM)
Cynthia Dougherty (OW)
Peter Grevatt (OCHP)

Optional:

Bob Perciasepe, Diane Thompson (OA)

Location: Bullet Room

05:00 PM-05:30 PM Meet with Elliott Laws
Ct: Ryan Robison - 202-564-2856

O'Tilia Hunter - 202-508-8961

Location: Administrator's Office

Friday, 9/30/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

02:15 PM-03:00 PM Options Selection for Tier 3 Vehicle Emissions and Fuel Standards Rule

Ct: Cindy Huang - 202-564-1850

Staff:

- Dan Kanninen (OA)
- Gina McCarthy, Janet McCabe, Joseph Goffman, Jim Jones, Don Zinger, Margo Oge, Lori Stewart, Karen Orehowsky, Chet France, Kathryn Sargeant, Paul Machiele, Glenn Passavant, John Koupal, Mike Olechiw (OAR)
- Scott Fulton, Avi Garbow (OGC)
- Michael Goo (OP)
- Paul Anastas (ORD)
- Cynthia Giles (OECA)
- Judith Enck (R2)
- Shawn Garvin (R3)
- Jared Blumenfeld (R9)
- Arvin Ganesan, Laura Vaught (OCIR)
- Barbara Bennett (OCFO)

Optional:

- Diane Thompson, Bob Sussman, Bob Perciasepe, Janet Woodka (OA)
- Bill Nickerson, Elizabeth Kopits, Peter Nagelhuout (OP)
- Lester Facey (OA)
- Matthew Davis (OHCP)
- Anne Wick, Jeff Kodish (OECA)
- John Hannon, Michael Horowitz, Mark Kataoka, Winifred Okoye (OGC)
- Larke Williams, Sarah Mazur, Tim Benner, Gene Stroup, John Cowden, Will Boyes, Deb Luecken (ORD)
- Dan Birkett (R2)
- Brian Rehn (R3)
- Jeffrey Buss (R9)
- Peter Grevatt (OCHP)

*Teleconferencing is required for this meeting

Location: Bullet Room

Saturday, 10/1/2011

Sunday, 10/2/2011

Monday, 10/3/2011

08:00 AM-06:00 PM In-house AA Day
Location: Green Room

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:30 AM-10:45 AM Depart for White House
Location: Ariel Rios

11:00 AM-12:15 PM Cabinet Meeting
Ct: (b) (6)
Location: Cabinet Room, West Wing, White House

12:15 PM-12:30 PM Depart for Ariel Rios
Location: White House

12:30 PM-01:30 PM No Meetings
Location: Administrator's Office

01:00 PM-02:00 PM FYI Senior Staff
Location: Bullet Room

02:30 PM-04:00 PM HOLD: Phone Calls for Gulf Coast Task Force Report Roll -out
Seth Oster: 564.1918
Location: Administrator's Office

Tuesday, 10/4/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

11:00 AM-12:00 PM No Meetings
Location: Administrator's Office

12:00 PM-01:00 PM HOLD: Lunch with Michael Strautmanis at EPA
Ct: Liz Ashwell 564.1008
(b) (6)
Location: Administrator's Office

Wednesday, 10/5/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:00 AM-10:30 AM One on One with Cameron Davis
Ct: Ryan Robison - 202-564-2856

Staff:
Cameron Davis (By Phone) (GLTF)

*Aaron Dickerson will call Mr. Davis at (b) (6)

Optional:

Bob Perciasepe, Diane Thompson, Bob Sussman (OA)

Location: Administrator's Office

11:00 AM-11:45 AM Early Guidance Meeting for Perchlorate Drinking Water Regulation

Ct: Martha Workman - 202-564-3774

Staff:

Bob Perciasepe, Bob Sussman (OA)
Nancy Stoner, Michael Shapiro, Cynthia Dougherty, Pamela Barr, Eric Burneson,
Elizabeth Doyle, Daniel Olson (OW)
Scott Fulton (OGC)
Cynthia Giles (OECA)
Michael Goo (OP)
Paul Anastas (ORD)
Mathy Stanislaus (OSWER)
Peter Grevatt (OCHP)
Shawn Garvin (R9)
Dennis McLerran (R10)

Optional:

Diane Thompson, Janet Woodka (OA)

Location: Bullet Room

12:15 PM-12:30 PM Depart for Hart

Location: Ariel Rios

12:30 PM-01:00 PM Meeting with Senator Sherrod Brown (OH)

Ct: Jennifer Pasrson - jennifer_parsons@brown.senate.gov,

(b) (6)

Staff:

Arvin Ganesan (OCIR)

Location: Hart 713, US Senate

01:00 PM-01:15 PM Depart for Ariel Rios

Location: Hart

01:15 PM-02:15 PM No Meetings

Location: Administrator's Office

03:30 PM-05:00 PM Senior Policy Meeting

Location: Bullet Room

Thursday, 10/6/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

11:00 AM-11:30 AM HOLD - CFC Kick-off Event

Ct: Linda Zarow - 202-564-7431

Location: Ariel Rios Oval Courtyard (12th St)

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

03:00 PM-04:00 PM Options Selection Meeting for Final Mercury Air Toxics Standards (MATS) Rule

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)

Lisa Garcia (OEJ)

Gina McCarthy, Janet McCabe, Joe Goffman, Lorie Schmidt, Don Zinger, Kirsten

King, Steve Page, Peter Tsigotis (OAR)

Scott Fulton (OGC)

Michael Goo (OP)

Cynthia Giles (OECA)

Mathy Stanislaus (OSWER)

Nancy Stoner (OW)

Paul Anastas (ORD)

Optional:

Bob Sussman, Diane Thompson (OA)

Julius Banks; Gerain Perry (OECA)

Paul Versace, Marilyn Kuray (OGC)

Charlotte Bertrand, Lesley Schaaff, Nicole Owens (OP)

Stan Durkee, Bob Fegley (ORD)

John Sager, Gerain Perry (OSWER)

William Swietlik, Sandy Evalenko (OW)

Robert J. Wayland, Bill Maxwell, Ellen Kurlansky, Wanda Farrar, Tom Eagles (OAR)

Arvin Ganesan, Laura Vaught (OCIR)

Seth Oster (OEAE)

**Teleconferencing is required for this meeting

Location: Bullet Room

Friday, 10/7/2011

05:00 AM-08:00 PM HOLD

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

Saturday, 10/8/2011

05:00 AM-08:00 PM HOLD

Sunday, 10/9/2011

Monday, 10/10/2011

08:00 AM-06:00 PM **FYI: Columbus Day Holiday**

Tuesday, 10/11/2011

08:45 AM-09:15 AM **Daily Briefing**
Location: Administrator's Office

10:00 AM-10:30 AM **One on One with Lisa Garcia**
Ct: Andrea Dickerson 564-2349

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

11:00 AM-01:30 PM **HOLD: EPA/CEQ Joint Announcement for the Presidential Innovation Award**
Ct: Heidi Ellis 564-3019
Location: McKinley Technology High School 151 T St. NE

01:00 PM-02:00 PM **FYI Senior Staff**
Location: Bullet Room

*** END ***

01268-EPA-5758

**Bob
Perciasepe/DC/USEPA/US**
09/26/2011 08:05 PM

To "Richard Windsor", "Bob Sussman", "Gina (Sheila) McCarthy"
cc
bcc

Subject Fw: APNewsBreak: Perry urges Obama to halt air rules

I sent to Seth and co also

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c) (b) (6) Privacy

From: "Zichal, Heather R." [REDACTED] (b) (6)
Sent: 09/26/2011 07:45 PM AST
To: Bob Perciasepe
Subject: FW: APNewsBreak: Perry urges Obama to halt air rules

Ht Shin

http://www.boston.com/news/politics/articles/2011/09/26/apnewsbreak_perry_urges_obama_to_halt_air_rules/

APNewsBreak: Perry urges Obama to halt air rules

By April Castro
Associated Press / September 26, 2011

To:
Invalid E-mail address
Add a personal message:(80 character limit) Your E-mail:
Invalid E-mail address


Sending your article
Your article has been sent.



- E-mail
- Print

Text size

AUSTIN, Texas—Texas Gov. Rick Perry on Monday asked President Barack Obama to use his executive authority to prevent or delay implementation of stricter pollution standards, saying they will have an "immediate and devastating" effect on the state.

- [Tweet](#)
- [ShareThis](#)

The standards have stirred up Texas' largest energy companies, which say they don't have adequate time to meet the deadlines without shutting down plants and jeopardizing the reliability of Texas' electric grid. Implementation of the rules starts Jan. 1.

In the letter, obtained by The Associated Press, Perry said the implementation of the Cross State Air Pollution Rules will have an "immediate and devastating effect on Texas jobs, our economy and our ability to supply the electricity our citizens, schools and employers need."

Perry released the letter as he tries to shore up support among conservatives in his bid for the Republican presidential nomination.

The White House did not immediately have a comment on the letter.

The new clean air rules are designed to significantly reduce smog and soot pollution by requiring 27 states, including Texas, to decrease smokestack emissions. The new guidelines apply to sulfur dioxide and nitrogen oxide emissions, which mostly come from coal-fired plants.

Texas has 19 coal-fired power plants -- more than any other state -- and plans to build nine more. It is one of the few states still adding coal-fired plants and releases more air pollutants than any other state. Most other states are building generation plants that use sources other than coal, particularly natural gas.

On Sept. 12, Texas' largest electricity producer, Luminant, said it would shut down two coal-fired power units and lay off hundreds of workers if the new rules were enforced, even after the EPA offered to help the company meet the tougher standards.

"Mr. President, you have recently proclaimed that your administration is committed to creating jobs," Perry wrote. "These rules do not create jobs. They are a job killer in Texas, and they must be stopped."

Texas, faced with a growing population, few new energy sources and hot summers, has been vocal in its opposition to the regulations since they were announced in July. The state has asked a federal appeals court to review the rules.

Perry has used the new rules as fodder in his long-standing accusation that the EPA under Obama meddles in state affairs, lays down expensive regulations during tough economic times and is forcing companies to cut jobs to offset the cost of complying with environmental rules.■

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01268-EPA-5759

Noah Dubin/DC/USEPA/US

To

09/27/2011 05:45 PM

cc

bcc Richard Windsor

Subject 09/29/2011 thru 10/12/2011 Schedule for Lisa P. Jackson

*** Do not copy or forward this information ***

EPA Administrator

Lisa P. Jackson

Schedule

09/27/2011 05:43:59 PM

Thursday, 9/29/2011

08:00 AM-08:30 AM Coffee

Ct: Nathan Gentry - 202-564-9084

Reservation is under P. Jackson

Staff:

Paul Anastas (ORD)

Location: Cafe du Parc

1401 Pennsylvania Avenue N.W. Washington, D.C.

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

Location: Cafe du Parc

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

09:30 AM-11:00 AM HOLD: Regional Phone Calls re: American Jobs Act

Ct: Brendan Gilfillan 564.2081

9:30 - 10:30: TBD

10:30 - 11:00: Calls with African American groups

Location: Administrator's Office

11:00 AM-12:00 PM No Meetings

Location: Administrator's Office

12:00 PM-01:00 PM HOLD: Lunch at Central with Barb Bennett

Liz Ashwell 564.1008

02:00 PM-02:45 PM Options Selection: National Emission Standards for Hazardous Air Pollutants for Solid Waste Incinerators and Boiler MACT

Ct: Cindy Huang - 202-564-7314

Staff:

Bob Perciasepe, Bob Sussman, Dan Kanninen (OA)

Lisa Garcia (OEJ)

Gina McCarthy, Janet McCabe, Joseph Goffman, Lorie Schmidt, Don Zinger (OAR)

Scott Fulton, Avi Garbow (OGC)

Michael Goo (OP)

Cynthia Giles (OECA)
Mathy Stanislaus (OSWER)
Paul Anastas (ORD)
Dennis McLerran (R10)
Arvin Ganesan, Laura Vaught (OCIR)
Barbara Bennett (OCFO)

Optional:

Diane Thompson (OA)
Janet Woodka (Reg. Ops)
Robert Wayland, David Cozzie, Brian Shrager, Jim Eddinger, Toni Jones, Wanda Farrar, Tom Eagles (OAR)
Marilyn Kuray, Wendy Blake, Paul Versace (OGC)
Lesley Schaaff, OP ADP Calendar, Nicole Owens, Tom Gillis, Peter Nagelhout (OP)
Gerard Kraus, Gregory Fried, Sally Harmon (OECA)
Gerain Perry, George Faison (OSWER)
Bob Fegley, Stan Durkee, Andy Miller, Brian Gullett (ORD)
Heather Valdez, Andrea Schrock (R10)

**Teleconferencing is required for this briefing

Location: Bullet Room

03:00 PM-03:30 PM Meeting with League of United Latin American Citizens
Ct: Elena Segura - esegura@lulac.org

Attendees:

-Margaret Moran - LULAC National President
-Brent Wilkes - LULAC National Executive Director
-Roger Rocha - National Treasurer
-Manuel Escobar, Esq. - National Legal Advisor
-Mike Lopez - Chief of Staff
-Connie Martinez - National Secretary
-Rosa Rosales - Immediate Past National President

Staff:

Bicky Corman, John Frece (OP)
Raul Soto (OARM)
Cynthia Dougherty (OW)
Peter Grevatt (OCHP)

Optional:

Bob Perciasepe, Diane Thompson (OA)

Location: Bullet Room

05:00 PM-05:30 PM Meet with Elliott Laws
Ct: Ryan Robison - 202-564-2856
O'Tilia Hunter - 202-508-8961

Location: Administrator's Office

Friday, 9/30/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:00 AM-10:30 AM Personnel Meeting
Ct: Liz Ashwell or Diane Thompson
Location: Administrator's Office

Saturday, 10/1/2011

Sunday, 10/2/2011

Monday, 10/3/2011

08:00 AM-06:00 PM In-house AA Day
Location: Green Room

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

10:30 AM-10:45 AM Depart for White House
Location: Ariel Rios

11:00 AM-12:15 PM Cabinet Meeting
Ct: (b) (6)
Location: Cabinet Room, West Wing, White House

12:15 PM-12:30 PM Depart for Ariel Rios
Location: White House

12:30 PM-01:30 PM No Meetings
Location: Administrator's Office

01:00 PM-02:00 PM FYI Senior Staff
Location: Bullet Room

01:30 PM-02:15 PM HOLD for Dan Kanninen and Jose Lozano
Location: Administrator's Office

01:30 PM-02:30 PM HOLD - Google Science Fair Winners
Location: Administrator's Office

02:30 PM-04:00 PM HOLD: Phone Calls for Gulf Coast Task Force Report Roll -out
Seth Oster: 564.1918
Location: Administrator's Office

Tuesday, 10/4/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

10:30 AM-10:55 AM Prep for Discussion on Florida Nutrients

Ct: Don Maddox - 202-564-7207

Staff:

Bob Perciasepe, Bob Sussman (OA)
Nancy Stoner, Ellen Gilinsky, Ephraim King (OW)
Gwen Keyes-Fleming, Stan Meiburg, Jim Giattina (R4)
Scott Fulton, Avi Garbow (OGC)
Arvin Ganesan (OCIR)

Optional:

Diane Thompson (OA)

**Teleconferencing is required for this briefing

Location: Administrator's Office

10:55 AM-11:10 AM Discussion on Florida Nutrients

Ct: Don Maddox - 202-564-7207

Staff:

Bob Perciasepe, Bob Sussman (OA)
Nancy Stoner (OW)
Gwen Keyes-Fleming (R4)
Scott Fulton, Avi Garbow (OGC)
Arvin Ganesan or Laura Vaught (OCIR)

Optional:

Diane Thompson (OA)

**Teleconferencing is required for this briefing

Location: Administrator's Office

11:10 AM-12:00 PM No Meetings

Location: Administrator's Office

12:00 PM-01:00 PM HOLD: Lunch with Michael Strautmanis at EPA

Ct: Liz Ashwell 564.1008

(b) (6)

Location: Administrator's Office

Wednesday, 10/5/2011

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

10:00 AM-10:30 AM One on One with Cameron Davis

Ct: Ryan Robison - 202-564-2856

Staff:

Cameron Davis (By Phone) (GLTF)

*Aaron Dickerson will call Mr. Davis at (b) (6)

Optional:

Bob Perciasepe, Diane Thompson, Bob Sussman (OA)

Location: Administrator's Office

11:00 AM-11:45 AM Early Guidance Meeting for Perchlorate Drinking Water Regulation
Ct: Martha Workman - 202-564-3774

Staff:

Bob Perciasepe, Bob Sussman (OA)
Nancy Stoner, Michael Shapiro, Cynthia Dougherty, Pamela Barr, Eric Burneson,
Elizabeth Doyle, Daniel Olson (OW)
Scott Fulton (OGC)
Cynthia Giles (OECA)
Michael Goo (OP)
Paul Anastas (ORD)
Mathy Stanislaus (OSWER)
Peter Grevatt (OCHP)
Shawn Garvin (R9)
Dennis McLerran (R10)

Optional:

Diane Thompson, Janet Woodka (OA)
Location: Bullet Room

12:15 PM-12:30 PM Depart for Hart
Location: Ariel Rios

12:30 PM-01:00 PM Meeting with Senator Sherrod Brown (OH)
Ct: Jennifer Pasrson - jennifer_parsons@brown.senate.gov,
(b) (6)

Staff:

Arvin Ganesan (OCIR)

Location: Hart 713, US Senate

01:00 PM-01:15 PM Depart for Ariel Rios
Location: Hart

01:15 PM-02:15 PM No Meetings
Location: Administrator's Office

03:30 PM-05:00 PM Senior Policy Meeting
Location: Bullet Room

Thursday, 10/6/2011

08:45 AM-09:15 AM Daily Briefing
Location: Administrator's Office

11:00 AM-11:30 AM HOLD - CFC Kick-off Event

Ct: Linda Zarow - 202-564-7431

Location: Ariel Rios Oval Courtyard (12th St)

12:00 PM-01:00 PM No Meetings

Location: Administrator's Office

03:00 PM-04:00 PM Options Selection Meeting for Final Mercury Air Toxics Standards (MATS) Rule

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe (OA)

Lisa Garcia (OEJ)

Gina McCarthy, Janet McCabe, Joe Goffman, Lorie Schmidt, Don Zinger, Kirsten

King, Steve Page, Peter Tsirigotis (OAR)

Scott Fulton (OGC)

Michael Goo (OP)

Cynthia Giles (OECA)

Mathy Stanislaus (OSWER)

Nancy Stoner (OW)

Paul Anastas (ORD)

Optional:

Bob Sussman, Diane Thompson (OA)

Julius Banks; Gerain Perry (OECA)

Paul Versace, Marilyn Kuray (OGC)

Charlotte Bertrand, Lesley Schaaff, Nicole Owens (OP)

Stan Durkee, Bob Fegley (ORD)

John Sager, Gerain Perry (OSWER)

William Swietlik, Sandy Evalenko (OW)

Robert J. Wayland, Bill Maxwell, Ellen Kurlansky, Wanda Farrar, Tom Eagles (OAR)

Arvin Ganesan, Laura Vaught (OCIR)

Seth Oster (OEAE)

**Teleconferencing is required for this meeting

Location: Bullet Room

Friday, 10/7/2011

05:00 AM-08:00 PM HOLD

08:45 AM-09:15 AM Daily Briefing

Location: Administrator's Office

11:30 AM-12:30 PM No Meetings

Location: Administrator's Office

12:30 PM-01:30 PM HOLD: Lunch with Larry Lewis

Ct: Liz Ashwell 564.1008

(b) (6)

Saturday, 10/8/2011

05:00 AM-08:00 PM **HOLD**

Sunday, 10/9/2011

Monday, 10/10/2011

08:00 AM-06:00 PM **FYI: Columbus Day Holiday**

Tuesday, 10/11/2011

08:45 AM-09:15 AM **Daily Briefing**
Location: Administrator's Office

10:00 AM-10:30 AM **One on One with Lisa Garcia**
Ct: Andrea Dickerson 564-2349

Optional: Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

12:00 PM-01:00 PM **No Meetings**
Location: Administrator's Office

01:00 PM-02:00 PM **Senior Staff**
Location: Bullet Room

Wednesday, 10/12/2011

09:00 AM-10:00 PM **HOLD for Great Lakes Event**
Ct: Cam Davis
Location: Detroit, MI

03:30 PM-05:00 PM **FYI Senior Policy Meeting**
Location: Bullet Room

*** END ***

01268-EPA-5760

**Elizabeth
Ashwell/DC/USEPA/US**
09/27/2011 08:58 PM

To "Richard Windsor"
cc
bcc

Subject Fw: Call with Heather Zichal

I will arrange-let me know if you have addtl qs

Elizabeth Ashwell
Director, Scheduling & Advance
US EPA
Office: 202.564.1008
Mobile: 202.999.8116
Ashwell.Elizabeth@epa.gov

From: "Hernandez, Phil" [REDACTED] (b) (6)
Sent: 09/27/2011 08:12 PM AST
To: Elizabeth Ashwell
Subject: Call with Heather Zichal

Hi Elizabeth,

Can we set up a call with the Administrator and Heather Zichal sometime tomorrow? Right now, we've got 12-1pm and any time after 4:45pm open. Does that work for the Administrator?

Thanks!
Phil

Phil Hernandez
White House Domestic Policy Council
Energy & Climate Change I [REDACTED] (b) (6)

01268-EPA-5761

Richard Windsor/DC/USEPA/US
09/27/2011 08:59 PM

To Elizabeth Ashwell
cc
bcc
Subject Re: Call with Heather Zichal

Cool. Tx.

From: Elizabeth Ashwell
Sent: 09/27/2011 08:58 PM EDT
To: Richard Windsor
Subject: Fw: Call with Heather Zichal

I will arrange-let me know if you have addtl qs

Elizabeth Ashwell
Director, Scheduling & Advance
US EPA
Office: 202.564.1008
Mobile: 202.999.8116
Ashwell.Elizabeth@epa.gov

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Phil Hernandez
White House Domestic Policy Council
Energy & Climate Change I [REDACTED] (b) (6)

01268-EPA-5762

"Holdren, John P."

<[REDACTED] (b) (6)>

09/29/2011 10:30 AM

To Bob Perciasepe, Paul Anastas

cc

bcc

Subject OSTP analysis of EPA OIG complaint about endangerment finding

Bob, Paul –

Steve Fetter and I put together the attached and have shared it with the press/communications folks in the West Wing as well as with the other top advisors to the President with interests in these matters.

Cheers,
John

JOHN P. HOLDREN, PhD
Assistant to the President for Science and Technology
and Director, Office of Science and Technology Policy
Executive Office of the President of the United States

email [REDACTED] (b) (6)

direct phone [REDACTED] (b) (6)

assistant Karrie Pitzer [REDACTED] (b) (6), [REDACTED] (b) (6)

[REDACTED] Ex.5 - Deliberative

2011-09-29_OSTP Assessment of the EPA IG Report.doc

01268-EPA-5763

Richard Windsor/DC/USEPA/US
09/29/2011 11:00 AM

To "Holdren, John P."
cc
bcc

Subject Re: OSTP analysis of EPA OIG complaint about endangerment finding

Many thanks.

"Holdren, John P." Bob, Paul - Steve Fetter and I put to... 09/29/2011 10:31:35AM

From: "Holdren, John P." <(b) (6)>
To: Bob Perciasepe/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA
Date: 09/29/2011 10:31 AM
Subject: OSTP analysis of EPA OIG complaint about endangerment finding

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Assistant to the President for Science and Technology
and Director, Office of Science and Technology Policy
Executive Office of the President of the United States
email (b) (6)
direct phone (b) (6)
assistant Karrie Pitzer (b) (6), (b) (6)

Ex.5 - Deliberative

01268-EPA-5764

Richard Windsor/DC/USEPA/US
09/29/2011 11:01 AM

To Seth Oster, Brendan Gilfillan, Betsaida Alcantara
cc
bcc
Subject Fw: OSTP analysis of EPA OIG complaint about endangerment finding

Helpful.

----- Forwarded by Richard Windsor/DC/USEPA/US on 09/29/2011 11:00 AM -----

From: "Holdren, John P." <(b) (6)>
To: Bob Perciasepe/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA
Date: 09/29/2011 10:31 AM
Subject: OSTP analysis of EPA OIG complaint about endangerment finding

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Assistant to the President for Science and Technology
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Executive Office of the President of the United States
email (b) (6)
direct phone (b) (6)
assistant Karrie Pitzer (b) (6), (b) (6)

Ex.5 - Deliberative

2011-09-29_OSTP Assessment of the EPA IG Report.doc

01268-EPA-5765

"Zichal, Heather R."

<[REDACTED] (b) (6)>

.gov>

10/06/2011 03:45 PM

To Richard Windsor

cc

bcc

Subject FW: AP: House votes to delay controls on toxic pollution



http://hosted.ap.org/dynamic/stories/U/US_CONGRESS_TOXIC_AIR_POLLUTION?SITE=PAYOK&SECTION=HOME&TEMPLATE=DEFAULT

Oct 6, 2:18 PM EDT

House votes to delay controls on toxic pollution

By DINA CAPPIELLO
Associated Press

WASHINGTON (AP) -- The Republican-controlled House passed the first of two bills Thursday to delay rules to cut toxic air pollution and mercury from cement plants, solid waste incinerators and industrial boilers.

House Republicans repeatedly have targeted Environmental Protection Agency regulations that they view as job killers. The latest bills probably will stall in the Democratic-run Senate, even if some Democrats vote for them, and the White House has threatened to veto both measures.

The first bill, which the House passed by a 262-161 vote, would force the EPA to rewrite regulations designed to reduce pollution at about 150 cement plants nationwide. The measure also would extend by years the time that companies have to comply with the new regulations.

Of the plants covered by the rule, 103 are in Republican districts, according to an Associated Press analysis of EPA data. All but one of the chief sponsors of the bill has cement plants in his or her district.

Two of the sponsors, GOP Rep. Joe Barton of Texas and Democratic Rep. Dan Boren of Oklahoma, are in a three-way tie for the most cement plants in a district with six apiece.

House Majority Leader Eric Cantor, R-Va., said in statement that the bill's passage was a common-sense action to delay "EPA regulations that stand in the way of investment and growth." He said the legislation would make it easier for cement companies, already struggling because of reduced demand, "to succeed and create jobs again."

President Barack Obama challenged the Republicans' attacks on EPA as a job killer.

"They've said, 'We'll roll back regulations that make sure we've got clean air and clean water, eliminate the EPA'," Obama said at a news conference. "Does anybody really think that that is going to create jobs right now and meet the challenges of a global economy ... that is weakening, with all these forces coming into play?"

The two bills, along with one passed last week by the House, postpone for years pollution controls on toxic mercury emissions from the nation's three largest sources - coal-fired power plants, cement kilns, and industrial boilers. Mercury, a toxic metal, is a potent neurotoxin that can cause brain damage in children, even as they develop in the womb.

The cement plant and boiler bills would lower technology-based thresholds that industrial facilities would have to meet. Those facilities are now required to use "maximum achievable" pollution-control technology. The bills would force EPA to rewrite the rules to impose the "least burdensome" alternatives.

The EPA has significantly lowered the cost of the boiler rule and delayed it until April 2012 in response to criticism from industry groups. It proposed the rule only after a court rejected the agency's request for more time.

The regulation would require the installation of pollution controls for more than 13,000 large boilers, which burn coal and other fuels to generate steam and hot water for heat and electricity.

The Obama administration was forced to rewrite the rule after a federal court in 2007 threw out regulations drafted by the Bush administration.

The EPA on Thursday also announced technical adjustments to another regulation targeted by the House GOP that will relax emissions targets for nine states and for individual power plants in seven others that contribute to unhealthy air downwind. Last week, the House passed a bill that would nullify the regulation.

01268-EPA-5766

Richard Windsor/DC/USEPA/US
10/06/2011 04:28 PM

To "Zichal, Heather R."
cc
bcc

Subject Re: AP: House votes to delay controls on toxic pollution

Tx!

From: "Zichal, Heather R." [REDACTED] (b) (6)
Sent: 10/06/2011 03:45 PM AST
To: Richard Windsor
Subject: FW: AP: House votes to delay controls on toxic pollution



http://hosted.ap.org/dynamic/stories/U/US_CONGRESS_TOXIC_AIR_POLLUTION?SITE=PAYOK&SECTION=HOME&TEMPLATE=DEFAULT

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01268-EPA-5767

Richard Windsor/DC/USEPA/US
10/06/2011 04:29 PM

To "Brendan Gilfillan"
cc
bcc

Subject Fw: AP: House votes to delay controls on toxic pollution

Brendan,

Please note POTUS press conference remarks about clean air, clean water and EPA below. Happy to supply.

Lisa

From: "Zichal, Heather R." [REDACTED] (b) (6)
Sent: 10/06/2011 03:45 PM AST
To: Richard Windsor
Subject: FW: AP: House votes to delay controls on toxic pollution

☺

http://hosted.ap.org/dynamic/stories/U/US_CONGRESS_TOXIC_AIR_POLLUTION?SITE=PAYOK&SECTION=HOME&TEMPLATE=DEFAULT

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01268-EPA-5768

Richard Windsor/DC/USEPA/US
10/06/2011 05:07 PM

To "Seth Oster"
cc
bcc

Subject Fw: AP: House votes to delay controls on toxic pollution

Assume you've seen POTUS remarks.

From: "Zichal, Heather R." [REDACTED] (b) (6)
Sent: 10/06/2011 03:45 PM AST
To: Richard Windsor
Subject: FW: AP: House votes to delay controls on toxic pollution



http://hosted.ap.org/dynamic/stories/U/US_CONGRESS_TOXIC_AIR_POLLUTION?SITE=PAYOK&SECTION=HOME&TEMPLATE=DEFAULT

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01268-EPA-5769

Richard Windsor/DC/USEPA/US
10/06/2011 05:07 PM

To "Bob Sussman", "Bob Perciasepe", "Diane Thompson", "Michael Goo", "Scott Fulton", "Arvin Ganesan", "Laura Vaught"

cc

bcc

Subject Fw: AP: House votes to delay controls on toxic pollution

From: "Zichal, Heather R." [REDACTED] (b) (6)
Sent: 10/06/2011 03:45 PM AST
To: Richard Windsor
Subject: FW: AP: House votes to delay controls on toxic pollution



http://hosted.ap.org/dynamic/stories/U/US_CONGRESS_TOXIC_AIR_POLLUTION?SITE=PAYOK&SECTION=HOME&TEMPLATE=DEFAULT

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01268-EPA-5770

**Richard
Windsor/DC/USEPA/US**
10/06/2011 05:53 PM

To "Nancy Sutley"
cc
bcc
Subject Coal Ash -

Can we talk tonight? Tx.

01268-EPA-5771

"Sutley, Nancy H."

<[REDACTED] (b) (6)>

ov>

10/06/2011 06:14 PM

To Richard Windsor

cc

bcc

Subject Re: Coal Ash -

Sure - when?

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>

To: Sutley, Nancy H.

Sent: Thu Oct 06 17:53:20 2011

Subject: Coal Ash -

Can we talk tonight? Tx.

01268-EPA-5772

Richard Windsor/DC/USEPA/US
10/06/2011 06:15 PM

To "Sutley, Nancy H."
cc
bcc
Subject Re: Coal Ash -

At home (b) (6)
Or cell (b) (6)

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

From: "Sutley, Nancy H." [(b) (6)]
Sent: 10/06/2011 06:14 PM AST
To: Richard Windsor
Subject: Re: Coal Ash -

Sure - when?

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
To: Sutley, Nancy H.
Sent: Thu Oct 06 17:53:20 2011
Subject: Coal Ash -

Can we talk tonight? Tx.

01268-EPA-5773

"Sutley, Nancy H."
<[REDACTED] (b) (6)>
ov>
10/06/2011 07:06 PM
To Richard Windsor
cc
bcc
Subject Re: Coal Ash -

Just tried your cell. Call my cell when you can. [REDACTED] (b) (6) .

----- Original Message -----
From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
To: Sutley, Nancy H.
Sent: Thu Oct 06 18:15:15 2011
Subject: Re: Coal Ash -

At home [REDACTED] (b) (6)
Or cell [REDACTED]

----- Original Message -----
From: "Sutley, Nancy H." [REDACTED] (b) (6)
Sent: 10/06/2011 06:14 PM AST
To: Richard Windsor
Subject: Re: Coal Ash -

Sure - when?

----- Original Message -----
From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
To: Sutley, Nancy H.
Sent: Thu Oct 06 17:53:20 2011
Subject: Coal Ash -

Can we talk tonight? Tx.

01268-EPA-5774

Richard Windsor/DC/USEPA/US
10/06/2011 07:09 PM

To "Sutley, Nancy H."
cc
bcc
Subject Re: Coal Ash -

Give me 10. Sorry.

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

From: "Sutley, Nancy H." [REDACTED] (b) (6)
Sent: 10/06/2011 07:06 PM AST
To: Richard Windsor
Subject: Re: Coal Ash -

Just tried your cell. Call my cell when you can. [REDACTED] (b) (6) .

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
To: Sutley, Nancy H.
Sent: Thu Oct 06 18:15:15 2011
Subject: Re: Coal Ash -

At home 3015851564
Or cell 2025072052

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

From: "Sutley, Nancy H." [REDACTED] (b) (6)
Sent: 10/06/2011 06:14 PM AST
To: Richard Windsor
Subject: Re: Coal Ash -

Sure - when?

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

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
To: Sutley, Nancy H.
Sent: Thu Oct 06 17:53:20 2011
Subject: Coal Ash -

Can we talk tonight? Tx.

01268-EPA-5775

Richard Windsor/DC/USEPA/US
10/06/2011 07:40 PM

To "Nancy Sutley"
cc
bcc

Subject Fw: H.R. 2273 talking points

Fyi

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 10/06/2011 07:28 PM EDT
To: Richard Windsor
Subject: Fw: H.R. 2273 talking points

Just in case.

Sent from my Blackberry Wireless Device

Randy Deitz

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

From: Randy Deitz
Sent: 10/06/2011 07:20 PM EDT
To: Mathy Stanislaus; Lisa Feldt; Arvin Ganesan
Cc: Laura Vaught; Carolyn Levine; Matt Straus; Laurel Celeste
Subject: H.R. 2273 talking points

I adapted some of the text used in our technical assistance to draft some talking points which may be useful for tomorrow's meeting.


Ex.5 - Deliberative

CCR HEC bill talking points 10.6.11.docx

Randy Deitz
Attorney Advisor
U.S. EPA
Office of Solid Waste and Emergency Response (OSWER)
(202) 566-0197

01268-EPA-5776

Seth Oster/DC/USEPA/US

10/06/2011 07:59 PM

To Richard Windsor

cc

bcc

Subject Re: AP: House votes to delay controls on toxic pollution

Yup. We had the CFC event at the time. But I saw it after. Good, I guess.

From: Richard Windsor
Sent: 10/06/2011 05:07 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>
Subject: Fw: AP: House votes to delay controls on toxic pollution

Assume you've seen POTUS remarks.

From: "Zichal, Heather R." [REDACTED] (b) (6)
Sent: 10/06/2011 03:45 PM AST
To: Richard Windsor
Subject: FW: AP: House votes to delay controls on toxic pollution

☺

http://hosted.ap.org/dynamic/stories/U/US_CONGRESS_TOXIC_AIR_POLLUTION?SITE=PAYOK&SECTION=HOME&TEMPLATE=DEFAULT

Oct 6, 2:18 PM EDT

House votes to delay controls on toxic pollution

By DINA CAPPIELLO
Associated Press

WASHINGTON (AP) -- The Republican-controlled House passed the first of two bills Thursday to delay rules to cut toxic air pollution and mercury from cement plants, solid waste incinerators and industrial boilers.

House Republicans repeatedly have targeted Environmental Protection Agency regulations that they view as job killers. The latest bills probably will stall in the Democratic-run Senate, even if some Democrats vote for them, and the White House has threatened to veto both measures.

The first bill, which the House passed by a 262-161 vote, would force the EPA to rewrite regulations

designed to reduce pollution at about 150 cement plants nationwide. The measure also would extend by years the time that companies have to comply with the new regulations.

Of the plants covered by the rule, 103 are in Republican districts, according to an Associated Press analysis of EPA data. All but one of the chief sponsors of the bill has cement plants in his or her district.

Two of the sponsors, GOP Rep. Joe Barton of Texas and Democratic Rep. Dan Boren of Oklahoma, are in a three-way tie for the most cement plants in a district with six apiece.

House Majority Leader Eric Cantor, R-Va., said in statement that the bill's passage was a common-sense action to delay "EPA regulations that stand in the way of investment and growth." He said the legislation would make it easier for cement companies, already struggling because of reduced demand, "to succeed and create jobs again."

President Barack Obama challenged the Republicans' attacks on EPA as a job killer.

"They've said, 'We'll roll back regulations that make sure we've got clean air and clean water, eliminate the EPA'," Obama said at a news conference. "Does anybody really think that that is going to create jobs right now and meet the challenges of a global economy ... that is weakening, with all these forces coming into play?"

The two bills, along with one passed last week by the House, postpone for years pollution controls on toxic mercury emissions from the nation's three largest sources - coal-fired power plants, cement kilns, and industrial boilers. Mercury, a toxic metal, is a potent neurotoxin that can cause brain damage in children, even as they develop in the womb.

The cement plant and boiler bills would lower technology-based thresholds that industrial facilities would have to meet. Those facilities are now required to use "maximum achievable" pollution-control technology. The bills would force EPA to rewrite the rules to impose the "least burdensome" alternatives.

The EPA has significantly lowered the cost of the boiler rule and delayed it until April 2012 in response to criticism from industry groups. It proposed the rule only after a court rejected the agency's request for more time.

The regulation would require the installation of pollution controls for more than 13,000 large boilers, which burn coal and other fuels to generate steam and hot water for heat and electricity.

The Obama administration was forced to rewrite the rule after a federal court in 2007 threw out regulations drafted by the Bush administration.

The EPA on Thursday also announced technical adjustments to another regulation targeted by the House GOP that will relax emissions targets for nine states and for individual power plants in seven others that contribute to unhealthy air downwind. Last week, the House passed a bill that would nullify the regulation.

01268-EPA-5777

EPAExecSec

Sent by: (b) (6) Personal Privacy

10/12/2011 05:34 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch, Veronica Burley, Janet Woodka

cc

bcc

Subject Daily Reading File: October 12, 2011



Daily Reading File.10.12.11.pdf



Correspondence Management System

Control Number: AX-11-001-6883

Printing Date: October 12, 2011 10:59:51



Citizen Information

Citizen/Originator: **Lew, Jacob J**

Organization: Executive Office of the President, Office of Management and Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6883 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Sep 19, 2011 Received Date: Oct 12, 2011
 Addressee: Kay T. Hagan Addressee Org: Executive Office of the President,
 Office of Management and Budget

Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: DRF - EPA's proposed Maximum Achievable Control Technology rule for brick and structural clay processes under the Clean Air Act

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Oct 12, 2011



RECEIVED

2011 OCT 11 AM 11:09

OFFICE OF THE
EXECUTIVE SECRETARIAT

THE DIRECTOR

September 19, 2011

The Honorable Kay R. Hagan
United States Senate
Washington, DC 20510

Dear Senator Hagan:

Thank you for your letter regarding the Environmental Protection Agency's (EPA) proposed Maximum Achievable Control Technology (MACT) rule for brick and structural clay processes (Brick MACT) under the Clean Air Act (CAA).

In your letter, you provided information on various options that EPA has under the CAA in drafting the Brick MACT rule. We appreciate your discussing options such as the distinction between major and area sources, subcategorization, and the health threshold standard under CAA section 112(d)(4).

Your letter will be made a part of our record, and we understand that EPA has also provided a response to your letter. Thank you again for your interest in this matter and for taking the time to communicate your views. We will consider your comments when we review the draft proposed rule.

Sincerely,

Jacob J. Lew
Director

cc: The Honorable Lisa Jackson



Correspondence Management System

Control Number: AX-11-001-6884

Printing Date: October 12, 2011 12:39:47



Citizen Information

Citizen/Originator: Hatch, Peggy M

Organization: Louisiana Department of Environmental Quality
Address: Post Office Box 4301, Baton Rouge, LA 70821-4301

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6884 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: Oct 26, 2011 # of Extensions: 0
Letter Date: Sep 28, 2011 Received Date: Oct 11, 2011
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: LTR (Letter) Priority Code: Normal
Signature: DX-Direct Reply Signature Date: N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- While the Louisiana Department of Environmental Quality did not submit comments on the proposed National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production", I want to call your attention to several key issues.

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

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 12, 2011
Sabrina Hamilton	OAR	OAR-OAP	Oct 12, 2011

History

BOBBY JINDAL
GOVERNOR



DAILY READING FILE

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY

2011 OCT 11 AM 11:09

OFFICE OF THE
EXECUTIVE SECRETARIAT

September 28, 2011

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2403

Re: Proposed National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production

Dear Administrator Jackson:

As you are aware, EPA's "National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production" was proposed on May 20, 2011.¹ While the Louisiana Department of Environmental Quality (LDEQ) did not submit comments on the proposed rule, I want to call your attention to several key issues raised by others during the comment period.

The first issue concerns the methodology employed by EPA to set the proposed vinyl chloride limits for stripped resin. These limits were developed from data obtained using Method 8260B; however, this method consistently underreports the vinyl chloride concentration in the resin. Yet, under the proposed rule, the PVC and copolymers industry must demonstrate compliance using Method 107, which is more sensitive and accurate. Consequently, its use will yield sampling results that exceed the proposed limits. In fact, based on this issue alone, not a single facility in the dispersion resin and "all other resin" subcategories identified by EPA can meet the proposed vinyl chloride limits.

EPA should calculate vinyl chloride concentration limits for all subcategories using Method 107 data. Continued use of Method 8260B data would violate the Clean Air Act's mandate that maximum achievable control technology (MACT) standards be based on emission levels "achieved" by the best-performing sources.²

Further, EPA has the necessary data to do so. Four years (2007 – 2010) of daily residual vinyl chloride concentration averages from 15 facilities in the PVC and copolymers industry, collected, analyzed, and reported in accordance with 40 CFR 61 Subpart F – National Emission Standard for Vinyl Chloride, were submitted to the agency as comments on the proposed rule.³ This data reflects use of Method 107 and was certified at the agency's request.

¹ 76 FR 29528

² 42 U.S.C. 7412(d)(3)

³ <http://www.regulations.gov>, Document ID EPA-HQ-OAR-2002-0037-0146

The Honorable Lisa P. Jackson
Page 2

In addition, this data is more reflective of the emission levels actually achieved by the industry than the snapshot provided by the 30-day sampling data that EPA used to calculate the proposed vinyl chloride limits. Use of this information will satisfy the agency's obligation to use the best available data in setting the MACT floor for vinyl chloride, as it reflects actual operations over a multi-year period and avoids the need to apply statistical tools to estimate variability.

A second issue I would like to point out concerns what constitutes a new source. According to the proposed rule, a "new affected source" is an individual polyvinyl chloride and copolymers process unit (PVCPU) for which construction is commenced on or after May 20, 2011, regardless of the unit's potential to emit.⁴ However, other federal rules require a new unit to be a major source of hazardous air pollutants (HAP)⁵ in order to be considered a new source.

For example, according to the HON,⁶ if an additional chemical manufacturing process unit is added to an existing major source, the unit is considered a new source only if it would be a major source of HAP.⁷ A similar provision can also be found in the MON.⁸ In order to maintain consistency among MACT standards addressing chemical manufacturing facilities, EPA should consider a PVCPU added to an existing major source to be "new" only if it is a major source of HAP.

Finally, I urge you to reconsider the monitoring, testing, and sampling requirements set forth in the proposed rule, and only move forward with those requirements that are necessary to ensure compliance with the final emission limitations.

The maintenance of a healthful and safe environment for the people of Louisiana is a matter of critical concern, and LDEQ is an assertive proponent of a clean and healthy environment. Nonetheless, the Louisiana constitution does not establish environmental protection as an exclusive goal, but requires a balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social, and other factors.

LDEQ supports the development and promulgation of cost-effective MACT standards for the PVC and copolymer industry. The final rule, however, should be compliant with the mandates of the CAA; allow the PVC and copolymer industry to continue to produce the mix of products upon which its customers depend, both now and in the future; and allow Louisiana manufacturers to grow their businesses and compete in a global market. These objectives are fully consistent with President Obama's Executive Order entitled "Improving Regulation and Regulatory Review," which states our "regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation."⁹

⁴ 40 CFR 63.11870(c)

⁵ Per 40 CFR 63.2, a "major source" emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAP.

⁶ Hazardous Organic NESHAP: 40 CFR 63 Subparts F, G, H, & I – National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

⁷ 40 CFR 63.100(l)(1)(iii)

⁸ Miscellaneous Organic NESHAP: 40 CFR 63 Subpart FFFF – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing. See specifically 40 CFR 63.2440(c)(2).

⁹ Executive Order 13563 of January 18, 2011 (76 FR 3821, January 21, 2011)

The Honorable Lisa P. Jackson
Page 3

Should you have any questions concerning this correspondence, please contact Sam Phillips,
Assistant Secretary of the Office of Environmental Services, at (225) 219-3180.

Sincerely,

A handwritten signature in blue ink that reads "Peggy M. Hatch". The signature is written in a cursive style with a large initial "P" and "M".

Peggy M. Hatch
Secretary

PMH



Correspondence Management System

Control Number: AX-11-001-6893

Printing Date: October 12, 2011 11:06:31



Citizen Information

Citizen/Originator: Zeman, Christine

Organization: Office of Public Utilities
Address: 800 E Monroe Street Fl 4, Springfield, IL 62701

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6893 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Oct 5, 2011 Received Date: Oct 12, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: DRF - City Water, Light & Power's request for reconsideration/Cross-State Air Pollution Rule
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education
 R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Oct 12, 2011

Comments

Message Information

Date 10/05/2011 04:25 PM
From "Zeman, Christine" <Christine.Zeman@cwlp.com>
To LisaP Jackson/DC/USEPA/US@EPA
cc Gina McCarthy/DC/USEPA/US@EPA; Beth Craig/DC/USEPA/US@EPA; Sam Napolitano/DC/USEPA/US@EPA
Subject CWLP's request for reconsideration/CSAPR

Message Body

Dear Administrator Jackson,

Attached is a courtesy copy of CWLP's Petition for Reconsideration of its allocations for our new Dallman Unit 4 under the CSAPR, sent today by certified mail. We believe CWLP has a unique case for reconsideration of its allocation of allowances for Dallman Unit 4, given the operational issues during the shakedown and startup of this unit that impacted our allocation under the final methodology, and would appreciate USEPA's consideration of our unique position. Thank you for USEPA's consideration of CWLP's request for reconsideration.

Sincerely, Christine

Christine Zeman
Regulatory Affairs Manager, CWLP
800 East Monroe Street, MCE 4th floor
Springfield, IL 62757
217/789-2116 ext. 2628
217/789-2136 (fax)
christine.zeman@cwlp.com

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

From: CWLPGO355@intranet.cosnet.local
[mailto:CWLPGO355@intranet.cosnet.local]
Sent: Wednesday, October 05, 2011 3:50 PM
To: Zeman, Christine
Subject: Scanned image from AR-M355N

DEVICE NAME:
DEVICE MODEL: SHARP AR-M355N
LOCATION:

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 300dpi x 300dpi

Attached file is scanned image in PDF format.
This file can be read by Adobe Acrobat Reader.
The reader can be downloaded from the following URL:

<http://www.adobe.com/>

OFFICE OF THE
EXECUTIVE SECRETARIAT

2011 OCT -5 PM 2:39

RECEIVED



OFFICE OF PUBLIC UTILITIES
CITY OF SPRINGFIELD, ILLINOIS

J. MICHAEL HOUSTON, MAYOR

via Certified Mail
Return Receipt

October 5, 2011

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

Re: EPA-HQ-OAR-2009-0491
City of Springfield, Illinois, Office of Public Utilities
(d/b/a/ City Water, Light & Power)
Petition for Reconsideration and Stay of Cross-State Air Pollution Rule.

Dear Administrator Jackson:

The City of Springfield, Illinois, Office of Public Utilities, doing business as City Water, Light & Power (CWLP) writes to request reconsideration and an immediate administrative stay of the Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 Fed. Reg. 48,208 (Aug. 8, 2011) (the Cross-State Rule). CWLP outlines below why reconsideration and a stay of implementation is appropriate.

Of greatest significance to CWLP is EPA's method for allocating allowances to existing electric generating units (EGUs). CWLP operates six EGUs that are subject to the Cross-State Rule, and under the allocation method announced in the final Cross-State Rule, the newest and cleanest of CWLP's units (Dallman 4) is not allocated allowances that reflect its normal expected operations. Because this method appeared for the first time in the final rule and because Dallman 4 had not been allocated allowances as an existing unit under any of the proposed methods, it was impracticable for CWLP to challenge Dallman 4's allocation during the comment period. *See* 42 U.S.C. § 7602(d)(7)(B). CWLP therefore requests that EPA reconsider this aspect of the Cross-State Rule and further requests that EPA stay the rule's implementation during reconsideration and pending the issuance of a revised rule.

I. Background

CWLP is a not-for-profit, municipally-owned electric generation and transmission utility that provides power to approximately 70,000 customers, including the citizens and businesses of the Springfield community. In fiscal year 2010, CWLP sold a total of 2.7 million megawatt hours of power to wholesale and retail customers. CWLP owns and operates four (4) coal-fired units at its Dallman Power Plant — Dallman Units 31, 32, 33 and

The Honorable Lisa Jackson
October 5, 2011
Page 2

4. Each of those units is served by selective catalytic reduction (SCR) systems, and each has flue gas desulfurization (FGD) systems. CWLP began employing these emissions control technologies as early as 1980.¹ See Affidavit of Patrick J. Becker ¶ 4 (Ex. 1).

Dallman 4 is relatively new. It is a 200-MW (net) pulverized coal plant that employs the latest coal-fired technology and air quality control systems. On April 17, 2009, Dallman 4's boiler underwent first fire (for natural gas) and steam blow testing. On May 11, 2009, the unit was synchronized to the electrical grid (on natural gas) for the first time, operating at 13 MW. *Id.* at ¶ 6.

But Dallman 4 still has not operated in a manner that is representative of expected normal operations. Throughout 2009 and into 2010, Dallman 4 experienced a number of shakedown issues and thus did not achieve maximum operating load for many months in 2010. *Id.* at ¶¶ 6, 14. From June 2009 through December 2010, ordinary shakedown issues were compounded by problems with two circulating water pumps. *Id.* at ¶ 12. Dallman 4 is designed to operate with both of those pumps on line, but due to vibration issues in both pumps, it has only been able to operate with one pump. That has reduced Dallman 4's capacity factor to 63% in 2010. This problem led CWLP to request from Illinois EPA a 180-day extension of time to conduct stack testing for Dallman 4 as required by its PSD permit. *Id.* at ¶ 15. Illinois EPA granted that request. *Id.* at ¶ 16.

II. The Treatment of Dallman 4 Under the Proposed and Final Rules.

A. The Proposed Rule and EPA's September 2, 2010, Correction

As originally proposed on Aug. 2, 2010, the Cross-State Rule (then called the Clean Air Transport Rule (CATR))² would have allocated allowances based on a modeled prediction of industry decision-making in response to the rule. See 76 Fed. Reg. at 48,285-86. But the proposed unit-level allowance allocations that accompanied CATR contained several inaccuracies relating to CWLP. Among other things, EPA's inventory of affected units identified Dallman 4 twice — once as Dallman 4 and again as Dallman 34. And CATR did not identify the unit as either "existing" or "new". On September 1, 2010, EPA published a Notice of Data Availability (First NODA) that corrected the dual listing of Dallman 4, but still did not identify it as either a new or existing unit.

CWLP provided comments on both CATR and the First NODA on September 30, 2010. See Letter from Christine Zeman to Hon. Lisa P. Jackson (Sept. 30, 2010) (Ex. 2). CWLP identified the errors relating to CWLP units in CATR and expressed concern that EPA

¹ CWLP also owns an oil-fired unit that is not subject to this rule.

² See Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, 75 Fed. Reg. 45,210 (Aug. 2, 2010).

The Honorable Lisa Jackson
October 5, 2011
Page 3

was proposing the rule as a FIP: "By proposing a FIP, rather than a schedule that allows for State Implementation Plans, USEPA is short-changing state environmental agencies, sources like CWLP regulated by those state agencies, and the process developed under the Clean Air Act which accommodates public comment on issues of traditionally local concern." *Id.* at 3. CWLP also noted that the proposed implementation schedule was unreasonably compressed. *Id.*

B. EPA's January 7, 2011 Notice of Data Availability

On January 7, 2011, EPA issued another NODA (January 2011 NODA) that addressed unit-level allowance allocations and explained that EPA was considering two options for the allocation of allowances to existing units. Option 1 allocated allowances based on historic heat input. Option 2 also would allocate based on heat input, but would constrain each unit's allocations based on a reasonable projection of emissions. To project emissions, EPA would take the maximum emissions level during the baseline period and then would adjust that figure upward to reflect "a reasonable upper-bound capacity utilization factor." *See* 76 Fed. Reg. at 48,287. For reasons unexplained, Dallman 4 was treated as a new unit and therefore was not allocated allowances under either option.

CWLP commented on the January 2011 NODA on February 3, 2011. *See* Letter from Christine Zeman to Hon. Lisa P. Jackson (February 3, 2011) (Ex. 3). CWLP expressed support for Option 1, noting that Option 2 would penalize units that chose to invest early in control technologies and thus can be expected to have lower projected emissions.

C. New Allocation Method in Final Rule

In the final Cross-State Rule, EPA introduced for the first time a fourth option for allocating allowances to existing units. *See* 76 Fed. Reg. 48,288-90. Like Option 2, allocation would be based initially on heat input. But instead of constraining the allocation based on a reasonable projection of the unit's emissions at normal operations, the allocation would be limited by the highest level of emissions for that unit during the baseline period. In other words, under this new method, allocation would be constrained based solely on emissions that were not representative of normal operations, rather than a "reasonable upper-bound capacity utilization factor" for the facility.

This imposes a significant constraint on Dallman 4. Because 2010 is the only full year for which EPA could draw emissions data, and because Dallman 4's operations were limited during that year for the reasons described above, Dallman 4's "historic" emissions (i.e., emissions for 2010) are not representative of the emissions that CWLP expects from Dallman 4 in the future. Once the shakedown and other operation constraints are corrected on Dallman 4, CWLP expects it to be the first dispatched unit in CWLP's fleet, because it is the cleanest and most efficient to operate. CWLP expects Dallman 4 to achieve 90% capacity factor in 2012 as opposed to the 63% capacity factor it experienced in 2010.

The Honorable Lisa Jackson
 October 5, 2011
 Page 4

The following table shows the disparity between the final allocation for Dallman 4, the allocations under the various proposed methods, and the allowances that Dallman 4 needs to operate at levels expected for 2012:

Dallman 4
**Allocation of Allowances Under Various Methods and
 Allowances Needed to Operate As Expected in 2012**

	Annual SO2 (2012)	Annual NOx (2012)	Seasonal NOx (2012)
CATR Method ³	1,487	333	145
Option 1 from January 2011 NODA ⁴	2,271	448	206
Option 2 from Second NODA ⁵	[unknown]	[unknown]	[unknown]
Final Allocation ⁶	692	315	139
Allowances to cover expected emissions ⁷	993	447	186

Had CWLP been afforded the opportunity to comment,⁸ CWLP would have offered two alternatives that would avoid short-changing new units. First, for newer existing units —

³ See Technical Support Document (TSD) for the Transport Rule - State Budgets, Unit Allocations, and Unit Emissions Rates, EPA-HQ-OAR-2009-0491-0057 (Aug. 2, 2010). The allocation figures are those listed for "Dallman 34."

⁴ As explained above, Dallman 4 was not allocated allowances in the second NODA. The allocation reflected under Option 1 is drawn from the data supporting the allocation under the final rule.

⁵ See Updated Alternative Allocation Tables and Underlying Data, EPA-HQ-OAR-2009-0491-3875 (Jan. 10, 2011).

⁶ See Final Transport Rule Unit Level Allocations Under the FIP, EPA-HQ-OAR-2009-0491-4400 (July 11, 2011).

⁷ See Becker Aff ¶ 17.

⁸ As explained above, the final allocation method was not articulated in either CATR or the Second NODA. And none of EPA's allocation methods actually allocated allowances

The Honorable Lisa Jackson
October 5, 2011
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Nonattainment New Source Review NSR: Aggregation, 75 Fed. Reg. 27,643 (May 18, 2010); Final Rule, Amendments of Final Rule To Postpone Requirements, 61 Fed. Reg. 28,508 (June 5, 1996) (staying rules to prevent facilities from incurring "compliance expenditures . . . which may prove unnecessary in light of the projected amendments"); Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Burning of Hazardous Waste In Boilers and Industrial Furnaces, 56 Fed. Reg. 42,874 (Sept. 5, 1991).

CWLP therefore respectfully requests that EPA stay implementation of the Cross-State Rule indefinitely while it reconsiders its approach to allocating allowances.

V. Conclusion

Given the impending effective date of the Cross-State Rule, we are anxious to speak with you about this request as soon as possible. We will contact you immediately to arrange for a call or a meeting to discuss these important issues. In the meantime, please feel free to call me at (217) 789-2116 ext. 2628.

Sincerely,



Christine Zeman
Regulatory (Affairs) Manager

Encs.



Correspondence Management System

Control Number: AX-11-001-6894

Printing Date: October 12, 2011 09:32:34



Citizen Information

Citizen/Originator: Yost, Paul A

Organization: National Association of Manufacturers
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Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6894 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: Oct 26, 2011 # of Extensions: 0
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Signature: AA-OAR-Assistant Administrator Signature Date: N/A
- OAR

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

Subject: Daily Reading File- The National Association of Manufacturers respectfully requests that the US EPA reconsider and Immediately stay the compliance deadline and effective date of EPA's final rule Interstate Transport of Fine Particulate Matter

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

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Oct 12, 2011	Oct 26, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



Paul A. Yost
Vice President
Energy and Resources Policy

October 5, 2011

Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
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Washington, DC 20460
(jackson.lisa@epa.gov)

Assistant Administrator Gina McCarthy
U.S. Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building
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Re: Petition for Reconsideration and Stay of EPA's Final Rule: Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Aug. 8, 2011) (Docket No. EPA-HQ-OAR-2009-0491)

Dear Administrator Jackson and Assistant Administrator McCarthy:

The National Association of Manufacturers (Manufacturers) respectfully requests that the U.S. Environmental Protection Agency (EPA) reconsider and immediately stay the compliance deadline and effective date of EPA's Final Rule titled: Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (Aug. 8, 2011) (Docket No. EPA-HQ-OAR-2009-0491) (Final Transport Rule). Manufacturers make this request pursuant to Clean Air Act (CAA) Section 307, 42 U.S.C. § 7607, and Section 705 of the Administrative Procedure Act (APA), 5 U.S.C. § 705.

Manufacturers are the largest industrial trade association in the United States, representing over 11,000 small, medium and large manufacturers in all 50 states. Manufacturers are the leading voice in Washington, DC for the manufacturing economy, which provides millions of high wage jobs in the United States and generates more than \$1.6 trillion in GDP. In addition, eighty percent of our members are small businesses, which serve as the engine for job growth. Manufacturers' mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth. While we support environmental regulations designed to provide real net benefits to the environment and public health, we consistently oppose regulations that create adverse economic impacts and that are not in compliance with the underlying law.

Leading Innovation. Creating Opportunity. Pursuing Progress.

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As context for these comments, it is important to consider that manufacturers are attempting to fully recover from the steepest economic downturn since the 1930s and bring back the 2.2 million high-wage jobs lost in recent years. At the same time, our member companies are confronting an avalanche of additional rules and regulations from EPA. Manufacturers strongly urge federal policy makers to create conditions that will lead to economic expansion and not stifle the industrial and manufacturing vitality necessary to create jobs and technologies that will continue to improve the nation's air quality. Imposing additional costs on the manufacturing sector will not accomplish any of these objectives. As discussed below, the Final Transport Rule will harm manufacturers by raising electricity rates and reducing the reliability of the electric grid.

I. RECONSIDERATION IS WARRANTED

Reconsideration is warranted for several reasons, all of which have been expressed by others in their petitions and are summarized below:¹

- **EPA made significant changes to the rule and the underlying modeling and data used to establish the rule.** EPA did not provide sufficient notice or opportunity to comment on these changes. As the Office of Management and Budget's (OMB) report on interagency review noted, the Final Transport Rule is a "significantly different rule than originally proposed." Given the scope and number of these changes, OMB reported a concern that it is "unclear if states and affected facilities will be prepared for a January 1, 2012 start date."
- **The state budgets in the Final Transport Rule are significantly different from those in the proposed rule.** As is the case with the changed modeling and data that underlie the budgets, EPA did not provide adequate notice or an opportunity to comment on these changed budgets. These significantly reduced budgets will likely increase electricity prices, to the detriment of manufacturers.
- **EPA is requiring emissions reductions for some states that are more than what is necessary to address those states' alleged "significant contribution" to EPA's hypothetical downwind nonattainment.** EPA does not have the statutory authority to require such reductions, as EPA can only require a state to eliminate the "amount" of emissions that "contribute significantly" to downwind nonattainment but cannot require anything more. See *North Carolina v. EPA*, 331 F.3d 896, 921 (D.C. Cir.

¹ See, e.g., petitions for reconsideration filed by Luminant Generation Company LLC and its affiliates (filed August 5, 2011), the State of Texas (filed September 9, 2011), GenOn Energy, Inc. (filed September 13, 2011), Wisconsin Public Service Corporation (filed September 13, 2011) and the operating companies of the American Electric Power System (filed October 3, 2011). Manufacturers agree with and incorporate those petitions and urge EPA to grant the relief they request.

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2008) (“[S]ection 110(a)(2)(D)(i)(I) gives EPA no authority to force an upwind state to share the burden of reducing other upwind states’ emissions.”).

- **EPA’s Final Transport Rule is based on flawed data and assumptions that were not adequately subject to vetting through notice and comment.** For example, EPA included in its modeling the availability of some natural gas-fueled electric generating units that have been mothballed, retired or even demolished. Further the rule appears to assume that some facilities will be using environmental controls as of January 1, 2012 that are not currently installed and that would take years to permit and install.
- **EPA relied on Federal Implementation Plans (FIPs) that violate the CAA.** The Clean Air Act requires that states get the first chance to address nonattainment problems and only thereafter can EPA step in and issue a FIP. EPA ignored that process, preemptively issuing FIPs and thereby violating the CAA and the federal-state partnership that Congress required.
- **EPA’s last-minute decision to include Texas in the list of states required to address downwind effects related to fine particulate matter was issued without providing fair notice and opportunity to comment.** This decision was an abrupt about-face from EPA’s conclusion less than a year ago that Texas emissions have no significant downwind effect on other states. It also is inconsistent with the air monitoring data that shows that the location where Texas is allegedly impacting is already actually in air-quality attainment. Requiring Texas to cut its sulfur dioxide emissions by half and greatly reduce nitrogen oxides emissions in less than five months is unreasonable and will place the state and its electricity generators in an untenable position. It will force them to close facilities and scale back electricity generation, likely resulting in higher electricity prices and reduced electricity reliability for manufacturers.

EPA made a number of fundamental and unforeseeable changes to the scope and basis for the Final Transport Rule without giving stakeholders fair notice and the opportunity to comment. Thus, EPA *must* grant reconsideration, as Section 307(d)(7)(B) of the CAA requires EPA to do so when “it was impracticable to raise [an] objection [during the period for public comment] or if the grounds for such objection arose after the period for public comment ... and if such objection is of central relevance to the outcome of the rule.” 42 U.S.C. § 7607(d)(7)(B).

Further, EPA should grant reconsideration and fix the rule, since the changes to the rule are not a “logical outgrowth” of the proposed rules. *Env’tl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005) (stating that “[t]he test is whether a new round

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of notice and comment would provide the first opportunity for interested parties to offer comments that could persuade the agency to modify its rule"). Interested parties should not have to "divine the agency's unspoken thoughts," nor should the final rule be "surprisingly distant" from the Agency's proposal. *Id.* (citations omitted). Because the Final Transport Rule fails all of these tests, EPA must grant reconsideration and should stay implementation of the rule.

According to Reginfo.gov, on October 3, 2011 EPA submitted a proposal to revise the Final Transport Rule to the Office of Management and Budget (OMB) for interagency review. This raises further uncertainty regarding a rule that has a compliance date pending in less than three months. Finalizing such a rule even at this stage only reinforces the need to grant a stay given the limited compliance window.

II. EPA HAS AUTHORITY TO GRANT A STAY

As discussed below and in the already-filed administrative petitions for reconsideration and D.C. Circuit motions to stay² the Final Transport Rule, manufacturers and others face irreparable harm if the rule is not stayed. A showing of irreparable harm is not necessary, however, as EPA has broad authority and discretion to stay the effectiveness of rules promulgated under the CAA under both Section 307 of the CAA and Section 705 of the APA. The criteria that EPA must apply are significantly less stringent than the criteria generally used by the courts, because a demonstration of irreparable harm is not mandatory.³

- First, CAA Section 307(d)(7)(B) provides that EPA may grant a stay if the Agency has decided to reconsider a rule. See 42 U.S.C. § 7607(d)(7)(B).⁴ No other criteria or conditions are imposed on the Agency's authority to issue a stay.

² A number of petitions for review have already been filed in the United States Court of Appeals for the District of Columbia Circuit and multiple parties have moved to stay the Final Transport Rule.

³ Nothing in the CAA requires a showing of irreparable harm in order to justify an administrative stay; instead, all that is required are proper grounds for reconsideration. The APA deliberately contrasts what is required for an administrative stay ("justice so requires") and a judicial stay ("conditions as may be required" and "irreparable harm"). 5 U.S.C. § 705. Such differences must be given effect, and therefore there is no irreparable harm requirement for an administrative stay under the APA either.

⁴ CAA § 7607(d)(7)(B) provides, in relevant part:

If the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed. ... The effectiveness of the rule may be stayed during such reconsideration, however, by the Administrator or the court for a period not to exceed three months.

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- Second, "when justice so requires," EPA may stay the effective date of a CAA rule pending judicial review, under Section 705 the APA, 5 U.S.C. § 705.⁵ See, e.g., Final Rule, Amendments of Final Rule To Postpone Requirements, 61 Fed. Reg. 28,508 (June 5, 1996).

Thus, the only express condition imposed on EPA's authority to grant a stay under CAA § 307 is that the Agency must have decided to reconsider the rule. APA § 705 is similarly broad, authorizing EPA to issue a stay: (1) if judicial review is pending; and (2) when "justice so requires." Of course, EPA also has the fundamental obligation to engage in reasoned decision making and must not make arbitrary and capricious determinations. All of these criteria leave EPA with considerable authority to stay the rules – especially under the current circumstances.

III. ABSENT A STAY, MANUFACTURERS WILL BE HARMED

A stay of the Final Transport Rule is clearly warranted, as Manufacturers and others will be irreparably harmed if electricity generators are forced to comply with the rules' provisions come January 1, 2012. The harms include:

- **Increased electricity prices.** Because the Final Transport Rule is likely to result in decreased electricity generation, it is likely to drive up electricity prices. As every manufacturer requires electricity and the Final Transport Rule applies to more than half of the states, the rule will impact many of Manufacturers' members, although some energy intensive manufacturing sectors may be disproportionately impacted. Several utility companies have already announced they will shut down facilities as a result of this rule and its associated costs. Further, increased energy costs directly impact manufacturers and their ability to retain and create jobs. Any increase in a fundamental business cost is likely to endanger the economy's fragile ability to climb out of the recent recession and for manufacturers to be able to drive that recovery.
- **Decreased electric reliability.** Some areas of the country are likely to see decreased electric grid reliability as a result of the Final Transport Rule. This will harm the manufacturing sector in those areas, as blackouts do more harm than just causing temporary shutdowns while the power is out. They can also require longer periods of downtime while delicate instruments are recalibrated. In addition, unexpected blackouts can harm manufacturing equipment. This creates

⁵ APA § Section 705 reads:

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

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disincentives for industries to locate or stay in the areas being impacted by the Final Transport Rule, potentially encouraging those industries to relocate to other countries.

- **Impacts to utilities.** Manufacturers' members include a number of utilities that will be harmed by the Final Transport Rule. They will be forced by the rule to shut down facilities, lay off workers and pay more for crucial supplies.

In order to prevent significant harm to the manufacturing sector and to ensure that the Final Transport Rule is based on the best information and complies with the CAA, EPA should reconsider the Final Transport Rule and stay the rule pending reconsideration.

Sincerely,



Paul A. Yost
Vice President
Energy and Resources Policy

cc: Ms. Meg Victor
Clean Air Markets Division, Office of Atmospheric Programs
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1200 Pennsylvania Avenue, N.W.
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Ms. Sonja Rodman
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Correspondence Management System

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Citizen Information

Citizen/Originator: Shortell, Verne

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Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

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 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File- NRG Energy, Inc requests that EPA reconsider certain narrow aspects of the Cross State Air Pollution Rule

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education
 OP - Office of Policy
 R2 - Region 2 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Control Created	Oct 12, 2011
(b) (6) Privacy	OEX	Forward control to OAR	Oct 12, 2011



NRG Energy, Inc.
211 Carnegie Center
Princeton, NJ 08540

October 6, 2011

BY ELECTRONIC MAIL & CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Ms. Lisa P. Jackson
Office of the Administrator (MC-1101A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Room 3000, Ariel Rios Building
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2009-0491
NRG Energy Inc.'s Petition for Reconsideration of the Cross-State Air Pollution Rule

Dear Administrator Jackson:

Attached please find NRG Energy, Inc.'s *Petition for Reconsideration of "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals,"* 76 Fed. Reg. 45,210 (Aug. 8, 2011), Docket No. EPA-HQ-OAR-2009-0491)

Thank you for your assistance. If you have any questions or desire additional information, please contact me at verne.shortell@nrgenergy.com or (609) 524-4983.

Respectfully yours,

A handwritten signature in blue ink that reads "Verne Shortell".

Verne Shortell
Executive Director – Environmental Business
NRG Energy, Inc.

EXECUTIVE SECRETARIAT

2011 OCT 11 PM 12:45

RECEIVED

October 6, 2011

Lisa P. Jackson
Office of the Administrator
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**NRG Energy, Inc.'s Petition for Reconsideration of
Federal Implementation Plans: Interstate Transport of
Fine Particulate Matter and Ozone and Correction of SIP Approvals
76 Fed. Reg. 45,210 (Aug. 8, 2011)
Docket ID: EPA-HQ-OAR-2009-0491**

NRG Energy, Inc. ("NRG") requests that EPA reconsider certain narrow aspects of the Cross State Air Pollution Rule ("CSAPR") and make necessary corrections to the IPM modeling through the appropriate regulatory action.¹ NRG Energy, Inc. owns and operates one of the country's largest and most diverse power generation portfolios including over 16,000 MWs subject to the CSAPR. These facilities are located primarily in deregulated markets in the Northeast and Texas, and the regulated market of Louisiana.

Section 307(d)(7)(B) of the federal Clean Air Act ("CAA") provides for EPA reconsideration of a CAA rule upon objection by a petitioner. See 42 U.S.C.

¹ NRG is aware of the technical adjustments released on October 6, 2011 but requests a reconsideration out of caution because the proposed corrections are not final.

§ 7607(d)(7)(B). Reconsideration is appropriate when the objection raised by the petitioner was impracticable to raise during the public comment period or the grounds for the objection arise after the public comment period, if the objections are of central relevance to the outcome of the rule. *See id.*

This petition for reconsideration addresses corrections to the IPM modeling results and technical support documents as they relate to NRG's plants and associated state budgets.

New York and Texas

During last year's public comment period, NRG provided comments on CSAPR as it was first proposed, and NRG followed with comments on two subsequent Notices of Data Availability related to CSAPR.² With these earlier comments, particularly those in Document No. EPA-HQ-OAR-2009-0491-3792 (October 15, 2011), NRG provided corrections to information in EPA's NEEDS database as it relates to the pollution controls installed on the NRG generating units and the capabilities of that equipment. Since CSAPR was issued in final form on July 6, 2011, NRG has reviewed EPA's IPM modeling and technical support documents and found several new necessary corrections pertaining to our New York and Texas coal plants that have first surfaced with the issuance of the final rule. As a result, it was impracticable for NRG to have offered these corrections with its earlier comments, and they are appropriate for reconsideration now.

Page 8 of the technical support document, "Significant Contribution and State Emissions Budget" provides:

Modeling of the Transport Rule also showed scrubbers operating in 2012 and in 2014 on units at Dunkirk and at Huntley in New York. However, public comments showed that these units operate dry sorbent injection, not scrubbers, which would yield a lower SO₂ removal than what was modeled at those units. As a result, EPA made technical corrections to the 2012 and 2014 SO₂ budgets in New York to reflect a revised SO₂ removal rate at those units consistent with the technology reported by commenters for those units. Therefore, the corrected 2012 and 2014 budgets in New York now reflect operation of the controls reported by commenters at the affected units.

However, the IPM results suggest that the New York state budget was not adjusted to reflect NRG's October 15, 2010 comment concerning the appropriate control technology. Because this discrepancy reflects an apparent error in EPA's response to comments, it is appropriate for reconsideration at this time.

Additionally, NRG petitions for correction of the following items:

² NRG's earlier comments can be found in the rulemaking docket at entries no. EPA-HQ-OAR-2009-0491-2749, EPA-HQ-OAR-2009-0491-3793, and EPA-HQ-OAR-2009-0491-3933.

1. New York: Huntley Units 67 and 68 and Dunkirk Units 3 and 4 burn a 0.8 lb/mmbtu SO₂ content coal. The existing DSI is capable of an average removal rate of 50%. The IPM base case has Dunkirk and Huntley SO₂ emissions equal to 16,807 tons. The IPM remedy case has Dunkirk and Huntley SO₂ emissions equal to 2,631 tons, suggesting a SO₂ removal rate of 84% removal efficiency, which is too efficient for dry sorbent injection. Therefore, the SO₂ rate should be modeled as a 0.4 lb/mmbtu in 2012 and 0.24 lb/mmbtu in 2014.
2. New York: For NO_x, Dunkirk Units 3 and 4 are equipped with SNCRs, which can achieve an average removal rate of 25%. In 2012 and 2014, EPA should model 0.15 lb/mmbtu NO_x rate, not 0.10 lb/mmbtu in 2012 or 0.07 in 2014, which suggest an SCR and 50% removal efficiency. These corrections should be applied in both the IPM 2012 and 2014 Remedy files as well as the base case files.
3. New York: EPA should align the assumed VOM to the existing SNCRs and DSI on all units at Huntley and Dunkirk. The current EPA modeling assumes wet scrubbers on Huntley 67 and 68 and Dunkirk 3 and 4 and SCRs on Dunkirk 3 and 4.
4. Texas: NRG's Limestone Units 1 and 2 are equipped with low-NO_x burners, though the retrofit technology for Unit 1 is listed as an SCR in the IPM 2012 and 2014 remedy files. Furthermore, both Units 1 and 2 are modeled with a NO_x emission rate of 0.16 lb/mmbtu in 2012 and 2014, which underestimates the current emission rate of approximately 0.20 lb/mmbtu.
5. Texas: W.A. Parish Unit 6 burns 0.8 lb/mmbtu SO₂ content coal. The SO₂ emission rate is modeled in 2012 and 2014 as 0.06 lb/mmbtu, suggesting over 90% removal efficiency achievable with a wet scrubber. The unit does not have a scrubber, and there are no current plans to add a scrubber. The SO₂ rate should be modeled as 0.8 lb/mmbtu in both 2012 and 2014. The control assumption should be corrected in EPA's IPM 2012 and 2014 remedy files and the 2012 and 2014 base case files.

NRG has also provided tables in Attachment 1 that illustrate the requested corrections to the IPM 2012 and 2014 remedy files. The above-listed corrections are appropriate for reconsideration because they relate to EPA's final IPM modeling and technical support data that are used to determine state budgets. Because this information was only associated with the final rule, the grounds for NRG's objections in this Petition for Reconsideration arose after the public comment period.

Louisiana

In addition, NRG believes that the IPM model did not adequately address transmission constraints in the Entergy Region of SERC. NRG did not comment on this issue during the comment period because the proposed state budget was 21,220 tons and in line with the 2009 overall state ozone season NO_x emissions of 20,891 tons. Because the state budget included in the proposed rule was reduced by 37% in the final rule, the

grounds for NRG's objections arose after the public comment period. As a result, it was impracticable for NRG to have raised this issue as part of its earlier comments, and they are appropriate for reconsideration now.

Notably, the U.S. Department of Energy (DOE), in its 2009 National Electric Transmission Congestion Study, recognized that the Entergy Region had the highest firm MWhs curtailed when Transmission Loading Relief (TLRs) were instituted to reduce line loading to address a potential or actual security limit violation on the transmission system.³ As stated by the DOE, the Entergy region contains a number of significant transmission constraints that limit electricity flows, including in Louisiana.⁴ Because the EPA's IPM model assumed economic dispatch without considering transmission constraints that would impact such dispatch, the modeling fails to take into account two unavoidable and important realities of the Entergy region: (1) that units with higher NO_x emission rates may have to run to address reliability concerns; and (2) transmission constraints limit the state's ability to import out-of-state power to levels that are far below those assumed in the modeling.

Without consideration of transmission constraints, EPA models the state budget for ozone season NO_x in Louisiana as unrealistically low (44% off 2010 emissions with no new scheduled control equipment), forcing the state to trigger the assurance provisions in CSAPR. This, in turn, contributes to the fact that individual facilities are at serious risk to trigger the assurance provisions due to the state's likely exceedance. For example, NRG's generation in Louisiana, owned and operated by its subsidiary Louisiana Generating LLC (LaGen), triggers the variability provisions. Further, based on the EPA 2012 remedy file, LaGen's Big Cajun I and II plants, and NRG Bayou Cove, are predicted to emit 5,346 tons of ozone season NO_x in 2012. These emissions are significantly greater than NRG's Louisiana allowance allocation of 2,885 tons and variability limit of 3,491 tons. Thus, modeling with consideration of transmission constraints would more realistically estimate the state's emissions and prevent individual facilities from automatically triggering the assurance provisions.

The State regulatory bodies in the Entergy footprint are each represented on the Entergy Regional State Committee ("ERSC").⁵ At each quarterly meeting of the ERSC, the Southwest Power Pool, as the Entergy Independent Coordinator of Transmission, reports on the amount of transmission congestion in the Entergy region. The existence of transmission constraints in Louisiana is well documented and should be considered in development of the Louisiana state budget. In Attachment 2, NRG is providing two

³ U.S. Department of Energy, National Electric Transmission Congestion Study, 2009, at pp. 34-36.

⁴ Id. at p. 61-62. The DOE stated: "The Entergy region contains a number of significant transmission constraints that limit electricity flows, as evidenced by the high number of TLRs mentioned in Section 4.3.2 above. By design, these TLRs interrupt non-firm transactions (primarily from independent power producers and merchant generators) and firm transmission (often from merchant generators). The number of TLRs in Louisiana has increased since 2006. Although the Department's 2006 study speculated that historic congestion levels in the state would go down because of lower load following Hurricane Katrina in 2005, in fact the opposite has occurred."

⁵ The ERSC is composed of one representative from the Texas PUC, the Louisiana PSC, the Mississippi PSC, the Arkansas PSC and the City Council of New Orleans.

documents presented at the August 25, 2011 ERSC meeting to indicate the nature and severity of transmission constraints in the Entergy region including Louisiana: 4a-portion of ERSC Metrics 2011-06 and 5-Entergy Stakeholder Policy Committee Update. The EPA should consider these transmission constraints to more accurately reflect the supply of electricity that must be generated in Louisiana, the emissions that will result from that generation and the additional allowances that should be granted in the final state budget.

NRG requests that EPA make the corrections discussed in this petition through appropriate regulatory action. In closing, we recognize the effort of EPA to resolve the problem of interstate transport of emissions and petition for reconsideration of these limited issues to ensure EPA's modeling is accurate.



Correspondence Management System

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Citizen Information

Citizen/Originator: Pasheilich, Gary L.

Organization: Ohio Attorney General, Environmental Enforcement Section
Address: 30 E. Broad Street, 15th Floor, Columbus, OH 43215

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6921 Alternate Number: 1Z4748332210016204
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Oct 5, 2011 Received Date: Oct 12, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: DRF - Petition for Reconsideration and Stay of Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (76 Fed. Reg. 48208)

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education
 OGC - Office of General Counsel -- Immediate Office
 R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Oct 12, 2011



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

October 5, 2011

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Assistant Administrator Gina McCarthy
U.S. Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building, Mail Code: 6101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RECEIVED
2011 OCT 11 AM 8:56
OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: *Petition for Reconsideration and Stay of Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals* (76 Fed. Reg. 48208)

Dear Administrator Jackson and Assistant Administrator McCarthy:

Enclosed please the State of Ohio's Petition for Reconsideration and Stay of the final issuance of the Cross-State Air Pollution Rule, as published in the Federal Register on August 8, 2011. The State of Ohio, by and through its Attorney General, and on behalf of the Director of Environmental Protection and the Public Utilities Commission of Ohio, hereby petitions for reconsideration and stay of the rule, pursuant to 5 U.S.C. § 705 and 42 U.S.C. § 7607(d)(7)(B), that U.S. EPA may consider Ohio's objections and concerns, as fully described in the enclosed petition.

Very truly yours,

Gary L. Pasheilich
Assistant Attorney General

Enclosures

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re: :
: **EPA Docket No.**
Federal Implementation Plans: :
Interstate Transport of Fine Particulate : **EPA-HQ-OAR-2009-0491**
Matter and Ozone and Correction :
of SIP Approvals (76 Fed. Reg. 48208) :

PETITION FOR RECONSIDERATION AND STAY

Pursuant to 5 U.S.C. § 705 and 42 U.S.C. § 7607(d)(7)(B), the State of Ohio, by and through its Attorney General, and on behalf of the Director of Environmental Protection and the Public Utilities Commission of Ohio, hereby petitions the Administrator to reconsider and stay the final rule of the United States Environmental Protection Agency entitled, *Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals*. 76 Fed. Reg. 48208 (August 8, 2011) (“Final Rule”).

Introduction

On July 6, 2010, U.S. EPA issued its proposed rule, entitled *Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone*, 75 Fed. Reg. 45210 (August 2, 2010) (“Proposed Rule”), to address the interstate transport of emissions of nitrogen oxides (“NO_x”) and sulfur dioxide (“SO₂”) that contribute to harmful levels of fine particulate matter (“PM_{2.5}”) and ozone in downwind states. The Proposed Rule established significant NO_x and SO₂ reductions for Ohio, as well as an extremely aggressive timeline for implementation. The Proposed Rule required that public comments be received by October 1, 2010. Accordingly, Ohio EPA

and the Public Utilities Commission of Ohio separately submitted comments and concerns to the Administrator on October 1, 2010.

The primary concern of both agencies focused on the extremely tight implementation schedule and significant reductions called for under the rule. U.S. EPA's inflexible schedule arbitrarily adhered to the 2014 attainment schedule under the *Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO[X] SIP Call*, 70 FR 25162 (May 12, 2005) ("CAIR"), despite no judicial mandate for as stringent a timeline as specified in the Final Rule. U.S. EPA also failed to adequately consider the overwhelming burdens placed upon a state like Ohio. In general, the "one size fits all" approach being proposed by U.S. EPA lacked adequate technical support, failed to effectively communicate to the states its basis for many of the core assumptions, and ignored the practical reality of what Ohio and the industries residing in Ohio would face in attempting to meet U.S. EPA's unreasonable implementation schedule. Given the brief timeline and U.S. EPA's lack of clarity as to its methodology, it was unclear to Ohio EPA what portion of the called-for reductions were realistic and achievable for the Ohio plants regulated by the Proposed Rule, and Ohio EPA was not provided adequate time to properly analyze these questions.

As difficult as circumstances were under the Proposed Rule, the situation is now exacerbated by the issuance of the Final Rule on August 8, 2011. U.S. EPA magnified Ohio's burden by requiring additional and unanticipated SO₂ reductions beyond the Proposed Rule by approximately 33% for 2012, despite Ohio's serious and well-

supported concerns in meeting the requirements of the Proposed Rule.¹ U.S. EPA exponentially compounded these issues under the Final Rule by failing to articulate the basis for how it concluded that these additional reductions would be achievable and by adhering to the original CAIR deadlines set in 2005. Inexplicably, determinations that U.S. EPA claimed to be sound under the Proposed Rule were directly contradicted and superseded in the Final Rule. Ohio EPA does not believe these drastic reductions are achievable under the Final Rule based upon its current analysis.

Of equally great concern to Ohio, U.S. EPA has issued the Final Rule with its 33% additional reductions outside of the public comment period, stripping Ohio of its ability to formally engage in a dialogue with U.S. EPA about its concerns or U.S. EPA's reasons for the dramatic increased reductions beyond those of the Proposed Rule.²

Accordingly, Ohio requests that the Administrator convene a reconsideration proceeding and grant an immediate stay of the Final Rule so that Ohio is provided an adequate opportunity to comment on the Final Rule. Because the Final Rule fails to acknowledge the concerns that Ohio raised in its October 1, 2010 public comments, Ohio incorporates by reference those comments to the extent they remain unaddressed by the Final Rule. The requests for reconsideration and an immediate stay will focus on the implications raised by U.S. EPA's changes to the Proposed Rule.

¹ The Office of Management and Budget's ("OMB") report on interagency review observed that U.S. EPA has produced a "significantly different rule than originally proposed" given the additional changes, threatening the ability of regulated sources to meet the strict deadlines in the rule: "It is unclear if states and affected facilities will be prepared for a January 1, 2012 start date, especially given other changes that EPA is making in the draft final rule. For instance, modeling results used in the final rule are substantially different than those in the original August 2, 2010 Proposed Rule and subsequent notices. Six (6) States are being dropped from the proposed rule; Texas is being added; 3 States have their SO₂ Group status change; and the sheer magnitude of change to the budgets of all of the states results in a significantly different rule than originally proposed." *Summary of Interagency Working Comments on Draft Language under EO 12866 Interagency Review* ("OMB Summary of Interagency Working Comments"), Document EPAHQ-OAR-2009-0491-4133 at 11 (posted July 11, 2011).

² Ohio EPA reserves the right to provide additional analysis pending its further review of the Final Rule.



Correspondence Management System

Control Number: AX-11-001-6954

Printing Date: October 12, 2011 04:59:52



Citizen Information

Citizen/Originator: Garcia, Indira G

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Mull, Stephen D

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-6954 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Oct 7, 2011 **Received Date:** Oct 12, 2011
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: EML (E-Mail) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: DRF - Requirement for all USG Personnel Under Chief Mission Authority to Complete Diplomatic Security's IFIT and Procedures to Request a Waiver to the Requirement
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OARM - OARM -- Immediate Office
OEAE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OITA	Oct 12, 2011

History



Memo from Department of State Exec Sec Stephen D. Mull: Requirement for all USG Personnel Under Chief of Mission Authority to Complete Diplomatic Security's IFIT and Procedures to Request a Waiver to the Requirement - S/ES No. 201118040

Garcia, Indira G to: NSCExecSec, CIA_exec, DOCExecSec, 10/07/2011 03:01 PM
USDAExecSec, william.davidson,
thomas.r.hale, DEExecSec, DOEEExecSec,

From: "Garcia, Indira G" <GarcialG@state.gov>
To: <NSCExecSec@nsc.eop.gov>, <CIA_exec@ucia.gov>, <DOCExecSec@doc.gov>,
<USDAExecSec@usda.gov>, <william.davidson@pentagon.af.mil>,
<thomas.r.hale@uscg.mil>, <DEExecSec@usdoj.gov>, <DOEEExecSec@hq.doe.gov>,

UNCLASSIFIED

MEMORANDUM

SUBJECT: Requirement for all U.S. Government Personnel Under Chief of Mission Authority to Complete Diplomatic Security's Iraq Field Immersion Training (IFIT) and Procedures to Request a Waiver to the Requirement

<<201118040-.pdf>>

Stephen D. Mull

Executive Secretary

UNCLASSIFIED

 - 201118040-.pdf



United States Department of State

Washington, D.C. 20520

www.state.govUNCLASSIFIED

October 6, 2011

**MEMORANDUM FOR ALL DEPARTMENT AND AGENCY
EXECUTIVE SECRETARIES****SUBJECT: Requirement for all U.S. Government Personnel Under Chief of Mission Authority to Complete Diplomatic Security's Iraq Field Immersion Training (IFIT) and Procedures to Request a Waiver to the Requirement**

This memorandum updates mandatory training requirements for all U.S. government personnel under Chief of Mission (COM) authority in Iraq. Under current guidance, issued in 2004, all COM personnel assigned to Iraq are required to take Iraq Familiarization (FT610) and Iraq Foreign Affairs Counter Threat Course (OT610), and those assigned in Iraq but outside Baghdad are required to take Iraq Field Orientation (AR420). FSI no longer offers the Iraq Field Orientation course (AR420). Instead, in collaboration with NEA/I and FSI, the Bureau of Diplomatic Security (DS) has created a new two-day security course, Iraq Field Immersion Training (IFIT) (OT620), which will be required of all COM personnel assigned to Iraq, not just for those serving outside Baghdad. The change reflects the new security arrangements in Iraq, in which DS will have responsibility for the security of COM personnel. In addition, personnel under COM authority traveling to Iraq are required to take all three courses if they are in temporary duty status for more than 29 days cumulatively in any rolling 365-day period. U.S. direct hire, U.S. government TDY Locally Engaged Staff (LES) and U.S. government Third Country National (TCN/LES) employees being assigned to Post for 30 days or longer between now and January 29th, 2012 will be required to take the course during this time period on a space available basis, with priority given to those assigned for a period of one year or longer. Civilians currently deployed in Iraq will not be required to return to the United States to take this new training.

For uniformed military personnel in Iraq who will serve under COM authority, DoD standard pre-deployment training will satisfy and certify this requirement.

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- 2 -

The Iraq Familiarization course (FT610) is a pre-requisite for the new IFIT course (OT620). Because segments of the Iraq Familiarization course feed directly into IFIT, it is strongly recommended that students register for OT620 to begin in the week following FT610.

Personnel who have taken the Iraq Familiarization course (FT610) or Counter Threat Course (OT610) within the past five years will not be required to repeat these courses, but they will be required to take the new Iraq Field Immersion Training (OT620), since the IFIT course directly supports changes now taking place in the U.S. presence in Iraq. Those required to take the IFIT course include TCN/LES staff, even if they have served in Iraq within the last five years. Because IFIT is a mandatory training requirement, the Department will review IFIT periodically in light of the prevailing threat environment in Iraq as well as the availability of appropriate training personnel, resources, and facilities.

Some agencies have inquired about waivers to this requirement or a self-certification policy. The Department strongly discourages such requests, since the training is critical to the security of our employees in Iraq. All waiver requests should come from the agency's Chief Human Capital Officer and should be addressed in writing to the Director General of the Foreign Service, who will render a decision after reviewing the requests with the Bureau of Diplomatic Security, the Foreign Service Institute, and the Bureau of Near Eastern Affairs.



Stephen D. Mull
Executive Secretary

Attachment:

List of addressees.

UNCLASSIFIED



Correspondence Management System

Control Number: AX-11-001-7007

Printing Date: October 12, 2011 04:03:19



Citizen Information

Citizen/Originator: Clark, Cynthia

Organization: United States Department of Agriculture, National Agricultural Statistics Service

Address: 1400 Independence Avenue, SW, Room 5041-A South Building, Washington, DC 20250-2001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7007

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 3, 2011

Received Date: Oct 12, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: DRF - National Agricultural Statistics Service suspension of the fall 2011 Post Harvest Chemical Use Survey for the corn crop

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO
OCFO - OCFO -- Immediate Office
OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OCSP	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OCSP	Oct 12, 2011



United States Department of Agriculture
National Agricultural Statistics Service
Office of the Administrator



October 3, 2011

Ms. Lisa P. Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

EXECUTIVE SECRETARIAT

OFFICE OF THE

2011 OCT 12 AM 9:59

REPORT ID

Dear Lisa:

The U.S. Department of Agriculture's National Agricultural Statistics Service (NASS), like all Federal agencies, is facing a challenging time. Moving forward, we face important choices as a country regarding the funding and operation of our government. I am writing to inform you that as a result of a deliberate review, NASS has suspended the fall 2011 Post Harvest Chemical Use Survey for the corn crop and, therefore, will not conduct the 2011 fall survey.

NASS leadership conducted a deliberate review of all programs against mission- and user-based criteria, aimed at finding cost savings and forward-thinking business efficiencies so that timely, accurate and useful data remains available in service to agriculture. To announce the program suspension, NASS has submitted a Federal Register notice, available at <http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-24968.pdf>

Monitoring agricultural chemical use is important. NASS will continue to collect chemical use data for a variety of field and specialty crops through the Agricultural Resource Management Survey, the Fruit and Vegetable Chemical Use Survey and the every-five-year Census of Agriculture. In addition, USDA's Agricultural Marketing Service conducts its Pesticide Data Program.

In our efforts to move forward amid budget challenges and efforts to stabilize the long-term financial health of the country, USDA is committed to building a better and stronger Department, and recognizes the timely, accurate and useful data NASS will continue to provide in service to agriculture. Should you have any questions, please feel free to contact me at 202-720-2707 or cynthia_clark@nass.usda.gov or my Chief of Staff, Brad Summa, at 202-720-5141 or brad_summa@nass.usda.gov.

Sincerely,

Cynthia Clark
Administrator

and appeal under 36 CFR 215. The timeframe for comment on a proposed action shall be based on the date of publication of the legal notice of the proposed action in the newspapers of record identified in this notice. The timeframe for appeal under 36 CFR 215 shall be based on the date of publication of the legal notice of the decision in the newspaper of record identified in this notice.

The newspapers to be used for giving notice of Forest Service decisions in the Alaska Region are as follows:

Alaska Regional Office

Decisions of the Alaska Regional Forester: Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska; and the Anchorage Daily News, published daily in Anchorage, Alaska.

Chugach National Forest

Decisions of the Forest Supervisor and the Glacier and Seward District Rangers: Anchorage Daily News, published daily in Anchorage, Alaska.

Decisions of the Cordova District Ranger: Cordova Times, published weekly in Cordova, Alaska.

Tongass National Forest

Decisions of the Forest Supervisor and the Craig, Ketchikan/Misty, and Thorne Bay District Rangers: Ketchikan Daily News, published daily except Sundays and official holidays in Ketchikan, Alaska.

Decisions of the Admiralty Island National Monument Ranger, the Juneau District Ranger, the Hoonah District Ranger, and the Yakutat District Ranger: Juneau Empire, published daily except

Saturday and official holidays in Juneau, Alaska.

Decisions of the Petersburg District Ranger: Petersburg Pilot, published weekly in Petersburg, Alaska.

Decisions of the Sitka District Ranger: Daily Sitka Sentinel, published daily except Saturday, Sunday, and official holidays in Sitka, Alaska.

Decisions of the Wrangell District Ranger: Wrangell Sentinel, published weekly in Wrangell, Alaska.

Supplemental notices may be published in any newspaper, but the timeframe for making comments or filing appeals will be calculated based upon the date that notices are published in the newspapers of record listed in this notice.

Dated: September 1, 2011.

Beth G. Pendleton,

Regional Forester.

[FR Doc. 2011-24489 Filed 9-27-11; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Suspend the Postharvest Chemical Use Survey and All Associated Reports

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice of suspension of data collection and publication.

SUMMARY: This notice announces the intention of the National Agricultural Statistics Service (NASS) to suspend a currently approved information collection, the 2011 Postharvest

Chemical Use Survey, and its associated publication.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Reilly, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-4333, or through the NASS OMB Clearance Officer at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Postharvest Chemical Use Survey.

OMB Control Number: 0535-0218.

Expiration Date of Approval: December 31, 2011.

Type of Request: To suspend a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to conduct surveys in order to prepare national, State, and county estimates of crop and livestock production, disposition, prices, and collect information on related environmental and economic factors. The Postharvest Chemical Use Survey is a part of the NASS chemical use program. This survey is used to collect and publish data on pesticide usage on selected crops after harvesting has been completed. The summarized data is available to other government agencies as well as the public. The surveys contain questions relating to the types of pesticides that are applied to selected crops after harvesting, how the chemicals are applied, when they are applied and how much was applied. Additional pest management practices are also studied. This information can be used when making decisions on food and worker safety issues.

COMMODITIES THAT WERE TARGETED DURING THE PAST 10 YEARS

Year	Crop(s)	Year	Crop(s)
2011	Corn ¹	2006	Oats and Potatoes.
2010	Wheat	2005	Peanuts.
2009	None ²	2004	Oranges.
2008	None ²	2003	Corn and Soybeans.
2007	None ²	2002	Apples and Pears.

¹ Corn, is scheduled for 2011, but the survey will be suspended due to budget cuts.

² In 2007, 2008 and 2009 the Postharvest Chemical Use survey was suspended due to budget cuts.

NASS will suspend this information collection as of September 28, 2011 due to budget constraints. Also, NASS will not publish a Postharvest Chemical Use report in the Spring of 2012 unless there is a change in the anticipated budget shortfall.

Authority: These data were collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by

Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: There will be no further public reporting burden for this collection of information.

Signed at Washington, DC, August 31, 2011.

Joseph T. Reilly,

Associate Administrator.

[FR Doc. 2011-24968 Filed 9-27-11; 8:45 am]

BILLING CODE 3410-20-P



Correspondence Management System

Control Number: AX-11-001-7012

Printing Date: October 12, 2011 03:56:34



Citizen Information

Citizen/Originator: **Ballard, Bill**

Organization: CBS42

Address: 2075 Golden Crest Drive, P.O. Box 59496, Birmingham, AL 35259

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7012

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Oct 4, 2011

Received Date: Oct 12, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- The citizens we serve want answers to two questions. How far and wide is the contamination? Are the illnesses related to the emissions coming from nearby plants?

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Linda Huffman - OECA
Michelle Crews - OSWER
OAR - Office of Air and Radiation -- Immediate Office
OEAE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
OSWER - OSWER -- Immediate Office
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	R4	Oct 12, 2011



RECEIVED
2011 OCT 12 AM 9:59

OFFICE OF THE
EXECUTIVE SECRETARIAT

October 4, 2011

Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Bill Ballard
President and
General Manager

Dear Ms. Jackson:

I am in receipt of your letter dated September 21, 2011.

Thank you for your prompt response and for your comments regarding CBS 42's documentary *Deadly Deception*. Since the documentary aired on August 7, 2011, we have received hundreds of requests for DVD's of the program. In addition, our website www.cbs42.com, tracked thousands of page views on the *Deadly Deception* link. When an environmental special can generate such an outpouring of interest, it has obviously struck a chord with the citizens of our community.

We appreciate that both you and Ms. Keyes-Fleming inherited this situation. Recently there does seem to be more action from the EPA, but the men, women and children who have long awaited answers are understandably impatient. To this day many families still have not been given a definitive answer regarding the cause of illnesses that have stricken their families. That situation, coupled with the fact that the EPA has been investigating these issues since 1989, has led to a high level of frustration in the community.

The citizens we serve want answers to two questions. First, how far and wide is the contamination in the air and soil? Second, are the rampant illnesses prevalent in the elderly and children of these communities related to the emissions coming from the nearby plants? No agency, to our knowledge, has performed a study to confirm or deny that assertion despite the obvious need.

In December of this year, CBS 42 plans to air a follow up to the *Deadly Deception* documentary. We look forward to highlighting the progress the EPA has made on this matter.

Sincerely,



Bill Ballard

cc: Gwendolyn Keyes Fleming
Region 4 Administrator



Correspondence Management System

Control Number: AX-11-001-7017

Printing Date: October 12, 2011 05:01:26



Citizen Information

Citizen/Originator: Orgbon, Charles

Organization: Greening Forward
Address: 3430 Enclave Mill Court, Dacula, GA 30019

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-11-001-7017 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Oct 4, 2011 Received Date: Oct 12, 2011
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: DRF - Thank you to the Administrator for letter of appreciation and congratulations on acceptance of PARADE's All-America High School Service Team; Would like to discuss how EPA can become more involved in Greening Forward

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: Noah Dubin - OEX
 OP - Office of Policy
 R4 - Region 4 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

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

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OEAE	Oct 12, 2011

History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OEAE	Oct 12, 2011



RECEIVED

2011 OCT 12 AM 9:58

OFFICE OF THE
EXECUTIVE SECRETARIAT

Administrator Lisa P. Jackson
United States Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460-0003

Dear Administrator Jackson,

Few have the opportunity to be singled-out by one of the most heroic people of the world. Administrator Jackson, thank you for your heart-felt letter of appreciation and congratulations on my acceptance of *PARADE*'s All-America High School Service Team. I have admired your leadership on a number of environmental issues since you took office as the Administrator of the EPA. In fact, I have come to think of your job as my future dream job, thus, making your letter even more special.

I find your leadership on our nation's environmental issues inspirational. I appreciate your efforts on expanding the national conversation on the reality of environmental injustice. I find one of your priorities regarding building tribal and state partnerships very interesting and underpublicized. Greening Forward has worked with the Colville Confederate Tribe in Washington by helping low-income senior citizens weatherize their homes in time for the fall season.

Therefore, I would love to discuss more with you about ways that either you or your staff could become more involved in Greening Forward. If given the opportunity, I would like to share Greening Forward's opportunity for potential board members. I am confident someone in your network of 18,000 environmentally-concerned professionals will find interest in the opportunity to advise our youth-led organization. More information on the opportunity can be found at www.greeningforward.org → Governance → Board of Directors.

Again, thanks for your time and consideration. Your letter alone continues to brighten my days. Please take much care and accept my best wishes. Feel free to contact me at (404) 916-8228 or corgbon@greeningforward.org at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Orgbon III". The signature is fluid and cursive, with a small "III" at the end.

Charles Orgbon III
CEO, Greening Forward
Student, Mill Creek High School
3430 Enclave Mill Court
Dacula, Georgia 30019



Correspondence Management System

Control Number: AX-11-001-7051

Printing Date: October 12, 2011 04:59:36



Citizen Information

Citizen/Originator: Jones, Elizabeth A.

Organization: Railroad Commission of Texas
Address: 1701 North Congree Avenue Post Office Box 12967, Austin, TX
78711-2967

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

Control Information

Control Number: AX-11-001-7051 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: Oct 26, 2011 # of Extensions: 0
Letter Date: Oct 11, 2011 Received Date: Oct 12, 2011
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: LTR (Letter) Priority Code: Normal
Signature: DX-Direct Reply Signature Date: N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File- Railroad Commission of Texas has several concerns related to the implementation of the U.S. Environmental Protection Agency's hydraulic fracturing study.
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	ORD	Oct 12, 2011	Oct 26, 2011	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

ELIZABETH AMES JONES, CHAIRMAN
DAVID PORTER, COMMISSIONER
BARRY T. SMITHMAN, COMMISSIONER



RAILROAD COMMISSION OF TEXAS

October 11, 2011

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

Dear Administrator Jackson,

The Railroad Commission of Texas has several concerns related to the implementation of the U.S. Environmental Protection Agency's hydraulic fracturing study.

Specifically, the Commission insists top priority be given to conducting this study using factual research and best scientific practices. The Commission also urges the EPA to understand there may be potential causes of contamination under RRC jurisdiction at exploration and production sites that are completely unrelated to hydraulic fracturing. Finally, the EPA should remember that in the 1980s it awarded primary enforcement responsibility over Texas' oil and gas injection and disposal wells to the Commission. The Commission's Underground Injection Control Program follows national guidelines under the Safe Drinking Water Act and received funding and equipment for implementation from the EPA. It is inappropriate for the EPA to attempt to overreach its authority by undermining the Commission's UIC program.

The Commission is concerned portions of EPA's hydraulic fracturing study will not be an accurate review of the shale drilling and exploration activities in Texas because the sites sampled were not selected based on science or fact, but rather on complaints of contamination from unsatisfied landowners. RRC concern regarding the EPA's lack of factual scientific research is justified given their misguided emergency order issued against Range Resources in Dec. 2010. In that case, the Commission conducted a thorough investigation, one in which the EPA chose not to participate, and found scientific evidence that clearly demonstrated hydraulic fracturing activities did not contribute to contamination of any domestic water wells.

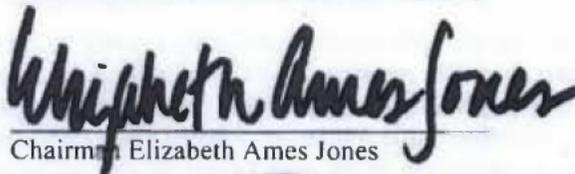
In conducting the hydraulic fracturing study, the EPA must bear in mind that a variety of factors, including surface spills, improperly drilled water wells or insufficient cement casings, have been known to result in communication between gas fields and water wells. However, those incidents are not a result of hydraulic fracturing. The EPA should conduct a study that adequately reflects the scope of hydraulic fracturing in Texas and that does not connect unrelated incidents in a way that would compromise scientific methodology.

The Barnett Shale extends over 24 counties and contains over 15,000 gas wells, more than 3,000 actively permitted gas wells, 180 commercial disposal wells, and over 20,000 water wells. Despite all this activity and a 60-year history in Texas, there has never been a documented case connecting hydraulic fracturing to groundwater pollution.

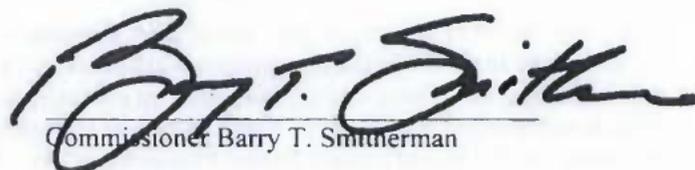
The Commission is the state's primary regulatory agency over Texas' oil and gas industry, exclusively responsible for the prevention and abatement of pollution of surface and subsurface water from oil and gas exploration and production activities, including hydraulic fracturing. If the EPA knows landowners are aware of contaminants on their sites but have not filed a complaint with the Commission, that information must be shared in order to ensure safety and address groundwater concerns. Unfortunately, the EPA continues to demonstrate irresponsible and heavy-handed federal overreach by unnecessarily expanding a national hydraulic fracturing evaluation into an isolated complaint investigation that includes properties never before brought to the state's attention.

As the EPA moves ahead with sampling for its hydraulic fracturing study, the Commission urges the agency to conduct a survey based in science and fact. It is imperative the EPA distinguishes between the practice of hydraulic fracturing and unrelated groundwater concerns. Finally, the Commission must be made aware of contaminants on landowner sites in order to ensure public safety and environmental protection. We place a high value on carrying out our enforcement responsibilities and proper administration of the Underground Injection Control Program. It is not the role of the EPA to withhold pertinent information and jeopardize the citizens of Texas.

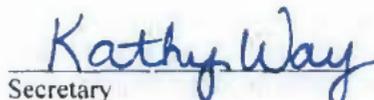
RAILROAD COMMISSION OF TEXAS


Chairman Elizabeth Ames Jones


Commissioner David Porter


Commissioner Barry T. Smitherman

ATTEST:


Secretary

01268-EPA-5778

**Barbara
Bennett/DC/USEPA/US**
10/13/2011 12:51 PM

To Richard Windsor, Bob Perciasepe, Arvin Ganesan, Laura
Vaught, Seth Oster

cc

bcc

Subject Fw: Administration Views and priorities

Just received the communication below from OMB.

Ex.5 - Deliberative

[Redacted]

Barbara J. Bennett
Chief Financial Officer
U.S. EPA
202-564-1151

----- Forwarded by Barbara Bennett/DC/USEPA/US on 10/13/2011 12:39 PM -----

From: "Hickey, Mike" <(b) (6)>
To: Barbara Bennett/DC/USEPA/US@EPA
Cc: David Bloom/DC/USEPA/US@EPA, "Luczynski, Kimberley S." <(b) (6)>
Date: 10/13/2011 12:03 PM
Subject: Administration Views and priorities

Barb – Sorry for trying to drag you out of the meeting

Ex.5 - Deliberative

[Redacted]

If you have any questions, please feel free to call me.

Thanks,

PDF
Ex.5 - Deliberative

MikeAdmin Views -- FY 2012 Interior Approps.pdf

01268-EPA-5779

Richard Windsor/DC/USEPA/US
10/14/2011 06:51 PM

To "Stephanie Cutter"
cc
bcc

Subject Fw: USW Pleased with EPA Progress on Waste Definition in Boiler Rules

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 10/14/2011 04:24 PM EDT
To: Richard Windsor; Bob Sussman; Seth Oster; Betsaida Alcantara; bettina_poirier@epw.senate.gov; Janet McCabe; Mathy Stanislaus; Lisa Feldt
Subject: Fw: USW Pleased with EPA Progress on Waste Definition in Boiler Rules
FYI.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 10/14/2011 04:23 PM -----

From: "Brown, Roxanne" <rbrown@usw.org>
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 10/14/2011 03:57 PM
Subject: FW: USW Pleased with EPA Progress on Waste Definition in Boiler Rules

Here you go, Arvin. I'll send you the final Pulp Truth piece once it goes.

██████████ □. ██████
████████████████████████████████████████
██████████ ████████████████████ (████)

██████████ (b) (6) - ██████

From: USW News
Sent: Friday, October 14, 2011 2:56 PM
Subject: USW Pleased with EPA Progress on Waste Definition in Boiler Rules



October 14, 2011
For Immediate Release

Contact: Roxanne Brown, ██████████ (b) (6) rbrown@usw.org
Keith Romig, 615-831-6786, kromig@usw.org

USW Pleased with EPA Progress on Waste Definition in Boiler Rules

Pittsburgh, Oct. 14, 2011 - Responding to United Steelworker (USW) concerns, the Environmental Protection Agency (EPA) is preparing to rewrite rules to allow alternative biomass fuels to be used as fuel in industrial, commercial and institutional boilers.

The EPA has notified the USW that its decision to re-propose significant parts of its Non-Hazardous Secondary Materials Rule (NHSM) will include redefining a variety of biofuel materials as fuel rather than waste.

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

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

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

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

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

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

The EPA has indicated that it will explicitly state that a variety of biofuel materials are in fact fuels rather than waste materials. The agency will propose a petition process for fuels that do not meet current strict fuel legitimacy criteria.

The agency will include resinated wood in the rule text and may be willing to include a short list of additional materials. Resinated wood products such as board trim and sander dust can be used