

01268-EPA-766

Shawn Garvin/R3/USEPA/US

07/20/2010 10:32 AM

To Chuck Fox, Richard Windsor, "perciasepe bob", "thompson diane", Peter Silva, "stoner nancy", "garvin shawn", Seth Oster, Brendan Gilfillan, Sarah Pallone, Arvin Ganesan

cc

bcc

Subject Re: Norfolk Article on LPJ Letter to McDonnell

Chuck - Thanks. Jeff Corbin is going to participate and he is well prepared. The Secretary is coming up to Philly tomorrow to meet with me to talk about the Bay TMDL, particularly as it relates to the James River. It will be an interesting conversation.

Shawn

Sent by EPA Wireless E-Mail Services

From: Chuck Fox

Sent: 07/20/2010 09:46 AM EDT

To: Richard Windsor; perciasepe.bob@epa.gov; thompson.diane@epa.gov; Peter Silva; stoner.nancy@epa.gov; garvin.shawn@epa.gov; Seth Oster; Brendan Gilfillan; Sarah Pallone; Arvin Ganesan

Subject: Norfolk Article on LPJ Letter to McDonnell

Pretty good piece, all things considered. My favorite quote is from the VA DNR Secretary: "The Bay is getting cleaner. Why all this fuss about us 'failing' the Bay. We're not failing; the cleanup is working."

The comments on the article are running strongly in our favor.

I'll let you know when we get other clips.

<http://hamptonroads.com/2010/07/va-us-odds-over-new-chesapeake-bay-rules>

Va., U.S. at odds over new Chesapeake Bay rules



[Close Gallery](#)



Clouds roll over the Chesapeake Bay along Shore Drive near the Lesner Bridge in Virginia Beach (Cathleen Sullivan Echard | Pilot13 Weather Spotter).

By [Scott Harper](#)
The Virginian-Pilot
© July 20, 2010

RICHMOND

Tensions are mounting between Gov. Bob McDonnell's administration and the federal government over plans pushed by President Barack Obama for creating new regulations to hasten the Chesapeake Bay cleanup.

Some environmentalists worry this latest feud between Richmond and Washington could escalate to legal action from Virginia - or even lead to the state's withdrawal from a 30-year-old partnership with the U.S. government to save the Bay.

In an interview last week, McDonnell's secretary of natural resources, Doug Domenech, said Virginia is pursuing a two-track policy: remaining committed to restoring the Bay, but also taking a hard line toward the science and computer modeling behind proposed rules aimed at cutting pollution from agriculture, new development and other sources.

Domenech said he and other administration officials "have not talked about walking" away from the six-state partnership, nor have they discussed a lawsuit against the U.S. Environmental Protection Agency.

Still, Domenech said he would not be surprised if industry groups sue over the proposed regulations, which he described as based on "admittedly flawed computer models, whose numbers keep changing - and will continue to change even as we go forward."

Specifically, he is referring to a prescribed pollution diet that the Bay is supposed to start living under next year. The diet seeks to reduce nitrogen, phosphorus and sediments entering the Bay.

Those three pollutants are chiefly responsible for the Bay's water-quality problems, which include dead zones, scant oxygen levels and soupy conditions that make it difficult for plants, fish and shellfish to thrive.

"The mitigating factor here is the economy," Domenech said from his office in Richmond. "It's such a bad time to impose all these new restrictions on farmers, foresters, land developers. It's the worst time to be kicking these guys."

Some of these issues will be flushed out today at a hearing in Richmond before the House Committee on Agriculture, Chesapeake and Natural Resources.

Jeff Corbin, a former scientist with the Chesapeake Bay Foundation and an assistant secretary of natural resources under former Gov. Timothy M. Kaine, is scheduled to attend the meeting in his new role as a senior adviser to the EPA. Domenech and other Virginia officials also are slated to make presentations.

McDonnell sent EPA Administrator Lisa Jackson a letter last month outlining his concerns in blunt fashion. He wrote about a perceived lack of transparency, ill-defined mandates and rushed deadlines.

"We believe the EPA's time and energy would be better spent in Virginia educating farmers on best practices and positive actions... rather than expanding the scope of its regulatory authority through enforcement measures," the governor wrote.

Jackson responded Friday with her own letter. It seeks to ease tensions and better explain the Obama administration's rationale.

"The first Chesapeake Bay Agreement was signed in 1983 by the region's most senior elected and appointed officials. We have made significant progress since that time," Jackson wrote. "However, we have fallen short in achieving our goals for controlling pollution. Working together, I am confident that we can change the course of history on the Chesapeake."

It might not be surprising to some that the McDonnell administration, which already is feuding with the EPA over climate change and air-pollution rules, is voicing concerns over new

regulations related to the Bay. But the Bay cleanup has always enjoyed an apple-pie political status in the mid-Atlantic region, even when less-regulation-is-better conservatives were in office in Virginia and other states involved in the cleanup.

To some environmentalists, McDonnell's administration is spending more time punching holes in the Obama formula than trying to help the Bay.

"If they don't like this, what then do they want to do?" asked Skip Stiles, executive director of Wetlands Watch, a Norfolk-based environmental group. "This all seems more obstructionist than anything."

Asked last week what the Republican administration wants, Domenech said he favors the existing approach - of voluntary goals and voluntary actions, a no-penalty system that has guided the partnership through mixed results for three decades.

"The Bay is getting cleaner," he said. "Why all the fuss about us 'failing' the Bay? We're not failing; the cleanup is working."

He said Maryland has not complained about the Obama approach because "they're highly regulated already. But we in Virginia have a different mentality."

Domenech said other states, including New York, Pennsylvania and West Virginia, also have complained about disparities in computer models.

"People assume this is based on science," he said, "but there's always been a factor of horse-trading in it. Sometimes, it makes you feel you can't have confidence in the science."

Scott Harper, (757) 446-2340, scott.harper@pilotonline.com

J. Charles Fox
Senior Advisor to the Administrator
410 Severn Avenue, Suite 112
Annapolis, Maryland 21403

01268-EPA-767

Stan Meiburg/R4/USEPA/US

07/22/2010 04:07 PM

To Adora Andy, Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Peter Silva, Seth Oster, Allyn Brooks-LaSure, Stephanie Owens, "Carl Terry"

cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson, Vicki Ekstrom, Dru Ealons, "Beverly Banister"

bcc

Subject Re: HUFFPO: The Gov't wants to stop another TVA coal ash disaster but doesn't want to hear about it

Just FYI, I heard the most from NC environmental groups who wanted a hearing in NC, so they were pleased with the Charlotte venue. I have heard from KY groups who would like to have had a hearing in the Ohio River Valley. I have NOT heard from anyone in TN, on this question and I think we only got 2 comments on the decision to allow the Non Time Critical Removal ash at Kingston to remain on site.

Stan

A. Stanley Meiburg

Acting Regional Administrator

EPA Region 4

Sam Nunn Atlanta Federal Center

61 Forsyth Street, SW

Atlanta, GA. 30303

Office: (404) 562-8357

Fax: (404) 562-9961

Cell: (404) 435-4234

Email: meiburg.stan@epa.gov

Sent using Blackberry

Adora Andy

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

From: Adora Andy

Sent: 07/22/2010 03:37 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; David McIntosh; Arvin Ganesan; Peter Silva; Stan Meiburg; Seth Oster; Allyn Brooks-LaSure; Stephanie Owens

Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Alisha Johnson; Vicki Ekstrom; Dru Ealons

Subject: HUFFPO: The Gov't wants to stop another TVA coal ash disaster but doesn't want to hear about it

http://www.huffingtonpost.com/kevin-grandia/the-govt-wants-to-stop-an_b_656041.html

HUFFINGTON POST

The Gov't wants to stop another TVA coal ash disaster but doesn't want to hear about it

Kevin Grandia

Managing Editor of DeSmogBlog

Earlier this year the Environmental Protection Agency announced that it would put in place rules to ensure the safe disposal of coal ash which is basically the toxic waste leftover after coal is burned to produce electricity.

The announcement was prompted by the disaster that occurred a year and half earlier in Tennessee, when over 1 billion gallons of coal ash sludge breached its containment dam and rushed down the valley trashing homes and polluting the Tennessee river and its tributaries.

It was a nasty, devastating moment in history:

VIDEO

The EPA says that its new regulation on coal ash sludge will, "ensure stronger oversight of the structural integrity of impoundments in order to prevent accidents like the one at Kingston, Tennessee."

As part of the process in creating this new safety regulation, the EPA has proposed a series of public meetings for September to allow the public an opportunity to voice their opinions.

The EPA will not be holding a hearing in Tennessee. Instead they will visit Virginia, Denver, Dallas, North Carolina and Chicago.

I can only guess as to why. Most likely the EPA wants to avoid any bad PR.

But I have also heard that the new proposed coal ash regulations have been completely watered down by the Obama White House. More to come on this story for sure.

01268-EPA-772

Brendan
Gilfillan/DC/USEPA/US
07/29/2010 12:55 PM

To Richard Windsor
cc Adora Andy, Seth Oster, Allyn Brooks-LaSure
bcc
Subject Endangerment petition release for today

Hey Administrator -

We'll probably click send on this around 2pm Eastern today.

- Brendan

CONTACT:

Cathy Milbourn (News Media Only)
Milbourn.cathy@epa.gov
202-564-4355

FOR IMMEDIATE RELEASE

July 29, 2010

EPA Rejects Claims of Flawed Climate Science

Evidence of human-caused climate change grows

WASHINGTON – The U.S. Environmental Protection Agency (EPA) today denied 10 petitions challenging its 2009 determination that climate change is real, is occurring due to emissions of greenhouse gases from human activities, and threatens human health and the environment.

The petitions to reconsider EPA's "Endangerment Finding" claim that climate science cannot be trusted, and assert a conspiracy that invalidates the findings of the Intergovernmental Panel on Climate Change (IPCC), the U.S. National Academy of Sciences, and the U.S. Global Change Research Program. After months of serious consideration of the petitions and of the state of climate change science, EPA finds no evidence to support these claims. In contrast, EPA's review shows that climate science is credible, compelling, and growing stronger.

"The endangerment finding is based on years of science from the U.S. and around the world. These petitions -- based as they are on selectively edited, out-of-context data and a manufactured controversy -- provide no evidence to undermine our determination. Excess greenhouse gases are a threat to our health and welfare," said EPA Administrator Lisa P. Jackson. "Defenders of the status quo will try and slow our efforts to get America running on clean energy. A better solution would be to join the vast majority of the American people who want to see more green jobs, more clean energy innovation and an end to the oil addiction that pollutes our planet and jeopardizes our national security."

The basic assertions by the petitioners and EPA responses follow.

Claim : Petitioners say that emails disclosed from the University of East Anglia's Climatic Research Unit provide evidence of a conspiracy to manipulate global temperature data.

Response: EPA reviewed every e-mail and found this was simply a candid discussion of scientists working through issues that arise in compiling and presenting large complex data sets. Four other independent reviews came to similar conclusions.

Claim : Petitioners say that errors in the IPCC Fourth Assessment Report call the entire body of work into question.

Response: Of the alleged errors, EPA confirmed only two in a 3,000 page report. The first pertains to the rate of Himalayan glacier melt and second to the percentage of the Netherlands below sea level. IPCC issued correction statements for both of these errors. The errors are not germane to Administrator Jackson's decision. None of the errors undermines the basic facts that the climate is changing in ways that threaten our health and welfare.

Claim : Petitioners say that because certain studies were not included in the IPCC Fourth Assessment Report, the IPCC itself is biased and cannot be trusted as a source of reliable information.

Response: These claims are incorrect. In fact, the studies in question were included in the IPCC report, which provided a comprehensive and balanced discussion of climate science.

Claim : Petitioners say that new scientific studies refute evidence supporting the "Endangerment Finding".

Response: Petitioners misinterpreted the results of these studies. Contrary to their claims, many of the papers they submit as "evidence" are consistent with EPA's Finding. Other studies submitted by the petitioners were based on unsound methodologies. Detailed discussion of these issues may be found in volume one of the response to petition documents.

Climate change is already happening, and human activity is a contributor. The global warming trend over the past 100 years is confirmed by three separate records of surface temperature, all of which are confirmed by satellite data. Beyond this, evidence of climate change is seen in melting ice in the Arctic, melting glaciers around the world, increasing ocean temperatures, rising sea levels, shifting precipitation patterns, and changing ecosystems and wildlife habitats.

America's Climate Choices, a report from the National Academy of Sciences and the most recent assessment of the full body of scientific literature on climate change, along with the recently released *State of the Climate* report from the National Oceanic and Atmospheric Administration both fully support the conclusion that climate change is real and poses significant risk to human and natural systems. The consistency among these and previously issued assessments only serves to strengthen EPA's conclusion.

Information on EPA's findings and the petitions:
www.epa.gov/climatechange/endangerment/petitions.html

More information on climate change go to: www.epa.gov/climatechange

Review America's Climate Choices report: <http://americasclimatechoices.org/>

Review State of the Climate report:
www.noaanews.noaa.gov/stories2010/20100728_stateoftheclimate.html

Review information on Indicators of Climate Change: www.epa.gov/climatechange/indicators.html

R257

Brendan Gilfillan
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2081
gilfillan.brendan@epa.gov

01268-EPA-779

Diane
Thompson/DC/USEPA/US
08/06/2010 02:08 PM

To Richard Windsor
cc
bcc
Subject Fw: Power plant in Michigan

FYI just in case you happen to be talking to the governor.....

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

----- Forwarded by Diane Thompson/DC/USEPA/US on 08/06/2010 02:07 PM -----

From: Cynthia Giles-AA/DC/USEPA/US
To: "Diane Thompson" <thompson.diane@epa.gov>
Cc: "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>
Date: 08/06/2010 01:10 PM
Subject: Fw: Power plant in Michigan

(b)(5) Deliberative

Cynthia Giles-AA

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

From: Cynthia Giles-AA
Sent: 08/06/2010 10:45 AM EDT
To: Diane Thompson; Sarah Pallone; Seth Oster
Cc: Nena Shaw; Matt Bogoshian; David Bloomgren
Subject: Power plant in Michigan

(b)(5) Attorney Work Product, (b)(5) Deliberative

Cynthia

(b)(5) Attorney Work

Deliberative

(b)(5) Attorney Work Product, (b)(5) Deliberative



Story from Detroit News

EPA sues DTE Energy over coal-fired plant expansion

PAUL EGAN

The Detroit News

Detroit -- The U.S. Environmental Protection Agency sued DTE Energy today, seeking to halt an expansion to a coal-fired electric plant that the government says will worsen air pollution in Michigan.

A DTE spokesman described the lawsuit as "an absurd and overly aggressive interpretation of environmental regulation."

The lawsuit, filed in federal court in Detroit, alleges DTE made major modifications in March to Unit 2 at its Monroe Power Plant without first obtaining necessary approvals.

The \$30 million overhaul was made without installing, as required under the Clean Air Act, the best available technology to minimize emissions of sulfur dioxide and nitrogen oxides -- pollutants that harm human health by contributing to heart attacks, breathing problems and other ailments, the suit alleges.

The EPA is asking a federal judge to shut down the unit and halt further modifications until DTE complies with the Clean Air Act. It also asks for civil penalties of up to \$37,500 per day.

The lawsuit alleges the Monroe plant is already the largest individual source of sulfur dioxide and nitrogen oxide emissions in the state and "this modification resulted in significant net emission increases."

But DTE spokesman John Austerberry said the Monroe plant is "among the cleanest and most efficient coal plants in the country" and denied that any of the recent work would increase emissions.

DTE did not seek necessary approvals and "mailed a notification letter to the state of Michigan the day before starting the project," the suit alleges.

Austerberry said the company "has complied with the relevant regulations." Shutting down the unit would cost the company's customers up to \$250,000 a day because DTE would have to purchase power elsewhere, he said.

The overhaul, part of a larger \$65 million project, included the replacement of two major boiler components, the suit alleges. Austerberry described the project as a routine "maintenance outage." The case is assigned to U.S. District Judge Bernard A. Friedman.

01268-EPA-789

Diane
Thompson/DC/USEPA/US
08/27/2010 11:03 AM

To "Richard Windsor", "Bob Perciasepe"
cc
bcc
Subject Fw: phone call

(b)(5) Deliberative Just FYI.
Diane Thompson

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

From: Diane Thompson
Sent: 08/27/2010 11:01 AM EDT
To: Al Armendariz
Subject: Re: phone call

Thanks, Al. Please feel free to raise issues like this whenever they arise. We welcome the dialogue and want to be helpful. Diane
Al Armendariz

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

From: Al Armendariz
Sent: 08/27/2010 09:53 AM CDT
To: Diane Thompson
Subject: phone call

Hi Diane,

It was nice talking to you yesterday. I think my meetings in Houston went well.

(b)(5) Deliberative

. We are of course ready to help anyway that we can.

Best regards,

Al

01268-EPA-791

Daniel
Gerasimowicz/DC/USEPA/US
08/30/2010 01:19 PM

To
cc
bcc

Subject Briefing to discuss Boiler MACT Rulemaking

Meeting

Date 09/09/2010
Time 11:45:00 AM to 12:15:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman, Diane Thompson, Larry Elworth (OA)
Seth Oster (OEAAE)
Lisa Heinzerling (OP)
David McIntosh, Arvin Ganesan (OCIR)
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsirigotis (OAR)
Lisa Garcia (OEJ)
Lisa Feldt (OSWER)
Avi Garbow, Patricia Embrey, Wendy Blake (OGC)
Cynthia Giles (OECA)

The call-in #:

(b) (6)

01268-EPA-792

Scott Fulton/DC/USEPA/US

08/31/2010 06:23 PM

To Bob Perciasepe

cc Bob Sussman, David McIntosh, Lisa Heinzerling, Richard Windsor

bcc

Subject Re: Comments on GHG BACT Guidance Draft

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

[REDACTED]

[REDACTED]

Thanks for taking this on, Bob!

Bob Perciasepe

(b) (5) D.P.

08/31/2010 04:56:24 PM

From: Bob Perciasepe/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 08/31/2010 04:56 PM
Subject: Re: Comments on GHG BACT Guidance Draft

Bob S

(b) (5) D.P.

Thanks.

Bob Perciasepe

Office of the Administrator

(o)202 564 4711

(c)(b) (6) Privacy

David McIntosh

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

From: David McIntosh

Sent: 08/31/2010 03:52 PM EDT

To: Bob Sussman; Richard Windsor

Cc: Lisa Heinzerling; Bob Perciasepe; Scott Fulton

Subject: Re: Comments on GHG BACT Guidance Draft

(b) (5) D.P.

Bob Sussman

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

From: Bob Sussman
Sent: 08/31/2010 03:21 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling; Bob Perciasepe; David McIntosh; Scott Fulton
Subject: Comments on GHG BACT Guidance Draft

Enclosed is a draft e-mail to Gina presenting our (my and Lisa H's) comments on the draft guidance. (b) (5) D.P.

I'd like to send to Gina by COB today. Let me know if that's ok.

[attachment "GHG Guidance 8-25-10 draft LH 8-31.doc" deleted by David McIntosh/DC/USEPA/US]

Bob Sussman


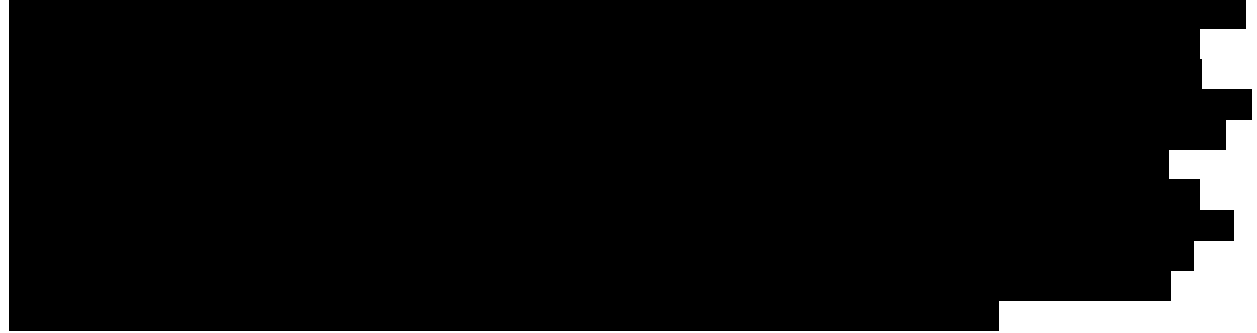

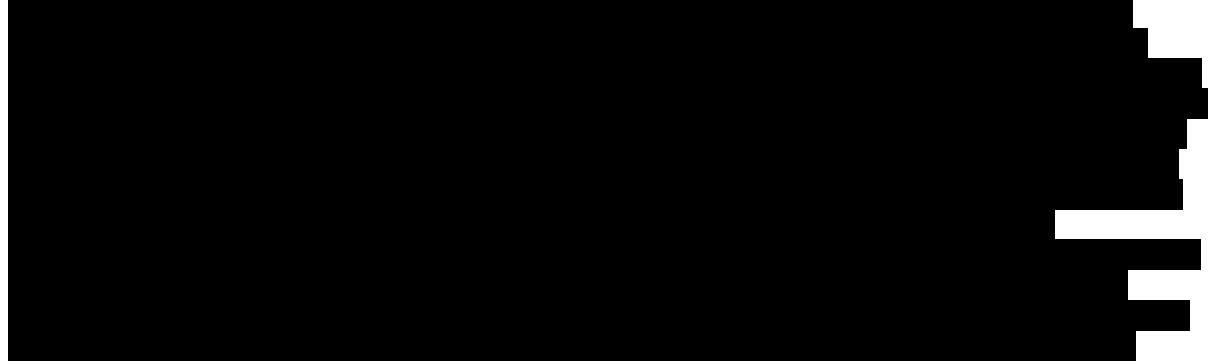

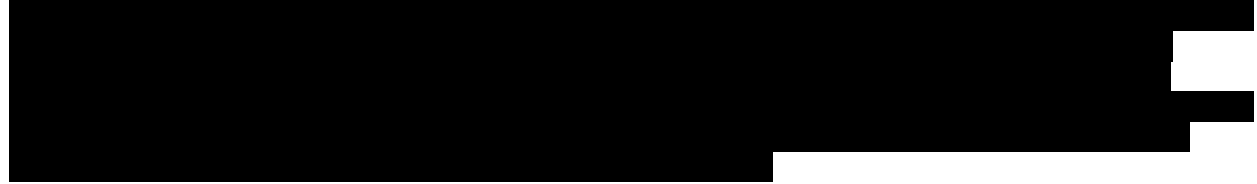


Lisa -- here it is. Please add, subtract,...

08/31/2010 02:07:10 PM

(b) (5) Attorney-

Deliberative

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



[REDACTED]

01268-EPA-794

David
McIntosh/DC/USEPA/US
09/03/2010 09:51 AM

To: Bob Sussman
cc: Arvin Ganesan, Bob Perciasepe, Lisa Heinzerling, Richard Windsor
bcc:
Subject: Re: Comments on Boiler MACT

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

Bob Sussman

(b)(5) Deliberative

09/03/2010 08:46:49 AM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 09/03/2010 08:46 AM
Subject: Comments on Boiler MACT

(b)(5) Deliberative
[REDACTED]**Air Pollution****EPA's Proposed Air Standards for Boilers
Unobtainable, Industries Say in Comments**

The Environmental Protection Agency's proposed emissions standards for industrial, commercial, and institutional boilers unachievable, several industry groups argued in comments on the proposed rule.

Industry groups and some states have raised concerns about EPA's proposal, including how the agency calculated the emissions limits, the need for more subcategories for the boiler standards, and how EPA has defined violations as part proposed rule. In addition, more than 100 members of Congress have expressed concerns about the possible economic impact of the rules.

The comment period on the proposals closed Aug. 23.

In June, EPA proposed two separate rules to set national emissions standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters—one for major sources and one for smaller area sources. The proposed rules would require operators to control emissions of toxic pollutants such as mercury, hydrogen chloride, particulate matter, carbon monoxide, and dioxins and furans with emissions standards based on the boiler type and size (75 Fed. Reg. 31,896; 75 Fed. Reg. 32,006; [83 DEN A-10, 5/3/10](#)).

EPA is subject to a court-ordered deadline to issue final boiler rules by December.

In a 2007 U.S. District Court for the District of Columbia Circuit decision striking down the previous air toxics standards for boilers, a three-judge panel ruled EPA had wrongly excluded many industrial boilers from the definition of solid waste incinerators, which have more stringent emissions limits under Section 129 of the Clean Air Act (*NRDC v. EPA*, D.C. No. 04-1385, 6/8/07; [112 DEN A-11, 6/12/07](#)).

Determination of Standards Disputed

Various industry groups disputed how EPA determined the emissions standards for boilers and process heaters, arguing they resulted in unobtainable standards. EPA's boiler proposal set the emissions limits for each hazardous air pollutant individually rather than evaluating the facilities' emissions as a whole, industry representatives argued. The case-by-case emissions limits resulted in standards that no one boiler or process heater will be able to achieve, they argued.

The carbon monoxide emissions control requirements of the proposal as part of the air toxics standards could interfere with boilers' ability to also meet requirements to control emissions of nitrogen oxides, the American Boiler Manufacturers Association said.

The Virginia Department of Environmental Quality raised similar concerns, arguing that EPA's proposed standards could actually lead to increased nitrogen oxides emissions. Like many industry groups, Virginia also questioned whether EPA's proposed standards could be achieved by any existing boilers and process heaters.

"For example, the boiler that has the lowest mercury emissions may not be able to meet the standards for any of the other regulated pollutants because those limits were set based on performances of one or more different units," Michael Dowling, director of the air division at the Virginia Department of Environmental Quality, said in his comments.

American Boiler Manufacturers Association said EPA's proposal violates Section 112(d)(3), which requires that the standards be "achieved in practice" by the best-performing units in any source category. The manufacturers ask EPA to consider additional emissions data collected by boiler and burner manufacturers during their own emissions testing process.

"Specifically, emission limits that are identified by EPA as 'achieved in practice' should not be inconsistent with the most up-to-date equipment emission guarantees offered by equipment manufacturers," the association said.

American Electric Power also argued that EPA's proposal violated Section 112(d)(3).

"This approach results in the establishment of emissions limits that are not indicative of what a single source, in practice, can attain. Compliance with such emissions limits therefore has not been demonstrated by any single source in operation," John Hendricks, manager of air quality services for American Electric Power, said.

The Brick Industry Association accused EPA of "cherry picking" emissions data to create a "mythical" best-performing source when developing the proposed standards.

"EPA's ability to identify one or two sources that can meet the floor for all pollutants does not demonstrate the floor is reasonable," the Brick Industry Association said. "In fact, unless the one or two sources represent at least 6 percent of all sources in the category, it proves the opposite."

Industry groups raised similar concerns about EPA's proposed emissions standards during a June 15 public hearing (11 DEN A-7, 6/16/10).

More Subcategories Needed

Several industry groups asked EPA to create additional subcategories of boilers with unique emissions limits to reflect the wide variety of designs and uses.

The Aluminum Association asked EPA to include additional equipment in a proposed process furnaces subcategory "because these units have different design and operating characteristics, including variable heating regimes, intermittent burner operation and batch processing." The association argued that homogenizing furnaces should also be listed under the metal process furnace subcategory as well. EPA did not propose numeric emissions limits for metal process furnaces. Rather, furnace operators would be required to abide by mandatory work practices, which the aluminum association supports.

In addition to more subcategories, the Council of Industrial Boiler Owners suggested EPA give boiler and process heaters the option of either meeting a numeric emissions limit or reducing toxic emissions by a required percentage, which the association has done for some emissions rules previously.

"EPA would obviously need to consider proper subcategorization relative to control efficiencies that differ depending on the combustion unit and fuel types. But this approach is feasible and could provide significant flexibility," the Council of Industrial Boiler Owners said.

Violations Need to Be Defined

The South Carolina Department of Health and Environmental Control said EPA's proposals fail to "establish guidelines to determine continuous compliance with limits and work practice standards," making it difficult to determine when a facility has violated the proposed emissions limits. Instead, EPA needs to clearly define what constitutes a violation under various circumstances, such as when a facility is using a continuous emissions monitoring system, leak detection equipment, or continuous opacity monitoring systems.

EPA proposed the boiler standards as part of a larger package of regulations that would also set emissions limits for incinerators and a rule to define which materials should be considered fuels and those that should be considered solid waste.

EPA in April announced new source performance standards—technology-based emissions limits—for commercial and industrial solid waste incineration units (75 Fed. Reg. 31,938; 83 DEN A-12, 5/3/10).

Along with the boiler and incinerator emissions standards, EPA proposed a fourth rule that would define which materials can be burned in waste to be burned in incinerators and which materials can be considered fuel to be burned in boilers. Boilers are regulated

by Section 112 of the Clean Air Act while incinerators are subject to the more stringent standards under Section 129 (7 Fed. Reg. 31,844).

The comment period on that proposal closed Aug. 3 ([159 DEN A-3, 8/19/10](#)).

More than 100 members of Congress signed an Aug. 2 letter to EPA Administrator Lisa Jackson urging EPA to consider economic impact of its proposed boiler rules when finalizing the emissions standards ([150 DEN A-8, 8/6/10](#)).

By [Andrew Childers](#)

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

01268-EPA-798

Daniel
Gerasimowicz/DC/USEPA/US
09/10/2010 11:30 AM

To
cc
bcc
Subject Meeting with Eileen Claussen, President of the Pew Center
on Global Climate Change

Meeting

Date 10/20/2010
Time 11:15:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Administrator's Office
Ct: Adria Goldsmith (Pew Center) (b) (6)
Advance Ct: Marcus McClendon

Staff:

Bob Perciasepe (OA)
Gina McCarthy (OAR)
David McIntosh (OCIR)

Attendees:

Eileen Claussen

Mr. Manik "Nikki" Roy, Vice President of Federal Government Outreach, Pew Center

Mr. Stephen Seidel, Vice President of Domestic Policy Analysis and General Counsel, Pew Center

01268-EPA-801

Susan Hedman/R5/USEPA/US

To Cameron Davis, Richard Windsor

cc Michelle DePass

09/14/2010 01:36 AM

bcc

Subject Re: Minister Prentice Meeting Tomorrow -- Great Lakes
Water Quality Agreement

(b)(5) Deliberative



From: Cameron Davis

Sent: 09/13/2010 08:22 PM CDT






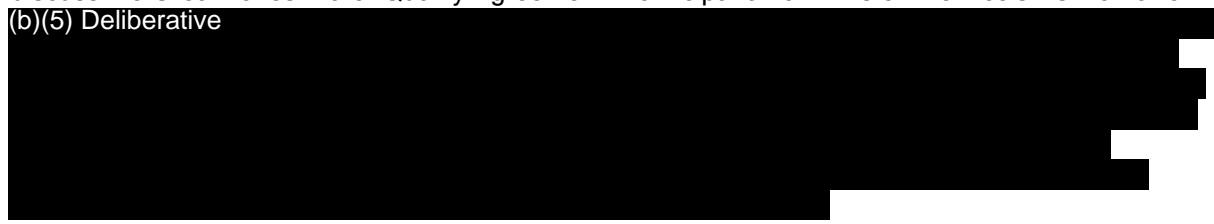
To: Richard Windsor

Cc: Michelle DePass; Susan Hedman

Subject: Minister Prentice Meeting Tomorrow -- Great Lakes Water Quality Agreement

Susan Hedman, Michelle DePass and I met with Roberta Jacobson of the State Department late today to discuss the Great Lakes Water Quality Agreement in anticipation of Minister Prentice's visit tomorrow. We

(b)(5) Deliberative



(b)(5) Deliberative



01268-EPA-802

**Daniel
Gerasimowicz/DC/USEPA/US**

09/14/2010 10:35 AM

To

cc

bcc

Subject Meeting with GE CEO Jeffrey Immelt

Meeting

Date 09/23/2010

Time 11:30:00 AM to 12:15:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Kathy Lorenz (Immelt's Office)(b) (6)

Staff:

Bob Sussman (OA)

David McIntosh (OCIR)

Mathy Stanislaus, Lisa Feldt, Jim Woolford (OSWER)

Seth Oster (OEAAE)

Judith Enck, Walter Mugdan (R2)

Bob Perciasepe, Diane Thompson (OA)

Cynthia Giles (OECA)

Attendees:

Mr. Jeffrey Immelt

Brackett Denniston, Senior VP & General Counsel, GE

Ann Klee, Vice President - Environmental Health & Safety, GE

Subj: Climate Change legislation and Hudson River dredging project

01268-EPA-805

Adora Andy/DC/USEPA/US

09/14/2010 01:22 PM

To Richard Windsor

cc Michael Moats, Brendan Gilfillan

bcc

Subject Re: PLEASE REVIEW: OP-ED DUE TODAY

FYI updated list of who is providing op eds:

Kerry, Cardin, Inhofe and Alexander.
And interviews with Bingaman and Barton.

Adora Andy
Deputy Associate Administrator
U.S. Environmental Protection Agency
Office of External Affairs and Environmental Education
202-564-2715
andy.adora@epa.gov

Richard Windsor

Great w me. Tx.

----- Original Mess...

09/14/2010 12:22:27 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Cc: Aaron Dickerson/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US@EPA
Date: 09/14/2010 12:22 PM
Subject: Re: PLEASE REVIEW: OP-ED DUE TODAY

Great w me. Tx.

Adora Andy

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

From: Adora Andy
Sent: 09/14/2010 11:41 AM EDT
To: Richard Windsor
Cc: Aaron Dickerson; Michael Moats; Gladys Stroman
Subject: PLEASE REVIEW: OP-ED DUE TODAY

Administrator,

We have drafted an op-ed from you to give to The Hill today for their special spread on the Clean Air Act. The op-ed is based on your remarks at the Clean Air Act Conference today. Other op-ed writers for this section will likely include Senators Kerry, Cardin, Murkowski and Inhofe. Please review and let Mike and I know what changes need to be made. Thank you,
Adora

----- Forwarded by Adora Andy/DC/USEPA/US on 09/14/2010 11:35 AM -----

Attached and pasted below.

[attachment "20100915 Hill Climate op-ed (3).doc" deleted by Richard Windsor/DC/USEPA/US]

The Clean Air Act: 40 years of Overcoming the Naysayers

By: EPA Administrator Lisa P. Jackson

This month we're celebrating 40 years of healthier communities, a stronger economy and bipartisan partnerships under the Clean Air Act.

Since 1970, the Clean Air Act has saved hundreds of thousands of lives and reaped trillions of dollars in health benefits for our nation. Breathing cleaner air has not only spared Americans from expensive treatments and costly hospital stays – it has also supported productivity through less sick days for our workers and students.

As air pollution dropped over the last 40 years, GDP rose by 207 percent. A long-term analysis of the Clean Air Act shows total benefits amounting to more than 40 times the costs of regulation. At \$40 in benefits for every \$1 invested, the Clean Air Act is one of the most cost-effective things the American people have done for themselves in the last half century.

The great irony is that one of the most economically successful environmental programs in American history is also one of the most economically maligned. Time and again, efforts to clean up the air we breathe have met with economic doomsday predictions. Time and again those predictions were wrong.

In the 1970s, lobbyists claimed that the phase-in of catalytic converters for new cars and trucks would cause "entire industries" to "collapse." Instead, the requirement gave birth to a global market for catalytic converters and enthroned American manufacturers at the top of that market.

In the 1980s, they said proposed Clean Air Act Amendments would cause "a quiet death for businesses across the country." Instead, the US economy grew by 64 percent

as the Clean Air Act Amendments cut Acid Rain pollution in half. The requirements gave birth to a global market in smokestack scrubbers and, again, gave American manufacturers dominance in that market.

And in the 1990s, the lobbyists told us using the Act to phase out the CFCs depleting the Ozone Layer would create "severe economic and social disruption." Instead, new technology cut costs while improving productivity. The phase-out happened five years faster than predicted and cost 30 percent less. And by making their products better and cleaner, the American refrigeration industry gained access to new overseas markets.

Far from inhibiting our economy, the Clean Air Act thrives on innovation and entrepreneurship. From new clean air standards come new innovations. It's important to remember these success stories as we step up to tackle greenhouse gases and fight climate change.

Last year, EPA acknowledged the 2007 Supreme Court decision that greenhouse gases are covered under the Clean Air Act, and began taking sensible steps to apply the law to greenhouse-gas pollution.

Those steps included an endangerment finding based on decades of peer-reviewed scientific research.

They included a clean cars program that – developed with autoworkers and automakers – will cut 950 million tons of greenhouse gases, save drivers \$3,000 at the gas pump, and keep \$2.3 billion at home in our economy rather than buying oil overseas. As with every Clean Air Act program, it will also spark new innovations.

EPA also finalized a rule to shield small businesses and nonprofits from new permitting requirements, making sure we are getting meaningful cuts and not overburdening small entities for minimal results.

Yet - true to form – the opponents of commonsense actions have dusted off the old predictions of economic catastrophe. One prominent lobbyist was even quoted saying that if EPA is to regulate greenhouse gas emissions, “then it ought to have to regulate facilities large and small and suffer all the consequences, warts and all.” They seem so eager to see their wild projections of economic collapse come true – just once – that they are open to forcing EPA to regulate in the most aggressive and disruptive way imaginable.

Fortunately, we at EPA know better. Just as we have done for 40 years, we’re moving carefully and thoughtfully, taking modest steps for measurable results. While the Clean Air Act cannot achieve the magnitude of greenhouse gas emissions reductions that new legislation can achieve, the fact remains that it is time to get started. It is time to recognize the overwhelming scientific evidence, time to move past the false choice between our planet and our prosperity, and time to realize that this problem gets more damaging, more expensive and harder to solve the longer we wait.

Now is the time to write the next chapter in the history of the Clean Air Act. As it has been since the beginning of the Clean Air Act, our work will be good for our health, good for our environment, and good for our economy.

01268-EPA-806


**Brendan
Gilfillan/DC/USEPA/US**
09/15/2010 01:34 PM

To Richard Windsor
cc Seth Oster, Adora Andy, David McIntosh
bcc
Subject Rockefeller

At a coal rally on Capitol Hill today (a bunch of coal-miners got together and said MTM, other policies are trying to shut down coal and cost them jobs) Sen. Rockefeller said this:

"She doesn't understand the sensitivities economically of what unemployment means."

AP's asking about that. (b)(5) Deliberative



Brendan Gilfillan
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01268-EPA-807

**Katharine
Gage/DC/USEPA/US**
09/15/2010 04:37 PM

To
cc
bcc
Subject Meeting with Administrator Shah

Meeting

Date 10/27/2010
Time 01:00:00 PM to 01:45:00 PM
Chair Katharine Gage

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Beatina Theopold, USAID, (b) (6)

Advance Ct: Marcus McClendon

Staff:

Michelle DePass, Shalini Vajjhala, Walker Smith, Neilima Senjalia (OITA)

Gina McCarthy, Joe Goffman (OAR)

Optional: Gary Waxmonsky, Elle Beard (OITA)

Diane Thompson (OA)

USAID Attendees:

Administrator Rajiv Shah

Maura O'Neill, Counselor for Innovation

Christian Holmes, Senior Advisor for Energy and Environment

Michael Yates, Senior DAA for Economic Growth, Agriculture, and Trade

James Hester, Agency Environmental Coordinator, and Director of the Office of Natural Resources Management

William Breed, Climate Change Team Leader

01268-EPA-808

Bob
Sussman/DC/USEPA/US@EP
A

09/15/2010 07:47 PM

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

cc

bcc

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

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

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

An E&E Publishing Service

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

(Wednesday, September 15, 2010)

Gabriel Nelson, E&E reporter

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

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

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

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

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

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

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

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

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

EPA is currently reconsidering the 2008 decision by the George W. Bush administration to tighten

the standard from 84 ppb to 75 ppb. The Obama administration announced that it would rethink the standard last year, and in January, the agency proposed a standard in keeping with agency scientists' recommendation that the health-based standard be set between 60 and 70 ppb. A revised standard was scheduled to be finalized last month, but EPA announced then that it would push off the release until October ([Greenwire](#), Aug. 23).

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

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

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

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

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01268-EPA-809

Sarah Pallone/DC/USEPA/US

To Richard Windsor

09/16/2010 11:49 AM

cc

bcc

Subject From Politico

See the highlighted portion below:

POLITICO

GOP-ers eye House, meet lobbyists

By: [Darren Samuelsohn](#)

September 16, 2010 08:54 AM EDT

Top Republicans on the House Energy and Commerce Committee are preparing for a GOP takeover — by meeting with dozens of energy and telecom lobbyists.

Ranking member Joe Barton (Texas), potential 2011 GOP panel leader Fred Upton (Mich.) and Reps. John Shimkus (Ill.), Mike Rogers (Mich.) and Greg Walden (Ore.) met Wednesday with about 40 to 50 industry officials during an event at the National Republican Club.

An industry source in the room said the meeting wasn't billed as a fundraiser. But the lawmakers' message tacitly linked donations to the committee agenda in 2011 if Republicans win back the House.

"You should be giving us money because we're going to be in charge," the source said. "We'll ensure there is no climate bill. But at the same time, they think they'll build nuclear plants and more clean coal."

House Republican committee officials confirmed the meeting but sidestepped questions about the agenda for 2011.

"Mr. Barton is working hard to make sure that Democrats fill the ranking members' seats next year with their very best survivors," said Barton spokeswoman Lisa Miller.

No doubt, the agenda of a House GOP majority would stand in sharp contrast to the Democrats' plans for the final two years of President Barack Obama's first term. Rep. Henry Waxman, the current chairman of the Energy and Commerce Committee, told POLITICO on Tuesday that he'd try again on major climate legislation in 2011 if Democrats hold their majority. Waxman's push for cap-and-trade made it through the House last year, but it died in the Senate while putting supportive Democrats on defense on the campaign trail.

Across Capitol Hill, Senate Republicans have a bit tougher climb to the majority given their 10-seat deficit. Even so, Minority Leader Mitch McConnell declared on Wednesday

the death of the "national energy tax" — the label Republicans have stuck on cap and trade.

Asked how a GOP Senate majority would deal with global warming, McConnell replied, "Clean coal technology and nuclear power would address the climate problem."

The top bullet points of a Senate GOP energy plan, McConnell explained, are: "Nuclear power, clean coal technology, offshore drilling, plug-in hybrid cars and trucks."

McConnell also blasted the Obama administration and the Environmental Protection Agency in their efforts to write climate-themed rules under the Clean Air Act.

McConnell spokesman Don Stewart later sought to lower expectations that the Senate GOP is thinking it will be in charge in 2011. "As we haven't said we're going to take back the Senate, it would be presumptuous to lay out the things we're going to move next year since the majority leader skeds the floor," he wrote in an email. "There are obviously things we like and don't like."

Sen. Jim Inhofe (R-Okla.), an outspoken skeptic on global warming science, said he would lead investigations of EPA Administrator Lisa Jackson and other Obama officials if he returns as chairman of the Environment and Public Works Committee.

"As fond as I am of Lisa Jackson, and I am, still I always have this feeling she's not calling the shots," Inhofe said. "It's Carol Browner. And we don't have that good relationship.... I think we'd want to investigate, for example, we can go back and look, what specifically [Jackson's] told us in public meetings on the endangerment finding."

Inhofe also said he would give the infrastructure side of the panel some exercise. "I want a transportation reauthorization. I want a WRDA bill." But he's already envisioning problems with deficit-sensitive senators on his side of the aisle. "We have a lot of gun shy Republicans who are hard sells on infrastructure for some unknown reasons."



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01268-EPA-814

Judith Enck/R2/USEPA/US

09/17/2010 10:50 AM

To Richard Windsor

cc

bcc

Subject Fw: DEP release - Portland Power

fyi. (b)(5) Deliberative

Judith Enck

Regional Administrator

U.S. Environmental Protection Agency

290 Broadway

New York, N.Y. 10007-1866

(212) 637-5000

----- Forwarded by Judith Enck/R2/USEPA/US on 09/17/2010 10:49 AM -----

From: Lisa Plevin/R2/USEPA/US

To: Judith Enck/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, Peter Brandt/R2/USEPA/US@EPA, Barbara Finazzo/R2/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA

Date: 09/17/2010 10:47 AM

Subject: DEP release - Portland Power

Lisa J. Plevin

Chief of Staff

US EPA Region 2

(212) 637-5000

----- Forwarded by Lisa Plevin/R2/USEPA/US on 09/17/2010 10:46 AM -----

From: "Larry Ragonese" <Larry.Ragonese@dep.state.nj.us>

To: <plevin.lisa@epa.gov>

Date: 09/17/2010 10:32 AM

Subject: Draft Release NJDEP

IMMEDIATE RELEASE

Sept. 17, 2010

Hajna (609) 984-1795

Contact: Lawrence Ragonese (609) 292-2994
Lawrence

COMMISSIONER MARTIN PETITIONS FOR RELIEF
FROM POLLUTIONG PENNSYLVANIA POWER PLANT

(10/P93) TRENTON --- DEP Commissioner Bob Martin has again formally asked the federal government to force the owners of a coal-powered Pennsylvania power plant to dramatically reduce harmful air emissions that are causing an even greater public health concern in North Jersey than originally known, he announced today.

Commissioner Martin today signed a supplemental petition under Section 126 of the federal Clean Air Act, seeking prompt action by the federal Environmental Protection Agency to force RRI Energy to reduce harmful emissions spewing from its Portland, Pa. generating facility and across the Delaware River and

directly into Warren County.

Sulfur dioxide pollution pouring out of the power plant is more damaging and widespread than previously believed, extending into a much larger area of Warren County and into portions of Sussex, Morris and Hunterdon Counties, according to the petition signed by Commissioner Martin.

The supplemental petition includes a trajectory analysis that shows the plant's emissions caused high sulfur dioxide levels at the DEP's ambient air monitor station in Chester, Morris County, which is located 21 miles east of the Portland plant. Closer to the RRI plant, the levels are much higher, about 10 times the new federal health standard.

"We now understand the emissions are more damaging to the public health and welfare than previously believed, and are harming more New Jersey residents over a wider section of our State," said Commissioner Martin. "Our residents have to a right to be protected from this health risk. We need the federal government to step up and deal with this serious air pollution issue now."

Commissioner Martin called on the EPA to hold the required Section 126 hearing in Warren County, which is most directly affected by adverse impacts of the air pollution.

"We have a good working relationship with the EPA and we expect them to be responsive to our petition on this matter," said Commissioner Martin.

The supplemental filing identifies far greater impacts to New Jersey's air quality and the health of its residents than was initially documented in an initial May 12 Section 126 petition sent to the EPA. It also cites a tougher new federal National Ambient Air Quality Standard for sulfur dioxide that was adopted in June by the EPA.

That new federal standard of 75 parts per billion is designed to help protect the public health, including the health of "sensitive" populations such as asthmatics, children and the elderly. Sulfur dioxide emissions, he noted, can cause a variety of adverse health effects, including asthma and respiratory failure, and environmental impacts such as acid rain.

RRI Energy's power plant emitted more than 30,000 tons of sulfur dioxide in 2009, which is more than all seven of New Jersey's coal-fired power plants combined. The DEP believes controls, such as a scrubber, should be installed to reduce those emissions by at least 95 percent to less than 1,500 tons per year.

Improved sulfur dioxide and particle control also would reduce other hazardous air emissions, including hydrochloric acid, lead and mercury, said Commissioner Martin.

Gov. Chris Christie in May called on the federal government to take prompt action, saying, "The magnitude of the plant's emissions and its close proximity make it a real threat to public health and safety in New Jersey."

The Portland plant is situated on a 1,094-acre tract along the west bank of the Delaware River in Northampton County, Pa., some 10 miles southeast of Stroudsburg, Pa. and just 500 feet from New Jersey. Built in the 1950s and 1960s, the Portland plant's two coal-fired generating units have no air pollution controls for some contaminants, including sulfur dioxide and mercury, and have outdated controls for nitrogen oxides and particulate matter.

As a result, air contaminant emissions generated by the plant are very high. In fact, the Portland plant is the fifth highest emitter of sulfur dioxide per megawatt of power generated in the entire country, mostly due to its use of a high sulfur coal content and lack of a scrubber device.

Previous efforts by New Jersey to reduce the pollution from this plant have been unsuccessful. A federal lawsuit filed by the State on this issue is pending in federal court in Pennsylvania.

Full text of 126 supplemental petition:
<http://www.state.nj.us/dep/baqp/petition/126petition.htm>

###

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01268-EPA-818

Janet Woodka/DC/USEPA/US

09/21/2010 07:15 AM

To "Bob Perciasepe", "Richard Windsor"

cc

bcc

Subject Fw: TP story on the berms

Graves does not seem deterred by the grave concerns...

From: Janet Woodka [jlwoodka@**(b) (6)**]
Sent: 09/21/2010 07:10 AM AST
To: Janet Woodka <woodka.janet@epa.gov>
Subject: TP story on the berms

Barrier berm advocates not deterred by environmental regulators' misgivings

Published: Monday, September 20, 2010, 11:15 PM



Mark Schleifstein, The Times-Picayune

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Despite serious questions raised by federal regulators about the project's environmental impacts, Louisiana coastal officials will continue to build **six barrier berms** to capture **oil from the Deepwater Horizon spill**, a building effort that will result in about 25 miles of 6-foot-high sand and sediment hills.



[View full size](#)

Louisiana National Guard

The northern Chandeleur berm was photographed July 30.

The **Army Corps of Engineers** on Thursday asked Louisiana to submit new justifications for the project, citing unanswered questions about the environmental effects of continued

dredging.

8

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The request could affect both the temporary approval of the six-berm project granted by the corps on May 27 and by National Incident Commander Thad Allen on June 6, and a state request for a permanent permit that would expand the project to 101 miles of berms.

"I don't think we'll have any problems justifying the temporary permit. I really don't," said Garret Graves, chairman of the state's Coastal Protection and Restoration Authority and coastal adviser to Gov. **Bobby Jindal**.

"With all the oiling that has occurred on the berms to date, and with the fact that according to federal estimates -- that some university scientists have questioned and even the feds have backed away from a bit -- you have millions of barrels of oil in the Gulf, multiple times the Valdez," Graves said, referring to the 1989 spill of about 11 million gallons of oil in Alaska.

In his letter to the state, corps regulatory branch chief Pete Serio warned that the danger faced by Louisiana's wetlands from oiling has dramatically changed from when the original permit was granted.

The purpose of the berms "was/is to stop oil, from the Deepwater Horizon spill, before reaching the barrier islands and landward tidal wetlands," Serio said.

The corps' initial decision to issue the temporary permit "was based on the extenuating circumstances, which were substantially more dire and critical on that date," he said. "All efforts to stop the leaking well had failed and the amount of oil measured gushing into the Gulf daily was substantially more than originally thought.

"Examining the current circumstances, the oil leak has been stopped and the so-called **permanent 'killing' of the well** may be completed by the time this letter is issued. Additionally, there has not been any significant amount of oil recovered (from the spill) in over a month."

The corps received comments on the permanent permit request, all of which also addressed the temporary permit, from the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

It also received a variety of letters from environmental groups and independent scientists criticizing the berm project, Serio said.

The corps is required to request comments from the agencies to assure that the state plans comply with several laws, including those that protect endangered and threatened species, such as the Gulf sturgeon and four species of sea turtles.



[View full size](#)

The National Marine Fisheries Service pointed out that when the state used hopper dredges to mine sand from the Hewes Point area north of the northernmost Chandeleur island at the beginning of the construction project, the dredging contractors were reported to have killed at least six turtles. Three turtles were killed in trawlers used to corral them away from the dredging area and three were killed by the hopper dredges. They also had to relocate 191 turtles.

"Sea turtle abundance in the areas is not just high, but extraordinarily high," the NMFS comment said. It warned that the state's plan to switch to a different kind of dredging was still likely to injure or kill turtles.

However, corps records indicate no additional turtles were killed following the switch to other types of dredges.

The Environmental Protection Agency "is concerned about the project's impacts on sediment transport, water quality, seagrass beds, navigation, availability of sediments suitable for future barrier islands restoration projects, and the effects on the human environment," said the corps letter. EPA recommended that the state be required to submit a comprehensive environmental impact statement before being granted a permanent permit.

The Fish and Wildlife Service also focused on the potential harm from using material to build the berms that should be reserved for future restoration projects, the corps said.

And it questioned why work was allowed to proceed under the temporary permit "if the oil spill has been stopped and the time frame to construct the barrier berm will surpass the

need to provide protection from any oil that may remain in the Gulf from the spill."



[View full size](#)

U.S. Army photo, Louisiana National Guard Public Affairs Office
This oily marsh in Bay Jimmy near Venice was photographed Sept. 8.

However, Graves said the projects are still needed, as shown by both the continued oiling of several berms in recent weeks, and by the presence of a large amount of oil in Bay Jimmy, in northernmost Barataria Bay.

"No one has been able to give us an accurate assessment of the current threat," Graves said. "All I know is that we still have millions of barrels of oil in the Gulf and we have the most productive ecosystem in North America that we're trying to protect."

He said the initial lack of preparation to deal with the spill on the part of both the federal government and BP should lend credence to the state's caution in continuing construction. Graves also was critical of several of the complaints raised by the federal agencies, pointing out that at the same time the Fish and Wildlife Service objects to the berms along the Chandeleurs, it has proposed that BP pay it \$300 million to rebuild segments of those islands as mitigation for damages caused by the spill.

As for the concerns that the project is raiding scarce resources that could be better used for larger coastal restoration projects, Graves said the state has always been interested in turning the berm projects into permanent barrier island restoration projects.

"Having the dredges, having the pipes already in place, this is an extraordinary opportunity for us to very quickly pivot to restoration and re-engineer these berms into barrier islands, and then pump sediment to create additional back marsh platforms," he said.

The state has listed projects near the berms that it would like included as mitigation for natural resource damages, he said.

In his letter, Serio also warned the state of the costs of continuing with its permanent permit request. He asked whether the state is willing to conduct a required assessment of the project's effects on the Kemp's ridley, leatherback, loggerhead and green sea turtles and the Gulf sturgeon, and an evaluation of the project's effects on areas listed as "essential fish habitat" for the sturgeon and other species.

And it warned the state that it could be required to hire a third-party contractor -- selected and supervised by the corps, rather than the state -- to write an environmental impact statement.

The dredge project is far from complete, according to the most recent report filed with the corps by Shaw Group, the state's contractor.

While 33.5 miles of berm were proposed for construction, only 4.9 miles, or 14.5 percent, were complete as of Saturday. Dredging contractors working for Shaw had dredged 11.4 million cubic yards of sand, 37.5 percent of what's needed to complete the project. Much of the sand has been moved to areas near where the berms are being built from areas farther away, including from the Pass a Loutre area of the Mississippi River.

Mark Schleifstein can be reached at mschleifstein@timespicayune.com or 504.826.3327.

01268-EPA-825

Seth Oster/DC/USEPA/US

09/27/2010 08:42 AM

To David McIntosh

cc Richard Windsor

bcc

Subject Re: two 'defend the CAA' editorials, from OH and PA

(b)(5) Deliberative
[REDACTED]

Seth

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

David McIntosh

[These identical editorials in Ohio and P...](#)

09/27/2010 07:56:44 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA
Date: 09/27/2010 07:56 AM
Subject: two 'defend the CAA' editorials, from OH and PA

(b)(5) Deliberative
[REDACTED]**News Headline:** EPA UNDER ATTACK | **Outlet Full Name:** Pittsburgh Post-Gazette

News OCR Text: The Environmental Protection Agency was established in 1970 by President Richard M. Nixon at a time when Americans had become shocked by pollution. Because the EPA has since saved tens of thousands of lives in improving the quality of life for millions, it ought to be celebrated as one of the great achievements by a Republican or any other president.

But 40 years later, the irony is that some of the most conservative groups in America are trying to stop the EPA from doing its job.

The EPA is an example of big government that plainly works for the people, so resentment of the agency in right-wing circles has long simmered but lately has grown in intensity. The trigger for this renewed opposition came in 2007 when the U.S. Supreme Court ruled that the EPA has authority under the Clean Air Act to regulate greenhouse gases.

Since then, the EPA has been going about the business of promulgating regulations, and industry groups and the politicians who cater to them have been pushing back with renewed zeal. Predictably, the claim that the new rules will be ruinous to the



economy has been part of the chorus. With the anti-government, anti-regulation cries of the tea party movement echoing across the land, the threat to the EPA's future effectiveness is not imaginary.

In June, Sen. Lisa Murkowski, R-Alaska, fired a preliminary shot in this campaign when she attempted to stop the EPA from regulating greenhouse gas emissions. She did not succeed, but the Senate vote was a close 53-47 with half a dozen Democrats joining the Republicans. As it was, the vote signaled that the hopes of passing a comprehensive energy bill this year were doomed.

With the foes of environmental regulation emboldened, environmental groups fear that other attempts to gut the EPA are only a matter of time as Congress finishes up its session.

Sen. Jay Rockefeller, D-West Virginia, protective of the interests of Big Coal, has a bill (S 3072) that seeks to suspend for two years EPA rules on carbon dioxide and methane for stationary sources of pollution such as power plants (HR 4753 in the House version). But the threat could just as easily come with a rider attached to any important bill, one that President Barack Obama would be hard-pressed to veto.

The Pennsylvania delegation to Congress must stand firm. If any member needs encouragement, it can be found in a speech by EPA Administrator Lisa P. Jackson on the 40th anniversary of the Clean Air Act earlier this month. "Today's forecasts of economic doom are nearly identical -- almost word for word -- to the doomsday predictions of the last 40 years," she said.

The best job Congress can do is let the EPA, which has a proven record of protecting the American people over four decades, do its job. **News Headline:** Let EPA do its job |  

Outlet Full Name: Toledo Blade - Online

News OCR Text: THE U.S. Environmental Protection Agency was established in 1970 by President Richard Nixon, at a time when Americans had become shocked by pollution. Because the EPA has since saved tens of thousands of lives and improved the quality of life for millions, it ought to be celebrated as one of the great achievements by a Republican or any other president.

But 40 years later, some of the most conservative groups in America are trying to stop the EPA from doing its job. As an example of big government that works for people, the agency faces resentment in right-wing circles that has long simmered but lately has grown in intensity. The trigger for this renewed opposition came in 2007, when the U.S. Supreme Court ruled that the EPA has authority under the Clean Air Act to regulate greenhouse gases.

Since then, the EPA has been promulgating regulations. Industry groups and the politicians who cater to them have been pushing back with renewed zeal. Predictably, the claim that the new rules will ruin the economy has been part of the chorus. With the anti-government, anti-regulation cries of the Tea Party echoing across the land, the threat to the EPA's future effectiveness is not imaginary.

Last June, Sen. Lisa Murkowski (R., Alaska) fired a preliminary shot in this campaign when she attempted to stop the EPA from regulating greenhouse gas emissions. She did not succeed, but the Senate vote was a close 53-47, with half a

dozen Democrats joining Republicans. As it was, the vote signaled that the hopes of passing a comprehensive energy bill this year were doomed.

With the foes of environmental regulation emboldened, environmental groups fear that it is only a matter of time before other efforts to gut the EPA succeed, as Congress finishes up its session.

Sen. Jay Rockefeller (D., W. Va.) protective of the interests of Big Coal, wants to suspend for two years EPA rules on carbon dioxide and methane for stationary sources of pollution such as power plants. There's also a House version. But the threat could just as easily come attached to any important bill, one that President Obama would be hard-pressed to veto.

Ohio's congressional delegation needs to stand firm. If any member needs encouragement, it can be found in a speech by EPA Administrator Lisa Jackson on the 40th anniversary of the Clean Air Act earlier this month.

"Today's forecasts of economic doom are nearly identical - almost word for word - to the doomsday predictions of the last 40 years," she said. "This broken record continues despite the fact that history has proven the doomsayers wrong again and again."

The best job Congress can do is to let the EPA, which has a proven record of protecting the American people over four decades, do its job.

01268-EPA-826

Seth Oster/DC/USEPA/US

09/27/2010 01:42 PM

To Richard Windsor

cc Diane Thompson, Heidi Ellis

bcc

Subject Canceling Env Grantmakers Association Speech

Administrator --(b)(5) Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

Thoughts?

Seth

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

01268-EPA-828

Seth Oster/DC/USEPA/US

To "Lisa Jackson"

09/29/2010 02:35 PM

cc

bcc

Subject Fw: FORTUNE: EPA's Jackson: The new face of tough regulation

Check this out.

Adora Andy

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

From: Adora Andy**Sent:** 09/29/2010 02:18 PM EDT**To:** Betsaida Alcantara**Cc:** Alisha Johnson; Brendan Gilfillan; Dominique Bennis; Michael Moats; Seth Oster; Vicki Ekstrom**Subject:** Re: FORTUNE: EPA's Jackson: The new face of tough regulation
HOLY COW. Moatsy, you should have worked for Steve.

Adora Andy

Deputy Associate Administrator

U.S. Environmental Protection Agency

Office of External Affairs and Environmental Education

202-564-2715

andy.adora@epa.gov

Betsaida Alcantara

Amazing!

----- Original Message...

09/29/2010 01:30:14 PM

From: Betsaida Alcantara/DC/USEPA/US
 To: Michael Moats/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA
 Cc: Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Dominique Bennis/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA
 Date: 09/29/2010 01:30 PM
 Subject: Re: FORTUNE: EPA's Jackson: The new face of tough regulation

Amazing!

Michael Moats

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

From: Michael Moats**Sent:** 09/29/2010 01:29 PM EDT**To:** Alisha Johnson**Cc:** Adora Andy; Betsaida Alcantara; Brendan Gilfillan; Dominique Bennis; Seth Oster; Vicki Ekstrom**Subject:** Re: FORTUNE: EPA's Jackson: The new face of tough regulation
Let it be noted:

According to the EPA webpage, she's given 125 official speeches and public addresses since she joined the last year. Her predecessor Stephen Johnson made under 90 during his entire four-year term.

I spit hot fire.

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

Alisha Johnson	FORTUNE: Brainstorm Green EPA's J...	09/29/2010 12:09:55 PM
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From: Alisha Johnson/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA
 Cc: Dominique Benns/DC/USEPA/US@EPA
 Date: 09/29/2010 12:09 PM
 Subject: FORTUNE: EPA's Jackson: The new face of tough regulation

FORTUNE: Brainstorm Green
 EPA's Jackson: The new face of tough regulation
http://money.cnn.com/2010/09/29/news/companies/EPA_Lisa_Jackson_fracking.fortune/
 By Shelley DuBoisSeptember 29, 2010: 11:56 AM ET

FORTUNE -- The Environmental Protection Agency has only recently had a face. That face has taken the form of Lisa Jackson -- the first African-American EPA administrator, appointed by Barack Obama in 2009. The landmark appointment caused a media stir, not for her race, but for the clean break with the recent past EPA administrators that her appointment represented.

Since then, Jackson has maintained a place in the spotlight and media circuit. Not only has she been a regular figure in the headlines, but she has brought the agency with her. (She's also #6 on Fortune's Most Powerful Woman D.C. Power List.)

0Email Print CommentRecently, the EPA has been front and center in the northeast because it's stepping in to a controversy about natural gas drilling, or fracking. The agency has scheduled hearings across the country where locals could voice their concerns about a fracking to a panel of four EPA members. The hearings brought policy-makers to the people.

Jackson seems keen to do that across the EPA's entire mandate. She's tech-savvy and transparent compared to other people who have been in her position. You can follow her through all kinds of social media, and many of the EPA's activities posted on the webpage call for public participation. She's been on David Letterman and the Daily Show with Jon Stewart. According to the EPA webpage, she's given 125 official speeches and public addresses since she joined the last year. Her predecessor Stephen Johnson made under 90 during his entire four-year term.

0:00 /3:23'Fracking' threatens local water supply
 Jackson's credentials have probably prepped her to be more media savvy. Like Johnson, Jackson worked for the EPA before being appointed administrator. But she has also been in the political game-she worked as chief of staff for New Jersey Senator John Corzine, and served as commissioner for the state's Department of Environmental Protection.

She has a science background, which is actually surprisingly new for the administration. The first professional scientist ever hired to head the EPA was Johnson, who made his mark with his work against legislative efforts to curb greenhouse gas emissions. Before him, Michael Leavitt was head administrator. Leavitt served as governor of Utah for a while, and worked as the CEO of an insurance company. He replaced Christine Todd Whitman, who left the EPA mid-term, allegedly because of former Vice President

Dick Cheney's push to exempt companies from the pollution standards of the Clean Air Act.

Compared to her predecessors, Jackson has been a strong voice for policy to address climate change-although she's had some major setbacks, too, thanks to the frosty legislative climate. Probably her biggest has been the carbon cap-and-trade bill that Democratic leaders in the Senate threw out this past summer.

The bill would have been a big win for Jackson and the EPA, which would have been tapping into its ability to regulate greenhouse gasses via the Clean Air Act. Now the agency has to figure out how to cut emissions while keeping the industry happy, and re-think its strategy for navigating a sluggish Congress.

The stumble illustrates what may be the downside of being an accessible, even likable EPA leader. Jackson has positioned herself so prominently that she takes much of the heat from environmentalists when the agency falters, and faces resistance from industries to regulation that could actually break ground. It's a problem that has pervaded the entire Obama administration's tenure, as progressive goals repeatedly run into the political realities of doing business in Washington.

Yet with all eyes on Lisa Jackson, she could give the EPA some muscle that it's never had before. Or, if the administration can't get even compromise versions of its signature environmental agenda through Congress, she could end up, even in the eyes of environmentalists who lives through the Bush years, in the unfortunate and unfair role of scapegoat.

01268-EPA-836

Seth Oster/DC/USEPA/US

10/05/2010 12:28 PM

To Richard Windsor, Diane Thompson

cc

bcc

Subject FFW: Boxer story


FYI.

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

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

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

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



01268-EPA-838

**Brendan
Gilfillan/DC/USEPA/US**
10/06/2010 12:05 PM

To Richard Windsor
cc
bcc
Subject statement on WV lawsuit

Hey Boss -

Here's our statement in response to the WV MTM lawsuit filed this morning:

Despite many efforts by EPA, state officials have not engaged in a meaningful discussion of sustainable mining practices that will create jobs while protecting the waters that Appalachian communities depend on for drinking, swimming and fishing. Earlier this year, at the request of the State, EPA issued clear guidance that ensures permits are reviewed using the best science available to protect residents from the significant and irreversible damage this practice can have on communities and their water sources. That science was just recently reaffirmed in a draft report by an independent panel of scientists.

EPA continues to be willing work with industry to reach common sense agreements allowing them to mine coal while avoiding permanent environmental impacts and protecting water quality. The EPA's number one priority is to protect the health of all Americans and the guidance allows the people of West Virginia and other states to have both, a healthy environment and a healthy economy.

Brendan Gilfillan
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2081
gilfillan.brendan@epa.gov

01268-EPA-839

Arvin Ganesan/DC/USEPA/US

10/13/2010 04:25 PM

To Richard Windsor

cc Adora Andy, Al Armendariz, Alisha Johnson, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Dana Tulis, David McIntosh, Diane Thompson, Dru Ealons, Gwendolyn KeyesFleming, Janet Woodka, Mathy Stanislaus, Michael Moats, Paul Anastas, Sarah Pallone, Seth Oster, Stan Meiburg, Stephanie Owens, Vicki Ekstrom

bcc

Subject Re: HEADS UP: DISPERSANT PETITION

Yes. (b)(5) Deliberative


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

Richard Windsor	We should say we will review the petiti...	10/13/2010 04:17:12 PM
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From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
Cc: Michael Moats/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Date: 10/13/2010 04:17 PM
Subject: Re: HEADS UP: DISPERSANT PETITION

(b)(5) Deliberative


Adora Andy

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

From: Adora Andy**Sent:** 10/13/2010 11:42 AM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Seth Oster; Stephanie Owens; Paul Anastas; Mathy Stanislaus; Dana Tulis; Al Armendariz; Gwendolyn KeyesFleming; Stan Meiburg; Janet Woodka

Cc: Michael Moats; Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Vicki Ekstrom; Dru Ealons

Subject: HEADS UP: DISPERSANT PETITION

FYI: We have already gotten a call from the Times-Pic looking for a response.

From: Kathleen Sutcliffe [ksutcliffe@earthjustice.org]

Sent: Wednesday, October 13, 2010 10:48 AM

To: Kathleen Sutcliffe

Subject: NEWS: On Heels of Lifted Drilling Moratorium, Groups Press EPA to Determine Dispersant Toxicity

FOR IMMEDIATE RELEASE

October 13, 2010

CONTACT:

Marianne Engelman Lado, Earthjustice, (212) 791-1881, ext. 228, (917) 608-2053 (cell)

Clint Guidry, Louisiana Shrimp Association, (504) 952-4368

Cynthia Sarthou, Gulf Restoration Network, (504) 525-1528 ext 202, cyn@healthygulf.org

Manley Fuller, Florida Wildlife Federation, (850) 567-7129 (cell), wildfed@gmail.com

Bob Shavelson, Cook Inletkeeper, (907) 235-4068, ext. 22, 907.299.3277 (cell) bob@inletkeeper.org

Pamela K. Miller, Alaska Community Action on Toxics, pkmiller@akaction.net

Scott Edwards, Waterkeeper, (914) 674-0622, ext. 13, sedwards@waterkeeper.org

Kristina Johnson, Sierra Club (415) 977-5619 kristina.johnson@sierraclub.org

How Toxic are Oil Dispersants? Groups Press EPA to Find Out Before Next Spill
Shrimpers, community groups petition agency for info, clear rules before OK'ing future use

Washington, D.C. — Gulf coast shrimpers and affected community groups from Alaska to Louisiana to Florida pressed the federal government today to better regulate dispersants -- the chemicals that oil companies routinely use to break up oil slicks on water – before these chemicals are used in future spill cleanups.

The non-profit environmental law firm Earthjustice filed a [petition \(PDF\)](#) on behalf of the Louisiana Shrimp Association, Florida Wildlife Federation, Gulf Restoration Network, the Alaska-based Cook Inletkeeper, Alaska Community Action on Toxics, Waterkeeper and Sierra Club asking the U.S. Environmental Protection Agency (EPA) to write rules that would set out exactly how and when dispersants could be used in the future.

The move comes just one day after the Obama administration announced it was lifting a moratorium on Gulf Coast oil drilling.

“Unprecedented use of toxic dispersants during the BP Deepwater Horizon Disaster without prior scientific study and evaluation on the effect to Gulf of Mexico marine ecosystems and human health was a horrific mistake that should *never* have been allowed to happen,” said Clint Guidry of the Louisiana Shrimp Association. “Potential ecosystem collapse caused by toxic dispersant use during this disaster will have immediate and long term effects on the Gulf’s traditional fishing communities’ ability to sustain our culture and heritage.”

The groups are also calling on the EPA to require dispersant makers both to disclose the ingredients of their products and to better test and report the toxicity of those products.

“Industry executives would like us to think that dispersants are some kind of fairy dust that magically removes oil from water,” said Earthjustice attorney Marianne Engelman Lado. “The fact is we have very little idea how toxic dispersants are, what quantities are safe to use or their long term effects on everything from people who work with the chemicals to coral in the water. We have little information about their long-term impact on life in the Gulf, or even whether the mix of oil and dispersants is more harmful than oil alone.”

EPA Administrator Lisa Jackson herself has raised concerns about this lack of information, calling for more data and better testing of dispersants so that officials don’t have to make “judgment calls on the spot.”

“We need to make sure that we understand the full effects of dispersants on the environment and human health,” said Florida Wildlife Federation President Manley Fuller. “And when dispersants are used, we need to be sure they are as safe as possible.”

The groups’ petition comes on the heels of draft [report](#) issued last week by the federal Oil Spill Commission that acknowledged that federal agencies were unprepared for the tough decisions they faced over whether to allow some 1.84 million gallons of chemical dispersants to be dumped in the Gulf of Mexico during the record-breaking BP Deepwater Horizon spill. The requested rules would ensure the agency never again be forced to make such decisions without sufficient information and guidelines.

“Never again should the oil industry be allowed to dump hundreds of thousands of gallons of dispersant into the sea as their preferred method of response to an oil spill,” said Cynthia Sarthou, of the Gulf Restoration Network. “Because so little is currently known by EPA -- or anyone else for that matter -- about the long-term impact to fish and wildlife, the use of dispersants is a dangerous and potentially devastating experiment.”

The summer’s catastrophe in the Gulf is not the first time the use of chemical dispersants has come under fire. Workers involved in the cleanup of Exxon Valdez spill in Alaska reported health problems -- including blood in their urine and kidney and liver disorders -- believed to have been linked to dispersant exposure.

“In Alaska, we have witnessed the long-term adverse health consequences of the use of dispersants on the health of cleanup workers,” said Pamela Miller, Executive Director of Alaska Community Action on Toxics. “The indiscriminate use of toxic dispersants also threatens the health of subsistence and commercial fisheries that are essential to the culture and economy of Alaska.”

“Oil corporations in Alaska now reach for dispersants as one of their first tools for oil spill response,” said Cook Inletkeeper Bob Shavelson. “Countless Alaskans rely on our wild, healthy fisheries, and we have a right to know about the toxic dispersants used in our waters.”

The group also filed a [60-day-notice of intent to file a lawsuit \(PDF\)](#) prodding the agency to provide information long required by the Clean Water Act identifying exactly where dispersants may be used and how much is safe.

“The largely unregulated use of dispersants is another example in the all-too-long list of ways that oil, coal and gas industries act with an open disdain for environmental and human health,” stated Scott Edwards, Director of Advocacy for Waterkeeper Alliance. “Coal companies dumping mine waste in our streams, gas extractors injecting harmful chemicals in our drinking water and the oil industry poisoning our coastal communities first with oil and now with untested dispersants all point to one thing – it’s time to end our irresponsible addiction to harmful fossil fuels and move onto cleaner, renewable energy sources.”

The Clean Water Act requirements have been in place for decades, but administration after administration has failed to comply with the law, and there was scant data available to EPA officials when they were confronted with the devastating Gulf Coast spill this summer.

“The BP oil disaster painfully showed just how little is known about these chemicals. We should not be gambling with the health of our coastal waters or the people who make their life from them. If dispersants are going to be part of the toolbox for responding to future emergencies, we need to be certain they’re not doing more harm than good. We call on EPA to pledge that never again will oil spill response turn into an uncontrolled experiment in our nation’s waters,” said Sierra Club Louisiana Representative Jill Mastrototaro.

###

Background Material:

To see the petition filed pressing EPA to establish new rules requiring dispersant manufacturers to reveal the toxicity and ingredients of their projects see:

<http://www.earthjustice.org/documents/legal-document/pdf/dispersant-petition>

To see the 60-day notice of intent to sue over long required Clean Water Act requirements, please visit:

<http://www.earthjustice.org/documents/legal-document/pdf/dispersant-notice>

To view the federal Oil Spill Commission report, please visit:

<http://www.oilspillcommission.gov/document/use-surface-and-subsea-dispersants-during-bp-deepwater-horizon-oil-spill>

01268-EPA-840

**Brendan
Gilfillan/DC/USEPA/US**
10/13/2010 04:28 PM

To Arvin Ganesan, Richard Windsor
cc Adora Andy, Al Armendariz, Alisha Johnson, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Dana Tulis, David McIntosh, Diane Thompson, Dru Ealons, Gwendolyn KeyesFleming, Janet Woodka, Mathy Stanislaus, Michael Moats, Paul Anastas, Sarah Pallone, Seth Oster, Stan Meiburg, Stephanie Owens, Vicki Ekstrom
bcc

Subject Re: HEADS UP: DISPERSANT PETITION

Here's our statement - (b)(5) Deliberative ::

Administrator Jackson has made clear that one of the lessons of this spill is that we need to learn more about the use and long-term impact of dispersant. She has also committed to revising the 15-year old process by which these products end up on the National Contingency Plan Product Schedule. To that end, EPA requested and received \$2 million to conduct additional research into dispersants - research that will supplement the independent testing EPA conducted specifically in response to this spill. We will review this petition and respond accordingly.

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 10/13/2010 04:25 PM EDT
To: Richard Windsor
Cc: Adora Andy; Al Armendariz; Alisha Johnson; Betsaida Alcantara; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Dana Tulis; David McIntosh; Diane Thompson; Dru Ealons; Gwendolyn KeyesFleming; Janet Woodka; Mathy Stanislaus; Michael Moats; Paul Anastas; Sarah Pallone; Seth Oster; Stan Meiburg; Stephanie Owens; Vicki Ekstrom
Subject: Re: HEADS UP: DISPERSANT PETITION

Yes. (b)(5) Deliberative

ARVIN R. GANESAN
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Richard Windsor (b)(5) Deliberative 10/13/2010 04:17:12 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
Cc: Michael Moats/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida

Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Date: 10/13/2010 04:17 PM
Subject: Re: HEADS UP: DISPERSANT PETITION

(b)(5) Deliberative



Adora Andy

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Sent: 10/13/2010 11:42 AM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Seth Oster; Stephanie Owens; Paul Anastas; Mathy Stanislaus; Dana Tulis; Al Armendariz; Gwendolyn KeyesFleming; Stan Meiburg; Janet Woodka
Cc: Michael Moats; Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Vicki Ekstrom; Dru Ealons
Subject: HEADS UP: DISPERSANT PETITION

FYI: We have already gotten a call from the Times-Pic looking for a response.

From: Kathleen Sutcliffe [ksutcliffe@earthjustice.org]

Sent: Wednesday, October 13, 2010 10:48 AM

To: Kathleen Sutcliffe

Subject: NEWS: On Heels of Lifted Drilling Moratorium, Groups Press EPA to Determine Dispersant Toxicity

FOR IMMEDIATE RELEASE

October 13, 2010

CONTACT:

Marianne Engelman Lado, Earthjustice, (212) 791-1881, ext. 228, (917) 608-2053 (cell)

Clint Guidry, Louisiana Shrimp Association, (504) 952-4368

Cynthia Sarthou, Gulf Restoration Network, (504) 525-1528 ext 202, cyn@healthygulf.org

Manley Fuller, Florida Wildlife Federation, (850) 567-7129 (cell), wildfed@gmail.com

Bob Shavelson, Cook Inletkeeper, (907) 235-4068, ext. 22, 907.299.3277 (cell) bob@inletkeeper.org

Pamela K. Miller, Alaska Community Action on Toxics, pkmiller@akaction.net

Scott Edwards, Waterkeeper, (914) 674-0622, ext. 13, sedwards@waterkeeper.org

Kristina Johnson, Sierra Club (415) 977-5619 kristina.johnson@sierraclub.org

How Toxic are Oil Dispersants? Groups Press EPA to Find Out Before Next Spill
Shrimpers, community groups petition agency for info, clear rules before OK'ing future use

Washington, D.C. — Gulf coast shrimpers and affected community groups from Alaska to Louisiana to Florida pressed the federal government today to better regulate dispersants -- the chemicals that oil companies routinely use to break up oil slicks on water -- before these chemicals are used in future spill cleanups.

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Environmental Protection Agency (EPA) to write rules that would set out exactly how and when dispersants could be used in the future.

The move comes just one day after the Obama administration announced it was lifting a moratorium on Gulf Coast oil drilling.

"Unprecedented use of toxic dispersants during the BP Deepwater Horizon Disaster without prior scientific study and evaluation on the effect to Gulf of Mexico marine ecosystems and human health was a horrific mistake that should *never* have been allowed to happen," said Clint Guidry of the Louisiana Shrimp Association. "Potential ecosystem collapse caused by toxic dispersant use during this disaster will have immediate and long term effects on the Gulf's traditional fishing communities' ability to sustain our culture and heritage."

The groups are also calling on the EPA to require dispersant makers both to disclose the ingredients of their products and to better test and report the toxicity of those products.

"Industry executives would like us to think that dispersants are some kind of fairy dust that magically removes oil from water," said Earthjustice attorney Marianne Engelman Lado. "The fact is we have very little idea how toxic dispersants are, what quantities are safe to use or their long term effects on everything from people who work with the chemicals to coral in the water. We have little information about their long-term impact on life in the Gulf, or even whether the mix of oil and dispersants is more harmful than oil alone."

EPA Administrator Lisa Jackson herself has raised concerns about this lack of information, calling for more data and better testing of dispersants so that officials don't have to make "judgment calls on the spot."

"We need to make sure that we understand the full effects of dispersants on the environment and human health," said Florida Wildlife Federation President Manley Fuller. "And when dispersants are used, we need to be sure they are as safe as possible."

The groups' petition comes on the heels of draft [report](#) issued last week by the federal Oil Spill Commission that acknowledged that federal agencies were unprepared for the tough decisions they faced over whether to allow some 1.84 million gallons of chemical dispersants to be dumped in the Gulf of Mexico during the record-breaking BP Deepwater Horizon spill. The requested rules would ensure the agency never again be forced to make such decisions without sufficient information and guidelines.

"Never again should the oil industry be allowed to dump hundreds of thousands of gallons of dispersant into the sea as their preferred method of response to an oil spill," said Cynthia Sarthou, of the Gulf Restoration Network. "Because so little is currently known by EPA -- or anyone else for that matter -- about the long-term impact to fish and wildlife, the use of dispersants is a dangerous and potentially devastating experiment."

The summer's catastrophe in the Gulf is not the first time the use of chemical dispersants has come under fire. Workers involved in the cleanup of Exxon Valdez spill in Alaska reported health problems -- including blood in their urine and kidney and liver disorders -- believed to have been linked to dispersant exposure.

"In Alaska, we have witnessed the long-term adverse health consequences of the use of dispersants on the health of cleanup workers," said Pamela Miller, Executive Director of Alaska Community Action on Toxics. "The indiscriminate use of toxic dispersants also threatens the health of subsistence and commercial fisheries that are essential to the culture and economy of Alaska."

"Oil corporations in Alaska now reach for dispersants as one of their first tools for oil spill response," said Cook Inletkeeper Bob Shavelson. "Countless Alaskans rely on our wild, healthy fisheries, and we have a right to know about the toxic dispersants used in our waters."

The group also filed a [60-day-notice of intent to file a lawsuit \(PDF\)](#) prodding the agency to provide information long required by the Clean Water Act identifying exactly where dispersants may be used and how much is safe.

"The largely unregulated use of dispersants is another example in the all-too-long list of ways that oil, coal and gas industries act with an open disdain for environmental and human health," stated Scott Edwards, Director of Advocacy for Waterkeeper Alliance. "Coal companies dumping mine waste in our streams, gas extractors injecting harmful chemicals in our drinking water and the oil industry poisoning our coastal communities first with oil and now with untested dispersants all point to one thing – it's time to end our irresponsible addiction to harmful fossil fuels and move onto cleaner, renewable energy sources."

The Clean Water Act requirements have been in place for decades, but administration after administration has failed to comply with the law, and there was scant data available to EPA officials when they were confronted with the devastating Gulf Coast spill this summer.

"The BP oil disaster painfully showed just how little is known about these chemicals. We should not be gambling with the health of our coastal waters or the people who make their life from them. If dispersants are going to be part of the toolbox for responding to future emergencies, we need to be certain they're not doing more harm than good. We call on EPA to pledge that never again will oil spill response turn into an uncontrolled experiment in our nation's waters," said Sierra Club Louisiana Representative Jill Mastrototaro.

###

Background Material:

To see the petition filed pressing EPA to establish new rules requiring dispersant manufacturers to reveal the toxicity and ingredients of their products see:

<http://www.earthjustice.org/documents/legal-document/pdf/dispersant-petition>

To see the 60-day notice of intent to sue over long required Clean Water Act requirements, please visit:

<http://www.earthjustice.org/documents/legal-document/pdf/dispersant-notice>

To view the federal Oil Spill Commission report, please visit:

<http://www.oilspillcommission.gov/document/use-surface-and-subsea-dispersants-during-bp-deepwater-horizon-oil-spill>

01268-EPA-841

Adora Andy/DC/USEPA/US

10/13/2010 07:59 PM

To Bob Perciasepe, Bob Sussman**cc** Dru Ealons, "Arvin Ganesan", Shawn Garvin, "Brendan Gilfillan", David McIntosh, "Seth Oster", Stephanie Owens, Sarah Pallone, Peter Silva, "Bob Sussman", Diane Thompson, "Richard Windsor"**bcc****Subject** Re: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

Thanks Bob. Quite depressing. :)

From: Bob Perciasepe**Sent:** 10/13/2010 07:57 PM EDT**To:** Bob Sussman; Adora Andy**Cc:** Dru Ealons; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Shawn Garvin; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; Stephanie Owens; Sarah Pallone; Peter Silva; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; "Richard Windsor" <windsor.richard@epa.gov>**Subject:** Re: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

50/435 = 12%

I guess it is a start.

Bob Perciasepe

Office of the Administrator

(o)202 564 4711

(c)(b) (6) Privacy

From: Bob Sussman**Sent:** 10/13/2010 07:50 PM EDT**To:** Adora Andy**Cc:** Dru Ealons; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Shawn Garvin; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; Stephanie Owens; Bob Perciasepe; Sarah Pallone; Peter Silva; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; "Richard Windsor" <windsor.richard@epa.gov>**Subject:** Re: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

Nice.

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

From: Adora Andy/DC/USEPA/US
To: "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Shawn Garvin" <Garvin.Shawn@epamail.epa.gov>, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Stephanie Owens" <Owens.Stephania@epamail.epa.gov>, Sarah Pallone/DC/USEPA/US@EPA, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Date: 10/13/2010 07:12 PM
Subject: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

Pls see below

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

From: Brendan Gilfillan
Sent: 10/13/2010 07:07 PM EDT
To: Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Alisha Johnson; Michael Moats; Vicki Ekstrom
Cc: Bob Sussman; Arvin Ganesan
Subject: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

50 Dems urge EPA to continue fight against mountaintop removal mining

By Mike Lillis - 10/13/10 06:07 PM ET

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In a letter sent Friday to EPA Administrator Lisa Jackson, the lawmakers said [new mining rules](#) designed to protect the health of neighboring residents "represent significant progress for communities struggling in the shadow of mining."

"When scientific research shows that surface mining routinely violates downstream water quality standards," the Democrats wrote, "it is critical for EPA to ensure that states and mining companies are aware of the pollution levels that cause harm, that discharge permits incorporate adequate safeguards, and that the permits are enforced."

Among those endorsing the letter were Reps. Frank Pallone (N.J.), Earl Blumenauer (Ore.), Henry Waxman (Calif.), Pete Stark (Calif.) and Debbie Wasserman Schultz (Fla.).

The letter arrived just two days after West Virginia Gov. Joe Manchin — the Democrat in a surprisingly tough race to replace the late-Sen. Robert Byrd (D-W.Va.) — [sued the EPA](#) over the new rules. The House Democrats didn't mention Manchin or the suit, but the timing of their letter is likely not a coincidence.

Mountaintop removal mining — in which companies blast away Appalachian peaks and push the debris into adjacent valleys — has been a boon to the industry, cutting labor costs and eliminating the need to truck the waste to more distant dumping grounds. But many scientists say the dollar savings for companies comes at the expense of human health.

[A study](#) published in the journal *Science* in January, for instance, noted that "adult hospitalizations for chronic pulmonary disorders and hypertension are elevated as a function of county-level coal production, as are rates of mortality; lung cancer; and chronic heart, lung, and kidney disease.

"Health problems are for women and men, so effects are not simply a result of direct occupational exposure of predominantly male coal miners," the researchers wrote.

Commenting on the study, lead author Margaret Palmer, a scientist at the University of Maryland, said "the scientific evidence of the severe environmental and human impacts from mountaintop mining is strong and irrefutable."

"Its impacts are pervasive and long lasting and there is no evidence that any mitigation practices successfully reverse the damage it causes."

More recently, researchers at Virginia Tech and West Virginia University [found](#) that people living near streams poisoned by mines are at higher risk of getting cancer.

Responding to concerns raised by health advocates, environmentalists and community activists, the EPA in April said it won't approve permits for mountaintop removal mines projected to raise stream toxicity above a certain level.

The [new guidelines](#) gauge the health of streams based on their conductivity, which is a good indicator of water's purity. The runoff from Appalachian mines tends to contain toxins like magnesium, sulfate, bicarbonate, and potassium — all ions that raise conductivity levels. The higher the conductivity, the more harmful the water is to living things.

EPA says it will reject mining projects expected to raise stream conductivity more than five times the normal level. Effectively, the agency attached hard numerical standards to environmental protections more vaguely outlined in the Clean Water Act.

Jackson in April said there are "no or very few valley fills that will meet standards like this."

The guidelines came under immediate attack from the mining industry and many coal country lawmakers, who argued that the restrictions will hobble an industry that's vital for creating

Appalachian jobs. Arguing that same point last week, Manchin, a former coal broker, sued the EPA over the new rules.

"We are asking the court to reverse EPA's actions before West Virginia's economy and our mining community face further hardship and uncertainty and weaken the strength of this country," Manchin told reporters.

Two days later, the 50 House Democrats penned their letter offering full support of the EPA rules.

"Surface mining in the steep slopes of Appalachia has disrupted the biological integrity of an area about the size of Delaware, buried approximately 2,000 miles of streams with mining waste, and contaminated downstream areas with toxic and bio-accumulative selenium," the lawmakers wrote.

"The ultimate success of the new guidance depends upon effective implementation by EPA and its regional offices. Mining companies and some state agencies may reject this guidance, but we strongly urge the EPA to carry it out aggressively."

The Democrats also vowed to continue their support for [legislation](#) — sponsored by Pallone and GOP Rep. Dave Reichert (Wash.) — that would prohibit mine companies from dumping debris in streams altogether. Similar legislation has been introduced by Sens. Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.).

The idea is to eliminate mountaintop removal by making the process economically unfeasible to companies that would be forced to truck the waste off-site.

"Nothing less," the Democrats wrote to Jackson, "will protect Appalachia from the devastation of mountaintop removal mining."

01268-EPA-842

Shawn Garvin/R3/USEPA/US

10/13/2010 08:18 PM

To: Adora Andy, Bob Perciasepe, Bob Sussman**cc:** Dru Ealons, "Arvin Ganesan", "Brendan Gilfillan", David McIntosh, "Seth Oster", Stephanie Owens, Sarah Pallone, Peter Silva, "Bob Sussman", Diane Thompson, "Richard Windsor"**bcc:****Subject:** Re: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

I think it is a start. You can't get people to follow if someone doesn't step out and take the lead. We shall see.

Sent by EPA Wireless E-Mail Services

From: Adora Andy**Sent:** 10/13/2010 07:59 PM EDT**To:** Bob Perciasepe; Bob Sussman**Cc:** Dru Ealons; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Shawn Garvin; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; Stephanie Owens; Sarah Pallone; Peter Silva; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; "Richard Windsor" <windsor.richard@epa.gov>**Subject:** Re: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

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50/435 = 12%

I guess it is a start.

Bob Perciasepe

Office of the Administrator

(o)202 564 4711

(c)(b) (6) Privacy

From: Bob Sussman**Sent:** 10/13/2010 07:50 PM EDT**To:** Adora Andy**Cc:** Dru Ealons; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Shawn Garvin; "Brendan Gilfillan"

<gilfillan.brendan@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; Stephanie Owens; Bob Perciasepe; Sarah Pallone; Peter Silva; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; "Richard Windsor" <>windsor.richard@epa.gov>

Subject: Re: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

Nice.

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

From: Adora Andy/DC/USEPA/US
To: "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Shawn Garvin" <Garvin.Shawn@epamail.epa.gov>, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, Sarah Pallone/DC/USEPA/US@EPA, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>
Date: 10/13/2010 07:12 PM
Subject: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

Pls see below

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From: Brendan Gilfillan
Sent: 10/13/2010 07:07 PM EDT
To: Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Alisha Johnson; Michael Moats; Vicki Ekstrom
Cc: Bob Sussman; Arvin Ganesan
Subject: The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

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By Mike Lillis - 10/13/10 06:07 PM ET

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01268-EPA-845

**David
McIntosh/DC/USEPA/US**

10/19/2010 03:39 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Seth
Oster, Arvin Ganesan

cc

bcc

Subject Fw: detroitnews.com: U.S. to unveil first efficiency standards
for heavy trucks

----- Forwarded by David McIntosh/DC/USEPA/US on 10/19/2010 03:38 PM -----

From: David McIntosh/DC/USEPA/US
 To: Brendan Gilfillan/DC/USEPA/US@EPA
 Cc: "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>
 Date: 10/19/2010 03:37 PM
 Subject: Re: Fw: detroitnews.com: U.S. to unveil first efficiency standards for heavy trucks

Ah. Hmm. (b)(5) Deliberative

Brendan Gilfillan

Fyi ----- Original Message -----

10/19/2010 03:34:57 PM

From: Brendan Gilfillan/DC/USEPA/US
 To: "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>
 Date: 10/19/2010 03:34 PM
 Subject: Fw: detroitnews.com: U.S. to unveil first efficiency standards for heavy trucks

Fyi

Dominique Benns

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

From: Dominique Benns
Sent: 10/19/2010 03:33 PM EDT
To: Alisha Johnson; Adora Andy; Brendan Gilfillan; Betsaida Alcantara; Michael Moats
Subject: detroitnews.com: U.S. to unveil first efficiency standards for heavy trucks

Detroit News

U.S. to unveil first efficiency standards for heavy trucks

David Shepardson / Detroit News Washington Bureau

Washington – The Obama administration will unveil the first fuel efficiency standards for medium- and heavy-duty trucks as early as Wednesday.

The new proposed requirements will cover the 2014-18 model years and will be finalized by July 30, said Margo Oge, director of the Environmental Protection Agency's Office of Transportation and Air Quality.

Advertisement

"The announcement is going to happen soon," Oge told reporters today. "It's going to be a historic announcement that will advance energy security, climate change and will be a win-win situation."

The EPA said in May that the rules could save 500 million barrels of oil over the lifetime of the vehicles built over the five-year period and achieve \$70 billion in fuel savings. The new requirements are required by Congress under a 2007 energy law.

"Many of the technologies pay back in a very short period of time," Oge said.

The agency also estimated that the new rules could reduce greenhouse gas emissions by 250 million metric tons. These heaviest trucks on the roads consume more than two million barrels of oil every day and average 6.1 miles per gallon. They also emit 20 percent of greenhouse gases from the transportation sector.

Medium-duty trucks are generally defined as 13,000 to 33,000 pounds, while heavy-duty trucks weigh more than 33,000 pounds.

The government since 2005 has spent more than \$200 million to help retrofit dirtier, older diesel engines with newer cleaner engines.

President Barack Obama signed a directive in May that ordered the EPA and the National Highway Traffic Safety Administration to work jointly to set the new rules.

"This is going to bring down the costs for transportation – for transporting goods, serving businesses and consumers alike," Obama said in May, flanked by heavy truck manufacturers including Daimler Trucks, Volvo, Cummins and Navistar.

Obama's directive said "preliminary estimates indicate that large tractor-trailers, representing half of all greenhouse gas emissions from this sector" can reduce emissions by 20 percent and increase their fuel efficiency by 25 percent with the use of existing technologies.

The president also ordered the agencies to work together on the 2017-25 fuel efficiency and tailpipe emissions limits for passenger cars and light-duty trucks.

NHTSA and EPA said they could propose a 62 mpg fleetwide combined requirement for 2025.

The government already has hiked fuel efficiency standards by 40 percent by 2016 for passenger cars and light-duty trucks – to a fleetwide average of 34.1 mpg – a move that will cost the auto industry about \$51 billion to comply with.

From The Detroit News:

<http://www.detroitnews.com/article/20101019/AUTO01/10190425/1361/U.S.-to-unveil-first-efficiency-standards-for-heavy-trucks#ixzz12ppPfWBE>

01268-EPA-847

Dru Ealons/DC/USEPA/US

10/20/2010 03:10 PM

To Richard Windsor

cc

bcc

Subject Re: Mother Jones: A fight with congressional Republicans
may just be what Lisa Jackson wants

This one is right on point! They really don't want to mess with you...it will surely backfire:-).

Hope you got my other email.

All my best,

Dru

Dru Ealons
Senior Advisor
Office of Public Engagement
Office of the Administrator
US Environmental Protection Agency
202.564.7818 (direct)
202.573.3063 (cell)
ealons.dru@epa.gov

Richard Windsor

Awww ----- Original Message -----

10/20/2010 03:06:49 PM

From: Richard Windsor/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA
Date: 10/20/2010 03:06 PM
Subject: Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

Awww

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 10/20/2010 03:00 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Lisa Heinzerling; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons

Cc: Adora Andy; Betsaida Alcantara

Subject: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

A fight with congressional Republicans may just be what Lisa Jackson wants

Andrew Schenkel, Mother Jones

Republicans are licking their chops about questioning the EPA administrator, but recent history shows that may be exactly what she wants. As Election Day nears, so too does the day when Republicans will be able to put Environmental Protection Agency Administrator Lisa Jackson on the hot seat. All it will take for Jackson to be questioned, ridiculed and sound-bited into an ineffective administrator will be a Republican takeover of just one house of Congress. [Politico reports](#) that Jackson is near the top of the list of administration officials that Republicans want a piece of. The Politico story quotes a former staffer on the House Energy and Commerce Committee as saying, "I think she'll be very much in demand on the Hill, at times not of her choosing. It will diminish her free time, shall we say."

Calling administration officials before Senate or House committees for questioning is just part of politics when Congress and the executive branch are not controlled by the same party. After the Democratic takeover of the House of Representatives and Senate in 2006 it was General Petraeus who was not only called before Congress, but who was then [controversially attacked](#) in a full page [New York Times](#) advertisement paid for by MoveOn.org. Clearly that didn't work, and now all mention of the campaign [has been erased from the liberal organization's website](#).

As for Jackson, assuming Republicans take control of one or both houses, it will be interesting to see how she handles her time in front of congressional committees. Like Petraeus, she will be afforded the opportunity to give her side of things. She will have the opportunity to answer the predictable set of accusations about the science behind climate change, the administration's so-called anti-business agenda, and the claims that the [EPA](#) is over-reaching with its regulation of the energy industry.

While many on the left seem concerned about what will happen after the mid-terms, they should remember that Petraeus did so well under political fire that he is now approaching hero stage in both the political and military arenas.

Jackson will soon have a similar opportunity, and while she will not oversee any actual combat, she will have an opportunity to make her argument, and perhaps emerge victorious.

01268-EPA-848

David
McIntosh/DC/USEPA/US
10/20/2010 03:31 PM

To Richard Windsor
cc Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Dru Ealons, Lisa Heinzerling, "Seth Oster", Sarah Pallone, Stephanie Owens
bcc
Subject Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

(b) (5) D.P.

Richard Windsor Awww ----- Original Message ----- 10/20/2010 03:06:49 PM

From: Richard Windsor/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA
Date: 10/20/2010 03:06 PM
Subject: Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

Awww

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 10/20/2010 03:00 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Lisa Heinzerling; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons
Cc: Adora Andy; Betsaida Alcantara
Subject: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

A fight with congressional Republicans may just be what Lisa Jackson wants

Andrew Schenkel, Mother Jones

Republicans are licking their chops about questioning the EPA administrator, but recent history shows that may be exactly what she wants. As Election Day nears, so too does the day when Republicans will be able to put Environmental Protection Agency Administrator Lisa Jackson on the hot seat. All it will take for Jackson to be questioned, ridiculed and sound-bited into an ineffective administrator will be a Republican takeover of just one house of Congress. [Politico reports](#) that Jackson is near the top of the list of administration officials that Republicans want a piece of. The Politico story quotes a former staffer on the House Energy and Commerce

Committee as saying, "I think she'll be very much in demand on the Hill, at times not of her choosing. It will diminish her free time, shall we say."

Calling administration officials before Senate or House committees for questioning is just part of politics when Congress and the executive branch are not controlled by the same party. After the Democratic takeover of the House of Representatives and Senate in 2006 it was General Petraeus who was not only called before Congress, but who was then [controversially attacked](#) in a full page [New York Times](#) advertisement paid for by MoveOn.org. Clearly that didn't work, and now all mention of the campaign [has been erased from the liberal organization's website](#).

As for Jackson, assuming Republicans take control of one or both houses, it will be interesting to see how she handles her time in front of congressional committees. Like Petraeus, she will be afforded the opportunity to give her side of things. She will have the opportunity to answer the predictable set of accusations about the science behind climate change, the administration's so-called anti-business agenda, and the claims that the [EPA](#) is over-reaching with its regulation of the energy industry.

While many on the left seem concerned about what will happen after the mid-terms, they should remember that Petraeus did so well under political fire that he is now approaching hero stage in both the political and military arenas.

Jackson will soon have a similar opportunity, and while she will not oversee any actual combat, she will have an opportunity to make her argument, and perhaps emerge victorious.

01268-EPA-849

Dru Ealons/DC/USEPA/US

10/20/2010 03:32 PM

To Richard Windsor

cc

bcc

Subject Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

Ok, no prob. Corey's first article on theGrio.com. Will send...

Dru

Richard Windsor

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

From: Richard Windsor**Sent:** 10/20/2010 03:30 PM EDT**To:** Dru Ealons**Subject:** Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

Tx. But I didn't!

Dru Ealons

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

From: Dru Ealons**Sent:** 10/20/2010 03:10 PM EDT**To:** Richard Windsor**Subject:** Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

This one is right on point! They really don't want to mess with you...it will surely backfire:-).

Hope you got my other email.

All my best,

Dru

 Dru Ealons
 Senior Advisor
 Office of Public Engagement
 Office of the Administrator
 US Environmental Protection Agency
 202.564.7818 (direct)
 202.573.3063 (cell)
 ealons.dru@epa.gov

Richard Windsor

Awww ----- Original Message -----

10/20/2010 03:06:49 PM

From: Richard Windsor/DC/USEPA/US

To: Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA

Cc: Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA

Date: 10/20/2010 03:06 PM

Subject: Re: Mother Jones: A fight with congressional Republicans may just be what Lisa Jackson wants

Awww

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 10/20/2010 03:00 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Lisa Heinzerling; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Dru Ealons

Cc: Adora Andy; Betsaida Alcantara

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Andrew Schenkel, Mother Jones

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01268-EPA-851

Seth Oster/DC/USEPA/US

10/21/2010 04:39 PM

To Richard Windsor









cc Diane Thompson

bcc

Subject Proposed Next Speakers Series

Administrator,

(b) (5) D.P.



[REDACTED]

[REDACTED]

Please let me know what you think.

Seth

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

01268-EPA-852

Seth Oster/DC/USEPA/US

10/22/2010 08:59 AM

To Richard Windsor

cc

bcc

Subject Re: Proposed Next Speakers Series

(b) (5) D.P.

Seth

Richard Windsor

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

From: Richard Windsor

Sent: 10/21/2010 06:05 PM EDT

To: Seth Oster

Cc: Diane Thompson

Subject: Re: Proposed Next Speakers Series

(b) (5) D.P.

Seth Oster

Administrator, We have the next idea fo...

10/21/2010 04:37:26 PM

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 10/21/2010 04:37 PM
Subject: Proposed Next Speakers Series

Administrator,

We have the next idea for our EPA@40 Speakers Series for November:

(b) (5) D.P.

(b)

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

(b) [REDACTED]

[REDACTED]

[REDACTED]

(b) [REDACTED]

[REDACTED]

Please let me know what you think.

Seth

oster.seth@epa.gov

01268-EPA-855

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc

10/24/2010 05:59 PM

bcc

Subject Re: TSCA testimony

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent from my Blackberry Wireless Device

From: Richard Windsor
Sent: 10/24/2010 05:40 PM EDT
To: Arvin Ganesan
Subject: Re: TSCA testimony

(b) (5) D.P.

[REDACTED]

From: Arvin Ganesan
Sent: 10/24/2010 09:16 AM EDT
To: Richard Windsor
Subject: TSCA testimony

You're scheduled to testify in Newark for FRL on Tuesday. I'm pasting the text of your testimony. As you can see, it is more conversational and speech-like than normal. Let me know if you have any edits or thoughts on this. It should read about 7-8 minutes, which is OK. There will not be a 5 minute limit on your statement, as usual.


(b) (5) D.P.

[REDACTED]

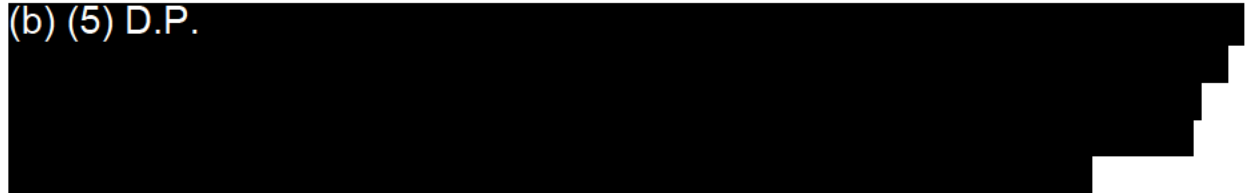
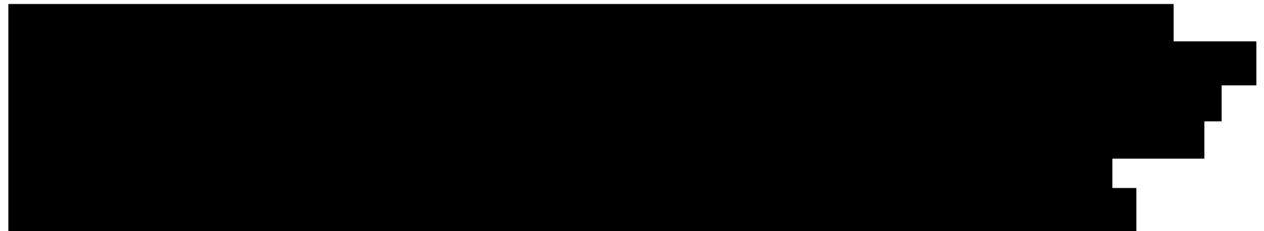
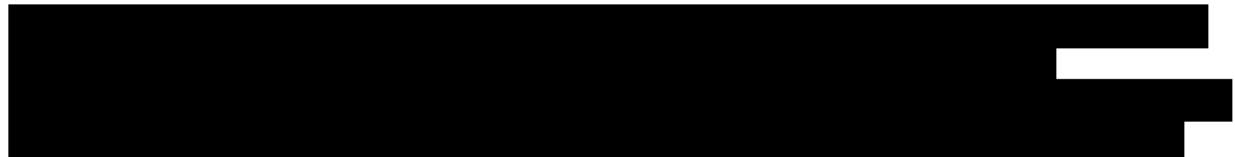
[REDACTED]

Thanks


(b) (5) D.P.

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(b) (5) D.P.

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

[REDACTED]

01268-EPA-857

Sarah Pallone/DC/USEPA/US

10/26/2010 09:14 AM

To Richard Windsor

cc

bcc

Subject Gov. Gregoire

Just in case you haven't yet sent your note to Gov. Gregoire, I thought you might want to read this:

Perry to Wash. CEOs: Come to Texas

By: **John Maggs**

October 25, 2010 06:00 PM EDT

Just days before Washington state voters decide whether to impose a first-ever state tax on six-figure incomes, Texas Gov. Rick Perry has jumped into the middle of the fray.

With a week to go before the Washington ballot initiative, Perry, a Republican, has taken an unusually aggressive swipe at Gov. Chris Gregoire, a Democrat. Perry sent letters Friday to 90 leading businesses in Washington – including Amazon, Microsoft and Starbucks – inviting them to relocate to Texas, which also has no income tax.

"If Washington doesn't want your business, Texas does," said Perry. "Texas has no personal income tax and no interest in getting one."

Most Washington business leaders are lined up against the proposal, which would impose a 5 percent tax on individuals earning \$200,000 or more a year and a 9% tax on those making more than \$500,000.

Microsoft founder Bill Gates, the state's most prominent billionaire, has divided loyalties: his company is fighting the tax proposal on behalf of its many highly-paid workers, but the ballot initiative was sponsored by Gates father, a retired lawyer who argues that Washington needs the money to fund education. The software mogul himself has not taken a position on the tax, which stands to cost him tens of millions of dollars a year.

The latest poll says the anticipated vote on the income tax initiative is too close to call.

A Perry spokesman denied that the governor was meddling to defeat the Washington initiative, but conceded that the timing – a week before the vote – was no coincidence.

"It seemed like the right time to do it, as businesses are focused on the election and on the possibility of paying higher taxes," said Ray Sullivan.

Washington and Texas are among seven states that impose no income tax, contributing to the fact that both are highly rated as places to conduct business.

It is common for governors to recruit individual companies to relocate but unusual to make a blanket indictment of the business climate in another state. It is also unusual for governors to try to influence the outcome of ballot initiatives in another state.

Gregoire, who supports the tax proposal, shrugged off Perry's missives.

"We're serious about keeping businesses here and attracting new ones to the state," she said in a written statement issued by her office. "We've consistently ranked in the top five in the Forbes list of best states to do business—ahead of Texas."

Gregoire spokesman Cory Curtis said the governor was not offended by Perry's letters, but would not comment on whether the governor thought that Perry was trying to influence the vote. Asked what kind of relationship the conservative Perry and the liberal Gregoire have, Curtis said, "I don't think they have any relationship."

In Forbes' latest rankings, Washington placed fifth among states with a positive business climate, while Texas ranked seventh. Washington ranked 28th for the lowest business costs, and Texas was slightly better – 26th. Surprisingly, Washington bested Texas for imposing a lighter regulatory burden on business, ranking 5th while Texas ranked 17th.

"We think that Washington will continue to be a better place [than Texas] to do business, whether or not the income tax initiative passes," said Curtis.

Perry's spokesman said that Texas was the top-ranked state by business cable network CNBC and CEO magazine, and in most rankings, rated higher than Washington.

Gregoire, like most Washington state politicians, has opposed the imposition of a state income tax, and never pushed it as governor. She has endorsed the ballot initiative, but vowed to veto any effort by the legislature to extend the tax to

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

01268-EPA-858

**Brendan
Gilfillan/DC/USEPA/US**
10/26/2010 03:27 PM

To David McIntosh
cc Richard Windsor, Seth Oster
bcc
Subject Re: Fw: Politico: EPA: Enviro regs won't affect grid

It's not just Politico either - I'm sending a lot of reporters his way, and they're telling me he's taking the time to talk with them.

David McIntosh Administrator, you might consider callin... 10/26/2010 03:25:26 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 10/26/2010 03:25 PM
Subject: Fw: Politico: EPA: Enviro regs won't affect grid

Administrator, you might consider calling FERC Chairman Wellinghoff to thank him for his very helpful comments in this Politico story.

----- Forwarded by David McIntosh/DC/USEPA/US on 10/26/2010 03:24 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Seth Oster <oster.seth@epa.gov>, Michael Moats/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 10/26/2010 03:16 PM
Subject: Politico: EPA: Enviro regs won't affect grid

EPA: Enviro regs won't affect grid

By: **Robin Bravender**

October 26, 2010 02:52 PM EDT

The Obama administration is pushing back against projections that the reliability of the domestic power supply is threatened by a series of environmental rules.

A [report issued Tuesday](#) by the North American Electric Reliability Corp. found that that up to 75 gigawatts — about 7 percent of the national power capacity — could be forced offline by 2015 as companies either shutter plants or install new energy-consuming pollution controls.

The Environmental Protection Agency and the chairman of the Federal Energy Regulatory Commission on Tuesday said the possibility that the reliability of the U.S. grid could be weakened by EPA rules targeting power plants emissions of mercury, coal ash, soot and smog is the worst-case scenario.

FERC Chairman Jon Wellinghoff told POLITICO that the Obama administration can mitigate the potential loss of power generation.

“We understand that there are certain problems that could occur if these regulations do

in fact cause the closing of a number of coal plants," Wellinghoff said, "but it doesn't mean that they can't be dealt with."

Republicans are working hard to demonize EPA regulations during the runup to the midterm elections and a GOP-led Congress could work to overcome many of the agency's rules.

The administration is working to ensure that the EPA rules have no effect whatsoever on domestic power supply, Wellinghoff said, including boosting supply side resources like wind and natural gas, in addition to finding ways to operate the grid more efficiently to reduce congestion. "The sky isn't falling," he added.

Meanwhile, EPA is questioning the report's projections, which are based in part on rules that haven't yet been issued.

"By NERC's own admission, its projections about electricity supply impacts rest on its own fortune-telling about future regulations that have not even been proposed yet," said agency spokesman Brendan Gilfillan. "In reality, EPA has some discretion and will be more sensitive to reliability than NERC gives us credit for."

But industry attorney Joe Stanko warned that the report drastically underestimates the impact on the power supply.

"It's great that NERC looked at reliability, but the impact is really much greater than the report claims because of one-size-fits-all assumptions on cost," Stanko said.

01268-EPA-859

**Aaron
Dickerson/DC/USEPA/US**
10/26/2010 03:39 PM

To: Richard Windsor
cc: Brendan Gilfillan, David McIntosh, Seth Oster
bcc:
Subject: Re: Politico: EPA: Enviro regs won't affect grid

The Chairman is available at 4:00. He can be reached at 202 (b) (6) Privacy

Richard Windsor Aaron - please set up a call with Chair... 10/26/2010 03:29:36 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, "Aaron Dickerson" <dickerson.aaron@epa.gov>
Date: 10/26/2010 03:29 PM
Subject: Re: Politico: EPA: Enviro regs won't affect grid

Aaron - please set up a call with Chairman Wellinghoff today. Tx. Lisa

David McIntosh

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

From: David McIntosh
Sent: 10/26/2010 03:25 PM EDT
To: Richard Windsor
Cc: Brendan Gilfillan; Seth Oster
Subject: Fw: Politico: EPA: Enviro regs won't affect grid

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"It's great that NERC looked at reliability, but the impact is really much greater than the report claims because of one-size-fits-all assumptions on cost," Stanko said.

01268-EPA-860

**Bob
Perciasepe/DC/USEPA/US**
10/27/2010 01:11 PM

To "Seth Oster", "Bob Sussman", "Richard Windsor"
cc
bcc
Subject Fw: NRDC: Health and Other Groups Urge EPA to Save
Thousands of Lives With Stronger Smog Standards

FYI

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

From: "Walke, John" [jwalke@nrdc.org]
Sent: 10/27/2010 12:17 PM AST
To: undisclosed-recipients:
Subject: NRDC: Health and Other Groups Urge EPA to Save Thousands of Lives With Stronger Smog Standards
FOR IMMEDIATE RELEASE
Contact: Mary Havell, American Lung Association, 202-715-3459, mhavell@lungusa.org
Eric Young, NRDC, 703-217-6814, eyoung@nrdc.org

69 Health and Other Groups Urge EPA to Save Thousands of Lives With Stronger Smog Standards

WASHINGTON, D.C., (October 27, 2010) – Sixty-nine organizations representing health, environmental, Latino and faith constituencies are urging the U.S. Environmental Protection Agency (EPA) to protect public health by issuing strong standards for smog (ground-level ozone). Polluters and their allies are pushing heavily to block the standards, which would save as many as 12,000 lives and prevent tens of thousands of asthma attacks and heart attacks each year.

"It is critically important that EPA strengthen the ozone standard to protect millions of Americans who are currently exposed to unsafe levels of toxic ozone," said Charles D. Connor, President and CEO of the American Lung Association. "This is an important step towards safer and healthier air across the United States."

The standard is the official "limit" on ground level ozone air pollution—at a level that protects public health with an adequate margin of safety. The standard drives all the action to get rid of ozone air pollution, commonly known as smog, at the national, state and local levels.

Overwhelming scientific evidence shows that the smog standard must be much stronger to protect public health from serious harm. The Clean Air Scientific Advisory Committee, EPA's independent science advisors, reviewed the evidence from more than 1,700 studies of the health impacts of ozone. They

concluded unanimously that the standard should be revised downward to between 60-70 parts per billion (ppb).

"Science should be our guide, and there's no doubt that adopting a stronger standard will protect health and save lives," said Georges C. Benjamin, MD, Executive Director of the American Public Health Association. "People with asthma, seniors, outdoor workers and especially children are at greatest risk. A stronger standard will help ensure that those who are most vulnerable are more adequately protected."

A strong ozone pollution standard will prevent life-threatening health effects. Ozone burns lungs and airways, causing them to become inflamed, reddened, and swollen. Children and teens, senior citizens, and people with lung diseases like asthma, chronic bronchitis, emphysema, and others are particularly vulnerable to the health effects of ozone. When inhaled even at low levels, ozone can cause chest pain and coughing, aggravate asthma, reduce lung function, increase emergency room visits and hospital admissions for respiratory problems, and lead to irreversible lung damage. Ozone can even cause premature death.

"Polluters are attacking the clean air laws that have saved tens of thousands of lives and prevented millions of cases of illnesses over the past 40 years," said Peter Lehner, Executive Director of the Natural Resources Defense Council. "The Clean Air Act has done a remarkable job of reducing pollution and protecting our health but there is more work to be done. Millions are suffering from asthma attacks and heart and lung disease. We need the EPA to follow the science and enact stronger standards to reduce the amount of smog we breathe."

The [ad](#) runs in The Hill today and in Politico on Thursday and reads as follows:

"It's our air, but big polluters treat it like they own it. They dump millions of tons of dangerous pollution into our air, threatening the health of all Americans.

Now they're also dumping millions of dollars into a lobbying war against America's clean air laws -- even as millions suffer from asthma attacks and other health impacts, especially the young and the elderly.

By setting stronger air quality standards for smog, the EPA can take a stand against big polluters and their lobbyists -- and stand up for all Americans, including the most vulnerable.

Overwhelming evidence shows that stronger smog standards will save thousands of lives and prevent tens of thousands of respiratory emergencies each year. Why would anyone oppose that?

Administrator Jackson, we are counting on you to fight for our air so America's most vulnerable don't have to.

The following national organizations are listed on the ad:

American Academy of Pediatrics, American Lung Association, American Public Health Association, Center for Biological Diversity, Clean Air Watch, Earth Day Network, Earthjustice, Environment America, Environmental Defense Fund, Environmental Health Fund, Friends of the Earth, Greenpeace USA, Labor Council for Latin American Advancement, League of Conservation Voters, Mineral Owners for Responsible Action and Land Safety, National Alliance for Drilling Reform NA4DR, National Latino

Coalition on Climate Change, National Parks Conservation Association, National Puerto Rican Coalition, Inc., National Wildlife Federation, Natural Resources Defense Council, NETWORK-A National Catholic Social Justice Lobby, Physicians for Social Responsibility, Safe Climate Campaign, Sierra Club, The Center for the Celebration of Creation, Trust for America's Health, Union of Concerned Scientists, Unitarian Universalist Association of Congregations, Unitarian Universalist Ministry for Earth and Voces Verdes.

In addition, an ad with a complete list of all 69 national, state and local signers will be available [here](#).

#

About the American Lung Association:

Now in its second century, the American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease. With your generous support, the American Lung Association is "Fighting for Air" through research, education and advocacy. For more information about the American Lung Association, or to support the work it does, call 1-800-LUNG-USA (1-800-586-4872) or visit www.LungUSA.org.

About the Natural Resources Defense Council:

The Natural Resources Defense Council is a national, non-profit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has more than 1.3 million members and e-activists nationwide, served from offices in New York, Washington, Los Angeles, San Francisco and Beijing. More information is available at www.nrdc.org.

01268-EPA-862

Seth Oster/DC/USEPA/US

10/28/2010 12:45 PM

To Richard Windsor

cc Bob Perciasepe, David McIntosh

bcc

Subject ACTION NEEDED: Response to Wall Street Journal

Administrator,

(b) (5) D.P.

Thanks.

Wall Street Journal

The Unseen Carbon Agenda

The EPA wants to take away 7% of U.S. power generation.

Anyone who cares about the U.S. economy is breathing easier now that cap and tax appears to be on the political garbage barge, but don't be so sure. The White House is still pursuing its carbon agenda through regulation, albeit with almost no public attention, and a new study shows the damage that is already being done.

Yesterday the North American Electric Reliability Corporation, a highly regarded federal energy advisory body, released an exhaustive "special assessment" of this covert program. NERC estimates that the Environmental Protection Agency's pending electric utility regulations will subtract between 46 and 76 gigawatts of generating capacity from the U.S. grid by 2015. To put those numbers in perspective, the worst-case scenario would amount to a reduction of about 7.2% of national power generation, and almost all of it will hit coal-fired plants, the workhorse that supplies a little over half of U.S. electricity.

The EPA's battery of new rules is mostly obscure, ranging from traditional pollutants such as mercury and sulfur to new regulation of coal ash and even water intake structures, which power plants use to cool down equipment. NERC notes that the "pace and aggressiveness" of issuing so many new rules at once is unprecedented. Keep in mind, too, that these are conservative estimates and don't even include the EPA's looming carbon "endangerment" rules.

Supposedly all this is separate from greenhouse gasses, but the White House and the EPA are clearly targeting fossil fuels and coal in particular to achieve via rule-making what even the Democratic 111th Congress has rejected as legislation. As much as a fifth of the perfectly functioning coal-fired fleet will be forced into early retirement, to be replaced with a largely more expensive energy mix, especially natural gas.

Some plants can be retrofit with new environmental controls like scrubbers, but this is nearly as costly as building new plants from scratch. And just as you can't replace an engine while heading down the highway at 75 mph, this will still require shut downs in the interim, for at least five

years.

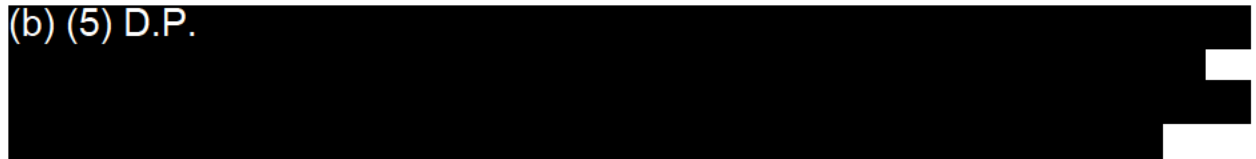
In a recent research note, Credit Suisse estimates that compliance will cost as much as \$150 billion in capital investment by the end of the decade. All of this will flow through to rising electricity prices, which is the same as a tax increase on businesses and consumers.

NERC also warns of "deteriorating resource adequacy" and of the logistical reality that replacing or upgrading so much capacity so fast may lead to brownouts and shortages. The danger is greatest throughout the Midwest in states like Ohio, Pennsylvania and West Virginia, where the costs will also be concentrated.

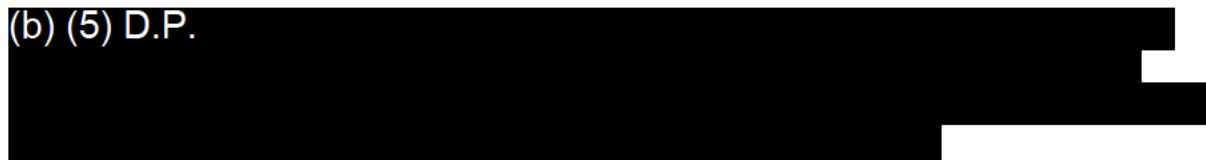
The larger point is that instead of debating a carbon program on the merits, the Obama Administration is now trying to impose the same burden step by step on the sly. At this point, the only way voters can stop the EPA is to install a check in one of the other branches of government. Election Day is Tuesday.

Proposed Response

(b) (5) D.P.



(b) (5) D.P.



[REDACTED]

Barbara
Bennett/DC/USEPA/US
10/28/2010 05:11 PM

To Richard Windsor, Bob Perciasepe
cc Diane Thompson
bcc
Subject Sally E.

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

Barbara J. Bennett
Chief Financial Officer
U.S. EPA
202-564-1151

01268-EPA-864

**Barbara
Bennett/DC/USEPA/US**
10/28/2010 05:41 PM

To Richard Windsor
cc
bcc
Subject Re: Sally E.

Ditto.

Richard Windsor

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

From: Richard Windsor
Sent: 10/28/2010 05:33 PM EDT
To: Barbara Bennett
Subject: Re: Sally E.

Tx! Sigh.

Barbara Bennett

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

From: Barbara Bennett
Sent: 10/28/2010 05:11 PM EDT
To: Richard Windsor; Bob Perciasepe
Cc: Diane Thompson
Subject: Sally E.

Sally Ericcson and I connected this evening. Lisa, I understand you and she also talked last night. My takeaways were the following:

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

[REDACTED]

Barb

Barbara J. Bennett
Chief Financial Officer
U.S. EPA
202-564-1151

01268-EPA-868

Janet Woodka/DC/USEPA/US

11/01/2010 08:35 AM

To Bob Perciasepe, Richard Windsor

cc Seth Oster

bcc

Subject Fw: FYI -- Discussion w/Oil Spill Commission ew: Berm

RYI - The commission is looking into the berms...

Janet

Janet Woodka
Senior Advisor to the Deputy Administrator
Director of Regional Operations
U.S. EPA
email: woodka.janet@epa.gov
phone: 202-564-7362
cell: 202-360-7465

----- Forwarded by Janet Woodka/DC/USEPA/US on 11/01/2010 08:35 AM -----

From: Denise Keehner/DC/USEPA/US
To: "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Janet Woodka" <Woodka.Janet@epamail.epa.gov>
Date: 10/30/2010 02:25 PM
Subject: Fw: FYI -- Discussion w/Oil Spill Commission ew: Berm

Keeping you in loop\$





Sent by EPA Wireless E-Mail Services

From: William Honker
Sent: 10/29/2010 06:26 PM EDT
To: Paul Cough
Cc: Denise Keehner
Subject: Fw: FYI -- Discussion w/Oil Spill Commission ew: Berm

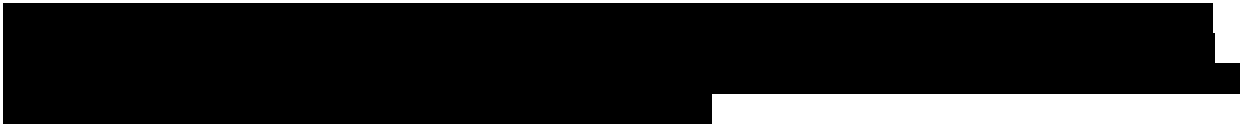



FYI
Bill Honker, P. E.
Senior Policy Advisor for Coastal Restoration, Climate Change, and Public Outreach
Deputy Director, Water Quality Protection Division
EPA Region 6
214-665-3187 office
214-551-3619 cell
Sent by EPA Wireless E-Mail Services

From: John Ettinger
Sent: 10/29/2010 01:07 PM CDT
To: Timothy Landers; Clay Miller; Jane Watson; Karen McCormick; Sharon Parrish; William Honker
Subject: FYI -- Discussion w/Oil Spill Commission ew: Berm
FYI -- Here are notes from my discussion yesterday with David Weiss and Jessica O'Neill of the Oil Spill

(b) (5) D.P.



(b) (5) D.P.



John Ettinger
U.S. EPA Region 6
(504) 862-1119
ettinger.john@epa.gov

01268-EPA-869

Steve Owens/DC/USEPA/US

11/01/2010 05:18 PM

To Richard Windsor


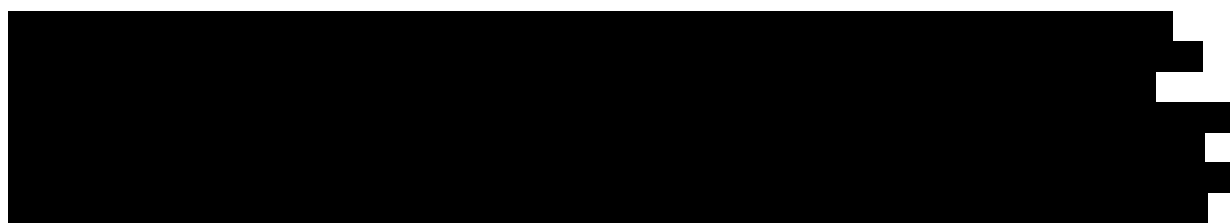
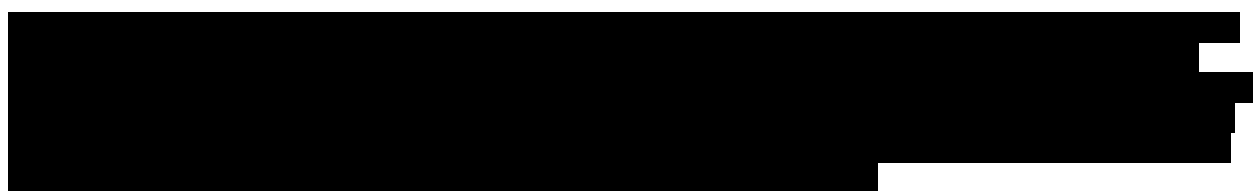

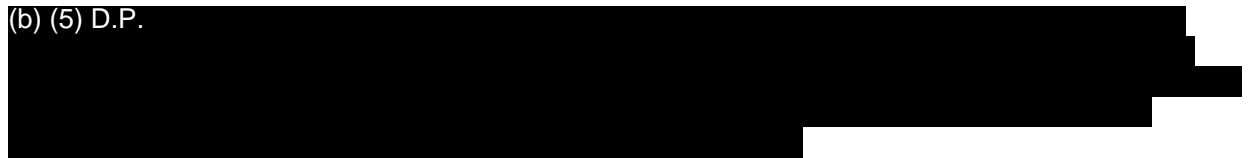
cc Bob Perciasepe, Bob Sussman, Lawrence Elworth

bcc

Subject Call from Sec. Locke re ESA Biological Opinions

Lisa,

(b) (5) D.P.



Steve

01268-EPA-871

**David
McIntosh/DC/USEPA/US**

11/03/2010 03:20 PM

To: Brendan Gilfillan

cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Don Zinger, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Lisa Heinzerling, Michael Moats, Seth Oster, Richard Windsor, Stephanie Owens

bcc:

Subject: Re: The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

Well said.

Brendan Gilfillan

[Here's the exact Q and A from the Pre...](#)

11/03/2010 03:17:00 PM

From: Brendan Gilfillan/DC/USEPA/US
 To: Brendan Gilfillan/DC/USEPA/US@EPA
 Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA
 Date: 11/03/2010 03:17 PM
 Subject: Re: The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

Here's the exact Q and A from the President's press conference:

Q Thank you, Mr. President. You said earlier that it was clear that Congress was rejecting the idea of a cap-and-trade program, and that you wouldn't be able to move forward with that. Looking ahead, do you feel the same way about EPA regulating carbon emissions? Would you be open to them doing essentially the same thing through an administrative action, or is that off the table, as well?

And secondly, just to follow up on what you said about changing the way Washington works, do you think that -- you said you didn't do enough to change the way things were handled in this city. Some of -- in order to get your health care bill passed you needed to make some of those deals. Do you wish, in retrospect, you had not made those deals even if it meant the collapse of the program?

THE PRESIDENT: I think that making sure that families had security and were on a trajectory to lower health care costs was absolutely critical for this country. But you are absolutely right that when you are navigating through a House and a Senate in this kind of pretty partisan environment that it's a ugly mess when it comes to process. And I think that is something that really affected how people viewed the outcome. That is something that I regret -- that we couldn't have made the process more -- healthier than it ended up being. But I think the outcome was a good one.

With respect to the EPA, I think the smartest thing for us to do is to see if we can get Democrats and Republicans in a room who are serious about energy independence and are serious about keeping our air clean and our water clean and dealing with the issue of greenhouse gases -- and seeing are there ways that we can make progress in the short term and invest in technologies in the long term that start giving us the tools to reduce greenhouse gases and solve this problem.

The EPA is under a court order that says greenhouse gases are a pollutant that fall under their jurisdiction. And I think one of the things that's very important for me is not to have us ignore the science, but rather to find ways that we can solve these problems that don't hurt the economy, that encourage the development of clean energy in this country, that, in fact, may give us opportunities to create entire new industries and create jobs that -- and that put us in a competitive posture around the world.

So I think it's too early to say whether or not we can make some progress on that front. I think we can. Cap and trade was just one way of skinning the cat; it was not the only way. It was a means, not an end. And I'm going to be looking for other means to address this problem.

And I think EPA wants help from the legislature on this. I don't think that the desire is to somehow be protective of their powers here. I think what they want to do is make sure that the issue is being dealt with.

Brendan Gilfillan

[The Hill: Obama warns not to 'ignore'...](#)

11/03/2010 03:11:09 PM

From: Brendan Gilfillan/DC/USEPA/US
 To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
 Date: 11/03/2010 03:11 PM
 Subject: The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

The Hill:

Obama warns not to 'ignore' climate science, says EPA wants Congress to help

By Ben Geman - 11/03/10 02:22 PM ET

President Obama said Wednesday that policymakers must not "ignore" global warming science, but he declined to provide a full-throated endorsement of upcoming Environmental Protection Agency greenhouse-gas rules.

Obama, speaking at a White House press conference the day after huge GOP electoral gains, called for bipartisan cooperation on energy policy while suggesting he's open to several ideas on climate now that cap-and-trade legislation is dead.

"With respect to the EPA, the smartest thing for us to do is to see if we can get Democrats and

Republicans in a room who are serious about energy independence, and are serious about keeping our air clean and our water clean and dealing with the issue of greenhouse gases, and seeing are there ways that we can make progress in the short-term and invest in technologies in the long-term that start giving us the tools to reduce greenhouse gases and solve this problem," Obama said when asked about EPA regulation of heat-trapping gases.

But Obama also clearly affirmed EPA's right to act, citing the landmark 2007 Supreme Court ruling that paved the way for the agency to regulate greenhouse gases under the Clean Air Act. Cap-and-trade legislation that would have largely supplanted the upcoming EPA rules collapsed in Congress this year.

"The EPA is under a court order that says greenhouse gases are a pollutant that falls under their jurisdiction. One of the things that is very important for me is not to have us ignore the science, but rather to find ways that we can solve these problems that don't hurt the economy, that encourage the development of clean energy in this country, that in fact may give us opportunities to create entire new industries and create jobs and that put us in a competitive posture around the world," Obama said.

"I think it is too early to say whether or not we can make some progress on that front. I think we can. Cap-and-trade was just one way of skinning the cat, it was not the only way, it was a means, not an end, and I am going to be looking for other means to address this problem. And I think EPA wants help from the legislature on this. I don't think the desire is to somehow be protective of their powers here. I think what they want to do is make sure the issue is being dealt with," he said.

The comments come as many Republicans and some centrist Democrats are pushing to limit EPA's power to regulate emissions from power plants, refineries and other sources. EPA rules are slated to begin taking effect next year.

Obama acknowledged the sweeping cap-and-trade and energy bill that passed the House last year will stay on ice.

"I think there are a lot of Republicans that ran against the energy bill that passed in the House last year. And so it's doubtful that you could get the votes to pass that through the House this year or next year or the year after," he said.

But Obama said he sees opportunities for working across the aisle on boosting natural gas development, domestic production of electric cars, nuclear power – which he noted does not emit greenhouse gases – and energy efficiency.

"I don't think there's anybody in America who thinks that we've got an energy policy that works the way it needs to, that thinks that we shouldn't be working on energy independence," Obama said.

"And that gives opportunities for Democrats and Republicans to come together and think about – you know, whether it's natural gas or energy efficiency or how we can build electric cars in this country – how do we move forward on that agenda," he added.

01268-EPA-877

Daniel
Gerasimowicz/DC/USEPA/US
11/08/2010 02:10 PM

To
cc
bcc

Subject Options Selection Meeting: Utility MACT and Criteria NSPS
Proposal (Part 1)

Meeting

Date 12/14/2010
Time 04:00:00 PM to 04:45:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location Bullet Room

Ct: Cindy Huang (OAR) 564-7404

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Amit Srivastava, Cate Hight, Steve Page, Peter Tsirigotis, RobertJ
Wayland, Richard Wayland, Rob Brenner, Jeneva Craig, Ellen Kurlansky, Brian McLean, Sam Napolitano (OAR)
Scott Fulton, Patricia Embrey, Wendy Blake, Paul Versace, Manisha Patel, Elliott Zenick, Arvi Garbow (OGC)
Lisa Heinzerling, Charlotte Bertrand, Ken Munis, Paul Balserak, Thomas Gillis, Karen Thundiyil, Lesley Schaaff, Nicole Owens,
Nathaniel Jutras (OP)
Barbara Bennett (OCFO)
Cynthia Giles, Lisa Garcia, Leonard Lazarus, Sally Harmon-Semple, Gerard Kraus (OECA)
Mathy Stanislaus, Frank Behan, Robert Holloway, Gerain Perry (OSWER)
Pete Silva, William Switlik, Ronald Jordan, Josh Hall, Sandy Evalenko (OW)
Paul Anastas, Kevin Tecihman, Stan Durkee, Stan Barone, Tim Benner, Russell Bullock, Bob Fegley (ORD)
Peter Grevatt, Matthew Davis, Gregory Miller (OCHP)
Rick Albright (R10)
Seth Oster (OEAE)
Optional: Diane Thompson (OA)

Video/audio bridge hookup will be provided

For phone participants, dial-in # will be: (b) (6) Privacy

Video Conference Code: (b) (6) Privacy

01268-EPA-878

LisaP Jackson/DC/USEPA/US
Sent by: Eric Wachter

To Richard Windsor

cc

11/08/2010 06:11 PM

bcc

Subject Fw: Greetings

(b) (5) D.P.

----- Forwarded by Eric Wachter/DC/USEPA/US on 11/08/2010 06:10 PM -----

From: Joan <joanharriganfarrelly(b) (6) Privacy
To: LisaP Jackson/DC/USEPA/US@EPA
Date: 10/27/2010 02:56 PM
Subject: Greetings

Dear Administrator Jackson,

I wanted to let you know how great it was hearing you accept the ELI Award on behalf of all of us at EPA, past and present last week. Your speech was terrific, and you are such a natural at it. It was also great talking to you briefly about the staff and how we are all doing. As I mentioned, some are feeling starved for love from you, :). and many are feeling apprehensive because of the current political climate and negative talk about federal workers. They are also apprehensive because of the discussions concerning furloughs, and hearing that the Agency's budget might be on the chopping block. You asked me if I had any suggestions about lifting up the troops. I know your schedule is super packed, but I believe an All-Hands, similar to the one you had when you came on board would go a long way to boosting moral and reassuring them of their value. It is also a good time, end of fiscal year; beginning of the new; the new congress; Thanksgiving season, to reassure them of your priorities and vision about where you want to take the Agency, and reminding them that you need all of them working at optimum to achieve the goals of public health and environmental protection. They need to be reminded I believe that they are one of your priorities as well.

Sorry for the long email. But wanted to share what I'm hearing on the ground.

Respectfully yours,

Joan

01268-EPA-879

David
McIntosh/DC/USEPA/US
11/12/2010 07:07 PM

To Bob Sussman, Gina McCarthy, Joseph Goffman
cc Richard Windsor, Bob Perciasepe
bcc
Subject Re: DOC Jobs Study on Boiler MACT

(b)(5) Deliberative

Bob Sussman

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

From: Bob Sussman
Sent: 11/12/2010 06:59 PM EST
To: David McIntosh; Gina McCarthy; Joseph Goffman
Cc: Richard Windsor; Bob Perciasepe
Subject: DOC Jobs Study on Boiler MACT

(b)(5) Deliberative

?

The Inside Story Seeking Boiler MACT Study

Posted: November 11, 2010

Interim Sen. Carte Goodwin (D-WV) is asking the Commerce Department to publicly release its study said to project major job losses from EPA's air toxics rule for boilers, saying its release would be in line with the Obama administration's broader commitment to transparency. Sources familiar with the study say the department is projecting dramatically more job losses than EPA did in its proposed maximum achievement technology (MACT) standard to cut air toxics emissions from boilers. The Commerce Department study has not yet publicly released its study. EPA in a regulatory impact analysis says the rule could lead to 8,000 short-term job losses and may result in anywhere between 6,000 lost jobs created jobs over the long term.

But an informed source says the Commerce analysis projected job losses of 40,000 to 60,000 per year and found a decline in the international competitiveness of U.S. goods, even using what the source described as EPA's low ball cost estimates. The analysis considered impacts to 48 sectors and dramatically contradicts EPA's analysis of the impact of the rule, the source says.

Goodwin, who was serving on an interim basis following Robert Byrd's death and will be replaced Nov. 15 by Sen.-elect Joe Manchin (D), said in a letter to Commerce Secretary Gary Locke that he shares concerns that have previously been raised by more than 40 senators and 115 Members of Congress over potential job losses resulting from the rule. He notes that EPA and industry have come up with widely divergent economic impacts regarding the proposed rule and applauds Commerce for conducting its own study.

"The Obama Administration has been a strong proponent of transparency in government. I applaud the efforts of your Department to allow the public to see the Department's studies and data on issues ranging from the Gulf of Mexico to job production under the Recovery Act. . . . Given what is at stake in rulemaking, I write to request that you release the Department's study on the EPA Boiler MACT rule to Congress and the public prior to interagency review of the Boiler MACT rule." Goodwin wrote in his letter to Commerce.

Concerns from the department and other agencies about the possible economic impact of the boiler rule will likely come to the forefront when the department releases its final rule to the White House Office of Management and Budget for interagency review, which is expected to occur next month.

Related News: [Air](#)

2344819

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397

[REDACTED]

01268-EPA-880

Bob
Perciasepe/DC/USEPA/US
11/18/2010 05:53 AM

To "Diane Thompson", "Richard Windsor"
cc
bcc
Subject Another Missed 8:45

Lisa and Diane.

At 8:45 I am opening the "Social Cost of Carbon" climate impacts valuation workshop this morning at Lisa H's request. I am going directly to the LGAC after.

Sorry so many missed 8:45. An unusual sequence of travel and schedule.

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

01268-EPA-881

Daniel
Gerasimowicz/DC/USEPA/US
11/19/2010 10:13 AM

To
cc
bcc

Subject Meeting to discuss Boiler MACT Rulemaking

Meeting

Date 11/22/2010
Time 10:45:00 AM to 11:15:00 AM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location Administrator's Office

Ct: Bob Sussman (OA) (b) (6) Privacy

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman,
Cynthia Giles, Lisa Garcia (OECA)
Avi Garbow,
Lisa Heinzerling (OP)
Mathy Stanislaus (OSWER)

01268-EPA-882

Seth Oster/DC/USEPA/US

11/23/2010 06:25 PM

To Gina McCarthy, Richard Windsor, "Scott Fulton"

cc

bcc

Subject Re: just got a call from

(b) (5) D.P.

Seth

Gina McCarthy

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

From: Gina McCarthy

Sent: 11/23/2010 06:15 PM EST

To: Richard Windsor; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>

Subject: Fw: just got a call from

(b) (5) D.P.

Ellen Kurlansky

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

From: Ellen Kurlansky

Sent: 11/23/2010 06:11 PM EST

To: Gina McCarthy; Rob Brenner; Peter Tsirigotis

Subject: just got a call from

a reporter from Politico asking me if the rumor she had heard that the boiler MACT would be delayed another year was true.

Ellen Kurlansky
Office of Air and Radiation
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-1669

01268-EPA-883

Scott Fulton/DC/USEPA/US

11/23/2010 07:00 PM

To Seth Oster, Gina McCarthy, Richard Windsor, "Scott Fulton"

cc

bcc

Subject Re: just got a call from

Agree fully.
Seth Oster

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

From: Seth Oster

Sent: 11/23/2010 06:25 PM EST

To: Gina McCarthy; Richard Windsor; "Scott Fulton" <Fulton.Scott@EPA.GOV>

Subject: Re: just got a call from

(b) (5) D.P.

Seth
Gina McCarthy

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

From: Gina McCarthy

Sent: 11/23/2010 06:15 PM EST

To: Richard Windsor; "Scott Fulton" <Fulton.Scott@EPA.GOV>; "Seth Oster" <oster.seth@epa.gov>

Subject: Fw: just got a call from

(b) (5) D.P.

Ellen Kurlansky

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

From: Ellen Kurlansky

Sent: 11/23/2010 06:11 PM EST

To: Gina McCarthy; Rob Brenner; Peter Tsirigotis

Subject: just got a call from

a reporter from Politico asking me if the rumor she had heard that the boiler MACT would be delayed another year was true.

Ellen Kurlansky
Office of Air and Radiation
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-1669

01268-EPA-884

Chuck Fox/CBP/USEPA/US

11/24/2010 07:56 AM

To Richard Windsor, perciasepe.bob

cc

bcc

Subject Fw: MDE SECRETARY WILSON ANNOUNCES SHE WILL
NOT SEEK A SECOND TERM

FYI. I'm pretty sure that the Governor hasn't picked a replacement, so if you have any ideas I'd be happy to relay them to the appropriate individuals.

It is a very tough job given the horrible budget situation. :(

J. Charles Fox
Senior Advisor to the Administrator
410 Severn Avenue, Suite 112
Annapolis, Maryland 21403

----- Forwarded by Chuck Fox/CBP/USEPA/US on 11/24/2010 07:56 AM -----

From: Thomas Damm/CBP/USEPA/US
To: James Edward/CBP/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA, Robert Wood/DC/USEPA/US@EPA, Richard Batiuk/CBP/USEPA/US@EPA, Jeffrey Corbin/R3/USEPA/US@EPA, Carin Bisland/CBP/USEPA/US@EPA, Travis Loop <tloop@chesapeakebay.net>, Thomas Damm/CBP/USEPA/US@EPA, Katherine Antos/CBP/USEPA/US@EPA, Mike Fritz/CBP/USEPA/US@EPA, Jon Capacasa/R3/USEPA/US@EPA, Robert Koroncai/R3/USEPA/US@EPA
Date: 11/24/2010 07:34 AM
Subject: Fw: MDE SECRETARY WILSON ANNOUNCES SHE WILL NOT SEEK A SECOND TERM

Here's the press release...

Tom Damm
Office of Program Support
Water Protection Division
U.S. Environmental Protection Agency
Mid-Atlantic Region
215-814-5560
damm.thomas@epa.gov
www.epa.gov/region03
www.epa.gov/chesapeakebaytmdl

----- Forwarded by Thomas Damm/CBP/USEPA/US on 11/24/2010 07:33 AM -----

"Dawn Stoltzfus"

<DStoltzfus@mde.state.md.us
>

11/23/2010 03:15 PM

To "Dawn Stoltzfus" <DStoltzfus@mde.state.md.us>

cc

Subject Fwd: MDE SECRETARY WILSON ANNOUNCES SHE WILL
NOT SEEK A SECOND TERM

>>> "Dawn Stoltzfus" <dstoltzfus@mde.state.md.us> 11/23/2010 3:13 PM >>>



News Release

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore, Maryland 21230 • www.mde.state.md.us

Martin O'Malley
Governor

Shari T. Wilson
Secretary

FOR IMMEDIATE RELEASE

Media Contacts:

Dawn Stoltzfus

(410) 537-3003, DStoltzfus@mde.state.md.us

MDE SECRETARY WILSON ANNOUNCES SHE WILL NOT SEEK A SECOND TERM

BALTIMORE, MD (November 23, 2010) - Having served a full four-year term as Secretary of the Maryland Department of Environment, MDE Secretary Shari T. Wilson announced today that she has requested not to be considered for another term at the agency. Governor Martin O'Malley commended Wilson for her service at the agency, noting strong leadership in the areas of climate change and pollution reduction.

"Serving Governor O'Malley and the State is an honor," said Secretary Wilson. "The Governor is a leader with a great vision for Maryland's environment. Restoring the Bay will be a win-win for the State and its economic future, and the Governor's approach to frequently and routinely measuring progress of the Chesapeake Bay restoration is right on target and will make the difference."

"I want to thank Shari Wilson for her service to the citizens of Maryland," noted Governor O'Malley. "Her leadership to forge consensus for Maryland's approach to climate change and reducing stormwater pollution, as well as her efforts to increase efficiency and accountability within the agency are to be commended. Shari brought an in-depth knowledge of environmental and public health issues to MDE, and her expertise will be missed."

Wilson will step down as Secretary of the Department effective December 6, 2010. Wilson made a personal decision not to continue for a second term.

Governor O'Malley announced that Dr. Robert Summers will serve as Acting Secretary of MDE until a new Secretary is named. Summers currently serves as Deputy Secretary of the agency.

Under Secretary Wilson's leadership, the Department of the Environment:

- Led development of the recent draft Chesapeake Bay Watershed Implementation Plan judged by the Environmental Protection Agency to be the most satisfactory State plan submitted;
- Restored a consistent baseline of environmental enforcement to ensure a level playing field for the vast majority of regulated entities that are in compliance;
- Implemented the State's first-ever controls of coal combustion byproducts to prevent future groundwater contamination;
- Led the Maryland Climate Commission, which for the first time developed a state plan that provides a road map for addressing climate change, and forged consensus in the legislature leading to adoption of a statewide law requiring a 25 percent reduction of greenhouse gas emissions by 2020;
- Upgraded a suite of controls to reduce stormwater runoff - one of the two growing sources of

- pollution to the Bay;
- Led the development and successful implementation of the Regional Greenhouse Gas Initiative - the nation's only carbon cap and trade program;
- Implemented a suite of reforms within the agency to improve efficiency;
- Assessed two of the largest penalties ever - a \$1 million penalty for water pollution resulting from fly ash disposal and a \$4 million penalty against Exxon for the 2006 spill in Jacksonville, Maryland.

Prior to being nominated for MDE Secretary in January of 2007, Wilson worked for Baltimore City in the law and planning departments and previously worked for the Department of Environment in a number of capacities, including Policy Director and manager of the superfund and brownfield cleanup Programs. She also served as an assistant attorney general.

###

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01268-EPA-886

Scott Fulton/DC/USEPA/US

11/26/2010 02:59 PM

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

cc

bcc

Subject: Re: Utility NSPS Schedule(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

Bob Sussman

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

From: Bob Sussman**Sent:** 11/26/2010 08:43 AM EST**To:** Richard Windsor; Bob Perciasepe; Scott Fulton; Lisa Heinzerling; David McIntosh**Subject:** Fw: Utility NSPS Schedule(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

----- Forwarded by Bob Sussman/DC/USEPA/US on 11/26/2010 08:31 AM -----

From: Joseph Goffman/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 11/25/2010 09:45 AM
Subject: Re: Utility MACT Schedule

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

Bob Sussman

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

From: Bob Sussman**Sent:** 11/25/2010 07:03 AM EST**To:** Joseph Goffman**Cc:** Bob Perciasepe; Gina McCarthy; Janet McCabe; Scott Fulton**Subject:** Re: Utility MACT Schedule(b) (5) D.P.
[REDACTED]

Joseph Goffman Attached is the latest version. Hope y... 11/24/2010 08:27:52 PM

From: Joseph Goffman/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 11/24/2010 08:27 PM
Subject: Re: Utility MACT Schedule

Attached is the latest version. Hope you have a nice Thanksgiving.

[attachment "EGU NSPS Regulatory Schedule 112411.doc" deleted by Bob Sussman/DC/USEPA/US]

Bob Sussman Joe -- just catching up, Did we ever get... 11/24/2010 06:51:56 PM

From: Bob Sussman/DC/USEPA/US
To: Joseph Goffman/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 11/24/2010 06:51 PM
Subject: Re: Utility MACT Schedule

Joe -- just catching up, Did we ever get the NSPS schedule?

Joseph Goffman Please find attached the current versio... 11/04/2010 09:24:58 PM

From: Joseph Goffman/DC/USEPA/US
To: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 11/04/2010 09:24 PM
Subject: Utility MACT Schedule

Please find attached the current version of the utility MACT schedule. (The schedule for utility GHG NSPS is still in the works). Thanks.

[attachment "Utility MACT Schedule_110410_.doc" deleted by Bob Sussman/DC/USEPA/US]

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

01268-EPA-890

Avi Garbow/DC/USEPA/US

12/01/2010 04:10 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Scott Fulton, Janet McCabe, Gina McCarthy, Joseph Goffman

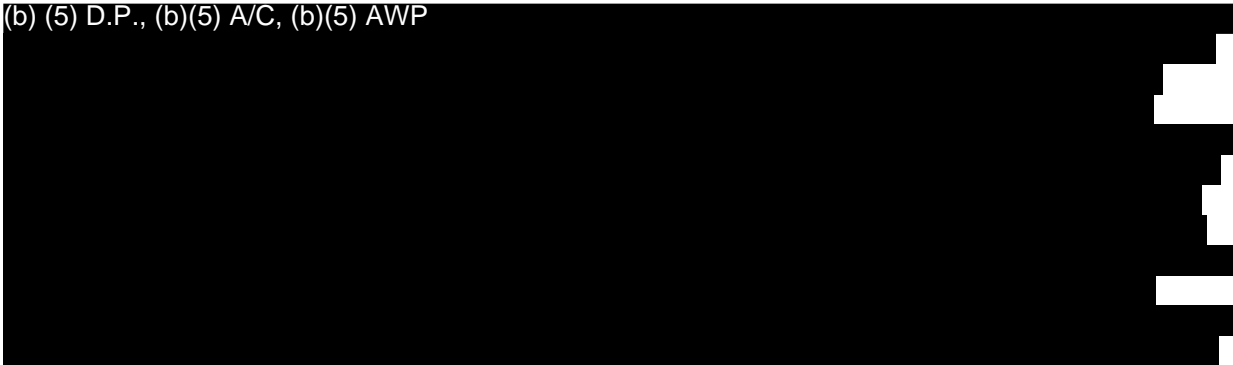
cc Seth Oster

bcc

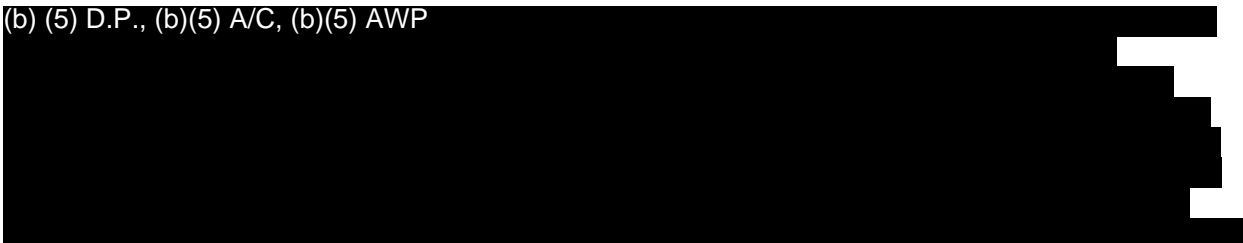
Subject Boiler MACT

Folks,

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP



(b) (5) D.P., (b)(5) A/C, (b)(5) AWP



Let Scott or me know if you have any questions on the above. Thanks,

Avi

Avi Garbow
Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-1917

01268-EPA-891

**Brendan
Gilfillan/DC/USEPA/US**
12/01/2010 10:27 PM

To: Richard Windsor
cc
bcc
Subject: Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

Ha she's asked me 8 times for my recording of the interview cause they want to post the audio of you singing online...

Richard Windsor

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

From: Richard Windsor
Sent: 12/01/2010 10:26 PM EST
To: Brendan Gilfillan
Subject: Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

battle

Haha. Me and music. Hmmmmm

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 12/01/2010 10:20 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Adora Andy; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Sarah Pallone; Betsaida Alcantara; Daniel Kanninen; Janet Woodka; Lisa Heinzerling
Subject: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

[OBJ]

EPA head Lisa Jackson is prepared for battle

By Juliet Eilperin
Washington Post Staff Writer
Wednesday, December 1, 2010; 8:49 PM

Not many Environmental Protection Agency administrators are likely to belt out a Stevie Wonder tune when discussing the importance of air quality.

But in the midst of a recent interview, Lisa P. Jackson delivered a slightly off-key rendition of the 1973 hit "Living for the City" to make a point about why she does her job:

"He spends his life walking the streets of New York City/He's almost dead from breathing in air pollution/He tried to vote but there's no solution/Living just enough, just enough for the city."

"I think about that evolution," she added, recounting how many Americans no longer face the same dangers from breathing in the air each day - a change that has brought the agency new challenges and in some senses made it a victim of its own success.

She laughed at her own musical interlude. "That's as emotional as I get."

Jackson's ability to focus on her intellectual priorities have earned plaudits from environmentalists, who see her as one of their most effective champions of public health measures. But it could also put her very mission at risk. As the EPA celebrates its 40th anniversary Thursday, her pursuit of sweeping rules to curb the nation's output of carbon dioxide and other pollutants could trigger a backlash from the newly

empowered Republicans in Congress.

"The pendulum could end up swinging back in the other direction," said a White House official from a previous administration who has focused on environmental issues.

The White House is being lobbied hard to rein in the EPA when it comes to several proposals, including those on boilers and smog-forming pollutants. And it is unclear how much influence Jackson wields within the administration, compared with higher-profile environmental officials such as Interior Secretary Ken Salazar and Carol Browner, the White House energy and climate change adviser.

William K. Reilly, who headed the EPA under George H.W. Bush and admires Jackson, said "she doesn't have much margin for error."

"The prospects of a standoff, or a decision to defund the agency in a number of areas, I think are pretty large," Reilly said. "Looking ahead in the next two years, it's going to be a hard ship to steer."

By all indications Jackson - who recalled that, as the child of a postal worker, she knew "my biggest asset was having a brain" - will do as she sees fit, despite the political obstacles.

"Before the last election we should have just been doing our job based on science and the law," she said. "And after this election, we should just do our job based on science and the law."

Jackson, who once mocked the agency she now leads as the "Emissions Permissions Agency," has repeatedly spoken of the need to enforce rules with an eye toward protecting the most vulnerable Americans, including the elderly, poor and minorities, even as others have suggested these measures could cost jobs. Having grown up in New Orleans' Ninth Ward - and taken the wheel to drive her mother, stepfather and aunt out of the city in the face of Hurricane Katrina, which destroyed her mother's home - she visited the region repeatedly during the BP oil spill, telling local residents that the federal government was acutely aware of their predicament.

Opponents have praised Jackson for her personal style: Sen. James M. Inhofe (R-Okla.) calls her "my favorite bureaucrat," and she keeps a photo of the senator and his family in her office. But Inhofe is ready to do battle next year on a range of regulations, and several industry officials note that her friendliness and accessibility has not translated into policy outcomes they can embrace.

Cal Dooley, president and chief executive of the American Chemical Council, said regulations that encourage investment in technology to reduce emissions can't be so onerous that they impede investment and the job base in the United States. "We have some concerns that EPA perhaps hasn't struck that right balance," he told reporters in a recent telephone conference call.

Jackson is operating in a very different political moment from her predecessors. When Richard Nixon established the EPA 40 years ago, environmental disasters including the Santa Barbara oil spill and contamination in Ohio's Cuyahoga River spurred the country to launch an unprecedented push for new environmental regulations. Congress was in the process of adopting laws regulating the air Americans breathed, the water they drank and a host of other activities - most of which would fall under the new agency's jurisdiction.

But as the EPA seeks to finalize a raft of regulations, on everything from smog-forming pollutants to greenhouse gases and emissions, Jackson stands on notice that the new Congress may clip her powers if she overreaches.

Jack Gerard, president of the American Petroleum Institute, said this moment should be "a time of reflection" for top Obama officials such as Jackson when it comes to the administration's environmental agenda.

"The public has soundly rejected a lot of the agenda of Congress and by extension, the Obama administration," Gerard said. "It's time for a course correction, it's time for a policy adjustment."

But Jackson shows little inclination to pull back on the many rules her agency is in the process of finalizing, including new limits on carbon dioxide emissions from industrial sources such as power plants, oil refineries and chemical plants.

A chemical engineer by training who gave up a short-lived post as then-New Jersey Gov. Jon Corzine's chief of staff before moving to Washington, Jackson criticized the EPA under George W. Bush for failing to regulate greenhouse gas emissions from autos and light trucks. Now she has not only helped oversee the first federal curbs on carbon dioxide from vehicles, but is pushing for tougher air quality rules on a range of fronts.

"We are back on the job," she said, adding that she hopes to convey to the public that by implementing new rules. "We are here and having us here is important to your family."


"We have a lot left to do," she added, listing toxic chemical reform among her priorities for the next two years. "Environmental protection doesn't happen just because you pass a law."

01268-EPA-892

**Brendan
Gilfillan/DC/USEPA/US**
12/01/2010 10:34 PM

To: Richard Windsor
cc
bcc
Subject: Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

(b) (5) D.P.



Richard Windsor

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

From: Richard Windsor
Sent: 12/01/2010 10:28 PM EST
To: Brendan Gilfillan
Subject: Re: Wash Post Profile: EPA head Lisa Jackson is prepared for battle

battle

Um slightly offkey???

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 12/01/2010 10:27 PM EST
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[001]

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By Juliet Eilperin
Washington Post Staff Writer

Wednesday, December 1, 2010; 8:49 PM

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"We have a lot left to do," she added, listing toxic chemical reform among her priorities for the next two years. "Environmental protection doesn't happen just because you pass a law."

01268-EPA-894

seanmdar(b) (6) Privacy

To Richard Windsor

12/02/2010 04:06 PM

cc

Please respond to
seanmdar(b) (6) Privacy

bcc

Subject Re: Npr

Oh yeah, all good! (b) (6) Privacy
[REDACTED]

Sent via BlackBerry by AT&T

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

From: Windsor.Richard@epamail.epa.gov

Date: Thu, 2 Dec 2010 11:53:01

To: <seanmdar(b) (6) Privacy>

Subject: Re: Npr

Hey. I'm well. So good to hear from yall. Yeah - bedbugs and climate change. Wow. Hugs. Miss you both. all good I hope?

From: seanmdar(b) (6) Privacy

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

Date: 12/02/2010 07:30 AM

Subject: Npr

"I have not spoken with governor christie". It made laura and I laugh. Also digging the bed bugs answer, "we get it". Awesome interview. Tremendous mix of knowledge, intellect and down to earth sensibility that makes you completely relatable to the average listener like me. And that is your friend from new jersey's completely unsolicited opinion! Hope you are doing well!
Sent via BlackBerry by AT&T

01268-EPA-898

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Diane Thompson, "David McIntosh"

cc

12/05/2010 07:34 PM

bcc

Subject Fw: Lead Pipes in DC

(b) (5) D.P.

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 12/05/2010 07:33PM

To: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, "Seth Oster" <Seth.Oster@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, "Paul Anastas" <Paul.Anastas@epa.gov>, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA
From: Arvin Ganesan/DC/USEPA/US
Date: 12/05/2010 07:33PM
Subject: Lead Pipes in DC

Evening,

(b) (5) D.P.

Thanks all.

Arvin

Drinking water debacle deals a blow to CDC and EPA

By Robert McCartney
Washington Post Staff Writer
Saturday, December 4, 2010; 11:59 PM

When it comes to something as basic as ensuring that our drinking water doesn't poison our children, you'd think federal scientists and environmentalists would hustle to give the public the fullest and most reliable information as quickly as possible.

You'd also think the Centers for Disease Control and Prevention and the Environmental Protection Agency would go out of their way to publicize it when the government's own research finds that the risk posed by lead in the water nationwide is greater than previously described, and that one of the EPA's top recommended solutions is useless.

You'd be wrong.

Those are two important lessons to be drawn from Wednesday's release of a CDC report on the 2004 crisis of lead in the water in the District. In the official research paper, the nation's premier public health agency finally confirmed in full scientific detail that it completely bungled its initial work, which tried to minimize the risk in the water.

I'm glad that the CDC ended years of denial and stonewalling. But its credibility suffered considerably because it took so long and acted only under sustained pressure from safe-water advocates, the media and Congress.

"They were too quick to publish a flawed study and they were too slow to retract it, when they knew that others were relying on it," said Rep. Brad Miller (D-N.C.), chairman of a House subcommittee that issued a blistering report in May of the CDC's handling of the issue.

Moreover, the CDC and EPA have done virtually nothing this week to alert the public about the report even though it raises major questions about government policies on lead pipes used in 3 million to 6 million households nationwide.

The report contains two troubling findings. First, it says that young children and expectant mothers are at elevated risk of lead poisoning if they live in homes served by lead pipes, regardless of the age of the housing and even if the water in the system as a whole is considered safe by EPA standards.

Basically, that puts in question the safety of drinking water in numerous houses in older neighborhoods in cities including Washington, Chicago, Detroit and Providence, R.I.

"What it does is say that the EPA lead in water standard is not itself sufficient to stop higher incidence of blood lead in children," said Marc Edwards, the award-winning Virginia Tech environmental engineering professor who spearheaded the long campaign that ultimately forced the CDC to reverse itself.

When exposed to lead, young children risk suffering diminished IQ. The main threat in old homes comes from lead in paint and dust, and the added danger posed by water is subtle and hard to quantify. But the new report says it's real.

"We need public education," Edwards said. "It's not a cause for panic, but that change in the CDC message is very profound."

Edwards suggested that residents of District homes served by lead pipes follow D.C. Water's recommendations to have their water tested. If the household includes children younger than 6, it'd be wise to use filtered or bottled water, or at least flush the pipes for a couple of minutes before drinking.

The CDC report also confirmed something that Edwards and other experts concluded years ago: It does no good to replace just some lead pipes serving a home. It's necessary to remove them all to be sure of solving the problem.

Many specialists, including some at the EPA, believe partial replacements actually make the problem worse, at least temporarily. That's partly because the work can dislodge lead particles within the pipes.

The implications of the new finding are potentially staggering. They suggest that the EPA, which officially supports partial lead-pipe replacements, has been giving bad and costly advice since 1991 despite growing pressure to alter its position.

For instance, under EPA guidance, the District spent \$97 million for 17,000 replacements. Of those, 15,000 were the partial variety found to be worthless at best.

To its credit, D.C. Water sharply reduced partial replacements in 2008. It decided they were aggravating the problem. An exception is made when such work is necessary to fix broken pipes, in which case D.C. Water pays for lead monitoring and filters.

Recommending partial replacements is "still part of the [EPA] rule, in spite of this fairly large and extensive field test in Washington, D.C., that indicates it doesn't work," D.C. Water General Manager George S. Hawkins said.

"That rule ought to be changed Monday," he said.

As of Friday afternoon, however, despite requests from journalists, the EPA hadn't commented.

Miller, who heads the investigations and oversight subcommittee of the House Science and Technology Committee, said he suspected that the CDC took so long to issue its report partly because of the human instinct "to be slow to admit error." Miller also faulted a tendency in government agencies to want to reassure the public even when the facts warranted otherwise.

"There has been a tendency . . . to kind of pat people's hands and say everything's fine when there are real questions about whether the public health is being endangered by environmental exposures," Miller said. However, he added, government's proper role "is to tell people the Lord's own truth. And if that causes people to worry, then they should worry."

I dislike promoting public anxiety, but amen to that.

01268-EPA-899

Scott Fulton/DC/USEPA/US

12/06/2010 05:23 PM

To Richard Windsor, David McIntosh, Avi Garbow

cc

bcc

Subject Re: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) D.P., (b)(5) AWP

Richard Windsor

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

From: Richard Windsor**Sent:** 12/06/2010 03:40 PM EST**To:** David McIntosh; Scott Fulton; Avi Garbow**Subject:** Re: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) D.P., (b)(5) AWP

David McIntosh

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

From: David McIntosh**Sent:** 12/06/2010 03:11 PM EST**To:** Richard Windsor; Scott Fulton**Subject:** Fw: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) D.P.

----- Forwarded by David McIntosh/DC/USEPA/US on 12/06/2010 03:09 PM -----

From: Joseph Goffman/DC/USEPA/US**To:** Cheryl Mackay/DC/USEPA/US@EPA**Cc:** David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA, Wendy Blake/DC/USEPA/US@EPA**Date:** 12/06/2010 03:00 PM**Subject:** Re: discussion w/ House E&C Cmte staff on Boiler MACT

(b) (5) D.P.

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

Cheryl Mackay

Hi Joe and Wendy, I have the OCIR co...

12/06/2010 09:44:51 AM

From: Cheryl Mackay/DC/USEPA/US**To:** Wendy Blake/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA**Cc:** David McIntosh/DC/USEPA/US@EPA, Jenny Noonan/RTP/USEPA/US@EPA**Date:** 12/06/2010 09:44 AM**Subject:** discussion w/ House E&C Cmte staff on Boiler MACT

Hi Joe and Wendy,

I have the OCIR conference room booked at 5:00 today for us to talk to Lorie and Alexandra about Boiler MACT. Wendy, Peter wasn't available, but Joe has offered to do this briefing. (b) (5) D.P.

David Mc. will probably also join, but he likely will be running late.

I'll send out a scheduler in a moment. Lorie and Alexander will be with us in-person. We have another meeting upstairs at 4:00, so we will walk down together after that. If we are running late I will shoot you a note. If there is any reason we can't do this meeting at 5 after all, just let me know. Lorie and Alexandra are aware there's a small chance we won't be ready to speak with them at 5 today.

Thanks!
Cheryl

Cheryl A. Mackay
U.S. EPA
Office of Congressional Relations
tel: (202) 564-2023
fax: (202) 501-1550

01268-EPA-900

Scott Fulton/DC/USEPA/US

12/07/2010 07:41 AM


To "Richard Windsor"

cc "David McIntosh"

bcc

Subject Boiler MACT

(b) (5) D.P., (b)(5) AWP



Scott

Wendy Blake

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

From: Wendy Blake

Sent: 12/07/2010 12:15 AM EST

To: Scott Fulton; Avi Garbow; Patricia Embrey

Subject: Fw: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON
Motion to Amend/Correct - please read

Scott,

(b) (5) D.P., (b)(5) AWP




Thanks. See you tomorrow.

Wendy

----- Forwarded by Wendy Blake/DC/USEPA/US on 12/07/2010 12:07 AM -----

From: "McDonough, Eileen (ENRD)" <EMcDonou@ENRD.USDOJ.GOV>

To: Wendy Blake/DC/USEPA/US@EPA

Date: 12/07/2010 12:06 AM

Subject: FW: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON Motion to Amend/Correct

documents will follow

Eileen T. McDonough
Environmental Defense Section
U.S. Dept. of Justice
202-514-3126

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From: DCD_ECFNotice@dcd.uscourts.gov [mailto:DCD_ECFNotice@dcd.uscourts.gov]

Sent: Tuesday, December 07, 2010 12:03 AM

To: DCD_ECFNotice@dcd.uscourts.gov

Subject: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON Motion to Amend/Correct

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered by McDonough, Eileen on 12/7/2010 at 0:02 AM EDT and filed on 12/7/2010

Case Name: SIERRA CLUB v. JACKSON

Case Number: [1:01-cv-01537-PLF](#)

Filer: LISA P. JACKSON

WARNING: CASE CLOSED on 03/31/2006

Document Number: [136](#)

Docket Text:

MOTION to Amend/Correct [80] Order on Motion for Summary Judgment,, Order on Motion to Strike,,, by LISA P. JACKSON (Attachments: # (1) Memorandum in Support, # (2) Exhibit, # (3) Text of Proposed Order, # (4) Text of Proposed Order (Alternative))(McDonough, Eileen)

1:01-cv-01537-PLF Notice has been electronically mailed to:

Alexandra Dapolito Dunn adunn@nacwa.org

Angeline Purdy angeline.purdy@usdoj.gov, efile_eds.enrd@usdoj.gov,
mary.edgar@usdoj.gov

Eileen T. McDonough eileen.mcdonough@usdoj.gov, efile_eds.enrd@usdoj.gov,
mary.edgar@usdoj.gov

Harold Patrick Quinn , Jr hquinn@nma.org

James S. Pew jpew@earthjustice.org, jyowell@earthjustice.org, seisenberg@earthjustice.org

Jeffrey Alan Knight jeffrey.knight@pillsburylaw.com

Michele Ball Morhenn michele.morhenn@shawpittman.com

W. Caffey Norman cnorman@pattonboggs.com

William F. Pedersen , Jr bill.pedersen@billpedersen.com

William J. Frey bfrey@ag.nv.gov, rhooper@ag.nv.gov

1:01-cv-01537-PLF Notice will be delivered by other means to::

A. Penna
VAN NESS FELDMAN, P.C.
1050 Thomas Jefferson Street, NW
Washington, DC 20007

Alison Ann Keane
NATIONAL PAINT & COATING ASSOCIATION
1500 Rhode Island Avenue, NW
Washington, DC 20005

Hans Walker , Jr
HOBBS, STRAUS, DEAN & WALKER
2120 L Street, NW
Suite 700
Washington, DC 20037

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-0]
[09b7ea4dd4adfa10abe46e116da231fe8fcf4b7594fc7153991c29828d36aba62be5
4dbd14f06e9244a2a09f1a6a511513d30be5c29355bb666b347b1899f9de]]

Document description:Memorandum in Support

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-1]
[4a534d13ae65dee3003dcd8dba49f02ee20fcca14f9478205988fd9f0b9e1e6c0c01
ee319baaac6278fada2e1057809af693f4165bf570b5be71e653cab9d350]]

Document description:Exhibit

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-2]
[6f532d5c47a803bf908600df5c613bb7bdfa6f55ac47d10220e049e83517f1686511
f34a424a2b0d9f7a4d4129fcbff968e882560bc6b5bdf9947fcfd68263e8]]

Document description:Text of Proposed Order

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-3]
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Document description:Text of Proposed Order (Alternative)

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-4]
[08ac0bb882599dfaf74da22e166023484827a571daa9e3b3fb6ba1bf8e3f28cbd879
36d4ccbf49dbffcae250db93802ce13761520172af89cebc3c4f429f75a]]

01268-EPA-901

Scott Fulton/DC/USEPA/US

12/07/2010 07:50 AM

To Richard Windsor

cc

bcc

Subject Re: Boiler MACT

(b) (5) D.P., (b)(5) AWP

Richard Windsor

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

From: Richard Windsor

Sent: 12/07/2010 07:44 AM EST

To: Scott Fulton

Cc: David McIntosh

Subject: Re: Boiler MACT

Scott -

(b) (5) D.P., (b)(5) AWP

Scott Fulton

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

From: Scott Fulton

Sent: 12/07/2010 07:41 AM EST

To: Richard Windsor

Cc: David McIntosh

Subject: Boiler MACT

(b) (5) D.P., (b)(5) AWP

Scott

Wendy Blake

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

From: Wendy Blake

Sent: 12/07/2010 12:15 AM EST

To: Scott Fulton; Avi Garbow; Patricia Embrey

Subject: Fw: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON

Motion to Amend/Correct - please read

Scott,

(b) (5) D.P., (b)(5) AWP

Thanks. See you tomorrow.

Wendy

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To: Wendy Blake/DC/USEPA/US@EPA
Date: 12/07/2010 12:06 AM
Subject: FW: Activity in Case 1:01-cv-01537-PLF SIERRA CLUB v. JACKSON Motion to Amend/Correct

documents will follow

Eileen T. McDonough
Environmental Defense Section
U.S. Dept. of Justice
202-514-3126

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Filer: LISA P. JACKSON
WARNING: CASE CLOSED on 03/31/2006
Document Number: [136](#)

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mary.edgar@usdoj.gov

Eileen T. McDonough eileen.mcdonough@usdoj.gov, efile_eds.enrd@usdoj.gov,
mary.edgar@usdoj.gov

Harold Patrick Quinn , Jr hquinn@nma.org

James S. Pew jpew@earthjustice.org, jyowell@earthjustice.org, seisenberg@earthjustice.org

Jeffrey Alan Knight jeffrey.knight@pillsburylaw.com

Michele Ball Morhenn michele.morhenn@shawpittman.com

W. Caffey Norman cnorman@pattonboggs.com

William F. Pedersen , Jr bill.pedersen@billpedersen.com

William J. Frey bfrey@ag.nv.gov, rhooper@ag.nv.gov

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Washington, DC 20007

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1500 Rhode Island Avenue, NW
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Hans Walker , Jr
HOBBS, STRAUS, DEAN & WALKER
2120 L Street, NW
Suite 700
Washington, DC 20037

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Document description:Main Document

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-0]
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4dbd14f06e9244a2a09f1a6a511513d30be5c29355bb666b347b1899f9de]]

Document description:Memorandum in Support

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-1]
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Document description:Exhibit

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-2]
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Document description:Text of Proposed Order

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-3]
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Document description:Text of Proposed Order (Alternative)

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/7/2010] [FileNumber=2752707-4]
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36d4ccbf49dbffcae250db93802ce13761520172af89cebc3c4f429f75a]]

01268-EPA-902

**Brendan
Gilfillan/DC/USEPA/US**
12/07/2010 10:56 AM

To: Richard Windsor
cc
bcc
Subject: Re: When does mact stuff go out?

It's shipped.
Richard Windsor

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

From: Richard Windsor
Sent: 12/07/2010 10:55 AM EST
To: Brendan Gilfillan
Subject: When does mact stuff go out?

01268-EPA-903

Barbara
Bennett/DC/USEPA/US
12/08/2010 08:32 AM

To David McIntosh
cc Richard Windsor
bcc
Subject Re: News Headline: Rockefeller eyes omnibus to block EPA climate rules



Thanks. Saw that, too. Thought we could talk about it at our meeting with Arvin and Ed this morning.

Barbara J. Bennett
Chief Financial Officer
U.S. EPA
202-564-1151

David McIntosh I'm keeping an eye on this. 12/08/2010 08:27:10 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Barbara Bennett/DC/USEPA/US@EPA
Date: 12/08/2010 08:27 AM
Subject: News Headline: Rockefeller eyes omnibus to block EPA climate rules

I'm keeping an eye on this.

News Headline: Rockefeller eyes omnibus to block EPA climate rules |  

Outlet Full Name: Hill - Online, The
News OCR Text: - 12/07/10 02:48 PM ET

Sen. Jay Rockefeller (D-W.Va.) is pinning his hopes for blocking Environmental Protection Agency climate change rules on the highly uncertain prospect that lawmakers will move a massive omnibus federal spending package this year.

Majority Leader Harry Reid (D-Nev.) earlier this year said he would give Rockefeller a vote on the West Virginian's proposal to freeze looming EPA regulations covering power plants, refineries and other industrial plants for two years.

But Reid has since equivocated, and Rockefeller faces a number of hurdles. Rockefeller told reporters Tuesday he still believes Reid wants to allow the vote, and that including the measure in a catch-all spending bill is the best option.

"If we could get an omnibus appropriations that would really help," Rockefeller said in the Capitol. "I know what I would like and I know what he would like, and that is the omnibus appropriations [bill]," he later added.

Asked if that was the only option, Rockefeller said no, but added: "That would be the best, that would be the easiest."

<http://thehill.com/blogs/e2-wire/677-e2-wire/132443-rockefeller-eyes-omnibus-to-block-epa-climate-rules>

01268-EPA-910

**David
McIntosh/DC/USEPA/US**
12/16/2010 01:26 PM

To: Richard Windsor, Seth Oster
cc
bcc
Subject: info re Semple

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 12/16/2010 01:25 PM -----

From: "Michael Bradley" <mbradley@mjbradley.com>
To: David McIntosh/DC/USEPA/US@EPA
Date: 12/16/2010 01:21 PM
Subject: Re: Administrator Jackson's reply to Congressman Upton about cooling waterintake structures

Thanks David. I've just finished a long session with Bob Semple, going through all the key issues related to the Transport Rule and future MACT rule. (Public health, jobs, retirements, reliability) He is looking forward to his call tomorrow with Lisa and is planning to publish an editorial next week or just after Xmas. If there are any themes other than the obvious ones that you would like me to follow up on with Bob let me know.

Michael
Sent from my Verizon Wireless BlackBerry

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

From: McIntosh.David@epamail.epa.gov
Date: Thu, 16 Dec 2010 11:22:56
To: Michael Bradley<mbradley@mjbradley.com>
Subject: Administrator Jackson's reply to Congressman Upton about cooling water intake structures

Hi Michael,
I'm forwarding the attached as an FYI. The incoming letter is also attached.
Regards,
David
(See attached file: Adm Jackson to Cong Upton Dec 16.pdf)

01268-EPA-912

Janet Woodka/DC/USEPA/US
12/16/2010 02:46 PM

To Karl Brooks, Bob Perciasepe, Bob Sussman, Seth Oster,
Scott Fulton, Sarah Pallone, Richard Windsor, "Arvin
Ganesan", "David McIntosh"

cc

bcc

Subject Re: sunflower- confidential - embargoed release

I just sent the docs referenced by karl.
Karl Brooks

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

From: Karl Brooks

Sent: 12/16/2010 02:07 PM EST

To: Bob Perciasepe; Bob Sussman; Seth Oster; Scott Fulton; Sarah Pallone;
Richard Windsor

Cc: Janet Woodka

Subject: Fw: sunflower- confidential - embargoed release

Below is Kan env agencies annmnt of its decision today to permit Sunflower Coal Plant.

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

Karl
Sent by EPA Wireless E-Mail Services
David Bryan

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

From: David Bryan
Sent: 12/16/2010 10:45 AM CST
To: Karl Brooks; William Rice; Rebecca Weber; David Cozad
Subject: Fw: sunflower- confidential - embargoed release

[attachment "10-301 Sunflower decision-embargoed.docx" deleted by Janet Woodka/DC/USEPA/US]

Text of embargoed release:

EMBARGOED until 2 p.m.:

Pankratz, 785-296-5795

December 16, 2010

kpankratz@kdheks.gov

Contact: Kristi

www.kdheks.gov

KDHE Issues Sunflower Electric Air Quality Permit

The Kansas Department of Health and Environment (KDHE) announced today that it has issued the air quality permit for the proposed 895 MW Coal-Fired Steam Generating Unit at the Sunflower Electric Power Corporation near Holcomb.

"After careful review of the permit application, public comments and applicable laws, I have decided to approve the application for an air quality permit," said John W. Mitchell, KDHE Acting Secretary. "The Sunflower proposed expansion project meets all current state and federal requirements for issuing the permit."

The Sunflower application was submitted January 13 and deemed complete June 30. An initial public comment period was held July 1-August 15. A second comment period was held September 23-October 23 to allow for changes that needed to be made to the modeling data. Throughout the process, staff has been working on a Responsiveness Summary, reviewing comments received, making modifications to the permit and providing responses to the comments.

"KDHE is committed to a fair and accurate process. Our staff has diligently and thoroughly reviewed this application and all public comments received. We have also worked with EPA and Sunflower throughout the entire process to ensure all requirements are met. I am confident that we have the best permit possible for Kansas," said Acting Secretary Mitchell.

To review a copy of the Sunflower permit and Responsiveness Summary, visit www.kdheks.gov.

#

David W. Bryan, APR
Public Affairs Specialist
Office of Public Affairs
EPA Region 7
901 N. 5th Street
Kansas City, KS 66101
913.551.7433, Fax: 913.551.7066

bryan.david@epa.gov

----- Forwarded by David Bryan/R7/USEPA/US on 12/16/2010 10:41 AM -----

From: Rich Hood/R7/USEPA/US
To: David Bryan/R7/USEPA/US@EPA
Date: 12/16/2010 10:35 AM
Subject: Fw: sunflower- confidential

Dave,

Can you please send the KDHE release to Karl as soon as we have it.

Thanks,

Rich Hood
Associate Regional Administrator
For Media, Intergovernmental Relations
Region 7
(o) 913-551-7906
(c) 913-339-8327

----- Forwarded by Rich Hood/R7/USEPA/US on 12/16/2010 10:35 AM -----

From: Karl Brooks/R7/USEPA/US
To: Rebecca Weber/R7/USEPA/US@EPA, "rice william" <rice.william@epa.gov>, Rich Hood/R7/USEPA/US@EPA, David Cozad/R7/USEPA/US@EPA
Date: 12/16/2010 10:15 AM
Subject: Re: sunflower- confidential

Pls fwd me kdhe release asap aftr 2. Tx!
Sent by EPA Wireless E-Mail Services
Rebecca Weber

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

From: Rebecca Weber
Sent: 12/16/2010 08:34 AM CST
To: Karl Brooks; rice.william@epa.gov; Rich Hood; David Cozad
Subject: sunflower- confidential

At 9 am, KDHE will do a press release stating a press conference will be held at 2 pm to announce the Sunflower decision. The decision will be to issue the permit but they ask that we do not share that information until they announce at 2 pm.

Rich, may want to have some words put together as a response.....

01268-EPA-913

Karl Brooks/R7/USEPA/US

12/17/2010 09:26 PM

To Richard Windsor

cc

bcc

Subject Re: Fw: sunflower- confidential - embargoed release

You're welcome. Let me know if u need more info.

Cheers

Karl

Sent by EPA Wireless E-Mail Services

Richard Windsor

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

From: Richard Windsor

Sent: 12/17/2010 11:03 AM EST

To: Karl Brooks

Cc: Scott Fulton; Seth Oster; Sarah Pallone; Bob Perciasepe; Bob Sussman;
Janet Woodka

Subject: Re: Fw: sunflower- confidential - embargoed release

TX Karl.

Karl Brooks

[Below is Kan env agencies annmnt of it...](#)

12/16/2010 02:07:49 PM

From: Karl Brooks/R7/USEPA/US
To: Perciasepe.Bob@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, Richard Windsor/DC/USEPA/US
Cc: "Janet Woodka" <Woodka.Janet@epamail.epa.gov>
Date: 12/16/2010 02:07 PM
Subject: Fw: sunflower- confidential - embargoed release

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) D.P.

Karl
Sent by EPA Wireless E-Mail Services
David Bryan

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

From: David Bryan

Sent: 12/16/2010 10:45 AM CST

To: Karl Brooks; William Rice; Rebecca Weber; David Cozad

Subject: Fw: sunflower- confidential - embargoed release

**[attachment "10-301 Sunflower decision-embargoed.docx" deleted
by Richard Windsor/DC/USEPA/US]**

Text of embargoed release:

EMBARGOED until 2 p.m.:

Pankratz, 785-296-5795

December 16, 2010

kpankratz@kdheks.gov

Contact: Kristi

www.kdheks.gov

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Associate Regional Administrator
For Media, Intergovernmental Relations
Region 7
(o) 913-551-7906
(c) 913-339-8327

----- Forwarded by Rich Hood/R7/USEPA/US on 12/16/2010 10:35 AM -----

From: Karl Brooks/R7/USEPA/US
To: Rebecca Weber/R7/USEPA/US@EPA, "rice william" <rice.william@epa.gov>, Rich Hood/R7/USEPA/US@EPA, David Cozad/R7/USEPA/US@EPA
Date: 12/16/2010 10:15 AM
Subject: Re: sunflower- confidential

Pls fwd me kdhe release asap aftr 2. Tx!
Sent by EPA Wireless E-Mail Services
Rebecca Weber

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

From: Rebecca Weber
Sent: 12/16/2010 08:34 AM CST
To: Karl Brooks; rice.william@epa.gov; Rich Hood; David Cozad
Subject: sunflower- confidential

At 9 am, KDHE will do a press release stating a press conference will be held at 2 pm to announce the Sunflower decision. The decision will be to issue the permit but they ask that we do not share that

[REDACTED]

01268-EPA-915

Scott Fulton/DC/USEPA/US

12/21/2010 07:47 AM

To David McIntosh, Richard Windsor

cc Seth Oster

bcc

Subject Re: important additional talking point for your Clean Energy Group CEO calls tomorrow

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

David McIntosh

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

From: David McIntosh

Sent: 12/20/2010 07:23 PM EST

To: Richard Windsor

Cc: Scott Fulton; Seth Oster







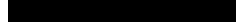

Subject: important additional talking point for your Clean Energy Group CEO calls tomorrow

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP

[REDACTED]

[REDACTED]

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP



01268-EPA-918

Adora Andy/DC/USEPA/US

12/21/2010 07:37 PM

To "Richard Windsor", "Gina McCarthy", "Bob Perciasepe"

cc "Seth Oster", "David McIntosh"

bcc

Subject Re: HEADS UP: Politico has NSPS

<http://www.politico.com/news/stories/1210/46697.html>

The Obama administration is expected to roll out several major greenhouse gas regulations for power plants and refineries as soon as Wednesday, signaling it won't back off its push to fight climate change in the face of mounting opposition on Capitol Hill.

The Environmental Protection Agency has agreed to a schedule for setting greenhouse gas emission limits, known as "performance standards," for the nation's two biggest carbon-emitting industries, POLITICO has learned.

Under the schedule agreed to by EPA, states and environmental groups, the agency will issue a draft greenhouse gas performance standard for power plants by July 2011 and a final rule by May 2012. The agreement - which comes after states and environmentalists challenged the George W. Bush administration's failure to set the standards - requires EPA to issue a draft limit for refineries by Dec. 2011 and a final rule by Nov. 2012.

The White House Office of Management and Budget has signed off on the schedule, according to a litigant in the legal fight.

The standards are part of a series of climate rules from the Obama administration that have faced fierce opposition from industry groups and lawmakers on both sides of the aisle. And while the policies won't go final for more than a year, the political ramifications will come immediately.

They will come as welcome news to environmentalists who want the administration to flex its regulatory muscle following the death of climate legislation this year, but EPA can expect its foes on the right to blast the move as another example of regulatory overreach.

GOP lawmakers slated to claim the gavels of powerful House committees next year have already vowed to launch probes into a host of EPA regulations - including the administration's suite of climate change rules - arguing that the regulations will further damage the already ailing economy.

Starting Jan. 2, EPA will begin regulating large stationary sources of the heat-trapping emissions, but those requirements only apply to new and upgraded facilities and will be determined on a case-by-case basis, so it's unclear how deeply they will slash emissions. The forthcoming standards would set industry-specific standards and could require some of the oldest, dirtiest facilities to clamp down on carbon dioxide.

The agreement doesn't specify what type of requirements EPA will impose on the industries, but environmentalists say the rules have the potential to require substantial emission reductions in existing facilities while offering industry the type of regulatory certainty it's been calling for.

EPA's schedule could also likely impact a high-profile climate lawsuit pending before the U.S. Supreme Court. In the case *American Electric Power v. Connecticut*, power companies are challenging a lower court ruling that allowed states and environmental groups to move ahead with a public nuisance lawsuit seeking to force the utilities to slash their greenhouse gas emissions.

Obama administration attorneys asked the court in August to vacate the appeals court's judgment, arguing that in part that EPA was already moving forward with efforts to cut greenhouse gas emissions, which undercut the need for nuisance lawsuits. The attorneys said EPA was "evaluating" whether to include greenhouse gases in performance standards.

States and environmental groups involved in the case argued that EPA's evaluation wasn't good enough because the agency hasn't formally taken action to limit emissions from existing sources. However, they said their claims for relief under nuisance lawsuits would be displaced if such rules were finalized.

It's unclear how EPA's announced schedule will affect the Supreme Court case, which is expected to be argued before the rules go final.

EPA spokeswoman Adora Andy said, "We have nothing to announce at this time. But as we have made clear any regulatory decisions will be guided by sound science and stakeholder input, and encourage

deployment of clean technology, while cutting greenhouse gas pollution and providing certainty to key industries in this country."

Read more: <http://www.politico.com/news/stories/1210/46697.html#ixzz18nQOkEJI><
<http://www.politico.com/news/stories/1210/46697.html#ixzz18nQOkEJI>>

Adora Andy

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

From: Adora Andy

Sent: 12/21/2010 07:19 PM EST

To: "Richard Windsor" <windsor.richard@epa.gov>; Gina McCarthy; Bob Perciasepe

Cc: "Seth Oster" <oster.seth@epa.gov>; David McIntosh

Subject: Re: HEADS UP: Politico has NSPS

Here's what Robin told me the story will cover:

- EPA/Administration "will soon announce" this
- Opposition from the Hill
- Enviros will love
- Diff btwn NSPS vs PSD
- could affect SCOTUS nuisance case

Adora Andy

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

From: Adora Andy

Sent: 12/21/2010 07:16 PM EST

To: "Richard Windsor" <windsor.richard@epa.gov>; Gina McCarthy; Bob Perciasepe

Cc: "Seth Oster" <oster.seth@epa.gov>; David McIntosh

Subject: HEADS UP: Politico has NSPS

This is what I gave Robin Bravender. Politico will run with it shortly. I will keep my eye on the media coverage throughout the evening so I can keep y'all posted.

Thanks,

Adora

"We have nothing to announce

At this time. But as we have made clear any regulatory decisions will be guided by sound science and stakeholder input, and encourage deployment of clean technology, while cutting greenhouse gas pollution and providing certainty to key industries in this country."

01268-EPA-919

Alisha Johnson/DC/USEPA/US

To "Richard Windsor"

cc

12/21/2010 09:37 PM

bcc

Subject Questions for tomorrow

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) D.P.



01268-EPA-920

George Pavlou/R2/USEPA/US

To Richard Windsor

12/23/2010 04:26 PM


cc

bcc

Subject Re: Merry Christmas

The Saints have been kind of erratic this year but I would love to see a Saints-Giants play off game. I want you to know that I do root for the Saints but loyalty to the Giants comes first.

(b) (5) D.P.



Stu Gruskin of NYSDEC also called me to congratulate me as well for a great decision on your part. He endorsed it but I took the opportunity to talk to him about the other trustees and their positions. We can talk about that when I see you. By the way Lisa, you are where you are because of you. The opportunities are just that. That is why I always tell you to never change. You are on a trajectory to be one of the best Administrator's in EPA and the next few years, you will still be here counting accomplishments, regardless of the trumpets blown by the other side.

Take care and enjoy the spirit of Christmas.

George Pavlou, Deputy Regional Administrator
EPA-Region 2
290 Broadway
NY, NY 10007

Tel:212-637-5000

Richard Windsor

[Ha. Thanks George. I will tell him. I bo...](#)

12/23/2010 03:54:30 PM

From: Richard Windsor/DC/USEPA/US
To: George Pavlou/R2/USEPA/US@EPA
Date: 12/23/2010 03:54 PM
Subject: Re: Merry Christmas

Ha. Thanks George (b) (6) Privacy



(b) (6) Privacy



And congratulations again on the GE decision, my friend.

Finally, thank you for literally giving me my first real shot to perform and learn at EPA. I would not be here without you. (Of course, next year that line may have a different meaning so let's enjoy it now).

Lisa

George Pavlou

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

From: George Pavlou

Sent: 12/23/2010 03:48 PM EST

To: Richard Windsor

Subject: Merry Christmas

Lisa, I want to wish you the best of Christmas for you and your family.

May your holidays be joyful, may your home be peaceful, may your world be full of health and happiness.
Be well.

(b) (6) Privacy



George Pavlou, Deputy Regional Administrator
EPA-Region 2
290 Broadway
NY, NY 10007

Tel:212-637-5000

01268-EPA-922

Betsaida
Alcantara/DC/USEPA/US
12/30/2010 02:22 PM

To Bob Perciasepe
cc Mathy Stanislaus, Richard Windsor, Seth Oster
bcc
Subject Re: BP waste data

(b) (5) D.P.

[REDACTED]

[REDACTED]

(b) (5) D.P.

[REDACTED]

Bob Perciasepe [Thanks Betsaida: The statement sort o...](#) 12/30/2010 02:10:10 PM

From: Bob Perciasepe/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 12/30/2010 02:10 PM
Subject: Re: BP waste data

Thanks Betsaida:

(b) (5) D.P.

Bob Perciasepe
Deputy Administrator

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

Betsaida Alcantara LPJ and Bob P, Seth asked me to s... 12/30/2010 02:05:37 PM

From: Betsaida Alcantara/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Date: 12/30/2010 02:05 PM
Subject: BP waste data

LPJ and Bob P,

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

(b) (5) D.P.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

01268-EPA-924

**Betsaida
Alcantara/DC/USEPA/US**
12/30/2010 03:22 PM

To Richard Windsor
cc Bob Perciasepe, Mathy Stanislaus, Seth Oster
bcc
Subject Re: BP waste data

(b) (5) D.P.

Richard Windsor

(b) (5) D.P.

12/30/2010 03:19:28 PM

From: Richard Windsor/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 12/30/2010 03:19 PM
Subject: Re: BP waste data

(b) (5) D.P.

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 12/30/2010 02:22 PM EST
To: Bob Perciasepe
Cc: Mathy Stanislaus; Richard Windsor; Seth Oster
Subject: Re: BP waste data

(b) (5) D.P.

(b) (5) D.P.

Bob Perciasepe Thanks Betsaida: (b) (5) D.P. 12/30/2010 02:10:10 PM

From: Bob Perciasepe/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA
Cc: Mathy Stanislaus/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 12/30/2010 02:10 PM
Subject: Re: BP waste data

Thanks Betsaida:

(b) (5) D.P.

Bob Perciasepe
Deputy Administrator

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

Betsaida Alcantara LPJ and Bob P, Seth asked me to s... 12/30/2010 02:05:37 PM


From: Betsaida Alcantara/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Date: 12/30/2010 02:05 PM
Subject: BP waste data

LPJ and Bob P,

(b) (5) D.P.

(b) (5) D.P.

(b) (5) D.P.



01268-EPA-925

Janet Woodka/DC/USEPA/US

01/03/2011 03:00 PM

To Richard Windsor, Gina McCarthy, Bob Perciasepe, Seth Oster, David McIntosh

cc

bcc

Subject Fw: the next big thing

Some commentary from our NGO friends in Louisiana that I thought you might find interesting.

Doug is the Hypoxia Program Director for the Mississippi River Basin Alliance and Houck is a prof at Tulane Law.

Janet

Janet Woodka
Senior Advisor to the Deputy Administrator
Director of Regional Operations
U.S. EPA
email: woodka.janet@epa.gov
phone: 202-564-7362
cell: 202-360-7465

----- Forwarded by Janet Woodka/DC/USEPA/US on 01/03/2011 02:58 PM -----

From: "Houck, Oliver A" <ohouck@tulane.edu>
To: Janet Woodka/DC/USEPA/US@EPA
Date: 01/03/2011 02:52 PM
Subject: FW: the next big thing

From: Houck, Oliver A
Sent: Monday, January 03, 2011 1:51 PM
To: johnhhankinson; 'Ettinger.John@epamail.epa.gov'; 'Woodka, Janet'
Subject: FW: the next big thing

Amen. We look kind of ridiculous, no?, trying to save a state that has no intention of saving itself ...

From: Doug Daigle [mailto:dougdaigle@gmail.com]
Sent: Friday, December 31, 2010 1:53 PM
To: Marylee Orr; paul@lmrk.org; Haywood Martin; Devin Martin; Darryl Malek-Wiley; Aaron Viles; Matt Rota; Casey DeMoss Roberts; bkohl40@cs.com; Ben Taylor; Davis, Mark S; Houck, Oliver A; Len Bahr; Nancy Grush; Steve Poss; Kathy Wascom; Irvin Peckham; jbyrd8@tigers.lsu.edu; Lizzy Hingle; Jeffrey Dubinsky; Westra, John; ENAPAY3@aol.com; Charlie Fryling
Subject: the next big thing

EPA's greenhouse gas regulation is the only prospect for US climate action for the immediate future (and then maybe only for two years, after which it's dead and we're cooked, depending on 2012 election) -

If La's delegation is allowed to participate in or even lead the coming attack on EPA and climate policy while demanding \$100 billion in federal funds for coastal restoration without being beaten over the head by La NGOs, then we should all pack up and go home.

Happy New Year!

<http://climateprogress.org/2010/12/31/energy-and-global-warming-news-primer-on-federal-greenhouse-gas-regime-chinese-climate-change-extreme-weather/>

<http://www.nytimes.com/2010/12/31/science/earth/31epa.html?emc=eta1>

http://www.nytimes.com/2010/12/25/opinion/25sat1.html?_r=1&emc=eta1

http://www.huffingtonpost.com/steven-cohen/defending-epa-against-the_b_801876.html?ref=email_share

01268-EPA-926

Janet Woodka/DC/USEPA/US To Richard Windsor
01/03/2011 04:01 PM cc
bcc
Subject Re: the next big thing

Not responding! But thanks for the reminder!

I just thought it might be a good pick-me-up to see them looking to be supportive!
Richard Windsor

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

From: Richard Windsor
Sent: 01/03/2011 03:50 PM EST
To: Janet Woodka
Subject: Re: the next big thing

Aww! Of course we can't lobby them so be careful not to respond.

(b) (5) D.P.

Janet Woodka

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

From: Janet Woodka
Sent: 01/03/2011 03:00 PM EST
To: Richard Windsor; Gina McCarthy; Bob Perciasepe; Seth Oster; David McIntosh
Subject: Fw: the next big thing

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Doug is the Hypoxia Program Director for the Mississippi River Basin Alliance and Houck is a prof at Tulane Law.

Janet

Janet Woodka
Senior Advisor to the Deputy Administrator
Director of Regional Operations
U.S. EPA
email: woodka.janet@epa.gov
phone: 202-564-7362
cell: 202-360-7465

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To: Janet Woodka/DC/USEPA/US@EPA
Date: 01/03/2011 02:52 PM
Subject: FW: the next big thing

From: Houck, Oliver A
Sent: Monday, January 03, 2011 1:51 PM

To: johnnhankinson; 'Ettinger.John@epamail.epa.gov'; 'Woodka, Janet'
Subject: FW: the next big thing

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To: Marylee Orr; paul@lmrk.org; Haywood Martin; Devin Martin; Darryl Malek-Wiley; Aaron Viles; Matt Rota; Casey DeMoss Roberts; bkohl40@cs.com; Ben Taylor; Davis, Mark S; Houck, Oliver A; Len Bahr; Nancy Grush; Steve Poss; Kathy Wascom; Irvin Peckham; jbyrd8@tigers.lsu.edu; Lizzy Hingle; Jeffrey Dubinsky; Westra, John; ENAPAY3@aol.com; Charlie Fryling
Subject: the next big thing

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<http://www.nytimes.com/2010/12/31/science/earth/31epa.html?emc=eta1>

<http://www.nytimes.com/2010/12/25/opinion/25sat1.html? r=1&emc=eta1>

http://www.huffingtonpost.com/steven-cohen/defending-epa-against-the_b_801876.html?ref=email_share

01268-EPA-927

Seth Oster/DC/USEPA/US

01/04/2011 11:57 AM





To Richard Windsor

cc Michael Moats

bcc

Subject Draft Op-Ed

(b) (5) D.P.

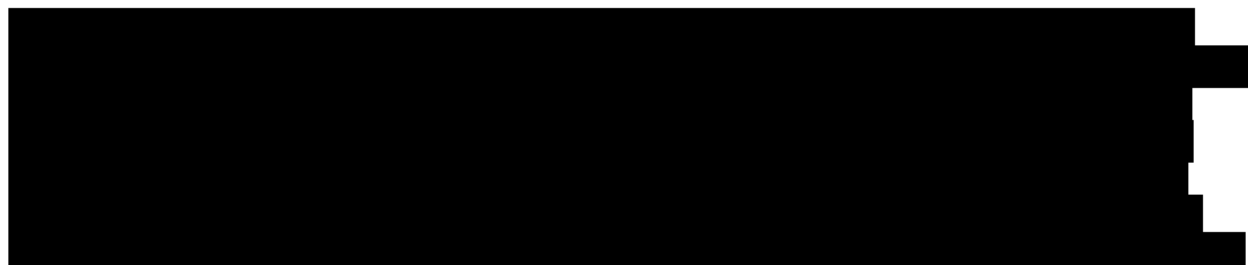




Seth

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

DRAFT

(b) (5) D.P.



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

[Redacted]


[Redacted]

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

[Redacted]

[Redacted]

(b) (5) D.P.



01268-EPA-928

Seth Oster/DC/USEPA/US

01/04/2011 12:33 PM

To Michael Moats, Richard Windsor

cc

bcc

Subject Re: Draft Op-Ed -- Alternative opening

(b) (5) D.P.

Michael Moats

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

From: Michael Moats**Sent:** 01/04/2011 12:02 PM EST**To:** Seth Oster; Richard Windsor**Subject:** Re: Draft Op-Ed -- Alternative opening

(b) (5) D.P.

[REDACTED]

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

Seth Oster

Administrator -- as we discussed, the...

01/04/2011 11:55:44 AM

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Michael Moats/DC/USEPA/US@EPA
Date: 01/04/2011 11:55 AM
Subject: Draft Op-Ed

(b) (5) D.P.


[REDACTED]

Let us know what you think.

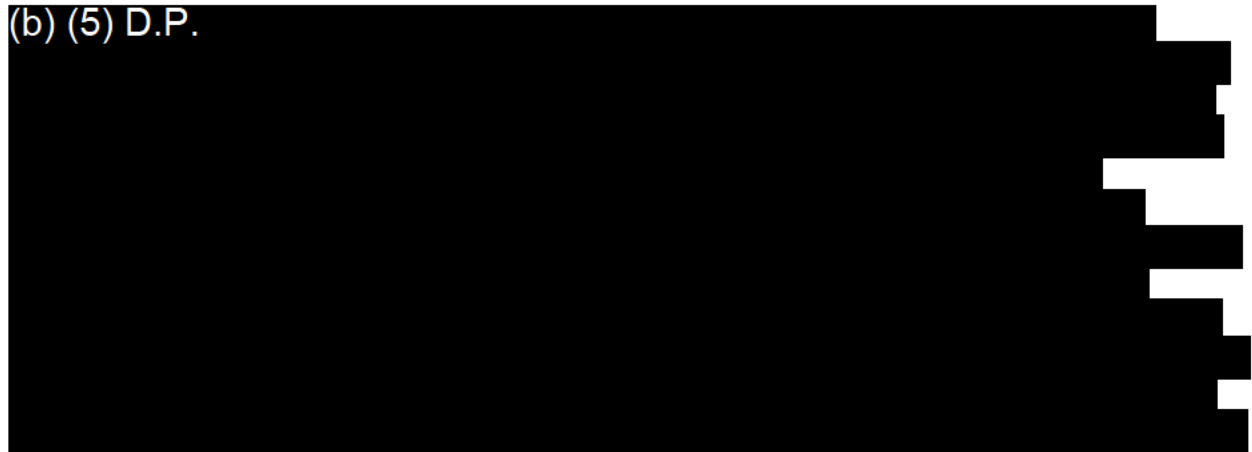
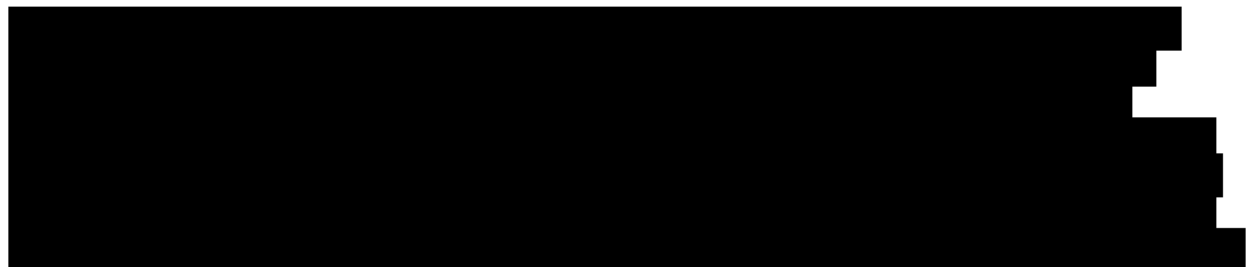
Seth

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


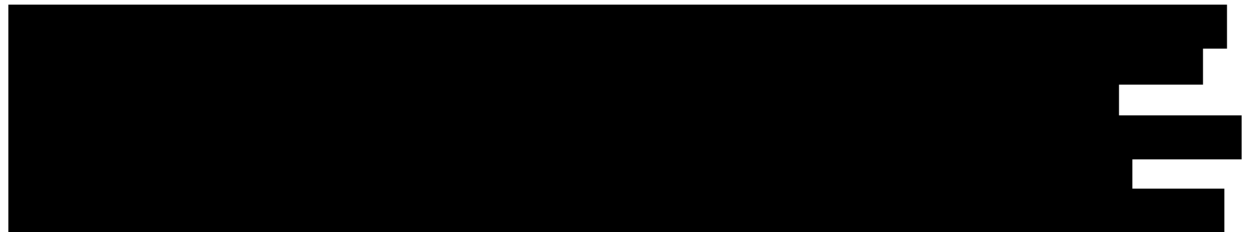
(b) (5) D.P.

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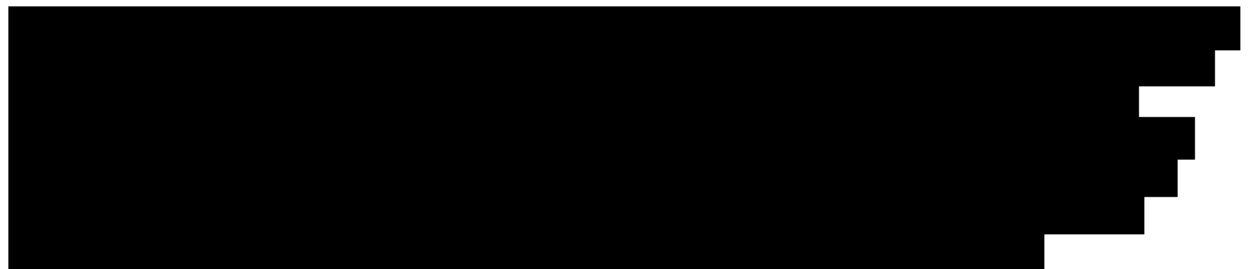
(b) (5) D.P.

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(b) (5) D.P.

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(b) (5) D.P.

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01268-EPA-931

Scott Fulton/DC/USEPA/US

01/06/2011 07:07 PM

To "Richard Windsor", "Bob Perciasepe", Gina McCarthy

cc "Bob Sussman", oster.seth, "David McIntosh"

bcc

Subject GHG permitting issue in NC

(b) (5) D.P., (b)(5) A/C



Greenhouse gas permits in limbo
News & Observer - Online

Thousands of N.C. businesses could have to apply for permits to release carbon dioxide and other greenhouse gases, state environmental officials say, after a conservative think tank filed objections.

The Environmental Protection Agency defined the heat-trapping gases as pollutants in 2009. That meant emissions are regulated for the first time, starting last Sunday.

But the EPA took a second step that is in limbo in North Carolina. The agency ruled it would focus solely on the largest gas emitters, such as coal-fired power plants. The state Environmental Management Commission adopted the EPA rule. But objections, filed largely by the Raleigh-based John Locke Foundation, put a legal hold on them.

That leaves the state with only a broad-brush mandate that's already in effect. Taken literally, it means up to 50,000 N.C. businesses, including office buildings and small industries, would have to get greenhouse

gas permits if they build new facilities or expand old ones. State regulators estimate compliance costs at more than \$490 million a year.

The U.S. Supreme Court ruled in 2007 that greenhouse gases fall under the Clean Air Act, which the EPA enforces. But the Locke Foundation is among critics that insist the EPA has no authority to regulate the gases.

Neither does the state Environmental Management Commission, said Daren Bakst, Locke's director of legal and regulatory studies. "This is a decision for the legislature, to what extent the EPA is going to force us to comply with a rule for which there is no statutory authority," he said.

Letters of objection filed last month with the state's rule review panel put an automatic hold on the more lenient rules. Thirteen of 22 letters came from the Locke Foundation.

The delay is for 30 legislative days. After that point, the rule takes effect unless legislators approve a bill to change it. Legislators convene Jan. 26.

Business lobbyists are expected to press legislators to stay away from the issue, allowing the rule to go into effect in February.

State staff members are looking for solutions, said Diana Kees, communications director for the N.C. Department of Environment and Natural Resources.

"We're looking at strategies to make sure we alleviate the potential burden on small industries and focus on the larger industries that, either way, will fall under the greenhouse gas emission rules," Kees said.

Bakst doesn't buy the argument that the state needs to resolve the conflict quickly to protect small businesses.

"It's not going to happen," he said. "I can't imagine who's going to force them" to issue permits.

The EPA grouped greenhouse gases with other pollutants, such as the nitrogen oxides that form Charlotte's smog. Permits are needed if emissions of those pollutants exceed 100 tons to 250 tons a year, depending on the type of facility.

The agency soon saw a problem. Greenhouse gases are typically released in much greater volumes than conventional pollutants. Many businesses that don't have permits would need them.

EPA's solution - not yet in place in North Carolina - was to raise the greenhouse gas threshold to 75,000 tons to 100,000 tons a year, eliminating all but the biggest sources.

Many N.C. businesses also question whether EPA has the authority over greenhouse gases, said Preston Howard, president of the state's Manufacturers and Chemical Industry Council.

01268-EPA-935

Barbara
Bennett/DC/USEPA/US
01/12/2011 11:06 AM

To Richard Windsor
cc David McIntosh, Arvin Ganesan
bcc
Subject Fw: Simpson article -- CQ Today

In advance of your meeting next week. Highlights in red.

CQ TODAY ONLINE NEWS – APPROPRIATIONS

Jan. 11, 2011 – 6:49 p.m.

EPA Critic Simpson Well-Positioned to Shape National Environmental Agenda

By Geof Koss, CQ Staff

[Mike Simpson](#) is not a member of any of the House authorizing committees that oversee EPA or natural resources, but in the 112th Congress the Idaho Republican will play a major role in setting national policy for energy and the environment.

Simpson last week was named chairman of the House Interior-Environment Appropriations Subcommittee, a position that places him at the epicenter of what is expected to be a heated fight over funding for federal environmental and energy regulators.

Simpson set the tone for his forthcoming tenure in a blunt Jan. 7 statement announcing his chairmanship of the panel, which oversees appropriations for the Interior Department, Forest Service and EPA.

While noting the importance of the subcommittee for Idaho — almost two-thirds of which is federally managed public lands — **he called the EPA “the scariest agency in the federal government, an agency run amok.”**

“Its bloated budget has allowed it to drastically expand its regulatory authority in a way that is hurting our economy and pushing an unwelcomed government further into the lives of Idahoans,” Simpson said.

Simpson, who is known to alternate between moments of levity and impassioned debate during hearings and markups, echoed the familiar rhetoric of EPA critics during the two years he spent as the ranking member on the Interior-Environment Subcommittee in the 111th Congress.

“The EPA is out of control when it comes to regulating every segment of our economy,” he said last July, when the panel marked up its fiscal 2011 spending bill. He has persistently criticized the funding increases the EPA has enjoyed under Democratic Congresses, as well as the pace of regulations. **Last February, he complained to EPA Administrator Lisa P. Jackson that agency regulatory officials “are sprinting like thoroughbreds out of the starting gate.”**

Power of the Purse

But unlike many EPA critics in Congress, Simpson's new role leaves him poised to shape the agency's policies through control of the agency's purse strings. A review of amendments he offered in the last Congress offers a hint of his priorities.

Simpson more than once has sought to cut the EPA's budget and use the savings to boost funding for public lands activities. In 2009, he inserted language into the fiscal 2010 Interior-Environment spending bill to transfer \$107 million from EPA state and tribal grant funds to wildfire suppression activities.

And during last July's subcommittee markup of the fiscal 2011 spending bill, Simpson offered and withdrew a lengthy amendment that would have cut more than \$150 million from EPA programs, while adding tens of millions of dollars to the Interior Department and Forest Service to cover unbudgeted payroll, health benefit and other fixed-cost expenses and prevent staff reductions. Reductions proposed in the amendment included cuts to numerous EPA climate change initiatives and to two popular drinking water revolving loan funds.

He also has targeted EPA rules through the longstanding practice of adding policy "riders" to its budget. Last July, he successfully inserted language into the Interior-Environment bill to exempt dairies from EPA oil spill prevention regulations.

Other Simpson amendments failed, including one to block the agency from using funds to implement changes to the definitions of waters covered under the federal Clean Water Act ([PL 92-500](#)). Another would have barred the EPA from forcing farmers to report greenhouse gas emissions from livestock.

Climate Change

A climate change skeptic, Simpson will be on the front lines of efforts to curtail EPA regulation of greenhouse gases, which began Jan. 2. Last Congress, he cosponsored a disapproval resolution to reject the agency's endangerment finding, the legal determination that underpins its regulatory efforts.

Already in this Congress, he has cosponsored a bill ([HR 97](#)) that would remove greenhouse gases from the purview of the Clean Air Act ([PL 101-549](#)). In 2009, he added language to EPA's spending bill to require the Obama administration to report all of its expenditures on climate change activities.

Simpson also will shape energy policy from his seat on the Energy-Water Appropriations Subcommittee, a spot he has used to promote nuclear power.

Last year, he unsuccessfully offered an amendment that would have ended the collection of fees from nuclear utilities until the federal government begins to accept nuclear waste. The nuclear industry has long sought to block the collection of the fees, which were originally intended to fund the nuclear waste repository at Yucca Mountain in Nevada. The Obama administration has moved to end that project.

Simpson was also defeated in an attempt to strip from the Energy Department's fiscal 2011 budget \$25 billion in loan guarantee authority for renewable-energy projects.

In the current Congress, Simpson will also sit on the Budget Committee and the Labor-HHS-Education Appropriations Subcommittee — another battleground assignment where Republicans will work to cut funding to the health care overhaul.

01268-EPA-936

Cynthia
Giles-AA/DC/USEPA/US
01/18/2011 08:27 AM

To Richard Windsor
cc Bob Perciasepe, Bob Sussman
bcc
Subject Fw: Thank You for a decision well made...

I thought you might like to see this -

----- Forwarded by Cynthia Giles-AA/DC/USEPA/US on 01/18/2011 08:24 AM -----

From: Maria Gunnoe <w(b) (6) Privacy [REDACTED] com>
To: Charles Lee/DC/USEPA/US@EPA
Cc: Michele Kelly/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Heather Case/DC/USEPA/US@EPA, Suzi Ruhl/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Samantha Beers/R3/USEPA/US, Carlos Evans/DC/USEPA/US@EPA, Sherri White/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Alan Walts/R5/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Cynthia Peurifoy/R4/USEPA/US@EPA, Reggie Harris/R3/USEPA/US, Lara Lasky/R5/USEPA/US@EPA, Tayoka Hall/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, William Early/R3/USEPA/US, Kent Benjamin/DC/USEPA/US@EPA, Mustafa Ali/DC/USEPA/US@EPA
Date: 01/18/2011 12:14 AM
Subject: Thank You for a decision well made...

No need to reply folks I know you are all really busy.

I just want you all to know that I sincerely appreciate the initiative the EPA has taken to end MTR's impacts on our people and the places they love.

Please see the info below.

It relates to the work you all are doing.

My letter that printed in the Beckley registered herald in reference to the coal rally being held on the 20th.

In respect to all of the families that have to live the trauma known as mountaintop removal our so called state leaders should be ashamed of themselves for their actions against their own people. People throughout Appalachia have been sacrificed for the coal that our state leaders have taken undue ownership of. If coal is so good for us why is it killing us? Some that don't have to live in this terror have no idea what its like. Living and dying underneath the exploding mountains with pollution in our air and water is nothing but violent. Our children are devastated to see their home lands being destroyed forever. The coal industry and our government are so arrogant that they are blatant enough to TRY to brainwash our kids into thinking that coal is good for them.

The EPA's actions are based on science. This science has proven that what the residents of WV have said for many years is true. Coal is killing us! In ignoring the facts, our leaders continue to talk about how cheap it is. All the while more of us suffer and die everyday. All of our state leaders need to take ownership of what they are allowing to happen to their own people. Shame on them! We have a right to be who we are and to live where we are at. The industry and Government has no right to continue to kill us and to rob us of our futures for out of state jobs

and out of state profit. Stop the violence against your own people. The world is watching.

Here is another that printed in a couple papers in response to Joe Manchin's attack on EPA WV Gazette and coal valley news.

The EPA is not attacking coal. They are only beginning to do their job. The coal industry likes to let on that a ban on MTR (mountaintop removal) is a ban on all coal mining. This is not true. MTR has battered many people in our communities and it must end. The people who lived in Lindytown, WV built Lindytown. Their ancestors were the reason for this town's existence. The community was made up of retired and active underground UMWA miners and their families. This town was bought up and depopulated like so many others throughout the Southern part of WV. Look at Blair WV the town not the spruce permit. What are the benefits of the Spruce permit for the town and the people living down stream and down wind? Let me tell you first hand what MTR does for the people that live in the impacted communities. MTR poisons our water and destroys the land where we belong by constant flooding, blasting, dust, out of state "lawless" coal traffic, and the dirty politics that runs it all. The health impacts of a million pounds of explosives a day chased with poison water is difficult to choke down. People have no choice but to leave their native homes leaving behind their culture and heritage and all that make up who they are. The EPA is not attacking coal they are hopefully going to stop the genocide of MTR. The EPA is finally stepping up to protect communities and people that have been attacked and ignored by an industry that foolishly believes that it's our patriotic duty to give everything up to keep on the lights. Mr Manchin these discussions over MTR permits did not begin in DC. They began when we that live here were ignored by this industry and our government. The people in the state of West Virginia took this to DC and to the EPA. The EPA is only enforcing the laws. Please allow them to do this. Our future depends on it. The Spruce permit would be temporary jobs for permanent destruction. There will be NO benefit in this permit for the community of Blair there for it should be denied and Senator Manchin you should want it to be if you care about your people.

We will continue to support EPA in this tough fight to do the right thing.

Again Thank You from all of us here in these mountains..

One more thing there is a new film coming out {1-21-11} that has been chosen as Sundance 2011 film festivals top selections. Its called The Last Mountain

<http://thelastmountainmovie.com/>

<http://trailers.apple.com/>

Take Care..

Maria Gunnoe

www.ohvec.org

304-245-8481(o)

304-989-9581(C)

for more info see

<http://www.goldmanprize.org/search/node/Maria%20Gunnoe>

www.sludgesafety.org

www.southwings.org

www.goldmanprize.org

www.appalachiarising.org

01268-EPA-937

**David
McIntosh/DC/USEPA/US**
01/19/2011 04:15 PM

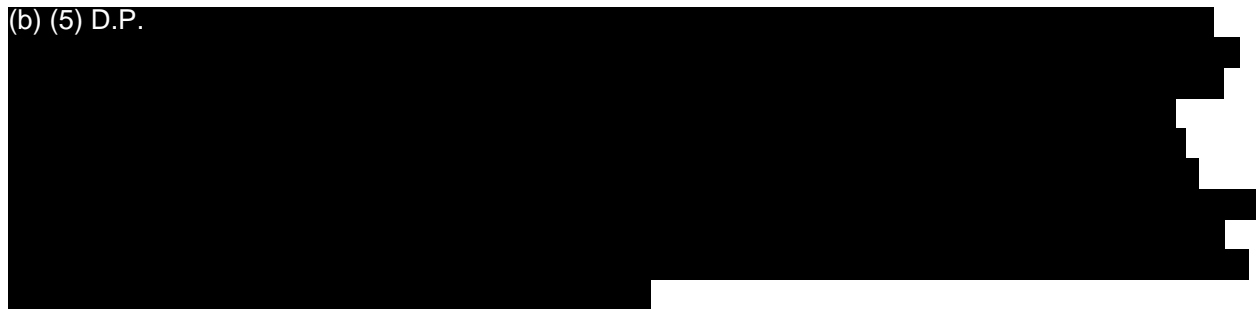
To Richard Windsor, Bob Perciasepe, Bob Sussman
cc
bcc
Subject Fw: my meeting today with Congressman Boren

Just FYI. Congressman Boren is a Democrat who represents eastern Oklahoma. I met with him today at his request.

----- Forwarded by David McIntosh/DC/USEPA/US on 01/19/2011 04:13 PM -----

From: David McIntosh/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA
Date: 01/19/2011 04:12 PM
Subject: my meeting today with Congressman Boren

(b) (5) D.P.



01268-EPA-938

**Daniel
Gerasimowicz/DC/USEPA/US**
01/19/2011 04:36 PM

To
cc
bcc

Subject Meeting with Canadian Environment Minister Kent

Meeting

Date 01/25/2011
Time 04:00:00 PM to 04:45:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location Bullet Room

Ct: Duncan Stewart (Canadian Embassy) 202-6(b) (6) Privacy

Staff:

Michelle DePass, Mike Stahl, Sylvia Correa, Steven Wiener, Gary Waxmonsky (OITA)
Susan Hedman (R5)
Gina McCarthy, John Beale, Maurice LeFranc Sue Stendebach, Beth Craig, Gabrielle Stevens (OAR)

Optional:
Nancy Stoner (OW),
Bob Perciasepe, Diane Thompson (OA)

Attendees:

Peter Kent, Minister of the Environment
Paul Boothe, Deputy Minister, Environment Canada
Ambassador Gary Doer
Stephanie Machel, Chief of Staff to Minister Peter Kent

Jane Keenan, Director, International Affairs Branch, Canada-United States, Environment Canada

Marc LePage, Special Advisor (Climate Change and Energy), Embassy of Canada

Catherine Godin (Counsellor / Section Manager), Embassy of Canada

William Kittelberg (Bill Rodgers), Director of Communications to the Minister

01268-EPA-941

Scott Fulton/DC/USEPA/US


01/20/2011 03:18 PM

To Bob Perciasepe, David McIntosh, Gina McCarthy

cc Janet McCabe, Joseph Goffman, Richard Windsor, "Diane Thompson", "Avi Garbow"

bcc

Subject Re: Boiler MACT

(b)(5) AWP, (b) (5) D.P.


Bob Perciasepe

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

From: Bob Perciasepe

Sent: 01/20/2011 02:59 PM EST

To: David McIntosh; Gina McCarthy

Cc: Janet McCabe; Joseph Goffman; Richard Windsor; Scott Fulton; "Diane Thompson" <Thompson.Diane@EPA.GOV>

Subject: Re: Boiler MACT

(b)(5) AWP
Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c)(b) (6) Privacy
David McIntosh

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

From: David McIntosh

Sent: 01/20/2011 02:52 PM EST

To: Gina McCarthy

Cc: Bob Perciasepe; Janet McCabe; Joseph Goffman; Richard Windsor; Scott Fulton; "Diane Thompson" <Thompson.Diane@EPA.GOV>

Subject: Re: Boiler MACT

(b)(5) AWP, (b) (5) D.P.


Gina McCarthy

David - (b)(5) AWP, (b) (5) D.P.

01/20/2011 02:46:11 PM

From: Gina McCarthy/DC/USEPA/US

To: David McIntosh/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA

Cc: Bob Perciasepe/DC/USEPA/US@EPA, "Diane Thompson" <Thompson.Diane@EPA.GOV>, Richard Windsor/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US, Janet McCabe/DC/USEPA/US

Date: 01/20/2011 02:46 PM

Subject: Re: Boiler MACT

(b)(5) AWP, (b) (5) D.P.


(b)(5) AWP, (b) (5) D.P.

David McIntosh

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

From: David McIntosh
Sent: 01/20/2011 02:29 PM EST
To: Scott Fulton
Cc: Gina McCarthy; Bob Perciasepe; "Diane Thompson"
<thompson.diane@epa.gov>; Richard Windsor
Subject: Re: Boiler MACT

(b)(5) AWP, (b) (5) D.P.

Scott Fulton

(b)(5) AWP, (b) (5) D.P.

01/20/2011 02:27:35 PM

From: Scott Fulton/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, Gina McCarthy/DC/USEPA/US@EPA, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>
Date: 01/20/2011 02:27 PM
Subject: Boiler MACT

(b)(5) AWP, (b) (5) D.P.

. Scott

01268-EPA-942

**Brendan
Gilfillan/DC/USEPA/US**
01/20/2011 05:46 PM

To Richard Windsor
cc Arvin Ganesan, David McIntosh, Gina McCarthy, Scott
Fulton, Seth Oster
bcc
Subject Re: From E&ENews PM -- AIR POLLUTION: Court orders
EPA to finish boiler rules by next month

Understood. We're formatting now and will send as soon as it's ready to go.

Richard Windsor Put it out. ----- Original Message ----- 01/20/2011 05:45:06 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan
Gilfillan/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Gina
McCarthy/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 01/20/2011 05:45 PM
Subject: Re: From E&ENews PM -- AIR POLLUTION: Court orders EPA to finish boiler rules by next month

Put it out.

David McIntosh

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


From: David McIntosh
Sent: 01/20/2011 05:44 PM EST
To: Seth Oster; Brendan Gilfillan; Richard Windsor; Arvin Ganesan; Gina
McCarthy; Scott Fulton
Subject: Fw: From E&ENews PM -- AIR POLLUTION: Court orders EPA to finish
(b) (5) D.P.

----- Forwarded by David McIntosh/DC/USEPA/US on 01/20/2011 05:42 PM -----

From: David McIntosh/DC/USEPA/US@EPA
To: David McIntosh/DC/USEPA/US@EPA
Date: 01/20/2011 05:42 PM
Subject: From E&ENews PM -- AIR POLLUTION: Court orders EPA to finish boiler rules by next month

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

Personal message:



An E&E Publishing Service

AIR POLLUTION: Court orders EPA to finish boiler rules by next month *(Thursday, January 20, 2011)*

Gabriel Nelson, E&E reporter

A federal judge in Washington, D.C., has given U.S. EPA one more month to finalize a set of limits on toxic air pollution from industrial boilers, saying the agency's concerns about the controversial

rules don't justify its request for another 15 months to rework them.

The agency has not shown that it would have been impossible to meet the previous deadline of Jan. 16, 2011, District Court Judge Paul Friedman ruled today. He sided with environmental groups, which had challenged EPA's request for more time.

The deadline was put in place after EPA lost a court challenge to the George W. Bush administration's handling of air pollution from industrial boilers, which provide power to paper mills, factories and many other large facilities. Under the regulations, these facilities would need to install the maximum achievable control technology (MACT) to limit their emissions of mercury, dioxins and other types of toxic pollution.

When the Obama administration issued a draft "Boiler MACT" rule last summer, the proposed standards drew intense criticism from industry groups and many lawmakers in Congress, who worried that the rules would force businesses to close and drive jobs overseas.

In the months leading up to the deadline, EPA officials started raising concerns about the proposed rules. Days before the agency announced that it wanted to go back to the drawing board, air chief Gina McCarthy told reporters that EPA thought some facilities might not have been able to achieve the proposed standards ([Greenwire](#), Dec. 2, 2010).

EPA asked Friedman for more time to overhaul the standards, but he ruled that the Clean Air Act sets clear deadlines.

"The policy arguments EPA raises have no place in a case where Congress has mandated expedition, and its statutorily-mandated deadlines have long since passed," he wrote in his opinion today. "While EPA's view on the importance of its rules and the preferable course of conduct may have merit, at this stage EPA's remedy lies with Congress, not the courts."

Barring action on Capitol Hill, the agency now has until Feb. 21 to issue a final rule.

The divisive boiler standards are seen as a crucial prelude to upcoming toxic pollution standards for power plants, which the agency is legally obligated to propose in March.

Some advocacy groups grew critical of EPA after the agency asked for more time to finish the boiler standards, along with an unrelated rule that would tighten the national limit on smog. Though the agency said the decisions were driven by science, critics said it appeared the Obama administration was bowing to political pressure after an election in which Republicans campaigned against federal regulations.

Industry groups, which had praised the agency for taking a second look, bemoaned today's decision. It will only lead to more litigation, Donna Harman, president and CEO of the American Forest & Paper Association, said in a statement.

"Regulations such as the Boiler MACT rule have far-reaching implications for communities, workers and businesses across the country," she said. "The overriding mission should be to produce a sound rule that keeps Americans healthy and employed, and today's decision by the court fails to give the agency what it said it needed."

[Click here](#) to read the decision.

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About E&ENews PM

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01268-EPA-946

Seth Oster/DC/USEPA/US

01/23/2011 06:38 PM

To Richard Windsor, David McIntosh

cc Arvin Ganesan

bcc

Subject Re: another credible validator business quote

(b) (5) D.P.

Richard Windsor

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

From: Richard Windsor

Sent: 01/23/2011 03:45 PM EST

To: David McIntosh

Cc: Seth Oster; Arvin Ganesan

Subject: Re: another credible validator business quote

V nice.

David McIntosh

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

From: David McIntosh

Sent: 01/23/2011 03:12 PM EST

To: Richard Windsor

Cc: Seth Oster; Arvin Ganesan

Subject: another credible validator business quote

Just came across this in an article titled, "The Regulator" in the January 24-30 2011 issue of Bloomberg Businessweek:

One early flash point: the Environmental Protection Agency's plans to regulate utilities' greenhouse gas emissions. Coming after the Senate failed to act on climate change, the move has provoked Republican ire. "This Administration has perfected the art of governing by fiat through the regulatory process, which I think is an absolute abuse of power," Representative Tom Price (R-Ga.) told a December gathering at the American Enterprise Institute.

Executives at Babcock & Wilcox, the Charlotte-based maker of emissions-control systems for power plants, don't share the gloom. The company sees a \$10 billion to \$12 billion market for scrubbers that strip sulfur dioxide, nitrogen oxide, and mercury from coal-fired plants. "We're starting to see some of that move forward," Chief Executive Officer Brandon C. Bethards told analysts on Nov. 9.

01268-EPA-948

Arvin Ganesan/DC/USEPA/US

To Richard Windsor


01/24/2011 08:42 PM

cc Bob Sussman, David McIntosh, Diane Thompson, Bob
Perciasepe


bcc

Subject CWA fill rule meeting with Rogers

(b) (5) D.P.



(b) (5) D.P.



Thanks. Arvin

01268-EPA-949

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

01/24/2011 09:15 PM

cc Bob Sussman, David McIntosh, Diane Thompson, Bob Perciasepe

bcc

Subject Re: CWA fill rule meeting with Rogers

(b) (5) D.P.

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

To: Arvin Ganesan/DC/USEPA/US@EPA

From: Richard Windsor/DC/USEPA/US

Date: 01/24/2011 09:12PM

Cc: Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA

Subject: Re: CWA fill rule meeting with Rogers

(b) (5) D.P.

[REDACTED]

From: Arvin Ganesan

Sent: 01/24/2011 08:42 PM EST

To: Richard Windsor

Cc: Bob Sussman; David McIntosh; Diane Thompson; Bob Perciasepe

Subject: CWA fill rule meeting with Rogers


(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) D.P.



01268-EPA-950

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

01/24/2011 09:35 PM

cc Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson

bcc

Subject Re: CWA fill rule meeting with Rogers

(b) (5) D.P.

thanks. A

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

To: Bob Perciasepe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 01/24/2011 09:23PM
Cc: Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Subject: Re: CWA fill rule meeting with Rogers

(b) (5) D.P.

From: Bob Perciasepe
Sent: 01/24/2011 09:21 PM EST
To: Richard Windsor; Arvin Ganesan
Cc: Bob Sussman; David McIntosh; Diane Thompson
Subject: Re: CWA fill rule meeting with Rogers

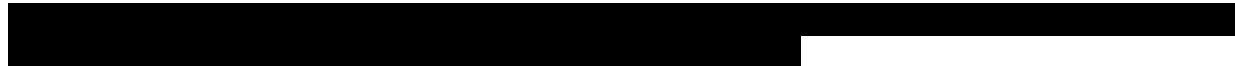
(b) (5) D.P.

(b) (5) D.P.

Bob Perciasepe
Deputy Administrator
(o)202 564 4711
(c) (b) (6) Privacy

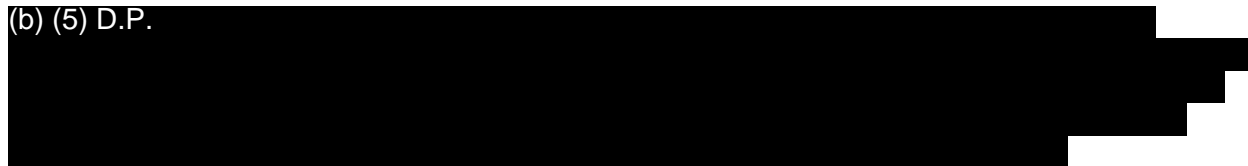
From: Richard Windsor
Sent: 01/24/2011 09:12 PM EST
To: Arvin Ganesan
Cc: Bob Sussman; David McIntosh; Diane Thompson; Bob Perciasepe
Subject: Re: CWA fill rule meeting with Rogers


(b) (5) D.P.



From: Arvin Ganesan
Sent: 01/24/2011 08:42 PM EST
To: Richard Windsor
Cc: Bob Sussman; David McIntosh; Diane Thompson; Bob Perciasepe
Subject: CWA fill rule meeting with Rogers

(b) (5) D.P.





(b) (5) D.P.




[REDACTED]

01268-EPA-951

Adora Andy/DC/USEPA/US

01/25/2011 09:04 AM

To Richard Windsor, Michael Moats

cc Brendan Gilfillan

bcc

Subject Re: ACTION draft El Paso OpEd for review

Thanks Administrator. (b) (5) D.P.

Richard Windsor

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

From: Richard Windsor

Sent: 01/25/2011 06:34 AM EST

To: Michael Moats

Cc: Adora Andy; Brendan Gilfillan

Subject: Re: ACTION draft El Paso OpEd for review

(b) (5) D.P.

Thanks, Lisa

Michael Moats

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

From: Michael Moats

Sent: 01/24/2011 05:40 PM EST

To: Richard Windsor

Cc: Adora Andy; Brendan Gilfillan

Subject: ACTION draft El Paso OpEd for review

Administrator, draft attached and pasted below for your review. (b) (5) D.P.

Thanks.

Mike

[attachment "20110127 OPED El Paso (4).docx" deleted by Richard Windsor/DC/USEPA/US]

DRAFT

(b) (5) D.P.

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

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

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

[Redacted]

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

[REDACTED]

01268-EPA-952

Scott Fulton/DC/USEPA/US

To Richard Windsor

01/25/2011 12:43 PM

cc

bcc

Subject Re: Action Required

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

Richard Windsor

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP

01/25/2011 11:57:01 AM

From: Richard Windsor/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA
Date: 01/25/2011 11:57 AM
Subject: Action Required

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/25/2011 11:55 AM -----

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 10:15 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

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

Richard Windsor

(b) (5) D.P.

01/25/2011 06:05:35 AM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 06:05 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

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

David McIntosh

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

From: David McIntosh
Sent: 01/24/2011 05:46 PM EST
To: Richard Windsor; Gina McCarthy
Subject: Fw: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

Just FYI. (b) (5) D.P.
[REDACTED]

----- Forwarded by David McIntosh/DC/USEPA/US on 01/24/2011 05:46 PM -----

From: e-Dear Colleague**Sent:** Monday, January 24, 2011 3:30 PM

To: E-DEARCOLL_ISSUES_A-F_0000@ls2.house.gov

Subject: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

Oppose EPA Boiler MACT regulations

From: The Honorable F. James Sensenbrenner, Jr.

Sent By: joshua.ledden@mail.house.gov

Date: 1/24/2011

Oppose EPA Boiler MACT regulations that will harm our economy

Dear Colleague:

The Environmental Protection Agency (EPA) is in the final stage of rulemaking to reduce certain toxic air pollutants from industrial boilers, process heaters, and solid waste incinerators. The Boiler Maximum Achievable Control Technology (MACT) regulation would mandate emissions standards that, for many, cannot be met. These new standards would often require the installation of expensive control technologies without sufficient assurance that proposed emission limits would routinely be achieved.

The often large capital costs needed to retrofit many current plants will prove economically difficult for many existing units and could lead to closure of some operations. I will soon be introducing legislation to block the EPA from issuing these heavy-handed regulations. A recent study found that for every \$1 billion spent on upgrade and compliance costs, 16,000 jobs will be put at risk and U.S. GDP will be reduced by as much as \$1.2 billion. Now is not the time to make it more difficult for our manufacturing sector to compete.

The Small Business Administration's Office of Advocacy held two roundtables to discuss the rule's requirements. As Winslow Sargeant, the office's Chief Counsel noted, "There was widespread agreement among the participants representing a large diversity of manufacturing sectors that this proposal has impractical emissions limits that will be exceedingly costly to meet for almost all facilities." Additionally, the United Steel Workers union believes the Boiler MACT: "will be sufficient to imperil the operating status of many industrial plants."

Anytime you have industry and unions come together in agreement, you know you have an argument that transcends politics. Simply put, EPA's Boiler MACT regulations are too stringent, and the net result of their implementation would be an onerous burden on businesses, which will be forced to either shut down operations or terminate employees in order to survive.

If you have any questions, or would like to be added as an original cosponsor, please contact Joshua Ledden at Joshua.Ledden@mail.house.gov or x55101.

Sincerely,

F. JAMES SENSENBRENNER, JR.
Member of Congress

Visit the [e-Dear Colleague Service](#) to manage your subscription to the available Issue and Party list(s).

01268-EPA-953

Scott Fulton/DC/USEPA/US

01/25/2011 12:48 PM

To Richard Windsor

cc David McIntosh, "Scott Fulton", Gina McCarthy

bcc

Subject Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

Richard Windsor

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP

01/25/2011 12:39:52 PM

From: Richard Windsor/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Cc: "Scott Fulton" <Fulton.Scott@epa.gov>
Date: 01/25/2011 12:39 PM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

Gina McCarthy

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

From: Gina McCarthy
Sent: 01/25/2011 12:35 PM EST
To: David McIntosh
Cc: Richard Windsor; Fulton.Scott@EPA.GOV
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[REDACTED]

David McIntosh

(b) (5) D.P.

01/25/2011 10:15:13 AM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Gina McCarthy/DC/USEPA/US@EPA
Date: 01/25/2011 10:15 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

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

Richard Windsor

(b) (5) D.P.

01/25/2011 06:05:35 AM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA

Date: 01/25/2011 06:05 AM
Subject: Re: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

(b) (5) D.P.

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

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Sent: 01/24/2011 05:46 PM EST

To: Richard Windsor; Gina McCarthy

Subject: Fw: Energy, Environment: Dear Colleague: Oppose EPA Boiler MACT regulations

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Sincerely,

F. JAMES SENSENBRENNER, JR.
Member of Congress

Visit the [e-Dear Colleague Service](#) to manage your subscription to the available Issue and Party list(s).

01268-EPA-954

Seth Oster/DC/USEPA/US
01/25/2011 04:27 PM

To: Brendan Gilfillan, Adora Andy, "Bob Perciasepe", "Lisa Jackson", Arvin Ganesan, David McIntosh

cc

bcc

Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 01/25/2011 04:11 PM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen

Subject: AP: Gingrich calls for replacing EPA

FYI - as you'll see in the story, AP has asked us for comment on this.

Gingrich calls for replacing EPA

(AP) – 2 hours ago

DES MOINES, Iowa (AP) — Former House Speaker Newt Gingrich called Tuesday for the elimination of the Environmental Protection Agency, which he wants to replace with a new organization that would work more closely with businesses and be more aggressive in using science and technology.

In an interview with The Associated Press, Gingrich said the EPA was rarely innovative and focused only on issuing regulations and litigation.

"What you have is a very expensive bureaucracy that across the board makes it harder to solve problems, slows down the development of new innovations," Gingrich said.

Gingrich, who has acknowledged that he's mulling a run for the Republican presidential nomination, was in Iowa to talk to the Iowa Renewable Fuels Association. He also met privately with Republican legislators, often a sign in Iowa that people are laying the groundwork for a campaign. The state has the nation's first presidential caucuses.

Gingrich, who has made several visits to Iowa recently, said the EPA was founded on sound

ideas but has become a traditional Washington bureaucracy. Tuesday was the first time he had proposed eliminating it, Gingrich spokesman R.C. Hammond said.

"We need to have an agency that is first of all limited, but cooperates with the 50 states," Gingrich said. "The EPA is based on bureaucrats centered in Washington issuing regulations and litigation and basically opposing things."

A telephone message left for EPA spokesman Brenden Gilfillan in Washington was not immediately returned.

Gingrich denied his proposal would result in environmental damage, saying he would replace the EPA with what he called the Environmental Solution Agency.

"I think you have an agency which would get up every morning, very much like the National Institutes for Health or the National Science Foundation, and try to figure out what do we need to do today to get a better environment that also gets us a better economy," he said.

Gingrich also said his proposed agency would pursue the development of a clean coal and rewrite regulations governing the development of small nuclear plants.

"There's a whole new emerging technology that allows you to build smaller nuclear plants, but all of our rules were designed for very complex, very expensive systems," he said.

Gingrich's anti-Washington, pro-business theme was designed to appeal to the conservatives who dominate Republican precinct caucuses, which traditionally launch the presidential nominating process. Iowa's next presidential caucus is Feb. 6, 2012.

"The level of control that Washington bureaucrats want to extend over topics they don't understand and communities they don't live in is wrong," he said. "Having an attitude of getting up every morning and trying to stop the economy is just a very destructive attitude."

01268-EPA-955

Seth Oster/DC/USEPA/US

01/25/2011 04:52 PM

To Richard Windsor, Brendan Gilfillan, Adora Andy, Bob Perciasepe, Arvin Ganesan, David McIntosh**cc****bcc****Subject** Re: AP: Gingrich calls for replacing EPA(b) (5) D.P.
[REDACTED]

Richard Windsor

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

From: Richard Windsor**Sent:** 01/25/2011 04:50 PM EST**To:** Seth Oster; Brendan Gilfillan; Adora Andy; Bob Perciasepe; Arvin Ganesan; David McIntosh**Subject:** Re: AP: Gingrich calls for replacing EPA(b) (5) D.P.
[REDACTED]

Seth Oster

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

01/25/2011 04:27:34 PM

From: Seth Oster/DC/USEPA/US**To:** Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>, Arvin Ganesan/DC/USEPA/US, David McIntosh/DC/USEPA/US**Date:** 01/25/2011 04:27 PM**Subject:** Re: AP: Gingrich calls for replacing EPA(b) (5) D.P.
[REDACTED]

Brendan Gilfillan

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

From: Brendan Gilfillan**Sent:** 01/25/2011 04:11 PM EST**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen**Subject:** AP: Gingrich calls for replacing EPA

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01268-EPA-956

Brendan
Gilfillan/DC/USEPA/US
01/25/2011 04:53 PM

To: Seth Oster
cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, David
McIntosh, Richard Windsor
bcc:
Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.




Seth Oster

(b) (5) D.P.

01/25/2011 04:52:29 PM

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Adora
Andy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Arvin
Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 01/25/2011 04:52 PM
Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.






Richard Windsor

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

From: Richard Windsor
Sent: 01/25/2011 04:50 PM EST
To: Seth Oster; Brendan Gilfillan; Adora Andy; Bob Perciasepe; Arvin
Ganesan; David McIntosh
Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.


Seth Oster

(b) (5) D.P.

01/25/2011 04:27:34 PM

From: Seth Oster/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US, "Bob Perciasepe"
<Perciasepe.Bob@epamail.epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>, Arvin
Ganesan/DC/USEPA/US, David McIntosh/DC/USEPA/US
Date: 01/25/2011 04:27 PM
Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.



(b) (5) D.P.



Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 01/25/2011 04:11 PM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen

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01268-EPA-957

Diane
Thompson/DC/USEPA/US
01/25/2011 04:54 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Daniel Kanninen, Dru Ealons, Seth Oster, Richard Windsor, Stephanie Owens, David McIntosh
bcc:
Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.

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

David McIntosh (b) (5) D.P.

01/25/2011 04:32:25 PM

From: David McIntosh/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA
Date: 01/25/2011 04:32 PM
Subject: Re: AP: Gingrich calls for replacing EPA

(b) (5) D.P.

Brendan Gilfillan FYI - as you'll see in the story, AP has...

01/25/2011 04:10:47 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA
Date: 01/25/2011 04:10 PM
Subject: AP: Gingrich calls for replacing EPA

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(AP) – 2 hours ago

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01268-EPA-959

Scott Fulton/DC/USEPA/US

To "Richard Windsor"

01/26/2011 08:23 AM

cc

bcc

Subject Fw: Corpus christi -- Fw: controversial PSD permitting action in Texas

(b) (5) D.P.

Good speech last night I thought. You got a lot of camera time - made us proud.

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

To: Al Armendariz

To: Avi Garbow

To: Carla Veney

Subject: Re: Corpus christi -- Fw: controversial PSD permitting action in Texas

Sent: Jan 26, 2011 8:20 AM

(b) (5) D.P.

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

From: Al Armendariz

To: Scott Fulton

To: Avi Garbow

To: Carla Veney

Subject: Corpus christi -- Fw: controversial PSD permitting action in Texas

Sent: Jan 26, 2011 8:07 AM

Fyi, part 2.

Al

Al Armendariz
Regional Administrator
U.S. EPA
Region 6
armendariz.al@epa.gov
office: 214-665-2100
twitter: @al_armendariz

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

From: Al Armendariz

Sent: 01/25/2011 11:48 PM CST


To: Seth Oster; "Gina McCarthy" <mccarthy.gina@epa.gov>; Adora Andy; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Janet McCabe; Bob Sussman; "Lisa Garcia" <garcia.lisa@epa.gov>; Cynthia Giles-AA

Cc: "Al Armendariz" <Armendariz.Al@epa.gov>

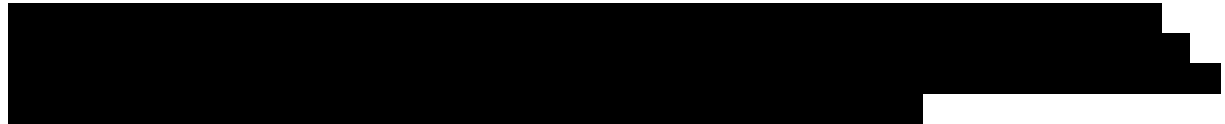
Subject: controversial PSD permitting action in Texas

Hi Everyone,

(b) (5) D.P.



(b) (5)



:)

Al Armendariz
Regional Administrator
Environmental Protection Agency
Region 6
Dallas, Texas
armendariz.al@epa.gov
office: 214-665-2100

-----Original Message Truncated-----

01268-EPA-960

Scott Fulton/DC/USEPA/US

01/26/2011 05:45 PM


To mcintosh.david, Gina McCarthy, Richard Windsor, "Bob Sussman"

cc

bcc

Subject OIRA Issa Exchange

(b) (5) D.P.



01268-EPA-962

Brendan
Gilfillan/DC/USEPA/US
01/27/2011 06:10 PM



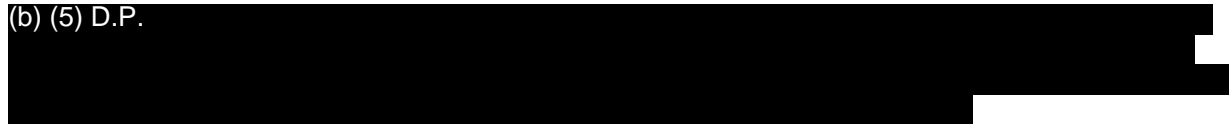
To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
"Bob Sussman", "Seth Oster", andy.adora, mccarthy.gina,
mcintosh.david, ganesan.arvin, owens.stephanie, ealons.dru,
"Betsaida Alcantara"

cc

bcc

Subject FYI: WSJ story on labor group opposition to EPA rules

(b) (5) D.P.



01268-EPA-963

Seth Oster/DC/USEPA/US

To Richard Windsor

01/27/2011 06:33 PM

cc

bcc

Subject Re: FYI: WSJ story on labor group opposition to EPA ruleswe

(b) (5) D.P.

Richard Windsor

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

From: Richard Windsor**Sent:** 01/27/2011 06:29 PM EST**To:** David McIntosh; Brendan Gilfillan**Cc:** Betsaida Alcantara; "andy adora" <andy.adora@epa.gov>; "ealons dru" <ealons.dru@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; Seth Oster; "Stephanie Owens" <Owens.Stephanie@epa.gov>; Bob Perciasepe; Bob Sussman; Diane Thompson**Subject:** Re: FYI: WSJ story on labor group opposition to EPA rules

(b) (5) D.P.

David McIntosh

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

From: David McIntosh**Sent:** 01/27/2011 06:15 PM EST**To:** Brendan Gilfillan**Cc:** Betsaida Alcantara; andy.adora@epa.gov; ealons.dru@epa.gov; ganesan.arvin@epa.gov; mccarthy.gina@epa.gov; Seth Oster; owens.stephanie@epa.gov; Bob Perciasepe; Bob Sussman; Diane Thompson; Richard Windsor**Subject:** Re: FYI: WSJ story on labor group opposition to EPA rules

(b) (5) D.P.

Brendan Gilfillan

(b) (5) D.P.

01/27/2011 06:10:17 PM

From:

Brendan Gilfillan/DC/USEPA/US

To:

"Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Seth Oster" <Oster.Seth@epamail.epa.gov>, andy.adora@epa.gov, mccarthy.gina@epa.gov, mcintosh.david@epa.gov, ganesan.arvin@epa.gov, owens.stephanie@epa.gov, ealons.dru@epa.gov, "Betsaida Alcantara" <Alcantara.Betsaida@epamail.epa.gov>

Date:


01/27/2011 06:10 PM

Subject:

FYI: WSJ story on labor group opposition to EPA rules

(b) (5) D.P.

(b) (5) D.P.



01268-EPA-967

David
McIntosh/DC/USEPA/US
01/31/2011 01:34 PM

To Richard Windsor
cc Arvin Ganesan, "Seth Oster"
bcc
Subject How to Handle Some Off-Topic Subjects if They Come Up in
the February 2 Hearing

(b) (5) D.P.

[REDACTED]


(b) (5) D.P.

[REDACTED]


(b) (5) D.P.

[REDACTED]

(b) (5) D.P.



(b) (5) D.P.



01268-EPA-968

Brendan
Gilfillan/DC/USEPA/US
01/31/2011 04:55 PM

To Richard Windsor
cc Seth Oster, Adora Andy
bcc
Subject Statement on Sen. Barrasso bill

Hey Boss -

Pls see the below release from Sen. Barrasso on legislation he introduced today blocking GHG regs.

(b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

Barrasso Bill Defends America's Affordable Energy and Jobs

"I will do whatever it takes to ensure that Washington doesn't impose cap and trade policies in any form."

January 31, 2011

WASHINGTON, DC – Today, U.S. Senator John Barrasso (R-Wyo) introduced the Defending America's Affordable Energy and Jobs Act. The [bill](#) would stop Washington bureaucrats from regulating greenhouse gases for the purpose of addressing climate change without specific Congressional authorization. Barrasso's bill has 7 co-sponsors, including Sen. Mike Enzi (R-Wyo). For a full list of cosponsors click [here](#).

"It's time for the Administration to face the facts: Americans rejected cap and trade because they know it means higher energy prices and lost jobs," said Barrasso. "Washington agencies are now trying a backdoor approach to regulate our climate by abusing existing laws. Congress must step in and stand up for the American people. My bill will shrink Washington's job crushing agenda and grow America's economy. I will do whatever it takes to ensure that Washington doesn't impose cap and trade policies in any form."

Background

The Defending America's Affordable Energy and Jobs Act restores the role of the U.S. Congress in the development and implementation of the nation's climate and energy policy.

The bill pre-empts federal restrictions on greenhouse gasses in the name of addressing climate change, in the absence of explicit Congressional Authorization. This would necessarily include mandatory requirements that may stem from applications of the Clean Air and Clean Water Act, the National Environmental Policy Act and the Endangered Species Act.

The bill also precludes legal action against sources of greenhouse gasses solely based on their possible contribution to climate change.

There are two exceptions:

- 1) Regulations for mobile sources such as cars and trucks will continue, but those regulations will now be managed by the Department of Transportation, not EPA.
- 2) Any greenhouse gas that is a direct threat to human health because of direct exposure to that gas could still be regulated, just not solely based on climate change. This provision would ensure that polluters of health threatening gasses would still be held accountable under the law.

The bill does not preempt states from enacting greenhouse gas or climate change mandates.

The bill has been endorsed by Americans for Tax Reform, Americans for Prosperity, the Western Business Roundtable, the Competitive Enterprise Institute, Freedom Action and the National Cattlemen's Beef Association.

Senator Barrasso is a member of both the Senate Environment and Public Works Committee and the Energy and Natural Resources Committee.

01268-EPA-972

Arvin Ganesan/DC/USEPA/US

To David McIntosh

02/01/2011 03:05 PM

cc Barbara Bennett, Heidi Ellis, Richard Windsor

bcc

Subject Re: Meeting with incoming Senate Appropriations
Subcommittee Chairman Jack Reed

This is tremendous news. Sen. Reed is an outstanding Senator and a Red Sox fan, to boot.

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

David McIntosh

Hi Administrator and Heidi. Please see...

02/01/2011 03:04:56 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA
Cc: "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>, Barbara Bennett/DC/USEPA/US@EPA
Date: 02/01/2011 03:04 PM
Subject: Meeting with incoming Senate Appropriations Subcommittee Chairman Jack Reed

Hi Administrator and Heidi. Please see below. We are asked to keep confidential for the time being the good news that Senator Jack Reed of Rhode Island is the new Chairman of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies. Senator Reed would like to meet with the Administrator at some point next week. I think it would be for an hour. Heidi, would you be able to reach out to Rachael Taylor (rachael_taylor@appro.senate.gov, 228-3487), who will put you in touch with Chairman Reed's scheduler?

Thanks,
David

-----Forwarded by David McIntosh/DC/USEPA/US on 02/01/2011 03:01PM -----

To: Ed Walsh/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
From: "Taylor, Rachael (Appropriations)" <Rachael_Taylor@appro.senate.gov>
Date: 02/01/2011 01:03PM
Subject: Appt with Administrator Jackson

We met with Senator Reed, soon to be Chairman Reed, this morning -- he asked us to set up a meeting with the Administrator for next week so I wanted to get the ball rolling with you two.

Can you please let the appropriate folks know this is coming and then please let me know who over there is handling her schedule, so we can put Senator Reed's scheduler, Rosanne Haroian, in touch to hash out details?

David, we should talk about the agenda and what you think she will want to proactively bring up, but I'm sure most of the meeting will be strategy on greenhouse gases and where you guys are vs. where he wants to be. Hopefully she can also give a brief overview of some of the contentious issues that we may have to deal with more immediately – ozone, boiler MACT and your pending air quality regs spring to mind, but there may be others I'm missing. One of his two rules for the office is “no surprises” so I think a lay of the land for the big issues of the next 6 months are so would be appropriate.

Finally, can you do a one pager on the status/schedules of each those issues as of today – GHG regulation, ozone, boiler MACT, pending air regs – and get them to me in the next couple of days?

(Also, we do appreciate your continued discretion on his selection with outside folks until Chairman Inouye has made things public.)

Rachael S. Taylor

Professional Staff Member

U.S. Senate Committee on Appropriations

Subcommittee on the Interior and Related Agencies

Direct: (202) 228-3487

Fax: (202) 228-2345

Rachael_Taylor@appro.senate.gov

01268-EPA-973

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/01/2011 03:15 PM

cc

bcc

Subject Re: Meeting with incoming Senate Appropriations
Subcommittee Chairman Jack Reed

THAT is the best news I've heard all day. You must be feeling better.

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

Richard Windsor

Amen! I will even rot for them to beat...

02/01/2011 03:07:10 PM

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Cc: Barbara Bennett/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA
Date: 02/01/2011 03:07 PM
Subject: Re: Meeting with incoming Senate Appropriations Subcommittee Chairman Jack Reed

Amen! I will even rot for them to beat the Yankees!

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 02/01/2011 03:05 PM EST
To: David McIntosh
Cc: Barbara Bennett; Heidi Ellis; Richard Windsor
Subject: Re: Meeting with incoming Senate Appropriations Subcommittee
Chairman Jack Reed

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

David McIntosh

Hi Administrator and Heidi. Please see...

02/01/2011 03:04:56 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA
Cc: "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>, Barbara Bennett/DC/USEPA/US@EPA
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Date: 02/01/2011 01:03PM
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Rachael S. Taylor

Professional Staff Member

U.S. Senate Committee on Appropriations

Subcommittee on the Interior and Related Agencies

Direct: (202) 228-3487

Fax: (202) 228-2345

Rachael_Taylor@appro.senate.gov

01268-EPA-974

**Barbara
Bennett/DC/USEPA/US**
02/01/2011 04:00 PM

To David McIntosh, Richard Windsor, Heidi Ellis
cc Arvin Ganesan
bcc
Subject Re: Meeting with incoming Senate Appropriations
Subcommittee Chairman Jack Reed

Good news.

From: David McIntosh
Sent: 02/01/2011 03:04 PM EST
To: Richard Windsor; Heidi Ellis
Cc: Arvin Ganesan; Barbara Bennett
Subject: Meeting with incoming Senate Appropriations Subcommittee Chairman Jack Reed

Hi Administrator and Heidi. Please see below. We are asked to keep confidential for the time being the good news that Senator Jack Reed of Rhode Island is the new Chairman of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies. Senator Reed would like to meet with the Administrator at some point next week. I think it would be for an hour. Heidi, would you be able to reach out to Rachael Taylor (rachael_taylor@appro.senate.gov, 228-3487), who will put you in touch with Chairman Reed's scheduler?

Thanks,
David

-----Forwarded by David McIntosh/DC/USEPA/US on 02/01/2011 03:01PM -----

To: Ed Walsh/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
From: "Taylor, Rachael (Appropriations)" <Rachael_Taylor@appro.senate.gov>
Date: 02/01/2011 01:03PM
Subject: Appt with Administrator Jackson

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(Also, we do appreciate your continued discretion on his selection with outside folks until Chairman Inouye has made things public.)

Rachael S. Taylor

Professional Staff Member

U.S. Senate Committee on Appropriations

Subcommittee on the Interior and Related Agencies

Direct: (202) 228-3487

Fax: (202) 228-2345

Rachael_Taylor@appro.senate.gov

01268-EPA-978

Ryan Robison/DC/USEPA/US

To

02/03/2011 07:34 PM

cc

bcc

Subject Meeting with John Rowe, CEO of Exelon

Meeting

Date 03/08/2011

Time 03:30:00 PM to 04:00:00 PM

Chair Ryan Robison

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Emily Duncan (b) (6) Privacy

Attendees:

John Rowe, CEO

Joe Dominguez, Senior VP Federal Regulatory Affairs

David Brown, Senior VP Federal Government Affairs

Emily Duncan, Asst. Chief of Staff to John Rowe

Staff:

Bob Perciasepe (OA)

David McIntosh (OCIR)

Scott Fulton (OGC)

Joe Goffman (OAR)

Optional:

Diane Thompson (OA)

Mr. Rowe would like to discuss the MACT rule generally and how Exelon can help EPA

01268-EPA-982

Seth Oster/DC/USEPA/US**To** Richard Windsor

02/07/2011 12:25 PM

cc**bcc****Subject** Re: Two quick issues

See reference below -- Dina's been at EPA for 22 years.

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

Richard Windsor

(b) (5) D.P.

02/07/2011 12:11:49 PM

From: Richard Windsor/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>
Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Scott Fulton" <Fulton.Scott@epa.gov>
Date: 02/07/2011 12:11 PM
Subject: Re: Two quick issues

(b) (5) D.P., (b) (6) Privacy

Gina McCarthy

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

From: Gina McCarthy
Sent: 02/07/2011 11:53 AM EST
To: Richard Windsor
Cc: perciasepe.bob@epa.gov; Thompson.Diane@EPA.GOV; Sussman.bob@EPA.GOV; Fulton.Scott@EPA.GOV
Subject: Two quick issues

(b) (5) D.P., (b) (6) Privacy

(b) (5) D.P.

[REDACTED]

01268-EPA-985

Barbara
Bennett/DC/USEPA/US
02/09/2011 11:30 AM

To Richard Windsor
cc Bob Perciasepe, Seth Oster, Adora Andy, Arvin Ganesan,
David McIntosh, Diane Thompson
bcc
Subject CR Cuts

(b) (5) D.P.

I'll let you know more when I get it.
Barb

Barbara J. Bennett
Chief Financial Officer
U.S. EPA
202-564-1151

House GOP Proposes Cuts to Scores of Sacred Cows

Proposal includes cuts for NASA, local police, rural development and low-income women.

by [Humberto Sanchez](#)

Wednesday, February 9, 2011 | 10:07 a.m.

House Appropriations Chairman Harold Rogers, R-KY, details scores of proposed spending cuts.

The House Appropriations Committee Wednesday released a partial list of 70 cuts as part of a House GOP proposal to fund the federal government through the rest of the fiscal year, including a \$600 million reduction from President Obama's fiscal 2011 budget request for the Community Oriented Policing Services program and a \$758 million cut from food assistance to low-income women, infants and children.

"Never before has Congress undertaken a task of this magnitude," said House Appropriation

Chairman **Harold Rogers**, R-Ky., in a statement. “The cuts in this CR will represent the largest reduction in discretionary spending in the history of our nation.”

The spending bill will also include cuts to several of Congress’ sacred cows: a \$379 million cut to the NASA; a \$224 million cut to Amtrak, and a \$256 million cut in assistance to state and local law enforcement.

And that's just the start. The Treasury Department's budget would be reduced by \$675 million. Funding for university agriculture research would drop by \$246 million and Rural Development Programs would decline \$227 million.

The total spending cuts in the CR will top \$74 billion, including \$58 billion in non-security discretionary spending reductions.

House Republicans last year campaigned on reducing non-security discretionary spending to fiscal 2008 levels, a roughly \$100 billion cut, and the CR is a down payment on that promise – a point Rogers stressed in a presentation to the GOP caucus this morning.

“While making these cuts is hard, we have a unique opportunity to right our fiscal ship and begin to reduce our massive deficits and debt,” Rogers continued. “We have taken a wire brush to the discretionary budget and scoured every program to find real savings that are responsible and justifiable to the American people.”

“Make no mistake, these cuts are not low-hanging fruit,” Rogers said. “These cuts are real and will impact every District across the country - including my own. As I have often said, every dollar we cut has a constituency, an industry, an association, and individual citizens who will disagree with us. But with this CR, we will respond to the millions of Americans who have called on this Congress to rein in spending to help our economy grow and our businesses create jobs.”

Here is the list of proposed cuts:

Flood Control and Coastal Emergencies -\$30M

- Energy Efficiency and Renewable Energy -\$899M
- Electricity Delivery and Energy Reliability -\$49M
- Nuclear Energy -\$169M
- Fossil Energy Research -\$31M
- Clean Coal Technology -\$18M
- Strategic Petroleum Reserve -\$15M

- Energy Information Administration -\$34M
- Office of Science under the Energy and water spending bill -\$1.1B
- Power Marketing Administrations -\$52M
- Department of Treasury -\$675M
- Internal Revenue Service -\$593M
- Treasury Forfeiture Fund -\$338M
- GSA Federal Buildings Fund -\$1.7B
- ONDCP -\$69M
- International Trade Administration -\$93M
- Economic Development Assistance -\$16M
- Minority Business Development Agency -\$2M
- National Institute of Standards and Technology -\$186M
- NOAA -\$336M
- National Drug Intelligence Center -\$11M
- Law Enforcement Wireless Communications -\$52M
- US Marshals Service -\$10M
- FBI -\$74M
- State and Local Law Enforcement Assistance -\$256M
- Juvenile Justice -\$2.3M
- COPS -\$600M
- NASA -\$379M
- NSF -\$139M
- Legal Services Corporation -\$75M

- EPA -\$1.6B
- Food Safety and Inspection Services -\$53M (FY10)
- Farm Service Agency -\$90M
- Agriculture University Research -\$246M
- Natural Resource Conservation Service -\$60M
- Rural Development Programs -\$227M
- WIC -\$758M
- International Food Aid grants -\$544M
- FDA -\$220M
- Land and Water Conservation Fund -\$348M
- National Archives and Record Service -\$20M
- DOE Loan Guarantee Authority -\$1.4B
- EPA ENERGY STAR -\$7.4M
- EPA GHG Reporting Registry -\$9M
- USGS -\$27M
- EPA Cap and Trade Technical Assistance -\$5M
- EPA State and Local Air Quality Management -\$25M
- Fish and Wildlife Service -\$72M
- Smithsonian -\$7.3M
- National Park Service -\$51M
- Clean Water State Revolving Fund -\$700M
- Drinking Water State Revolving Fund -\$250M
- EPA Brownfields -\$48M

- Forest Service -\$38M
- National Endowment for the Arts -\$6M
- National Endowment for the Humanities -\$6M
- Job Training Programs -\$2B
- Community Health Centers -\$1.3B
- Maternal and Child Health Block Grants -\$210M
- Family Planning -\$327M
- Poison Control Centers -\$27M
- CDC -\$755M
- NIH -\$1B
- Substance Abuse and Mental Health Services -\$96M
- LIHEAP Contingency fund -\$400M
- Community Services Block Grant -\$405M
- High Speed Rail -\$1B
- FAA Next Gen -\$234M
- Amtrak -\$224M
- HUD Community Development Fund -\$530M

Ryan Nickel

Press/Administrative Aide

1016 Longworth HOB | x5-3481 | democrats.appropriations.house.gov

01268-EPA-986

Bicky Corman/DC/USEPA/US

02/09/2011 02:27 PM

To Richard Windsor, "David McIntosh", Michael Goo

cc

bcc

Subject Re: Check out this page on Nj.com

Wow. That's great, thanks!

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

From: Richard Windsor

Sent: 02/09/2011 02:05 PM EST

To: "David McIntosh" <mcintosh.david@epa.gov>; Bicky Corman; Michael Goo

Subject: Fw: Check out this page on Nj.com

Here is an excellent data point for the "what has been the impact on electric bills when companies make air pollution investments" mini-analysis. PSEG has installed scrubbers and SCR on their 3 coal fired units in NJ and has built a state of the art combined cycle plant in the last 5-7 years.

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

From: Richard Windsor

Sent: 02/09/2011 01:55 PM EST

To: Richard Windsor

Subject: Check out this page on Nj.com

Dear LPJ:

LPJ (windsor.richard@epa.gov) thought you would be interested in this item from Nj.com

http://www.nj.com/news/index.ssf/2011/02/nj_electric_bills_are_expected.html

LPJ