

01268-EPA-518

Seth Oster/DC/USEPA/US
01/08/2010 10:18 AM

To Richard Windsor
cc
bcc

Subject Re: MTM and Human Health - The Conclusions Reached by the Researcher

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

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

Richard Windsor (b) (5) D.P. ? O... 01/08/2010 10:11:11 AM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 01/08/2010 10:11 AM
Subject: Re: MTM and Human Health - The Conclusions Reached by the Researcher

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

Seth Oster

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

From: Seth Oster
Sent: 01/08/2010 10:05 AM EST
To: Richard Windsor; Bob Sussman; Peter Silva; Arvin Ganesan; Shawn Garvin; Diane Thompson; Bob Perciasepe
Cc: Allyn Brooks-LaSure; Michael Moats
MTM and Human Health - The Conclusions Reached by the Researcher

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

[Redacted]

(b) (5) D.P.

Seth

Scientists say mountaintop mining should be stopped

By David A. Fahrenthold
Washington Post Staff Writer
Friday, January 8, 2010; A03

Mountaintop coal mining -- in which Appalachian peaks are blasted off and stream valleys buried under tons of rubble -- is so destructive that the government should stop giving out new permits to do it, a group of scientists said in a paper released Thursday.

The group, headed by a University of Maryland researcher, said it performed the most comprehensive study to date of the controversial practice, also known as "mountaintop removal."

Afterward, they did something that scientists usually don't: step beyond data-gathering to take a political stand.

"The science is so overwhelming that the only conclusion that one can reach is that mountaintop mining needs to be stopped," said Margaret Palmer, a professor at the University of Maryland Center for Environmental Sciences and the study's lead author.

The group's paper, published in the journal *Science*, was released in the same week that the U.S. Environmental Protection Agency -- which has been scrutinizing these mines -- angered environmentalists by supporting a new mine permit. The EPA [said](#) the Hobet 45 mine, in West Virginia, had made changes that would eliminate nearly 50 percent of the environmental impacts and protect 460 union mining jobs.

Palmer said the group's work did not echo the idea implicit in this EPA decision: that there could be a "good" mountaintop mine, whose environmental consequences were acceptable.

"The science is clearly against that," she said. Later in the day, the EPA issued a statement

saying that the report "underscores EPA's own scientific analysis regarding the substantial environmental, water and health impacts" of these mines.

Chris Hamilton of the West Virginia Coal Association disputed the report's conclusions.

"It's just flat-out wrong," Hamilton said, adding that the "so-called lead scientists have a history of activism against mining."

The scientists rejected that, saying that they brought no bias to the topic and that their conclusions had been rigorously reviewed by other researchers.

Hamilton said that after a mountaintop mine is finished, the damage to nearby streams is usually "very short-term" -- not lasting more than 18 months.

But in their report, the scientists said the damage could last hundreds or even thousands of years.

"It obliterates stream ecosystems," said Emily Bernhardt, a professor of biology at Duke University and a co-author of the study. She said 1,500 miles of streams had been destroyed so far. "They've been wiped from the landscape."

Mountaintop mining occurs mainly in West Virginia and Kentucky, though there also are mines in far-Southwest Virginia and in Tennessee. At these sites, peaks are sheared off with heavy machinery and explosives, exposing the coal seams inside. Excess rock is used to fill steep Appalachian valleys, some with streams at the bottom, to the brim.

That jumbled rock is the problem, the scientists said. When rainwater falls on the filled-in valley, it trickles through the rubble and picks up pollutants off rocks that came from deep underground. The water emerges, they said, imbued with pollutants such as metals and chemicals called sulfates, which can be toxic to the insects and fish in small Appalachian streams.

"To us, it's like smoking and cancer. It's just so clear-cut" that streams below mine sites are left damaged, Palmer said.

The study also linked mountaintop mining to threats to human health, citing potentially toxic dust in the air, well water contaminated with chemicals from mines and fish tainted with toxic metals.

Seth Oster
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01268-EPA-519

**Allyn
Brooks-LaSure/DC/USEPA/US**

01/12/2010 09:17 AM

To Michael Moats

cc Arvin Ganesan, Bob Perciasepe, Craig Hooks, Diane Thompson, Eric Wachter, Lawrence Elworth, Lisa Heinzerling, Robert Goulding, Scott Fulton, Seth Oster, David McIntosh, "Jackson, Lisa P."

bcc

Subject ACTION: Priorities Memo

Folks-

We are going to bottle this up and send out in a few hours.

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks for your collaborative efforts in pulling this together.

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 01/11/2010 03:28 PM EST
To: Michael Moats
Cc: Arvin Ganesan; Bob Perciasepe; Craig Hooks; Diane Thompson; Eric Wachter; Lawrence Elworth; Lisa Heinzerling; Robert Goulding; Scott Fulton; Seth Oster; David McIntosh
Subject: UPDATE: Priorities Memo

Colleagues:

LPJ has provided her edits to the priorities memo. I've attached the document with her edits.

Because of the timing we are pushing back the release of the memo until TOMORROW. This will afford us the opportunity to share with the AAs/RAs so they see and receive before All Staff.

Please let me know if you have any questions or thoughts.

MABL.

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

[attachment "priorities-lpj.doc" deleted by Allyn Brooks-LaSure/DC/USEPA/US]

01268-EPA-520

**Daniel
Gerasimowicz/DC/USEPA/US**
01/12/2010 02:04 PM

To
cc
bcc

Subject Green Cabinet Meeting

Meeting

Date 01/19/2010
Time 10:30:00 AM to 11:30:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location EEOB 228

Ct: (b) (6) Privacy

Staff:
David McIntosh (OCIR)

01268-EPA-521

Eric Wachter/DC/USEPA/US To Richard Windsor
01/12/2010 05:48 PM cc
bcc
Subject Fw: MEMORANDUM: Our Top Priorities

----- Forwarded by Eric Wachter/DC/USEPA/US on 01/12/2010 05:48 PM -----

Message Information

Date 01/12/2010 05:24 PM
From **Karen Reed/R8/USEPA/US**
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Re: MEMORANDUM: Our Top Priorities

Message Body

Hi, Lisa -- just cking in briefly to let you know how proud I am to say that I used to work w/ you in R2. Actually, I still have the collage all gave me when I left R2 for DOE that includes you in one of the pics -- I loved working in R2. Anyway, just wanted to let you know that I'm still w/ the Agency -- still focusing on how to improve things -- and so happy that I am here in a time when you are our Leader. It's great. You are doing a wonderful job, and I, for one, truly appreciate it. Karen

Karen A. Reed
Wetlands and Tribal Unit Chief
U.S. EPA, EPR-EP
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6019

LisaP Jackson MEMORANDUM From: Lisa P. Jackso... 01/12/2010 01:17:14 PM

From: LisaP Jackson/DC/USEPA/US
To: Karen Reed/R8/USEPA/US@EPA
Date: 01/12/2010 01:17 PM
Subject: MEMORANDUM: Our Top Priorities

MEMORANDUM

From: Lisa P. Jackson, Administrator
To: All EPA Employees

Colleagues:

Almost one year ago, I began my work as Administrator. It has been a deeply fulfilling 12 months and a wonderful homecoming for me. As our first year together draws to a close, we must now look to the tasks ahead.

In my First Day Memo, I outlined five priorities for my time as Administrator. We have made enormous strides on all five, and our achievements reflect your hard work and dedication. By working with our

senior policy team, listening to your input and learning from the experiences of the last 12 months, we have strengthened our focus and expanded the list of priorities. Listed below are seven key themes to focus the work of our agency.

Taking Action on Climate Change: Last year saw historic progress in the fight against climate change, with a range of greenhouse gas reduction initiatives. We must continue this critical effort and ensure compliance with the law. We will continue to support the President and Congress in enacting clean energy and climate legislation. Using the Clean Air Act, we will finalize our mobile source rules and provide a framework for continued improvements in that sector. We will build on the success of ENERGY STAR to expand cost-saving energy conservation and efficiency programs. And we will continue to develop common-sense solutions for reducing GHG emissions from large stationary sources like power plants. In all of this, we must also recognize that climate change will affect other parts of our core mission, such as protecting air and water quality, and we must include those considerations in our future plans.

Improving Air Quality: American communities face serious health and environmental challenges from air pollution. We have already proposed stronger ambient air quality standards for ozone, which will help millions of Americans breathe easier and live healthier. Building on that, EPA will develop a comprehensive strategy for a cleaner and more efficient power sector, with strong but achievable emission reduction goals for SO₂, NO_x, mercury and other air toxics. We will strengthen our ambient air quality standards for pollutants such as PM, SO₂ and NO₂ and will achieve additional reductions in air toxics from a range of industrial facilities. Improved monitoring, permitting and enforcement will be critical building blocks for air quality improvement.

Assuring the Safety of Chemicals: One of my highest priorities is to make significant and long overdue progress in assuring the safety of chemicals in our products, our environment and our bodies. Last year I announced principles for modernizing the Toxic Substances Control Act. Separately, we are shifting EPA's focus to address high-concern chemicals and filling data gaps on widely produced chemicals in commerce. At the end of 2009, we released our first-ever chemical management plans for four groups of substances, and more plans are in the pipeline for 2010. Using our streamlined Integrated Risk Information System, we will continue strong progress toward rigorous, peer-reviewed health assessments on dioxins, arsenic, formaldehyde, TCE and other substances of concern.

Cleaning Up Our Communities: In 2009 EPA made strong cleanup progress by accelerating our Superfund program and confronting significant local environmental challenges like the asbestos Public Health Emergency in Libby, Montana and the coal ash spill in Kingston, Tennessee. Using all the tools at our disposal, including enforcement and compliance efforts, we will continue to focus on making safer, healthier communities. I am committed to maximizing the potential of our brownfields program, particularly to spur environmental cleanup and job creation in disadvantaged communities. We are also developing enhanced strategies for risk reduction in our Superfund program, with stronger partnerships with stakeholders affected by our cleanups.

Protecting America's Waters: America's waterbodies are imperiled as never before. Water quality and enforcement programs face complex challenges, from nutrient loadings and stormwater runoff, to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies. We will continue comprehensive watershed protection programs for the Chesapeake Bay and Great Lakes. We will initiate measures to address post-construction runoff, water quality impairment from surface mining, and stronger drinking water protection. Recovery Act funding will expand construction of water infrastructure, and we will work with states to develop nutrient limits and launch an Urban Waters initiative. We will also revamp enforcement strategies to achieve greater compliance across the board.

Expanding the Conversation on Environmentalism and Working for Environmental Justice: We have begun a new era of outreach and protection for communities historically underrepresented in EPA decision-making. We are building strong working relationships with tribes, communities of color, economically distressed cities and towns, young people and others, but this is just a start. We must include environmental justice principles in all of our decisions. This is an area that calls for innovation and bold thinking, and I am challenging all of our employees to bring vision and creativity to our programs.

The protection of vulnerable subpopulations is a top priority, especially with regard to children. Our revitalized Children's Health Office is bringing a new energy to safeguarding children through all of our enforcement efforts. We will ensure that children's health protection continues to guide the path forward.

Building Strong State and Tribal Partnerships: States and tribal nations bear important responsibilities for the day-to-day mission of environmental protection, but declining tax revenues and fiscal challenges are pressuring state agencies and tribal governments to do more with fewer resources. Strong partnerships and accountability are more important than ever. EPA must do its part to support state and tribal capacity and, through strengthened oversight, ensure that programs are consistently delivered nationwide. Where appropriate, we will use our own expertise and capacity to bolster state and tribal efforts.

We will also focus on improving EPA's internal operations, from performance measures to agency processes. We have a complex organization -- which is both an asset and a challenge. We will strive to ensure that EPA is a workplace worthy of our top notch workforce. Our success will depend on supporting innovation and creativity in both what we do and how we do it, and I encourage everyone to be part of constructively improving our agency.

These priorities will guide our work in 2010 and the years ahead. They are built around the challenges and opportunities inherent in our mission to protect human health and the environment for all Americans. We will carry out our mission by respecting our core values of science, transparency and the rule of law. I have unlimited confidence in the talent and spirit of our workforce, and I will look to your energy, ideas and passion in the days ahead. I know we will meet these challenges head on, as one EPA.

Sincerely,
Lisa P. Jackson

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count

01268-EPA-523

Adora Andy/DC/USEPA/US

To "Richard Windsor"

01/14/2010 02:00 PM

cc "Allyn Brooks-LaSure"

bcc

Subject Re: HEADS UP: WaPo

(b) (5) D.P.

recommendation?

Adora Andy

Do you agree with the

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

From: Adora Andy

Sent: 01/14/2010 01:54 PM EST

To: "Richard Windsor" <windsor.richard@epa.gov>

Cc: "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>

Subject: HEADS UP: WaPo

Please advise...

WHO: Juliet Eilperin, Washington Post WHAT: Story on "the assault on EPA's authority to regulate GHGs."

WHEN: Will run this weekend.

DEADLINE: Tomorrow, 10am

(b) (5) D.P.

###

01268-EPA-525

Arvin Ganesan/DC/USEPA/US

To David McIntosh

01/15/2010 03:42 PM

cc Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Joseph Goffman, Lisa Heinzerling, Richard Windsor, Scott Fulton

bcc

Subject Re: this week's meeting with Governor Freudenthal

(b) (5) D.P.


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

David McIntosh [The Governor's office just sent me the...](#) 01/15/2010 01:36:30 PM

From: David McIntosh/DC/USEPA/US
 To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
 Cc: Richard Windsor/DC/USEPA/US@EPA
 Date: 01/15/2010 01:36 PM
 Subject: Re: this week's meeting with Governor Freudenthal

The Governor's office just sent me the attached letter from the Governor to the Administrator. The letter makes three specific requests. (b) (5) D.P.

[attachment "JacksonLtr.pdf" deleted by Arvin Ganesan/DC/USEPA/US]

David McIntosh [Hi All, Below is the list of issues that Go...](#) 01/15/2010 12:05:27 PM

From: David McIntosh/DC/USEPA/US
 To: Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
 Cc: Richard Windsor/DC/USEPA/US@EPA
 Date: 01/15/2010 12:05 PM
 Subject: this week's meeting with Governor Freudenthal

Hi All,

Below is the list of issues that Governor Freudenthal raised with the Administrator (cc'd here) in his meeting with her on Tuesday. Please call me if you'd like me to relate what was said on any of the individual issues. (b) (5) D.P.



(b) (5) D.P.

-David

coal ash

hydraulic fracturing

Title V aggregation for natural-gas drilling rigs

ozone nonattainment designation in the Pinedale Anticline based on monitored winter-time exceedances

PSD tailoring rule

the Cash Creek decision

the notion of NPDES permits within open-pit coal-mines

01268-EPA-526

Adora Andy/DC/USEPA/US

To Richard Windsor

01/18/2010 05:31 PM

cc

bcc

Subject Re: UPDATE: WaPo story

Interesting. Can't decide if she's losing a battle w her editors or if they're taking extra time to make this a bigger story.

Richard Windsor

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

From: Richard Windsor

Sent: 01/18/2010 05:24 PM EST

To: Adora Andy

Subject: Re: UPDATE: WaPo story

Yeesh

Adora Andy

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

From: Adora Andy

Sent: 01/18/2010 05:16 PM EST

To: "Richard Windsor" <windsor.richard@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; David McIntosh

Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Seth Oster" <oster.seth@epa.gov>

Subject: UPDATE: WaPo story

Juliet's climate bill story will not run tomorrow. It will run Wed or Thurs "no matter what." There is a chance it will be A1. They are still making that determination.

01268-EPA-527

Seth Oster/DC/USEPA/US

To Richard Windsor

01/20/2010 06:15 PM

cc

bcc

Subject Re: Just in case you missed it...

Of course. Passed it along to you (and others when I saw it this morning). (b) (5) D.P.



Seth

Seth Oster
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Richard Windsor

I did. Wow. You know the NY Times di...

01/20/2010 06:11:14 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 01/20/2010 06:11 PM
Subject: Re: Just in case you missed it...

I did. Wow. You know the NY Times did an editorial on coal ash today...

Seth Oster

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

From: Seth Oster
Sent: 01/20/2010 06:07 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; David McIntosh
Subject: Just in case you missed it....

Washington Post

White House's Gibbs has mastered art of speaking with his hand

By Dana Milbank
Wednesday, January 20, 2010; A02

For Democrats, the only good thing to come from Tuesday's loss of the Senate election in Massachusetts is this: It could wipe the grin off [Robert Gibbs](#)'s face.

The Democrats' failed struggle to hold onto Ted Kennedy's seat in the liberal state showed how badly the party's brand had been damaged over the past year. But as the White House press corps challenged President [Obama](#)'s press secretary on Tuesday afternoon about the anticipated loss, Gibbs answered with his usual mix of wisecracks and insults.

"Broadly speaking, can you talk about the difference between 59 and 60 votes in the Senate and what that means for the president's agenda this year?"

"Broadly, it's one," Gibbs answered.

Will Obama hold a news conference Wednesday to discuss the results?

"Be here around 10 a.m. If we're not here, start without us."

"Is there something you could have done better," asked Sheryl Stolberg of the New York Times, so that "you wouldn't be in the situation that you're in right now?"

"Sheryl," Gibbs replied, "I'll read this transcript and think there's things that I could have done better." No doubt.

On Tuesday, he allowed that Obama was "angry" over Democrats' troubles in Massachusetts. "With whom is he angry?" a reporter asked.

"I didn't expand on that," the spokesman replied.

"Okay, can you now?"

"I won't now."

"But you might tomorrow?"

"There's always hope," Gibbs said, using a favorite Obama campaign word.

"Audacious," interjected CBS News's Mark Knoller, using another.

Gibbs acts as though he's playing himself in the movie version of his job. In this imaginary film, he is the smart-alecky press secretary, offering zippy comebacks and cracking jokes to make his questioners look ridiculous. It's no great feat to make reporters look bad, but this act also sends a televised image of a cocksure White House to ordinary Americans watching at home.

This is the most visible manifestation of a larger problem the Obama White House has. Many Obama loyalists from the 2008 race still seem, after a year on the job, to be having trouble exiting campaign mode. They sometimes appear to be running a taxpayer-funded rapid-response operation.

At Tuesday's briefing, Gibbs looked down and shuffled his papers as the Associated Press's Jennifer Loven began with two questions about the White House's role in the Massachusetts race. Gibbs gave her two dismissive waves of the hand and told her to wait for "the outcome of the election, which, as many people know, is ongoing."

The correspondent for Reuters asked two more Massachusetts questions. Gibbs treated him to two more dismissive waves. "We will schedule a briefing, not unlike this, at approximately the same time tomorrow," the spokesman said.

The line of questioning continued, and the press secretary assured his audience that "these are going to be all great questions tomorrow." "So you'll answer them tomorrow?" asked The Post's Mike Shear.

"I promise I'll be here tomorrow," Gibbs proposed.

Contrast the glib Gibbs gibes with a press briefing on the same topic a few hours earlier by House Majority Leader [Steny Hoyer](#).

"I don't need the Massachusetts race to tell me the psyche of the American people," the Maryland Democrat said. "People are angry, people are fearful. . . . Probably none of us in the room knew how deep the recession that confronted us was." He acknowledged that the Democrats' agenda "has not affected . . . change as quickly as all of us would like." He admitted that "we're all pretty unpopular." He assured the reporters that "I get it."

Gibbs didn't quite get it, though, as CBS's Chip Reid joked that he would try a question on "a different topic: the election in Massachusetts."

The press secretary drummed a bah-dum-bum on the lectern. Reid ignored the percussion and asked whether the "groundswell of support for a Republican in the blue state of Massachusetts for a candidate who's running against the president's agenda" meant that "the White House has simply lost touch with the American people."

Gibbs gave another dismissive wave and cited a CBS News poll that wasn't about Massachusetts.

"Good diversion," Reid replied.

"I hate to quote CBS to CBS," Gibbs continued with a grin.

About the closest the spokesman came to acknowledging fault in Massachusetts was to say that Obama "understands that frustration" among voters, but he then added that the president "heard it when he ran for the United States Senate, beginning in 2003." Unemployment, now at 10 percent, was 5.7 percent at the end of 2003.

Gibbs was so combative that when he turned to the Wall Street Journal's Laura Meckler, he tried

to predict her question. "There's a race near Connecticut," he guessed.

"I wasn't going to mention New England at all," Meckler said. "But feel free to answer your own question."

Don't give him any ideas.

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

01268-EPA-528

Seth Oster/DC/USEPA/US

To Richard Windsor

01/20/2010 06:17 PM

cc

bcc

Subject Re: Just in case you missed it...

Ha. Sorry....my head is still in a fog from California.

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

Richard Windsor

I was kidding. Bad joke. Sorry. -----...

01/20/2010 06:16:35 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 01/20/2010 06:16 PM
Subject: Re: Just in case you missed it...

I was kidding. Bad joke. Sorry.

Seth Oster

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

From: Seth Oster
Sent: 01/20/2010 06:15 PM EST
To: Richard Windsor
Subject: Re: Just in case you missed it....

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[Redacted]

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"Good diversion," Reid replied.

"I hate to quote CBS to CBS," Gibbs continued with a grin.

About the closest the spokesman came to acknowledging fault in Massachusetts was to say that Obama "understands that frustration" among voters, but he then added that the president "heard it when he ran for the United States Senate, beginning in 2003." Unemployment, now at 10 percent, was 5.7 percent at the end of 2003.

Gibbs was so combative that when he turned to the Wall Street Journal's Laura Meckler, he tried to predict her question. "There's a race near Connecticut," he guessed.

"I wasn't going to mention New England at all," Meckler said. "But feel free to answer your own question."

Don't give him any ideas.

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01268-EPA-530

Richard Windsor/DC/USEPA/US
01/22/2010 10:13 AM

To Sarah Pallone
cc
bcc

Subject Re: ROLLING STONE: Obama's Top Eco-Warrior

Me too! Yesterday went well. Looking forward to next week!
Sarah Pallone

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

From: Sarah Pallone
Sent: 01/22/2010 08:27 AM EST
To: Richard Windsor
Subject: Fw: ROLLING STONE: Obama's Top Eco-Warrior

I keep hearing "on the cover of the Rolling Stone...gonna see my picture on the cover, gonna buy 5 copies for my mother..." I'm an old Dr. Hook fan.

Really great stuff! We can talk more about this next week.

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

----- Forwarded by Sarah Pallone/DC/USEPA/US on 01/22/2010 08:23 AM -----

From: Betsaida Alcantara/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA, Clay Diette/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Katharine Gage/DC/USEPA/US@EPA, Lawrence Elworth/DC/USEPA/US@EPA, Lisa Garcia/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Marcus McClendon/DC/USEPA/US@EPA, Marygrace Galston/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Megan Cryan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Michelle DePass/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Ray Spears/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Robert Verchick/DC/USEPA/US@EPA, Sarah Dale/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Shakeba Carter-Jenkins/DC/USEPA/US@EPA, Shalini Vajjhala/DC/USEPA/US@EPA, Shira Sternberg/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA, Wyatt Rockefeller/DC/USEPA/US@EPA
Date: 01/21/2010 07:41 PM
Subject: ROLLING STONE: Obama's Top Eco-Warrior

The Eco-Warrior

President Obama has appointed the most progressive EPA chief in history – and she's moving swiftly to

clean up the mess left by Bush
TIM DICKINSON

Posted Jan 20, 2010 11:30 AM

http://www.rollingstone.com/politics/story/31820267/the_ecowarrior



When it comes to passing major legislation – reforming health care, reining in Wall Street, curbing climate change – the Obama administration is under fire from all sides for bowing to special interests and conducting government business behind closed doors. But there's one agency where the hope and hype of the campaign trail have transitioned seamlessly into effective governance: the Environmental Protection Agency.

With a minimum of fanfare, new EPA administrator Lisa Jackson has established herself as the agency's most progressive chief ever – and one of the most powerful members of Obama's Cabinet. In her first year on the job, Jackson has not only turned the page on the industry-friendly and often illegal policies of the Bush era, but has embarked on an aggressive campaign to clean up the nation's air and drinking water. Under her leadership, the EPA has sought stricter limits on toxic pollutants like mercury, moved to scrub emissions of arsenic and heavy metals from coal-fired plants, and revoked a permit for the nation's largest mountaintop-removal coal mine. "The American people can be outraged when we're not living up to the P part of our name," Jackson says. "The protection part."

Even more striking, Jackson has expanded the EPA's mandate to include sweeping new powers to crack down on climate-warming pollution from cars and industry. The move, which has the full backing of the White House, could prove to be the only viable way to stop Big Oil and Big Coal from overheating the planet – especially after the disastrous collapse of climate talks in Copenhagen in December. "If Congress doesn't pass legislation on climate change," says Carol Browner, Obama's climate czar, "EPA will follow through under the requirements of the Clean Air Act."

Taken together, Jackson's efforts represent a sweeping attempt to revitalize an agency that was gutted during the Bush years. The goal, as she sees it, is to once again base environmental regulations on science and the law – not on the demands of well-connected industries. "Under Jackson, it's a whole new ballgame," says Eric Schaeffer, who resigned as the agency's director of environmental enforcement in protest over Bush policies. "You now have an EPA administrator who has White House support but is still tough enough to provide an independent voice for the environment."

When Jackson was appointed in December 2008, some prominent environmentalists considered her the wrong person for the job. During her tenure as head of New Jersey's Department of Environmental Protection, they pointed out, the state did such a dismal job of cleaning up toxic Superfund sites that even the Bush administration felt compelled to take them over. In a separate case, Jackson's unit discovered that a day-care facility housed in a former thermometer factory was exposing toddlers to mercury pollution, yet failed to alert parents for more than three months. "Under her watch, New Jersey's environment only got dirtier, incredible as that may seem," Jeff Ruch, president of Public Employees for Environmental Responsibility, said at the time. "If past is prologue, one cannot reasonably expect meaningful change if she is appointed to lead EPA."

In the early going, Ruch's warning appeared prescient. Jackson kicked off her tenure at EPA by greenlighting more than two dozen permits for mountaintop removal coal mining that were held over from the Bush administration. "This mining is devastating Appalachia," warned Robert F. Kennedy Jr. "Everyone expected Obama to do something about it. Instead they're saying, 'We're going to let this happen.'"

Jackson herself now admits that those initial approvals were mishandled. "In hindsight, I certainly wish we could have gone through a longer process on some of those," she says. In September, the EPA put 79 permits for mountaintop removal on hold, pending a review to ensure that each complies with the Clean Water Act. In an unprecedented move, the agency also revoked a permit for the Spruce No. 1 mine, Appalachia's largest mountaintop-removal operation, observing that it would destroy seven miles of West Virginia streams already ravaged by mining.

In addition, Jackson tells Rolling Stone, the EPA is reviewing the infamous Bush "fill rule" that allows mining companies to bury streams and lakes with mining rubble in the first place. "Staff is working on it now," she says. "We haven't put anything about it out publicly." Jackson says the primary goal is to reform gold mining in Alaska – where miners have begun dumping toxic waste into a pristine lake near Juneau – but adds that the move may also "curtail" mountaintop-removal mining.

Today, environmentalists who fretted openly about Jackson's nomination are almost unanimous in singing her praises. "Parts of the environmental community were skeptical of her appointment," says Buck Parker, former executive director of the environmental-law firm Earthjustice. "But she's fantastic. Gutsy. Acts in accordance with what she says. She's proving to be one of the bright lights of the administration."

Most afternoons, you can find Jackson at EPA's headquarters in the old Post Office headquarters, a marble art-deco monument to an era when postmasters were kings. Her sprawling office is paneled, floor to ceiling, in old-growth walnut, and decorated with bright abstract art from the National Gallery. Near a copy of *The Lorax*, the Dr. Seuss environmental parable, Jackson keeps a photograph of Sen. James Inhofe, perhaps the most rabid anti-environmental zealot in Congress, surrounded by his grandchildren.

"We don't have rancor," Jackson says of the senator, who gave her the photo. "I keep it here to remind me that you gotta work with people. You gotta figure it out."

Jackson has a master's degree in chemical engineering from Princeton, and nearly two decades of experience directing the cleanup of toxic waste. But from her first day, she discovered, her most important skill was her ability to shift the attitude of staffers who remain stuck in the Bush-era mind-set that the EPA should weaken environmental enforcement to satisfy the demands of big polluters.

"Oftentimes we're in a meeting and somebody starts telling me, 'Well, we already know what this official – usually a local official – really wants.' I tell them I don't want to know that," she says. "I want to know what the science says. Even now they're surprised to hear me say that."

To shift the agency's culture, Jackson has moved swiftly to restore top career staffers who were shunted aside during the Bush years. "We call them 'cryogenically frozen,'" says a top aide to Jackson. "We've reactivated a lot of people who were known to disagree with the Bush administration's politics and were hung up in closets." Veteran staffers who have gotten their old jobs back say privately that they spent

eight years under Bush "trying to do something good under the radar" – even as they were forced to design programs that "we all knew the courts were going to throw out."

Under Jackson, the agency is once again basing decisions on science rather than politics. "The science is not something the Obama administration feels they have to guard themselves against," says one clean-air staffer who was sidelined under Bush. "Because they are not trying to protect their industry buddies from environmental regulations."

"They have freed up agency employees to do what they're supposed to do: protect public health and the environment," says Jeremy Symons, the EPA's former climate-policy adviser. "And God knows there's a lot of pent-up work behind the dam that needs to be unleashed."

Much of Jackson's first year at the EPA, in fact, has been eaten up by reversing the worst of the Bush legacy. "It requires that we use our time and resources to look back," she says, "when we absolutely need to be moving ahead."

In one of its final acts, the Bush EPA effectively barred new oversight of oil refineries with a regulatory trick: It covered up the overall impact of a refinery's pollution by measuring every smokestack separately, as if each were operating in isolation. "Imagine if you had 10 smokers in a room and a baby in the middle," says Schaeffer, the former enforcement director. "You're trying to figure the impact on that baby's lungs, but you model the smoke from each cigarette and assume that's all you have in the room. There wasn't any science behind it."

Jackson summarily revoked the oil-friendly rule in October. She also jettisoned lax smog rules set under Bush that flouted the unanimous recommendation of independent scientists and allowed higher pollution levels – effectively sentencing hundreds of people a year to premature death. "This is one of the most important protection measures we can take to safeguard our health," Jackson said in sending the rules back to the drawing board. In January, the agency proposed strict new smog limits that are expected to be finalized later this year.

After having its budget sharply curtailed under Bush, the EPA now has its biggest budget in history – thanks to an increase of \$3 billion under Obama. The additional resources have enabled Jackson to put dozens of new federal cops on the environmental beat, and to crack down on states that fail to enforce the law. Chief among those states is Texas, where Gov. George Bush shifted the state to a system of "flexible permits" that allow oil refineries, chemical plants and other industrial polluters to increase toxic emissions as they modernize their facilities. Last summer, Jackson lowered the boom on Texas – first by sending an order to Gov. Rick Perry that rejected key elements of the state's regulatory implementation plan, then by descending on the state EPA office in person, accompanied by top enforcement officials from Washington.

"It was an army of people – I've never seen anything like that," says Neil Carman, director of clean-air programs for the Texas chapter of the Sierra Club. "We've got the attention of the highest level of people at the EPA, and they're going after it. We've waited 15 years to see this happen."

Advocates of environmental justice are also thrilled by Jackson's emphasis on protecting vulnerable communities that lack lobbying clout. She has started by filling the EPA, long a bastion of whiteness in Washington, with young aides who represent minority groups hard hit by pollution: the nearly three-fourths of Hispanics who live in communities that fail to meet clean-air standards, African-Americans who are more than twice as likely as whites to die from asthma, Native Americans whose homes lack clean water at almost 10 times the national rate. For Jackson, who grew up in the Ninth Ward of New Orleans, near the toxic corridor known as "Cancer Alley," such realities are a major reason she joined the EPA right out of grad school.

"What I'm trying to do is bring the agency back to being closer to the communities that are fighting for environmental protection," she says. "Because that's how environmental protection gets done – it usually comes from the communities up."

The shift to a more community-focused approach is already having an effect. When Emily Enderle, an environmental-health advocate with Earthjustice, recently petitioned the EPA to protect children exposed to dangerous pesticides, she was amazed to see the agency respond in only three weeks by initiating the process to create a new regulation.

"We didn't have any of the big green groups supporting this," Enderle says. "But they were very supportive of protecting rural kids who've been poisoned by nerve-toxic pesticides."

Jackson has moved with equal dispatch to clean up the nation's drinking water. After a storage facility loaded with coal ash collapsed in Tennessee in 2008 – creating a toxic spill 100 times larger than the Exxon Valdez – the EPA quickly disclosed previously secret information about 44 other "high hazard" storage facilities. The agency has also targeted 104 chemicals to be added to the Safe Drinking Water Act – a move that would more than double the 91 toxic substances currently subject to regulation.

In addition, Jackson is working with Congress to require all chemical manufacturers to prove that their compounds are safe before they enter the environment. "Safety standards cannot be applied without adequate information," says Jackson, "and responsibility for providing that information should rest on industry."

The biggest fight that Jackson faces, however, is her effort to regulate auto exhaust and other climate pollution under the Clean Air Act. While friends of industry have tried to paint Jackson as an unhinged eco-vigilante, her approach to regulating carbon emissions has been as serious as the Bush administration's was slapdash. Jackson has moved incrementally to make sure the agency's rulings stand up to inevitable legal challenges. "One of the worst of the legacies left after the eight years of the Bush administration was the number of regulations that were overturned," she says. "I am not a lawyer by training; I am an engineer. So I am very, very careful about getting good legal advice on the decisions that I am entrusted to make."

In one of the first decisions that Obama entrusted to Jackson, she reversed the Bush EPA and granted California the authority to curb carbon pollution from auto exhaust. That alone, she says, was enough to bring the automakers to the table to negotiate national limits on emissions, rather than face a patchwork of conflicting state regulations. "Once you get to the point where industry asks for regulatory certainty," Jackson says, "that's always a watershed moment in environmental protection." Spurred by the threat of regulation, automakers agreed to raise the fuel efficiency of cars to 35 miles per gallon by 2016, an accord that will reduce future carbon pollution by nearly 1 billion tons.

The EPA followed up in December by issuing an "endangerment finding" that gives the agency the authority to cap carbon pollution under the Clean Air Act. The move was required, Jackson says, by the Supreme Court decision in 2007 that greenhouse gases are a pollutant subject to regulation – a ruling ignored by the Bush White House. Jackson would prefer to curb carbon pollution with the kind of cap-and-trade system being considered by Congress: "Economy-wide, market-based legislation would be a better path," she says. But in the absence of legislative action, Jackson insists that she alone now has the tools to place America on the path to President Obama's target of reducing carbon emissions by 83 percent by 2050.

In January, the EPA began tracking the emissions of the large industrial polluters responsible for 85 percent of America's carbon pollution. That inventory will be completed within a year, paving the way for a first-ever cap on carbon emissions. In the meantime, polluters that want to expand their operations will be required, beginning this spring, to incorporate the "best available methods" for controlling emissions. "I've tried very hard to make sure regulation is common sense," says Jackson. "Not with an eye to developing some doomsday, all-powerful regulatory scenario, but to show folks once again the tremendous power of the Clean Air Act."

Jackson's critics say it's too soon to judge her true commitment to change. Ruch, who denounced her nomination, downplays the EPA's early accomplishments, saying many hard decisions are simply being "ducked or delayed." Case in point: the agency's extended review of permits for mountaintop-removal mining. On January 5th, the very first mine to make it through the process was approved.

Still, the greatest evidence that Jackson is serious about environmental protection may be those who are trying to curb her power. These days, pro-industry Republicans aren't the only ones trying to stymie the EPA. In a move designed to gain support from coal-state Democrats, the climate bill passed by the House would strip the agency of its authority to restrict climate pollution. Rep. Earl Pomeroy, a Democrat from North Dakota, has introduced stand-alone legislation that would do the same. And Rep. David Obey, the powerful and progressive chairman of the House Appropriations Committee, recently added a last-minute rider to a spending bill that exempted Great Lakes shippers from strict new curbs that the EPA has imposed on diesel emissions from ships. The move – a transparent favor for Murphy Oil, a diesel-fuel refinery in Obey's district – undercuts a rule aimed at saving 12,000 lives a year.

Such maneuvers reveal how difficult it will be for Jackson to move forward on her commitment to craft environmental regulations based on scientific reality, not political favoritism. As with health care reform, a handful of Democrats in Congress could prove influential in undercutting the Obama administration's efforts to defend the environment and safeguard public health. "When it comes to something that threatens the pocketbooks of their own region," says Parker, the former head of Earthjustice, "traditional friends may turn out to be just as bad as Republicans."

[From Issue 1097 – February 4, 2010]

01268-EPA-531

**Allyn
Brooks-LaSure/DC/USEPA/US**

01/22/2010 06:34 PM

To "Jackson, Lisa P."

cc "Oster, Seth", "McIntosh, David", "Andy, Adora"

bcc

Subject Fw: Washington Post: 3 Senators Met with WH this
Afternoon to Climate Bill

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Suzanne Ackerman

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

From: Suzanne Ackerman
Sent: 01/22/2010 06:26 PM EST
To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Michael Thiem; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin
Subject: Washington Post: 3 Senators Met with WH this Afternoon to Climate Bill

Rahm's climate meeting

By Juliet Eilperin

Jan 22, 2010 6:14 pm

Some people might think climate legislation in the Senate is on life support, but don't tell that to Sens. [John Kerry](#) (D-Mass.) and [Mark Warner](#) (Va.).
[Lieberman](#) (I-Conn).

The three lawmakers met with White House chief of staff [Rahm Emanuel](#) Thursday afternoon for "a strategy session and to discuss the State of the Union," in the words of one Senate aide familiar with the meeting. Graham also delivered his assessment of the bill's prospect of a bill.

What President Obama says next week at the State of the Union will provide the clearest signal yet of whether he will push forward a climate bill.

But wait, as they say in the [Ginsu knife](#) ad, that's not all.

The troika met this week with officials from the [U.S. Chamber of Commerce](#), one of the most outspoken opponents to the bill. The Chamber refused to comment.

And the three senators agreed to set aside four hours a week--which could translate into as many as eight separate meetings in the climate debate, and to recruit new Senate supporters. Next week the three will meet with Environmental Protection Agency Administrator [Lisa Jackson](#) and Sen. [Susan Collins](#) (R-Maine), the author of a competing climate bill.

01268-EPA-533

Seth Oster/DC/USEPA/US

01/28/2010 06:14 PM

To Richard Windsor

cc David McIntosh, Lawrence Elworth, Heidi Ellis, Diane Thompson, Allyn Brooks-LaSure, Bob Perciasepe

bcc

Subject RFS2 Rollout

Administrator,

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

More on this to come.

Seth

(b) (5) D.P.

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

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

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(b) [Redacted]

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(b) (5) D.P.



01268-EPA-535

**Barbara
Bennett/DC/USEPA/US**
01/31/2010 10:31 AM

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

Some updates on Budget:

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Barb

01268-EPA-536

Adora Andy/DC/USEPA/US
02/01/2010 12:09 PM

To Richard Windsor, Gina McCarthy
cc Brendan Gilfillan, Allyn Brooks-LaSure, Seth Oster
bcc
Subject HEADS UP: WH on how the Budget handles C&T

(b) (5) D.P.

[Redacted]

[Redacted]

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

01268-EPA-537

**Betsaida
Alcantara/DC/USEPA/US**
02/01/2010 01:48 PM

To Richard Windsor
cc Adora Andy, Allyn Brooks-LaSure, Seth Oster
bcc
Subject Re: Fw: Google Alert - lisa jackson epa

we'll post on facebook. We've also been in touch with Grio about their rollout for the "100". we want to see if we can plug you into one of their events. We're waiting for them to call us back.

(b) (6) Privacy [redacted] and i think you should meet these 3 women, if you haven't already:

(b) (6) Privacy [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Richard Windsor When you go to the Grio's website, I'... 02/01/2010 12:57:34 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA
Date: 02/01/2010 12:57 PM
Subject: Fw: Google Alert - lisa jackson epa

When you go to the Grio's website, I'm right there. Cool. Thanks to whoever worked this. Let's do something fun on it. CNN just did a feature on the top 100.

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/01/2010 12:56 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 02/01/2010 11:16 AM
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[TheGrio's 100: **Lisa Jackson**, Washington's lead environmentalist](#)

The Grio

Jackson's leadership comes at a pivotal time for the **EPA** in the nation's policymaking. The White House and Congress have taken the threat of climate change ...

[See all stories on this topic](#)

[Finding gives US **EPA** power to regulate greenhouse-gas emissions](#)

Petroleum Economist

... "is now authorised and obligated to take reasonable efforts to reduce greenhouse pollutants under the Clean Air Act (CAA)", said **EPA** head **Lisa Jackson**. ...

[See all stories on this topic](#)

Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more](#).

[Remove](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

01268-EPA-538

Adora Andy/DC/USEPA/US

To Richard Windsor

02/02/2010 03:21 PM

cc

bcc

Subject Re: CNNMoney.com: Obama's climate change police

We did. We have email proof that we did. He is being dealt with now. :) Apologies for not providing the context for you.

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

Richard Windsor

[Why didn't we comment for the story?...](#)

02/02/2010 01:48:28 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Date: 02/02/2010 01:48 PM
Subject: Re: CNNMoney.com: Obama's climate change police

Why didn't we comment for the story?

Adora Andy

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

From: Adora Andy
Sent: 02/02/2010 01:43 PM EST
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; David McIntosh; Arvin Ganesan
Cc: Seth Oster; Allyn Brooks-LaSure; Stephanie Owens
Subject: CNNMoney.com: Obama's climate change police

Obama's climate change police

By [Steve Hargreaves](#), staff writer February 2, 2010: 6:55 AM ET

NEW YORK (CNNMoney.com) -- The Copenhagen climate talks went nowhere. The Senate's attempt to pass a global warming bill appears stuck. But that's doesn't mean greenhouse gas laws aren't coming.

The Environmental Protection Agency, spurred by a Supreme Court ruling, is racing to fill the void. As early as March, the EPA could be required to cap greenhouse gases from things like power plants and large factories, essentially doing what Senate Democrats want, without a messy vote.

Some say it's a great idea. It could put a serious dent in greenhouse gas emissions and go a long way to cleaning up the environment. Others say it could jeopardize investment in industry and hurt job creation.

A tight spot

The EPA didn't really ask for this new power, and most lawmakers pushing to restrict greenhouse gases, in Congress and the administration, would prefer Congress to pass a new global warming law.

But EPA is being forced to act thanks to a challenge from the state of Massachusetts and others back in 2007. Massachusetts said global warming was eroding its coastline, and pushed the EPA to regulate greenhouse gases from vehicles.

The Supreme Court more or less sided with Massachusetts, saying EPA must either classify carbon dioxide - the main gas behind global warming - as an endangerment to public health and regulate it, or say it's not.

The Obama administration, like most scientists, believes it could be a danger.

So come March, EPA will begin regulating carbon dioxide from vehicles - largely through tighter fuel economy standards that have already been announced. Once that happens, the next step, legally, is to regulate it from everything else.

"They are compelled to move forward," said Max Williamson, head of the climate program at Andrews Kurth, a law firm that represents both renewable and fossil fuel energy companies. Williamson is among those who believe using EPA, and specifically the Clean Air Act, to combat global warming is a bad idea.

There are too many steps EPA needs to go through to perform the task - too many questions that need answering. Who is going to be regulated? What technologies will be used? What are the acceptable limits going to be? At each stage in the process, there's the possibility for lawsuits.

"No one is going to be able to build any kind of industrial facility because they will be sued," he said. "You're going to see any industry that can go overseas, go overseas."

Many say a law passed by Congress would avoid all that.

Whitney Stanco, an energy analyst at the brokerage firm Concept Capital, also thinks using EPA for the job will keep investors at bay.

"There will be lawsuits on each of these rules, and it's going to create a lot of uncertainty for quite some time," she said. "It increases the hurdles for new investment."

The EPA did not return calls and e-mails seeking comment.

Up to the job

But others believe this fear over using EPA is overblown.

Industry currently has to get a permit from the agency for hundreds of other pollutants. Given enough time to iron out the many questions before EPA starts acting, companies shouldn't have any trouble meeting the new restrictions.

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But as Raulston says, "The train may have left the station, but there are many stops along the

way."

First big stop? This year's midterm elections.

01268-EPA-539

Adora Andy/DC/USEPA/US

To Richard Windsor

02/02/2010 03:27 PM

cc

bcc

Subject Re: CNNMoney.com: Obama's climate change police

(b) (6) Privacy, (b) (5) D.P.
[REDACTED]

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

Richard Windsor

Tx. ----- Original Message -----

02/02/2010 03:22:02 PM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA
 Date: 02/02/2010 03:22 PM
 Subject: Re: CNNMoney.com: Obama's climate change police

Tx.

Adora Andy

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Richard Windsor

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 Date: 02/02/2010 01:48 PM
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Cc: Seth Oster; Allyn Brooks-LaSure; Stephanie Owens

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By [Steve Hargreaves](#), staff writer February 2, 2010: 6:55 AM ET

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So come March, EPA will begin regulating carbon dioxide from vehicles - largely through tighter fuel economy standards that have already been announced. Once that happens, the next step, legally, is to regulate it from everything else.

"They are compelled to move forward," said Max Williamson, head of the climate program at Andrews Kurth, a law firm that represents both renewable and fossil fuel energy companies. Williamson is among those who believe using EPA, and specifically the Clean Air Act, to combat global warming is a bad idea.

There are too many steps EPA needs to go through to perform the task - too many questions that need answering. Who is going to be regulated? What technologies will be used? What are the acceptable limits going to be? At each stage in the process, there's the possibility for lawsuits.

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01268-EPA-540

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02/02/2010 03:38 PM

To Richard Windsor
cc
bcc

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

Richard Windsor (b) (6) Privacy ----- Original Message ----- 02/02/2010 03:32:20 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Date: 02/02/2010 03:32 PM
Subject: Re: CNNMoney.com: Obama's climate change police

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[Redacted]

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01268-EPA-541

Adora Andy/DC/USEPA/US
02/02/2010 03:45 PM

To Richard Windsor
cc
bcc

Subject Re: CNNMoney.com: Obama's climate change police

lol! got it!

Adora Andy
Press Secretary
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Office of Public Affairs
202-564-2715
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Richard Windsor (b) (6) Privacy 02/02/2010 03:40:02 PM

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To: Adora Andy/DC/USEPA/US@EPA
Date: 02/02/2010 03:40 PM
Subject: Re: CNNMoney.com: Obama's climate change police

(b) (6) Privacy

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01268-EPA-543

**Allyn
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor, "Perciasepe, Bob", "Giles, Cynthia",
"Sussman, Bob", "Stanislaus, Mathy", "DePass, Michelle"
cc "Thompson, Diane", "Owens, Stephanie"

02/04/2010 09:41 AM

bcc

Subject Patrice Simms to DOJ

Fyi:

> -----Original Message-----

> From: Clean Air Act Litigation Forum [mailto:CONS-ELP-CLEAN-AIR-
> FORUM@LISTS.SIERRACLUB.ORG] On Behalf Of Walke, John

> Sent: Thursday, February 04, 2010 4:36 AM

> To: CONS-ELP-CLEAN-AIR-FORUM@LISTS.SIERRACLUB.ORG

> Subject: Patrice Simms joins Justice Department

>

> Many on this list serve will recall Patrice Simms, former NRDC clean
> air attorney who worked on coal plant challenges. Patrice left NRDC
> 2 years ago to become the environmental law professor at Howard Law
> School.

>

> I am very pleased to report that Patrice has been appointed to serve
> as one of two high-level political Deputy Assistant Attorneys
> General in the U.S. Department of Justice's Environment and Natural
> Resources Division. The Assistant Attorney General for ENRD is
> Ignacia Moreno.

>

> Patrice will oversee the all-important Environmental Defense
> Section, which handles all pollution statutes and defense for all
> agencies, including both EPA as regulator and the polluting agencies
> (DOD etc). Another political deputy will handle the public lands,
> wildlife, and NEPA statutes.

>

> This is obviously a tremendous testament to Patrice and his many
> talents, and he will provide great service to the American people,
> the protection of public health and the environment, and the
> upholding of the rule of law.

>

> If you would like to congratulate or contact Patrice, his email
> address should be Patrice.Simms@usdoj.gov. I also have his cell
> phone number if you would like to call him. Patrice's first day at
> main Justice was Monday.

>

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

01268-EPA-544

Scott Fulton/DC/USEPA/US

To Richard Windsor

02/04/2010 11:56 AM

cc

bcc

Subject Re: Patrice Simms to DOJ

(b) (6) Privacy [Redacted]

Richard Windsor

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

From: Richard Windsor
Sent: 02/04/2010 10:33 AM EST
To: Scott Fulton
Subject: Fw: Patrice Simms to DOJ

Allyn Brooks-LaSure

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

From: Allyn Brooks-LaSure
Sent: 02/04/2010 09:41 AM EST
To: Richard Windsor; Bob Perciasepe; Cynthia Giles-AA; "Sussman, Bob" <sussman.bob@epa.gov>; "Stanislaus, Mathy" <stanislaus.mathy@epa.gov>; Michelle DePass
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**Allyn
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor, Adora Andy, Aaron Dickerson

cc Seth Oster

02/04/2010 05:16 PM

bcc

Subject Re: BLAKE MORRISON WINS ENVIRO REPORTING
AWARD: DUHIGG GETS 2ND PLACE

Ok.

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Richard Windsor

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From: Richard Windsor**Sent:** 02/04/2010 05:15 PM EST**To:** Adora Andy; Aaron Dickerson**Cc:** Allyn Brooks-LaSure; Seth Oster**Subject:** Re: BLAKE MORRISON WINS ENVIRO REPORTING AWARD: DUHIGG GETS 2ND

PLACE

remind me to send congrats notes to them.

Adora Andy

Columbia Awards USA TODAY Report...

02/04/2010 05:13:16 PM

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To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Gina McCarthy/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
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Date: 02/04/2010 05:13 PM
Subject: BLAKE MORRISON WINS ENVIRO REPORTING AWARD: DUHIGG GETS 2ND PLACE

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By Amanda Ernst on Feb 04, 2010 03:30 PM

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01268-EPA-546

Adora Andy/DC/USEPA/US

02/04/2010 05:21 PM

To Richard Windsor

cc Aaron Dickerson, Allyn Brooks-LaSure, Seth Oster

bcc

Subject Re: BLAKE MORRISON WINS ENVIRO REPORTING
AWARD: DUHIGG GETS 2ND PLACE

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02/04/2010 05:15:10 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA, Aaron Dickerson/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
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01268-EPA-547

Adora Andy/DC/USEPA/US

To Richard Windsor

02/04/2010 05:27 PM

cc

bcc

Subject Re: BLAKE MORRISON WINS ENVIRO REPORTING
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Thanks. My team deserves the credit. Especially Brendan on the school air.

Adora Andy
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Richard Windsor

Yes you're right. Congrats to you too. ...

02/04/2010 05:22:11 PM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA
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01268-EPA-548

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/04/2010 05:29 PM

cc

bcc

Subject Re: NYT/GREENWIRE: Sen. Rockefeller Criticizes Obama Over Coal Policy

(b) (5) D.P.

thanks.

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 Deputy Associate Administrator
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Richard Windsor

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02/04/2010 03:26:37 PM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA
 Cc: Allyn Brooks-LaSure/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, Brendan Gilfillan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA
 Date: 02/04/2010 03:26 PM
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Adora Andy

February 4, 2010 Sen. Rockefeller Criti...

02/04/2010 03:24:47 PM

From: Adora Andy/DC/USEPA/US
 To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA
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February 4, 2010

Sen. Rockefeller Criticizes Obama Over Coal Policy

By DARREN SAMUELSOHN of [Greenwire](#)

West Virginia Sen. Jay Rockefeller (D) lashed out at President Obama today for sending inconsistent messages about the future of coal.

Speaking at a Senate Finance Committee hearing on Obama's fiscal 2011 budget request, Rockefeller took umbrage first with the administration's decision to eliminate four tax breaks for the industry.

"It's going to be partly psychological," Rockefeller told White House budget chief Peter Orszag. "People are going to reduce their production because they feel, 'Uh oh, here comes the Obama administration,' and they are going to cut out coal."

But Rockefeller said his concerns snowballed when he considered recent U.S. EPA decisions on mountaintop-removal coal mining and work on regulations to control greenhouse gas emissions across the economy. Given that, he said, he isn't sure he trusts the president's commitments to coal, even as Obama promotes the fossil fuel through a series of other administration actions.

"He says it in his speeches, but he doesn't say it in here," Rockefeller said, referring to the budget proposal. "He doesn't say it in the actions of [EPA Administrator] Lisa Jackson. And he doesn't say it in the minds of my own people. And he's beginning to not be believable to me. So I want you to put me at rest or put me away."

Orszag, the director of the Office of Management and Budget, cited the new Cabinet-level task force Obama formed yesterday that aims to start five to 10 carbon capture and storage commercial demonstration projects around the country by 2016. He also cited the budget request of more than \$500 million for research and development for carbon storage.

And the OMB chief explained that the president wants Congress to pass a comprehensive climate bill capping greenhouse gas emissions, a program that would generate billions more for carbon storage.

Rockefeller pushed back at the Obama budget request, saying it fell well short of what was necessary to prompt widespread deployment of the "clean coal" technologies. And he said the new task force had some of the same goals as already existing federal programs.

In an interview as he left the hearing, Rockefeller said his complaints didn't rest with the budget.

"It's not a question of money, it's a question of the overall approach," he said. "I just wonder whether they really do understand the importance of coal, the fact the nation can't exist without it."

Rockefeller maintained that he, too, supports a comprehensive climate change bill, though he was doubtful the Senate could reach agreement on a bill capable of winning 60 votes by the Democratic leaders' timetable of this spring.

"I've got to be satisfied," he said. "There's some coal-state senators like myself that have to be

satisfied, forget all the Republicans who vote 'no' on everything."

Obama's commitment to fossil fuels also came under fire from Sen. John Cornyn (R-Texas), the head of the party's 2010 campaign operations.

Cornyn repeatedly questioned whether the administration's climate change policies entailed raising domestic energy prices in order to make other energy alternatives more commercially competitive. "I don't think that's the intention," Orszag replied. "The goal is to move toward alternative sources of energy as rapidly as possible."

The Texas Republican countered that Obama's energy policies would increase oil and gas prices, driving up imports at a time when more than three-quarters of the nation's energy needs are projected to come from fossil fuels in 2035.

But Orszag rejected the premise of the question. "What we're trying to move toward is a future where that projection is not realized," he said.

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For more news on energy and the environment, visit www.greenwire.com.

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Richard Windsor

(b) (5) D.P.

02/04/2010 05:31:24 PM

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 02/04/2010 05:31 PM
Subject: Re: NYT/GREENWIRE: Sen. Rockefeller Criticizes Obama Over Coal Policy

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Arvin Ganesan

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Sen. Rockefeller Criticizes Obama Over Coal Policy

By DARREN SAMUELSOHN of [Greenwire](#)

West Virginia Sen. Jay Rockefeller (D) lashed out at President Obama today for sending inconsistent messages about the future of coal.

Speaking at a Senate Finance Committee hearing on Obama's fiscal 2011 budget request, Rockefeller took umbrage first with the administration's decision to eliminate four tax breaks for the industry.

"It's going to be partly psychological," Rockefeller told White House budget chief Peter Orszag. "People are going to reduce their production because they feel, 'Uh oh, here comes the Obama administration,' and they are going to cut out coal."

But Rockefeller said his concerns snowballed when he considered recent U.S. EPA decisions on mountaintop-removal coal mining and work on regulations to control greenhouse gas emissions across the economy. Given that, he said, he isn't sure he trusts the president's commitments to coal, even as Obama promotes the fossil fuel through a series of other administration actions.

"He says it in his speeches, but he doesn't say it in here," Rockefeller said, referring to the budget proposal. "He doesn't say it in the actions of [EPA Administrator] Lisa Jackson. And he doesn't say it in the minds of my own people. And he's beginning to not be believable to me. So I want you to put me at rest or put me away."

Orszag, the director of the Office of Management and Budget, cited the new Cabinet-level task force Obama formed yesterday that aims to start five to 10 carbon capture and storage

commercial demonstration projects around the country by 2016. He also cited the budget request of more than \$500 million for research and development for carbon storage.

And the OMB chief explained that the president wants Congress to pass a comprehensive climate bill capping greenhouse gas emissions, a program that would generate billions more for carbon storage.

Rockefeller pushed back at the Obama budget request, saying it fell well short of what was necessary to prompt widespread deployment of the "clean coal" technologies. And he said the new task force had some of the same goals as already existing federal programs.

In an interview as he left the hearing, Rockefeller said his complaints didn't rest with the budget.

"It's not a question of money, it's a question of the overall approach," he said. "I just wonder whether they really do understand the importance of coal, the fact the nation can't exist without it."

Rockefeller maintained that he, too, supports a comprehensive climate change bill, though he was doubtful the Senate could reach agreement on a bill capable of winning 60 votes by the Democratic leaders' timetable of this spring.

"I've got to be satisfied," he said. "There's some coal-state senators like myself that have to be satisfied, forget all the Republicans who vote 'no' on everything."

Obama's commitment to fossil fuels also came under fire from Sen. John Cornyn (R-Texas), the head of the party's 2010 campaign operations.

Cornyn repeatedly questioned whether the administration's climate change policies entailed raising domestic energy prices in order to make other energy alternatives more commercially competitive. "I don't think that's the intention," Orszag replied. "The goal is to move toward alternative sources of energy as rapidly as possible."

The Texas Republican countered that Obama's energy policies would increase oil and gas prices, driving up imports at a time when more than three-quarters of the nation's energy needs are projected to come from fossil fuels in 2035.

But Orszag rejected the premise of the question. "What we're trying to move toward is a future where that projection is not realized," he said.

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Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs

202-564-2715
andy.adora@epa.gov

01268-EPA-550

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc

02/04/2010 09:57 PM

bcc

Subject question time article on 538.com - NOT urgent at all

I really do this that Question Time is a game changer. This, IMO, would be one way to really deliver to those who wanted a fundamental change in our democracy. And I'm very glad it's starting to take hold. See below for my boy, Nate Silver.

[A Few Questions about #QuestionTime](#)

by Nate Silver @ [9:32 PM](#)

Share This Content

As you may be aware, I've teamed up with a group of about 50 other thinkers, bloggers, insiders and outsiders to [help promote the idea of Question Time](#) -- a regularly held, televised and webcasted forum in which the President would take questions from Members of the Congress, much as President Obama did with the Republican House delegation on January 29th and members of the Democratic Senate yesterday. This is truly a bipartisan endeavor, with everyone from Markos Moulitsas to Grover Norquist on board. You can sign our petition to Demand Question Time [here](#), and follow us on twitter [here](#).

Just a brief word about why I've signed onto this cause: perhaps I'm an idealist, but I tend to think that the lack of open, unmediated, and honest dialog between members of Congress, between the Congress and the Executive, and between both Congress and the Executive and the public, is the greatest threat to the efficacy of our democracy today. While structural constraints like the filibuster certainly also play a large role, these structures are nothing new -- it's the ways that our political culture have evolved around them that may be more problematic. In particular, it seems to me that there is a need for conversations that are not staged, that are not reduced to 30-second soundbytes, and that are not filtered through the lens of the media. A Question Time period, if reasonably well structured, could be a significant step toward achieving that goal. Politics needn't always be zero-sum, particularly at the time when our country faces a number of threats -- from the economy, to Islamic and other forms of radicalism, to the aggregation of power by elites, to the the changing climate -- in which we will all sink or swim together. That's why you're seeing Democrats and Republicans, technocrats and populists all working together to agitate for Question Time.

Earlier today, I was sent a [comprehensive report on Question Time periods](#) by Matthew Glassman, an analyst for the Congressional Research Service, which contextualizes them relative to both the experience in parliamentary systems, of which they are a common facet, and relative to the American experience. Calls for question time periods are not new and have been proposed periodically by members of both the Executive and Legislative branches, including William Howard Taft, Walter Mondale, Estes Kefauver, and candidate John McCain among others. But, obviously, they have yet to become a regular feature of American democracy. Our hope, then, is more to make the issue a little "stickier" in the eyes of both the public and our elected officials and less to advance some specific proposal.

Nevertheless, the details of the idea may matter -- from my vantage point, for example, President Obama's session with the House Republicans, which seemed more spontaneous,

was considerably more constructive than his session with the Senate Democrats, which felt more staged. Therefore, I am going to address a handful of questions that Glassman raises in his report, as well as a couple of others that are salient to the conversation. The opinions expressed herein are mine alone and do not reflect an official position of the Demand Question Time coalition.

How Often Would Question Time Occur? In parliamentary systems, question time periods may occur weekly (the United Kingdom) or even daily (Canada), but the American appetite for consuming political news is perhaps somewhat more limited. In addition, we have a relatively strong Executive Branch which has many other duties and responsibilities, including international diplomacy which requires frequent travel. The right balance, it seems to me, is monthly sessions, probably lasting between 60-90 minutes. The Congress and the President would probably need some discretion on when to schedule these sessions within each month, but a prime time slot on a Sunday through Thursday night, when TV audiences are the largest, would probably be most desirable.

Which Executive Branch Officials would participate in Question Time? In most parliamentary systems, not only the Chief Executive but also members of his cabinet officials take regular questions from the legislature, either simultaneously or in separate sessions. The latter function, however, is arguably replicated to some extent by the Congressional Committee system, and would surely draw less public attention. My interest, then, is primarily on the President himself.

How Would Questions be Chosen? This is the one issue on which I feel most strongly: I think it is essential that the questions be chosen in some random order. Absent this, there is too much opportunity for questions which are less spontaneous and more staged, and for "back bench" members of the Congress -- whom are equal to any others in the eyes of the Constitution -- to play a subservient role to those who are more senior, more vocal, or (as unfortunately was the case in the session with the Senate Democrats) who might derive more electoral benefit from posing questions.

In particular, I would probably design a procedure something along the lines of the following. In advance of each session of Question Time, members of the Congress who were interested in posing a question would indicate as such to the Speaker of the House. They would not have to disclose their question in advance. A list of those members of the Congress who were interested in asking a question would be posted immediately in advance of the session on the Internet.

After that, the interested members would simply be selected in a random order to pose their questions, as is done in the United Kingdom, the lone constraint being that no party could ask more than three questions in a row (provided that there remained at least one question in the queue from the other party). Members of the Congress could not jump into our out of the queue once the session had begun.

Would a Question Period be Bicameral? It seems preferable to me to have Question Time be both bipartisan and bicameral. The larger the number of members of Congress who have the opportunity to pose questions at any given time, the less opportunity there would be for coordination, such as by leadership, that would serve to make the questions more self-serving and less spontaneous.

How Would a Question Time Period be Initiated? There are basically three options: formally via either Constitutional Amendment or via statute, or informally through custom. Of these, an informal structure clearly seems the best to me, at least initially. A Constitutional

Amendment would require several years to implement, in the unlikely event that it could be implemented at all. A statute in the absence of an Amendment, meanwhile, might run into Constitutional problems, since it's not clear that the Congress can compel members of the Executive Branch to appear before them without violating separation of powers. Therefore, the hope would simply be that Question Time would become a regular and highly popular feature that would take on something of its own momentum. Indeed, I am optimistic that once the practice got started, it would be hard to undo, as the Executive would lose significant face if he refused to answer the Congress's questions.

What Rules Would Govern Floor Procedure? It's likely that at least some governing rules would need to be adopted by the House and the Senate, particularly if question time took the form of a formal session of Congress. Glassman's report suggests that it would probably be easier to adopt a new set of rules than to adapt ordinary Congressional procedure. I don't yet have an opinion about how strictly things like the time allotted to each question and answer would need to be constrained, as it is likely that the balance between informal etiquette and formal procedures would evolve somewhat organically over time. It seems desirable, however, that any procedures would tend to give less power than more to the floor leadership, and more power rather than less to the individual members who are elected directly by the public.

_

Time for me to get a late dinner, but please let me know what you think with your [tweets](#) and your comments, and don't forget to [sign that petition](#).

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01268-EPA-552

Sarah Pallone/DC/USEPA/US

02/09/2010 07:26 PM

To "Richard Windsor", "Gina McCarthy"

cc

bcc

Subject Call with Gov Ritter

Hi Lisa and Gina,

I just got off the phone with Gov. Ritter's (CO) deputy CoS, Ken Weil. (b) (5) D.P.

Ken will be sending me more detailed outline of the issues. Which I will forward to Gina (b) (6) Privacy so please forgive me if I didn't fully capture the issues).

(b) (5) D.P.

I will forward the info as soon as I receive it. I have also asked Heidi to look for time on Thursday to have the call.

Thanks and if you need to reach me my cell is (b) (6) Privacy and my home #is (b) (6) Privacy

01268-EPA-553

Sarah Pallone/DC/USEPA/US

To Richard Windsor

02/09/2010 07:36 PM

cc

bcc

Subject Re: Call with Gov Ritter

(b) (6) Privacy

Richard Windsor

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

From: Richard Windsor

Sent: 02/09/2010 07:27 PM EST

To: Sarah Pallone

Subject: Re: Call with Gov Ritter

(b) (6) Privacy

Sarah Pallone

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

From: Sarah Pallone

Sent: 02/09/2010 07:26 PM EST

To: Richard Windsor; Gina McCarthy

Subject: Call with Gov Ritter

Hi Lisa and Gina,

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[Redacted]

Ken will be sending me more detailed outline of the issues. Which I will forward to Gina (b) (6) Privacy [Redacted] so please forgive me if I didn't fully capture the issues).

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

I will forward the info as soon as I receive it. I have also asked Heidi to look for time on Thursday to have the call.

Thanks and if you need to reach me my cell is (b) (6) Privacy and my home #is (b) (6) Privacy

01268-EPA-558

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

cc Bob Sussman

02/12/2010 09:30 PM

bcc

Subject Cardin MTM bill

Evening -

Administrator, please don't think about this until you're ready to get back to this. You need to feel better!

(b) (5) D.P.



When you have some time this weekend and you feel better, your thoughts would be helpful.

Thanks.

AG

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01268-EPA-559

**David
McIntosh/DC/USEPA/US**
02/13/2010 04:00 AM

To Richard Windsor
cc
bcc

Subject AUTO: I'll be out of the office until Friday, February 19
(returning 02/19/2010)

I am out of the office until 02/19/2010.

I'll be out of the office until Friday, February 19, but I'll be checking email while I'm away.

Note: This is an automated response to your message "**Re: CEA on "Tranforming the Energy Sector and Addressing Climate Change"**" sent on **2/12/2010 10:38:49 PM**.

This is the only notification you will receive while this person is away.

01268-EPA-561

Bob Sussman/DC/USEPA/US

To Arvin Ganesan

02/15/2010 06:58 PM

cc Richard Windsor

bcc

Subject Re: Cardin MTM bill

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

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

Arvin Ganesan Evening - Administrator, please don't t... 02/12/2010 09:30:27 PM

From: Arvin Ganesan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA
Date: 02/12/2010 09:30 PM
Subject: Cardin MTM bill

Evening -
Administrator, please don't think about this until you're ready to get back to this. You need to feel better!

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

[Redacted]

[Redacted]

When you have some time this weekend and you feel better, your thoughts would be helpful.

Thanks.

AG

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01268-EPA-562

Arvin Ganesan/DC/USEPA/US

To Bob Sussman

02/15/2010 07:46 PM

cc Richard Windsor

bcc

Subject Re: Cardin MTM bill

(b) (5) D.P.

ARVIN R. GANESAN
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-----Bob Sussman/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 02/15/2010 06:58PM
cc: Richard Windsor/DC/USEPA/US@EPA
Subject: Re: Cardin MTM bill

(b) (5) D.P.

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

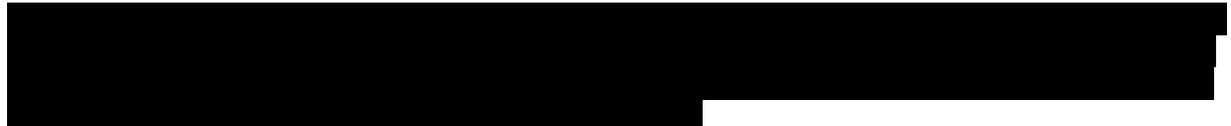
Arvin Ganesan---02/12/2010 09:30:27 PM---Evening - Administrator, please don't think about this until you're ready to get back to this. You

Fro Arvin Ganesan/DC/USEPA/US
m:
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA
Dat 02/12/2010 09:30 PM
e:
Sub Cardin MTM bill
ject
:

Evening -

Administrator, please don't think about this until you're ready to get back to this. You need to feel better!

(b) (5) D.P.



When you have some time this weekend and you feel better, your thoughts would be helpful.

Thanks.

AG

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01268-EPA-563

Richard Windsor/DC/USEPA/US
02/15/2010 08:02 PM

To Arvin Ganesan, Bob Sussman
cc
bcc
Subject Re: Cardin MTM bill

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

From: Arvin Ganesan
Sent: 02/15/2010 07:46 PM EST
To: Bob Sussman
Cc: Richard Windsor
Subject: Re: Cardin MTM bill

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

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(f) 202.501.1519

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

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 02/15/2010 06:58PM
cc: Richard Windsor/DC/USEPA/US@EPA
Subject: Re: Cardin MTM bill

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

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

Arvin Ganesan---02/12/2010 09:30:27 PM---Evening - Administrator, please don't think about this until you're ready to get back to this. You

From: Arvin Ganesan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA
Date: 02/12/2010 09:30 PM
Subject: Cardin MTM bill

Evening -
Administrator, please don't think about this until you're ready to get back to this. You need to feel better!

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

[Redacted]

[Redacted]

When you have some time this weekend and you feel better, your thoughts would be helpful.

Thanks.

AG

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(f) 202.501.1519

01268-EPA-564

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/15/2010 08:06 PM

cc Bob Sussman

bcc

Subject Re: Cardin MTM bill

(b) (5) D.P.




ARVIN R. GANESAN
Deputy Associate Administrator
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(f) 202.501.1519

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 02/15/2010 08:02PM
Subject: Re: Cardin MTM bill

(b) (5) D.P.



From: Arvin Ganesan
Sent: 02/15/2010 07:46 PM EST
To: Bob Sussman
Cc: Richard Windsor
Subject: Re: Cardin MTM bill

(b) (5) D.P.



(b) (5) D.P.

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(f) 202.501.1519

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

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 02/15/2010 06:58PM
cc: Richard Windsor/DC/USEPA/US@EPA
Subject: Re: Cardin MTM bill

(b) (5) D.P.

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

Arvin Ganesan---02/12/2010 09:30:27 PM---Evening - Administrator, please don't think about this until you're ready to get back to this. You

Fro Arvin Ganesan/DC/USEPA/US
m:
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA
Dat 02/12/2010 09:30 PM
e:
Sub Cardin MTM bill
ject
:

Evening -
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(b) (5) D.P.

(b) (5) D.P.



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Thanks.

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(f) 202.501.1519

01268-EPA-567

Scott Fulton/DC/USEPA/US
02/16/2010 02:23 PM

To "Richard Windsor"
cc "Diane Thompson"
bcc

Subject Fw: USDA Biomass Crop Assistance Program proposed rulemaking --co-proposal on payment options different from issues raised by potential co-proposal in coal ash regs

LPJ - worth reading as hip pocket item for your 5:30 meeting. (b) (5) D.P.

Mary-Kay Lynch

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

From: Mary-Kay Lynch

Sent: 02/16/2010 01:48 PM EST

To: Scott Fulton

Cc: Avi Garbow; Laurel Celeste; John Michaud; lynch.mary-kay@epa.gov

Subject: USDA Biomass Crop Assistance Program proposed rulemaking --co-proposal on payment options different from issues raised by potential (b) (5) D.P., (b)(5) A/C

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) D.P., (b)(5) A/C
[Redacted]

01268-EPA-568

**Brendan
Gilfillan/DC/USEPA/US**
02/16/2010 06:29 PM

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

Subject Statement on TX, VA challenges to endangerment

Administrator -

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

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

01268-EPA-569

Seth Oster/DC/USEPA/US
02/17/2010 04:30 PM

To Richard Windsor
cc
bcc
Subject New Statement on Endangerment Finding -- Response to State Lawsuits

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

[Redacted]

[Redacted]

Seth

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

[Redacted]

[Redacted]

[Redacted]

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

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

01268-EPA-570

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/17/2010 05:42 PM

cc

bcc

Subject sinppets from Congressional testimony

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

[Redacted]

[Redacted]

[Redacted]

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

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(f) 202.501.1519

01268-EPA-571

Stephanie
Owens/DC/USEPA/US
02/17/2010 06:30 PM

To Richard Windsor
cc
bcc

Subject Re: African American Leadership Roundtables

Absolutely. I will coordinate with Bill.

Richard Windsor

V Cool. BTW can we do a similar thin...

02/17/2010 05:22:12 PM

From: Richard Windsor/DC/USEPA/US
To: Stephanie Owens/DC/USEPA/US@EPA
Date: 02/17/2010 05:22 PM
Subject: Re: African American Leadership Roundtables

V Cool. BTW can we do a similar thing for Bill Stetson's groups?

Stephanie Owens

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

From: Stephanie Owens
Sent: 02/17/2010 04:53 PM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure <brooks-lasure.allyn@epa.gov>
Subject: African American Leadership Roundtables

Administrator Jackson,

The Office of Public Outreach has developed a series of roundtable discussions with African American leaders during the final week of Black History Month. The events focus on expanding the environmental conversation. We are developing future roundtables for you with other diverse groups during the remainder of the year.

Event: "A Dialogue with EPA Administrator Lisa P. Jackson: "Expanding the Environmental Conversation"

- o Three 1-hour roundtables to discuss your top priorities and their health, economic and social impact on African Americans and their communities
- o Opportunity to hear the environmentalism perspective from African American leaders and garner feedback on strategies to further engage their constituencies
- o A call to action for greater organizational and individual participation in regulatory and voluntary EPA programs and activities

Participants: 20 -25 leaders from:

- o Business and Industry
- o Faith Organizations
- o Nonprofit, Social, Education and Youth Organizations

Agenda:

- o Welcome remarks and introductions
- o Remarks - Administrator Jackson
 - o Redefining "environmentalism"

- o Overview of EPA's regulatory and enforcement roles
 - o Your 7 priorities
 - o The importance of diverse voices in the rule-making process
 - o EPA's voluntary programs
- o Dialogue on stakeholder environmental perceptions, interests and effective engagement strategies
- o Discussion on EPA programs and activities
- o Call to action for active participation in EPA programs and activities

Follow – up:

- o Staff will provide a two-page document highlighting EPA engagement opportunities i.e. Smart Growth Tools; Small Business Procurement, Grants and Resources; ORD Research Grants; Climate Showcase Grants; Community Action for Renewed Environment (CARE) Grants, EnergyStar Program, Greening Your Business Tools, College Internship Opportunities; and other free technical and financial advice and assistance programs
- o OPO staff will be assigned to each participant for long-term follow-up

Thanks,

Stephanie

01268-EPA-585

Arvin Ganesan/DC/USEPA/US

To Barbara Bennett

cc Richard Windsor

02/21/2010 06:36 PM

bcc

Subject Re: approps oral testimony

If you couldn't read the file, here is the text.

Version:1.0 StartHTML:0000000197 EndHTML:0000018730 StartFragment:0000002808
EndFragment:0000018694 SourceURL:
file:///localhost/Users/arvinganesan/Documents/EPA%202011%20budget%20oral%20final

TESTIMONY OF

LISA P. JACKSON

ADMINISTRATOR

U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

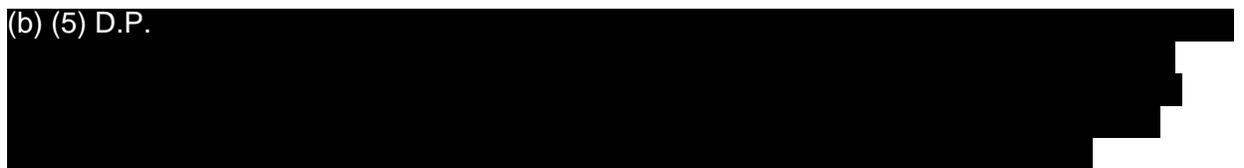
UNITED STATES SENATE

February 23, 2010

(b) (5) D.P.



(b) (5) D.P.



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

[Redacted]

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

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

[Redacted]

(b) (5) D.P.

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

-----Barbara Bennett/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Barbara Bennett/DC/USEPA/US
Date: 02/21/2010 02:28PM
Subject: Re: approps oral testimony

Hey- what kind of file is this? I'm having difficulty opening it. Thanks.

Arvin Ganesan---02/21/2010 01:56:31 PM---Hope you're enjoying the nice weather. I've attached our take at the oral testimony for your appro

Fro Arvin Ganesan/DC/USEPA/US
m:
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Barbara Bennett/DC/USEPA/US@EPA
Dat 02/21/2010 01:56 PM
e:
Sub approps oral testimony
ject
:

Hope you're enjoying the nice weather.

I've attached our take at the oral testimony for your approps hearings starting on Tuesday. I'll try to find 10 minutes to go through it tomorrow with you.

Thanks.

ARVIN R. GANESAN
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Congressional Affairs
Office of the Administrator

United States Environmental Protection Agency

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(p) 202.564.5200

(f) 202.501.1519[attachment "EPA 2011 budget oral final" deleted by Barbara Bennett/DC/USEPA/US]

01268-EPA-588

Allyn
Brooks-LaSure/DC/USEPA/US

02/22/2010 07:53 PM

To Richard Windsor, "Perciasepe, Bob", "Thompson, Diane",
"McCarthy, Gina", "Heinzerling, Lisa", "McIntosh, David",
"Ganesan, Arvin"

cc "Oster, Seth", "Andy, Adora", "Gilfillan, Brendan", "Owens,
Stephanie"

bcc

Subject Fw: Top Blog Posts for Monday, Feb. 22 - 7:15 pm

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Suzanne Ackerman

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

From: Suzanne Ackerman**Sent:** 02/22/2010 07:14 PM EST

To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Jeffrey
Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn;
Deb Berlin

Cc: Janice Sinclair; Denise Owens**Subject:** Top Blog Posts for Monday, Feb. 22 - 7:15 pm**LPJ Response to Congress on GHG Permitting Requirements****EPA Delays Start of New Emissions Rules**Posted by: [WSJPolitics](#) 7:15 pm Full post: <http://on.wsj.com/bAsbEd>**Jackson: EPA Climate Regs Coming in 2011**Posted by: [kate sheppard](#) 7:05 pm Full post: <http://bit.ly/aLtTVy>

(Note: The Obama administration on Monday sent an ultimatum to the Senate: regulate carbon dioxide this year, or we'll do it for you. In her response to a missive from coal-state Democrats raising questions about impending regulations of greenhouse-gas emissions, EPA administrator Lisa Jackson for the first time laid out a clear timeline for pending rules from the agency.)

Bloomberg: Climate Rules Won't Take Effect This Year , EPA Head Jackson SaysPosted by: [smtaber](#) 6:45 pm Full post: <http://bit.ly/adeuKo>**WSJ: Senate Democrats Add Weight To GOP Challenge Of EPA CO 2 Rules**Posted by: [money4business](#) 6:45 pm Full post: <http://bit.ly/cfjtkD>**The Wonk Room: Lisa Jackson Announces EPA Will Delay and Weaken Proposed Greenhouse Standards**Posted by: [climatebrad](#) 6:40 pm Full post: <http://bit.ly/clCWWk>**Reuters: U.S Green Business EPA may soften greenhouse gas permit requirement :**Posted by: [EVERYDAYNEWZ](#) 6:30 pm Full post: <http://goo.gl/fb/Ts8h>**EPA announces "modifications" to prior GHG regulatory proposals . Some backing off on timing and coverage. Anyone have the full story ?**Posted by: [chinaenvirolaw](#) 6:20 pm Full post:

(Note: Environmental lawyer in China)

Petition to Reduce Soot Pollution

Group petitions EPA to reduce soot pollution ... Latest Science News

Posted by: [abnews](#) 7:00 pm Full post: <http://twirhl.com/u/6AO>

AP: Group petitions EPA to reduce soot pollution

Posted by: [HeyThere81](#) 6:50 pm Full post: <http://bit.ly/bd6QZm>

(Note: The Center for Biological Diversity called Monday for the regulation of black carbon pollution under provisions of the CW, saying it accelerates the melting of glaciers and sea ice)

Great Lakes Clean Up Announcement

EPA plans to spend \$2.2bn to protect the Great Lakes:

Posted by: [goplanit](#) 6:30 pm Full post: <http://goplanit.com//yws>

Obama Pledges \$475 Million to Rescue Great Lakes -

Posted by: [beneutral](#) 5:20 pm Full post: <http://tinyurl.com/yz8sny6>

U.S. Plan Targets Revitalization of Great Lakes from Yale e 360

Posted by: [cytokyne](#) 5:10 pm Full post: <http://e360.yale.edu/content/digest.msp?id=2285>

(Note: Wisconsin Gov. James E. Doyle described the plan as "what we would have laid out as Great Lakes governors if we could have written it ourselves.")

New blog post: EPA releases action plan to clean up the Great Lakes

Posted by: [esa_org](#) 5:00 pm Full post: <http://bit.ly/aapNkp>

01268-EPA-589

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/22/2010 08:30 PM

cc

bcc

Subject documents for you tomorrow

This is an annoying time for my printer to be broken. Nonetheless, tomorrow am, you can expect hardcopies of the following documents (in addition to your book)

(b) (5) D.P.



Is there anything else you want that's not in your book?

ARVIN R. GANESAN
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(f) 202.501.1519

01268-EPA-590

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/22/2010 09:31 PM

cc

bcc

Subject Re: doucments for you tomorrow

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

ARVIN R. GANESAN
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Richard Windsor

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

02/22/2010 09:14:22 PM

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 02/22/2010 09:14 PM
Subject: Re: doucments for you tomorrow

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

Arvin Ganesan

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

From: Arvin Ganesan
Sent: 02/22/2010 08:30 PM EST
To: Richard Windsor
Subject: doucments for you tomorrow

This is an annoying time for my printer to be broken. Nonetheless, tomorrow am, you can expect hardcopies of the following documents (in addition to your book)

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

Is there anything else you want that's not in your book?

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(f) 202.501.1519

01268-EPA-593

**Allyn
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc

02/23/2010 10:21 PM

bcc

Subject Fw: Top Blog Posts for Tues., Feb 23 - 7:20 pm

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Suzanne Ackerman

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

From: Suzanne Ackerman**Sent:** 02/23/2010 07:19 PM EST**To:** Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin**Cc:** Denise Owens; Janice Sinclair**Subject:** Top Blog Posts for Tues., Feb 23 - 7:20 pm**Lisa Jackson****Looking forward to EPA head Lisa Jackson appearing with Biz Markie at Hip -Hop Caucus event...**Posted by: [kate sheppard](#) 4:30 pm Full post: <http://schmap.it/9WVkyI>**GHG Regulation and Senate Hearing****TIME.com: Regulation of Greenhouse Gases May Fall to EPA : With the cap-and-trade bill mired in the Senate, regulation of gre...**Posted by: [TIMETopStories](#) 7:00 pm Full post: <http://bit.ly/9mClkr>**Treehugger: Don't Be Afraid of the EPA! The 5 Facts You Need to Know About the Plan to Curb US Greenhouse Gas E..**Posted by: [GCI_uchicago](#) 7:05 pm Full post: <http://bit.ly/aAZxmJ>**Tackling climate change urgent, Hu says**Posted by: [China Daily](#) 7:10 pm Full post: <http://tinyurl.com/yIaqfln>

(Note: China's highest leadership Tuesday began considering proposals from the country's senior researchers in an attempt to help achieve the country's ambitious goal of cutting carbon intensity by 40 to 45 percent by 2020.)

(Environment News Service) Climate Science Controversy Flares in EPA BudgetPosted by: [EarthAdapt:](#) 6:50 pm Full post: <http://bit.ly/91tx6G>**Christian Science Monitor: Senate battles EPA in Greenhouse gas showdown .**Posted by: [new headline](#) 6:40 pm Full post: <http://tinyurl.com/yk3xbe4>**ENS: EPA's Jackson: Senate Face Off with Climate Change Skeptics : unEARTHED, from Earthjustice (blog) EPA Supreme Court...**Posted by: [earthjustice](#) 6:30 pm Full post: <http://bit.ly/d7WaYq>

HuffPost - EPA Backs Down On Emissions Regulation , Dirty Energy Lawmakers Rejoice -

Posted by: [beneutral](#) 4:55 pm Full post: <http://tinyurl.com/ya4jw8b>

ACC: New EPA proposal on GHG regulation at stationary sources insufficient to protect U .S. jobs...

Posted by: [AmChemistry](#) 4:50 pm Full post: <http://ow.ly/1auK7>

(Note: American Chemistry Council)

A crack in the wall; EPA administrator distances the agency from IPCC report -- Evidence of climate change become...

Posted by: [amthinker](#): 4:40 pm Full post: <http://j.mp/cPC7yh>

NYT: EPA's Gradual Phase In of GHG Regs Garners Qualified Praise From Senators

Posted by: [nytimes](#) 4:50 pm Full post: <http://nyti.ms/dgQxj2>

Great Lakes Clean Up Announcement

ESPN Outdoors News Regional news : Feds have Great Lakes plan

Posted by: [DougCavin](#) 5:44 pm Full post: <http://ow.ly/16E90U>

01268-EPA-594

Daniel Gerasimowicz/DC/USEPA/US
02/25/2010 03:13 PM

To
cc
bcc

Subject Meeting with Connie Hedegaard, European Commissioner for Climate Action and Teresa Ribera, State Secretary for Climate Change of Spain

Meeting

Date 03/17/2010
Time 10:00:00 AM to 10:45:00 AM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location Bullet Room

Ct: Luisa Ragher (Head of Transport, Environment and Energy- Delegation of the European Union in Washington) (b) (6) Privacy or Jelena Vujic (TEE Section Secretary Delegation of the EU to the US) (b) (6) Privacy
Advance Ct: Megan Cryan (OA) (b) (6) Privacy

Staff:

Shalini Vajjhala, Anna Phillips, Gary Waxmonsky (OIA)
Gina McCarthy, Beth Craig, Brian McLean, Maurice Lefranc (OAR)
David McIntosh (OCIR)
Robert Goulding (OA)
Carolann Siciliano, Anne Berns (OGC)
Optional: Diane Thompson (OA)

Attendees:

European Union Attendees:

Connie Hedegaard, European Commissioner for Climate Action

Anne Bergenfelt Dionelis, Member of Cabinet Hedegaard

Malachy James Hargadon, Policy Officer, Directorate General for Climate Action

Luisa Ragher, Head of Transport, Energy and Environment (TEE) Section, Delegation of the European Union to the US

Spain Attendees:

Teresa Ribera, Secretary of State for Climate Change, Ministry of Environment Rural and Marine Affairs -Spain

Jose Pascual Marco Martin, Deputy Chief of Mission- Embassy of Spain

Almudena Rodriguez, Counselor of Environment Rural and Marine Affairs

Belgium Attendees:

Patrick Hermann, Minister Counselor Economic

Bart Deelen, Business Development Manager

01268-EPA-596

Seth Oster/DC/USEPA/US

To Richard Windsor

02/26/2010 05:17 PM

cc

bcc

Subject Pre-Meeting with Friedman

So Tom Friedman is set to come in at 11 am to spend an hour with you before his program begins. I told him we're prepared to discuss any EPA-related issues of interest to him, (b) (5) D.P.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Let me know and I'll arrange it whichever way you decide.

Seth

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

01268-EPA-597

Seth Oster/DC/USEPA/US
02/26/2010 05:46 PM

To Richard Windsor
cc
bcc

Subject Re: Pre-Meeting with Friedman

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

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

Richard Windsor (b) (5) D.P. [Redacted] 02/26/2010 05:43:42 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 02/26/2010 05:43 PM
Subject: Re: Pre-Meeting with Friedman

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

Seth Oster So Tom Friedman is set to come in at 1... 02/26/2010 05:17:34 PM

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 02/26/2010 05:17 PM
Subject: Pre-Meeting with Friedman

So Tom Friedman is set to come in at 11 am to spend an hour with you before his program begins. I told him we're prepared to discuss any EPA-related issues of interest to him, (b) (5) D.P. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Let me know and I'll arrange it whichever way you decide.

Seth

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Associate Administrator
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Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

01268-EPA-599

Adora Andy/DC/USEPA/US

02/28/2010 10:29 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman",
"Diane Thompson", "David McIntosh", "Arvin Ganesan",
"Seth Oster", "Allyn Brooks-LaSure", "Chuck Fox", "Peter
Silva", "Cynthia Giles-AA"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats",
"Stephanie Owens"

bcc

Subject WaPo: Manure becomes pollutant as its volume grows
unmanageable

Looks like this is an A1 story for tomorrow's paper:

Manure becomes pollutant as its volume grows unmanageable

By David A. Fahrenthold

Washington Post Staff Writer

Monday, March 1, 2010; A01

Nearly 40 years after the first Earth Day, this is irony: The United States has reduced the manmade pollutants that left its waterways dead, discolored and occasionally flammable. But now, it has managed to smother the same waters with the most natural stuff in the world. Animal manure, a byproduct as old as agriculture, has become an unlikely modern pollution problem, scientists and environmentalists say. The country simply has more dung than it can handle: Crowded together at a new breed of megafarms, livestock produce three times as much waste as people, more than can be recycled as fertilizer for nearby fields. That excess manure gives off air pollutants, and it is the country's fastest-growing large source of methane, a greenhouse gas. And it washes down with the rain, helping to cause the 230 oxygen-deprived "dead zones" that have proliferated along the U.S. coast. In the Chesapeake Bay, about one-fourth of the pollution that leads to dead zones can be traced to the back ends of cows, pigs, chickens and turkeys. Despite its impact, manure has not been as strictly regulated as more familiar pollution problems, like human sewage, acid rain or industrial waste. The Obama administration has made moves to change that but already has found itself facing off with farm interests, entangled in the contentious politics of poop. In recent months, Oklahoma has battled poultry companies from Arkansas in court, blaming their birds' waste for slimy and deadened rivers downstream. In Florida, the U.S. Environmental Protection Agency proposed first-of-its-kind limits on pollutants found in manure. In the Senate, Benjamin L. Cardin (D-Md.) has proposed a bill that would allow farmers in the Chesapeake watershed to cut pollution more than required and sell the extra "credits" to other polluters. The EPA, in the middle of an overhaul for the failed Chesapeake cleanup, also has threatened to tighten rules on large farms. "We now know that we have more nutrient pollution from animals in the Chesapeake Bay watershed" than from human sewage, said J. Charles Fox, the EPA's new Chesapeake czar. "Nutrients" is the scientific word for the main pollutants found in manure, treated sewage, and runoff from fertilized lawns. They are the bay's chief evil, feeding unnatural algae blooms that cause dead zones. Around the country, agricultural interests have fought back against moves like these, saying that new rules on manure could mean crushing new costs for farmers. "It's clearly going to put a squeeze on people that they've always said they didn't want to squeeze," including family-run farms, said Don Parrish of the American Farm Bureau Federation. The story of manure is already a gloomy counterpoint to the triumphs in fighting pollution since the first Earth Day in 1970. An air pollutant that causes acid rain has been cut by 56 percent. By one measure, the output from sewage plants got 45 percent cleaner. But, according to Cornell University researchers, the amount of one key pollutant -- nitrogen -- entering the environment in manure has increased by at least 60 percent since the 1970s. "We've dealt with the kind of conventional pollutants," that helped spark the first Earth Day, said Donald F. Boesch, president of the University of Maryland Center for Environmental Science. "Now, we see the things that are eating our lunch, if you will, are natural products . . . that are just overloading the system." The reasons for manure's rise as a pollutant have to do, environmentalists say, with a shift in agriculture and a soft spot in the law. In recent decades, livestock raising has shifted to a smaller number of large farms. At these places, with thousands of hogs or hundreds of thousands of chickens, the old self-contained cycle of farming -- manure feeds the crops, then the crops feed the animals -- is overwhelmed by the large amount of waste. The result in farming-heavy places has been too

much manure and too little to do with it. In the air, that extra manure can dry into dust, forming a "brown fog." It can emit substances that contribute to climate change. And it can give off a smell like a punch to the stomach. "You have to cover your face just to go from the house to the car," said Lynn Henning, 52, a farmer in rural Clayton, Mich., who said she became an environmental activist after fumes from huge new dairies gave her family headaches and burning sinuses. The way that modern megafarms produce it, Henning said, "Manure is no longer manure. Manure is a toxic waste now." In the water, the chemicals in manure don't poison life, like pesticides or spilled oil. Instead, they create too much life, and the wrong kinds. "You get Miracle-Gro for your water," said David Guest, a lawyer for the group Earthjustice who has fought for tougher limits on pollution in Florida. The chemicals in manure serve as fertilizer for unnatural algae blooms. They drain away oxygen as they decompose. Scientists say the number of suffocating dead zones -- oxygen-depleted areas where even worms and clams climb out of the mud, desperate to respire -- has grown from 16 in the 1950s to at least 230 today. The Chesapeake's is usually the country's third largest, after the Gulf of Mexico and Lake Erie. The law, however, has treated manure and other agricultural pollutants differently than pollutants from smokestacks and sewer pipes. The EPA does not set a hard cap on how much manure can wash off farms, instead issuing guidelines that apply only to the largest operations. There, the rules might limit how much manure farmers can spread on individual fields, for instance, or order them to plant grassy strips along riverbanks to filter manure-laden runoff. Even that level of regulation has only been in place since the 1990s. But now, the EPA has signaled an intent to tighten its grip. Last Monday, the agency announced that reducing manure-laden runoff was one of its six "national enforcement initiatives." New rules went into effect in December that will impose even tighter restrictions on large farms. Last fall, the U.S. Department of Agriculture also considered a change to its guidelines, which would have limited the amount of manure farmers could apply to their fields. But then it scrapped that idea, saying the issue needed more study. Last week on the Eastern Shore, where farmers raised 568 million chickens last year, the problem of excess manure was still big enough to see from the road. "See how dark that one pile is? That's chicken manure," said Kathy Phillips, 61, an environmental activist who patrols the peninsula for piles of manure stored outdoors. As a steady rain fell, she said that pollutants were probably leaching off that mound -- as tall as a van and the color of dark-roast coffee -- and into ditch water that would eventually reach the Pocomoke River, then the Chesapeake. Phillips usually surveys these piles from the air. She has a mental map of dozens of these off-smelling mounds. "I don't want to be the Poop Lady," said Phillips, who got into environmentalism because she loved to surf Ocean City's beaches. "But, you know, somebody had to talk about this. It's like this dirty little secret." A few miles north, the poultry giant Perdue has come up with one way to dispose of excess manure. At a \$13 million plant outside Seaford, Del., tons of poultry manure are dried, heated to kill off bacteria and compressed into pellets of organic fertilizer that is sold to golf courses or homeowners. "This is sort of a reverse chicken," said Perdue spokesman Luis Luna, as bulldozers moved manure below. "In a chicken, the food goes in and the poop goes out. Here, the poop comes in and the plant food goes out." That helps Chesapeake's manure problem, but it isn't the whole solution. Luna said there is enough manure on the Shore to keep more plants like this running -- but Perdue isn't planning to build more yet. So far, the fertilizer doesn't sell well enough to make that cost-effective.

01268-EPA-602

Seth Oster/DC/USEPA/US

To windsor.richard

03/02/2010 02:43 PM

cc

bcc

Subject Draft Op-ed

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

Seth

DRAFT – CONFIDENTIAL – NOT FOR DISTRIBUTION

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

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

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

[Redacted]

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

[Redacted]

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

01268-EPA-603

David
McIntosh/DC/USEPA/US
03/02/2010 06:02 PM

To Richard Windsor
cc
bcc

Subject Re: good statement from Senator Landrieu in this story

Yes. It's a good one.

Richard Windsor [wow. i should use that quote too!](#) 03/02/2010 06:01:47 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Date: 03/02/2010 06:01 PM
Subject: Re: good statement from Senator Landrieu in this story

wow. i should use that quote too!

David McIntosh [An E&E Publishing Service](#) 03/02/2010 05:16:29 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Date: 03/02/2010 05:16 PM
Subject: good statement from Senator Landrieu in this story



An E&E Publishing Service

CLIMATE: Senate moderates welcome move away from economywide cap and trade (Tuesday, March 2, 2010)

Darren Samuelsohn, E&E senior reporter

Several moderate senators today welcomed moves to pare back comprehensive energy and climate change legislation by dealing with different sectors of the economy in different ways.

Democratic and GOP senators said they appreciated the new plan being crafted by Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) that would phase in mandatory greenhouse gas limits, beginning with the electric utility industry and then moving toward manufacturers, while placing the nation's transportation fuels under a carbon tax that rises based on compliance costs for the other major emitters.

"I'm definitely open to this approach as opposed to the previous approach and as opposed to doing nothing," said Sen. Mary Landrieu (D-La.).

"I think doing nothing is a terrible mistake," Landrieu added. "It's a terrible mistake not just for the environment. But it's a terrible mistake for the

economy. Because there are billions of dollars in private capital sitting on the sidelines waiting for the referee to blow the whistle and set the rules of the game. If the referee hides in the dugout and no whistle is ever blown and no rules are ever published, that money can't create jobs."

Sen. Lamar Alexander (R-Tenn.) said a less sweeping measure may be more appropriate, citing concerns with the overall size of the House-passed bill and a Senate counterpart he opposed in the Environment and Public Works Committee.

"Any movement away from economywide cap and trade is a movement in the right direction," said Alexander, the chairman of the Senate Republican Conference, who also urged lawmakers to focus on conventional air pollutants from power plants and "leave manufacturers alone."

Kerry, Graham and Lieberman led a series of meetings today on the broad outlines of their approach with senators and outside interests, including U.S. Chamber of Commerce President Tom Donohue. Kerry said the three senators would have specifics on paper in the coming days.

"We'll be continuing to meet with people to address their concerns, and so we obviously have to give them language to try to do that," Kerry said following a meeting in the Capitol that included Sens. Max Baucus (D-Mont.), Carl Levin (D-Mich.), Jeff Bingaman (D-N.M.), Sherrod Brown (D-Ohio), Mark Warner (D-Va.), Tom Carper (D-Del.), Debbie Stabenow (D-Mich.), Mark Udall (D-Colo.) and George Voinovich (R-Ohio).

Emerging from the same meeting, several of the senators said the Kerry-led trio may have found a sweet spot, though they would like to see more information.

"It's positive, it's refreshing, it's new thinking, it's potential," said Finance Chairman Baucus.

"I think most of the folks in the room would like to move ahead on something, and the details matter, and we'll get them in a couple of days," said Levin. "You've got to chew on these things. You can't just sit at a table here and say, 'Yes, yes, no, no,' without knowing the precise details of what you're agreeing to. This matters as to how effective it will be, and how fair. Will it be effective to accomplish the goal, and will it be fair in terms of the responsibilities that are accepted by various people?"

Others sounded skeptical.

Voinovich said he is not optimistic about the chances for a broad-brush bill. "I think the environment for a large cap and trade or whatever you want to call it is not there today," he said, adding that the public also remains dubious of a complex trading system with billions of dollars in allowances moving around from industry

to industry, and into the Treasury.

"People are very skeptical about saying what we're going to do is take a dollar out of your back pocket and we'll turn around and give it to you in your right one," Voinovich said.

"I don't know how it would work," said Bingaman, the chairman of the Energy and Natural Resources Committee. "This mix-and-match kind of discussion doesn't get you anywhere. You've got to get down to specifics."

And Senate Policy Committee Chairman Byron Dorgan (D-N.D.) renewed his call for passage of an energy-only approach. "Cap and trade or a first cousin of cap and trade won't pass this year in my judgment," he said.

Majority Leader Harry Reid (D-Nev.) last week urged Kerry to get a bill out for review as soon as possible.

"The window is very small," Majority Whip Dick Durbin (D-Ill.) said today. "To be honest, I know what this calendar is like, and I know what it takes to do the routine things. Days at a time. And anything that has controversy or meat in it is going to take longer. So the majority leader is right."

Asked if he wanted to introduce legislation before Easter, Kerry replied, "That'd be nice."

Reporter Robin Bravender contributed.

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01268-EPA-604

**Brendan
Gilfillan/DC/USEPA/US**
03/02/2010 08:04 PM

To: Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Cynthia Giles-AA, "Seth Oster", Allyn Brooks-LaSure, Bob Sussman, Adora Andy, David McIntosh, Arvin Ganesan

cc

bcc

Subject: Re: FYI: Wall Street Journal enforcement story tomorrow

EPA Makes Polluters Pay Less

Obama's EPA is riling many businesses with proposals to regulate greenhouse gases, but data suggest it has been slow out of the gate in enforcing existing regulations on traditional pollutants.

By Stephen Power

The Environmental Protection Agency is riling many businesses with proposals to regulate greenhouse gases for the first time, but data suggest it has been slow out of the gate under President Barack Obama in enforcing existing regulations on traditional pollutants.

In fiscal 2009, the EPA's enforcement office required polluters to spend more than \$5 billion on cleanup and emission controls—down from \$11.8 billion the previous year, according to a report recently published by the agency. The report, which examines the EPA's performance in enforcing limits on pollutants like sulfur oxides, nitrogen oxides and soot, covers the fiscal year ended Sept. 30, a period that covers the last 3½ months of President George W. Bush's watch and the first 8½ months of Mr. Obama's.

Defendants in agency enforcement cases committed to cut pollution by about 580 million pounds in fiscal 2009, down from 3.9 billion pounds in fiscal 2008, according to the report.

The numbers for the latest fiscal year were also below levels recorded between 2004 and 2007, when the EPA required polluters to spend an average of \$8.3 billion annually cleaning up pollution and improving their controls. During the same period, defendants agreed to reduce pollution by 970 million pounds annually.

Obama administration officials say a small number of cases can cause the agency's enforcement results to vary sharply from year to year. In fiscal 2008, around 40% of the EPA's pollution reductions resulted from a settlement with American Electric Power Co.

Administration officials also say the report shows increases in other enforcement actions, such as the number of environmental-crime cases initiated in 2009 and the number of defendants charged with crimes.

"We're hard at work pursuing violators," said Cynthia Giles, the EPA's assistant administrator for enforcement and compliance assurance, in an interview. "The size of the cases and the pounds of pollution reduced aren't the only measure of the enforcement effort."

Since taking office, Mr. Obama's administration has promised to take a tougher line on pollution than the Bush administration. During Mr. Obama's presidency, the EPA has clashed with business groups by holding up dozens of mountaintop-mining permits, launched an investigation into whether the herbicide atrazine causes cancer and birth defects, and promised new rules that would treat coal ash as hazardous waste. In the spring, the agency is expected to announce a new rule intended to limit air pollution that crosses state lines.

The agency is also moving to expand its reach. The Obama EPA has proposed regulations that would limit auto emissions of heat-trapping gases linked to climate change. More rules for power plants, refineries and other emitters are on the way.

The spate of new regulations has triggered lawsuits by the U.S. Chamber of Commerce and other groups seeking to challenge the legality of the EPA's determination that greenhouse gases endanger health and welfare, the legal predicate for regulating them. Lawmakers in both parties are pushing proposals to overturn the finding. The Obama administration says the finding is grounded in "overwhelming science" and the law, and that the urgency of scientific warnings about climate change warrants government action.

Not including stimulus-related funding, the EPA's overall budget rose 36% in 2010. But funding for enforcement rose by less than 5%. Mr. Obama has proposed cutting the EPA's overall budget slightly in fiscal 2011, but would increase funding for enforcement by 3%.

Granta Nakayama, who ran the EPA's enforcement office under Mr. Bush, said the agency's initial enforcement results under Mr. Obama could partly reflect the agency's increased emphasis on "environmental justice." The agency defines the term to mean addressing "the burdens pollution has disproportionately placed on vulnerable populations, including children, communities of color, Native Americans, and the poor."

A list of enforcement goals published by the EPA last month says the agency will "advance environmental justice by protecting vulnerable communities." EPA Administrator Lisa Jackson has separately said environmental justice "will inform all our actions."

Mr. Nakayama, an attorney who represents businesses regulated by the EPA, said the agency should try to protect vulnerable communities from being disproportionately affected by pollution. But he said focusing on that goal too much risks diverting manpower and resources from big polluters, such as coal-fired power plants, that operate in remote areas.

Ms. Giles, the EPA enforcement chief, said the agency's emphasis on environmental justice wasn't undercutting efforts to police big polluters. She pointed to a recent settlement with the U.S. unit of Lafarge SA, the French cement maker, as an example of how environmental justice went hand in hand with tackling big polluters.

As part of the settlement, Lafarge agreed to install up to \$170 million in new pollution controls at 13 plants. Some of the communities downwind from those plants are home to minorities or have traditionally been underserved by the agency, EPA officials said.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 03/02/2010 04:03 PM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Cynthia Giles-AA; Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Bob Sussman; Adora Andy; David McIntosh; Arvin Ganesan

Subject: FYI: Wall Street Journal enforcement story tomorrow

The Wall Street Journal will run a story on EPA's enforcement efforts tomorrow. The story will report that some folks say focusing on environmental justice in enforcement comes at the expense of major case settlements - citing lower figures for such settlements in FY2009. Cynthia spoke to the reporter and reiterated the Agency's commitment to enforcement, and to EJ - said the two are not in tension and used the LaFarge/St. Gobain settlement as an example. Cynthia also walked the reporter through the enforcement goals and explained why year to year settlement figures are not the only indicator of enforcement activities. Reporter also asked specifically about the focus on energy extraction, including natural gas, in the enforcement goals. Cynthia made clear that it's an area of focus because as we move to a clean energy economy EPA has to make sure new energy extraction techniques aren't harming the

environment.

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

01268-EPA-605

**Allyn
Brooks-LaSure/DC/USEPA/US**

03/02/2010 10:30 PM

To Cynthia Giles-AA

cc Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman,
Brendan Gilfillan, David McIntosh, Diane Thompson, "Oster,
Seth"

bcc Richard Windsor

Subject Re: FYI: Wall Street Journal enforcement story tomorrow

Thanks, Cynthia.

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Cynthia Giles-AA

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

From: Cynthia Giles-AA

Sent: 03/02/2010 08:55 PM EST

To: Allyn Brooks-LaSure

Cc: Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan
Gilfillan; David McIntosh; Diane Thompson; "Oster, Seth" <Oster.Seth@epa.gov>

Subject: Re: FYI: Wall Street Journal enforcement story tomorrow

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

Cynthia

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

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

Allyn Brooks-LaSure (Removing LPJ) Cynthia- 03/02/2010 08:11:46 PM

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, "Oster, Seth" <Oster.Seth@epa.gov>, Bob Sussman/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 03/02/2010 08:11 PM
Subject: Re: FYI: Wall Street Journal enforcement story tomorrow

(Removing LPJ)

Cynthia-

Are there any specific TPs LPJ should have if/when this issue comes up during her hearing tomorrow?

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 03/02/2010 08:04 PM EST
To: Brendan Gilfillan; Richard Windsor; Bob Perciasepe; Diane Thompson; Cynthia Giles-AA; "Seth Oster" <oster.seth@epa.gov>; Allyn Brooks-LaSure; Bob Sussman; Adora Andy; David McIntosh; Arvin Ganesan
Subject: Re: FYI: Wall Street Journal enforcement story tomorrow
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By Stephen Power

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Obama administration officials say a small number of cases can cause the agency's enforcement results to vary sharply from year to year. In fiscal 2008, around 40% of the EPA's pollution reductions resulted from a settlement with American Electric Power Co.

Administration officials also say the report shows increases in other enforcement actions, such as the number of environmental-crime cases initiated in 2009 and the number of defendants charged with crimes.

"We're hard at work pursuing violators," said Cynthia Giles, the EPA's assistant administrator for enforcement and compliance assurance, in an interview. "The size of the cases and the pounds of pollution reduced aren't the only measure of the enforcement effort."

Since taking office, Mr. Obama's administration has promised to take a tougher line on pollution than the Bush administration. During Mr. Obama's presidency, the EPA has clashed with business groups by holding up dozens of mountaintop-mining permits, launched an investigation into whether the herbicide atrazine causes cancer and birth defects, and promised new rules that would treat coal ash as hazardous waste. In the spring, the agency is expected to announce a new rule intended to limit air pollution that crosses state lines.

The agency is also moving to expand its reach. The Obama EPA has proposed regulations that would limit auto emissions of heat-trapping gases linked to climate change. More rules for power plants, refineries and other emitters are on the way.

The spate of new regulations has triggered lawsuits by the U.S. Chamber of Commerce and other groups seeking to challenge the legality of the EPA's determination that greenhouse gases endanger health and welfare, the legal predicate for regulating them. Lawmakers in both parties are pushing proposals to overturn the finding. The Obama administration says the finding is grounded in "overwhelming science" and the law, and that the urgency of scientific warnings about climate change warrants government action.

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A list of enforcement goals published by the EPA last month says the agency will "advance environmental justice by protecting vulnerable communities." EPA Administrator Lisa Jackson has separately said environmental justice "will inform all our actions."

Mr. Nakayama, an attorney who represents businesses regulated by the EPA, said the agency should try to protect vulnerable communities from being disproportionately affected by pollution. But he said focusing on that goal too much risks diverting manpower and resources from big polluters, such as coal-fired power plants, that operate in remote areas.

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As part of the settlement, Lafarge agreed to install up to \$170 million in new pollution controls at 13 plants. Some of the communities downwind from those plants are home to minorities or have traditionally been underserved by the agency, EPA officials said.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 03/02/2010 04:03 PM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Cynthia Giles-AA; Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Bob Sussman; Adora Andy; David McIntosh; Arvin Ganesan

Subject: FYI: Wall Street Journal enforcement story tomorrow

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

01268-EPA-606

Seth Oster/DC/USEPA/US
03/03/2010 04:23 PM

To Bob Sussman, Bob Perciasepe, "Lisa Jackson"
cc "Diane Thompson", Arvin Ganesan
bcc
Subject Re: DEP News - WVDEP Seeking Input on Narrative Criteria Protocol

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

Bob Sussman

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

From: Bob Sussman
Sent: 03/03/2010 04:10 PM EST
To: Seth Oster; Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>; Arvin Ganesan
Subject: Re: DEP News - WVDEP Seeking Input on Narrative Criteria Protocol

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

Seth Oster

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

From: Seth Oster
Sent: 03/03/2010 04:07 PM EST
To: Bob Perciasepe; "Lisa Jackson" <windsor.richard@epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>; Bob Sussman; Arvin Ganesan
Subject: Fw: DEP News - WVDEP Seeking Input on Narrative Criteria Protocol

Michael Kulik

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

From: Michael Kulik
Sent: 03/03/2010 04:02 PM EST
To: Seth Oster; Bob Sussman; Arvin Ganesan
Subject: Fw: DEP News - WVDEP Seeking Input on Narrative Criteria Protocol

I am forwarding the release issued this afternoon by WVDEP which we received shortly before its official distribution. We expect to see it in the press very quickly.

----- Forwarded by Michael Kulik/R3/USEPA/US on 03/03/2010 03:58 PM -----

From: Jessica Greathouse/R3/USEPA/US
To: Garvin.Shawn@epamail.epa.gov, Kulik.Michael@epamail.epa.gov, "William Early" <Early.William@epamail.epa.gov>, "John Pomponio" <Pomponio.John@epamail.epa.gov>, "Stefania Shamet" <Shamet.Stefania@epamail.epa.gov>, "Catherine Libertz" <Libertz.Catherine@epamail.epa.gov>, "Daniel Ryan" <Ryan.Daniel@epamail.epa.gov>
Date: 03/03/2010 03:53 PM
Subject: Fw: DEP News - WVDEP Seeking Input on Narrative Criteria Protocol

Jessica H. Greathouse

State and Congressional Liaison
U.S. Environmental Protection Agency
304.224.3181

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

From: [dep.online@wv.gov]
Sent: 03/03/2010 03:40 PM EST
To: Jessica Greathouse
Subject: DEP News - WVDEP Seeking Input on Narrative Criteria Protocol

The following was sent to you because you are a
Member of the DEP News List mailing list.

=====

Wednesday, March 3, 2010 @ 3:40 PM

=====

For More Information
Kathy Cosco, 304-926-0440

WVDEP Seeks Input On Narrative Criteria Protocol

The West Virginia Department of Environmental Protection's Cabinet Secretary, Randy Huffman, spoke to the Senate Committee on Energy, Industry and Mining today. He was asked to give a report on the status of mining permits that are currently undergoing review by the Environmental Protection Agency.

During his presentation to the committee, Huffman announced that the agency is in the process of establishing a protocol for implementing and enforcing the state's narrative water quality criteria.

The lack of a solid plan for enforcing the narrative standard is the main criticism the EPA has had with the state of West Virginia's regulation of mountaintop mining activities over the past year. However, Huffman pointed out to the committee that the standard doesn't apply to just surface mining or mining in general, but has implications across all types of industrial activities.

As part of the process for establishing a state protocol, the DEP is researching what other states are doing as well as seeking input from interested parties within the state.

"Water quality has become the main topic of conversation across all types of industry, and there is a great deal of debate about what is or should be considered impairment," Huffman said. "Our goal is to take into consideration the

ideas of others as we develop our plan for implementing and enforcing the narrative standard.

"I'm not looking for data and reports, I have that," he said. "Nor do I intend to debate the pros and cons of coal mining. What I am looking for are well-thought-out ideas on how we can measure aquatic life impacts and tie those impacts back to the problem where we can then fix it, using the tools of the Clean Water Act.

"The protocol we establish will be our own, but we want to give those who want to propose a solution the opportunity to have their ideas considered," Huffman said.

Those who would like to submit ideas or scientific theories for how the agency should implement and enforce the narrative water quality standard are invited to do so by March 26. Submissions can be emailed to DEP.comments@wv.gov or mailed to:

The Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

All submissions will be placed on the agency's website for public review.

- 30 -

=====
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01268-EPA-607

Adora Andy/DC/USEPA/US
03/03/2010 04:37 PM

To Seth Oster, Richard Windsor, David McIntosh
cc Brendan Gilfillan
bcc

Subject Re: Fw: this article on the hearing also looks fine

Greenwire is changing the headline to: Murkowski accuses EPA of conflicting statements on regulation

Seth Oster **IMPORTANT -- read below and see wh...** 03/03/2010 03:47:20 PM

Richard Windsor

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

From: Richard Windsor
Sent: 03/03/2010 03:41 PM EST
To: David McIntosh
Cc: Seth Oster
Subject: Re: this article on the hearing also looks fine

(b) (5) D.P.

David McIntosh

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

From: David McIntosh
Sent: 03/03/2010 03:14 PM EST
To: Richard Windsor
Cc: Seth Oster
Subject: Re: this article on the hearing also looks fine

(b) (5) D.P.

Richard Windsor **(b) (5) D.P. e...** 03/03/2010 02:51:54 PM

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA
Date: 03/03/2010 02:51 PM
Subject: Re: this article on the hearing also looks fine

(b) (5) D.P.

David McIntosh **CLIMATE: Murkowski blasts EPA for c...** 03/03/2010 01:36:16 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA
Date: 03/03/2010 01:36 PM
Subject: this article on the hearing also looks fine



CLIMATE: Murkowski blasts EPA for conflicting statements on regulation (Wednesday, March 3, 2010)

Robin Bravender, E&E Reporter

Alaska Republican Sen. Lisa Murkowski today grilled U.S. EPA Administrator Lisa Jackson on what the senator called conflicting statements on whether the agency's leader would prefer to curb greenhouse gas emissions using regulations or legislation.

Speaking today to the Senate Interior and Environment Appropriations Subcommittee, Murkowski asked Jackson to clarify whether she wanted Congress to move forward with a comprehensive energy and climate bill or whether agency rules were the best approach.

Murkowski cited previous quotes from Jackson where she said that EPA regulations and congressional action could go hand in hand. "This is not an either/or moment, it's a both/and moment," Murkowski quoted Jackson as saying. She also quoted her saying, "I absolutely prefer that the Senate take action."

Murkowski, the ranking member of the Senate Energy and Natural Resources Committee, is leading an effort in the Senate to overturn EPA's "endangerment" finding -- a determination that greenhouse gases threaten public health and welfare that allows the agency to move forward with climate regulations. The first set of those rules is expected out later this month.

"I'm not sure whether you agree with me that -- and I think the president as well -- that new legislation is the best way to deal with climate change or whether it should be EPA regulation," Murkowski said.

But Jackson continued to insist that the approaches can be complementary.

"I certainly stand behind the president's call for comprehensive energy legislation that puts a price on carbon, and I believe that's absolutely the best way, as you've said, to move our country into a clean energy future, I think it's critical," Jackson replied. "And I also think that it's not an either/or moment.

"Even legislation that's currently passed the House, that's the standard we have right now, envisions that EPA will have certain roles to play," Jackson added. "And there is lots of regulatory work that the EPA can do that is entirely consistent with new legislation in the future."

That was not enough to satisfy Murkowski.

"I don't know that I'm any more clear based on your statement this morning as to whether or not you think it should be the Congress and those of us that are elected by our constituents and accountable to them to enact and advance climate policy," she told Jackson.

Jackson hints at new permitting thresholds

Pressed by lawmakers on both sides of the aisle, Jackson offered additional details about EPA's plans to gradually phase in climate rules for industrial sources.

Over the next two years, stationary sources that emit less than 75,000 tons will not be subject to permitting requirements under the Clean Air Act, Jackson said. "And it would probably be at least two years before we'd look at something like say a 50,000 threshold," she added.

Last week, in [response](#) to a letter from Senate Democrats concerned about the reach of EPA's climate rules, Jackson said that the agency is also considering "substantially" raising the thresholds in its proposed "tailoring" rule to exempt more facilities from requirements that they minimize their greenhouse gas emissions ([E&E Daily](#) , Feb. 23).

The agency's draft rule proposed to tailor the Clean Air Act's permitting requirements to require greenhouse gas permits from sources that emit more than 25,000 tons annually. The final rule is expected to be finalized later this month and Jackson said the agency has not yet determined the number.

Jackson's letter also said that EPA will begin to phase in permitting requirements and regulating large stationary sources of greenhouse gases in early 2011, when only facilities that must already apply for Clean Air Act permits for other pollutants will need to address those emissions. Fewer than 400 facilities would be subject to those requirements, she said. The agency will begin to require permits from other large sources in the latter half of 2011.

Sen. Dianne Feinstein (D-Calif.), chairwoman of the subcommittee, welcomed further explanation about the agency's regulatory strategy.

"As EPA explains its plans, I believe my colleagues will increasingly realize that the agency is proceeding in a deliberate and legally defensible fashion, beginning with facilities already subject to regulation, tackling only the largest polluters at this time and developing a long-term approach to emissions that is as cost effective and flexible as the law permits," Feinstein said.

She added that she thinks it is the "wrong approach" for members of Congress to attempt to strip EPA of its regulatory authority. "The alternative to EPA proceeding, in my view, is that the Congress passes a new law, and thus far, we have refused or been unable, whichever it is, to do so," Feinstein said. "Therefore, EPA's mandate given to it by the [U.S. Supreme] Court in the [*Massachusetts v. EPA*] case, I think, remains exceedingly clear."

Sen. Lamar Alexander (R-Tenn.), ranking member of the subcommittee, disagreed.

"I am ready to buy some insurance from climate change. I think it's a problem and we need to deal with it," Alexander said.

However, he added, "I support efforts in the Congress to make that the responsibility of Congress to deal with rather than the EPA because I think the current law doesn't give EPA the appropriate flexibility to deal with it, and I think it's of such major importance it ought to be done by members of Congress rather than an agency."

01268-EPA-609

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Diane Thompson"

03/04/2010 01:06 PM

cc "David McIntosh"

bcc

Subject Fw: March 4 -- Greenwire is ready

(b) (5) D.P.

[Redacted]

[Redacted]

[Redacted]

Thx.

A

Sent from my Blackberry Wireless Device

From: "E&E Publishing, LLC" [ealerts@eenews.net]

Sent: 03/04/2010 01:00 PM EST

To: Arvin Ganesan

Subject: March 4 -- Greenwire is ready

An E&E Publishing Service

Fiscal 2011: Budget & Appropriations -- An E&E Report

The Fiscal 2011 Report is a one-stop resource for tracking the fiscal 2011 spending process for environmental and energy accounts. The report includes tables for DOE, EPA, Interior, NOAA, and USDA, and links to related stories. [Click here](#) to go to the report.

Greenwire -- Thu., March 4, 2010 -- [Read the full edition](#)

1. CLIMATE: Coal-state Dems unveil bills stalling EPA emission curbs

Four influential coal-state Democrats introduced companion bills in the House and Senate today that would block U.S. EPA from implementing any climate-related stationary source rules for two years, a timeout of sorts that they think gives Congress time to pass legislation dealing with the issue. Senate Commerce Chairman Jay Rockefeller of West Virginia unveiled the Senate bill, while the House measure was introduced by West Virginia's Nick Rahall, the chairman of the Natural Resources Committee, and Alan Mollohan, a senior member of the Appropriations Committee. Rep. Rick Boucher (D-Va.), who played a pivotal role in negotiations last year on the House-passed climate bill, also signed up as an original co-sponsor.

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grants flowing overseas

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4. **EDUCATION:** Evolution opponents drawn to climate skepticism

Politics

5. **CLIMATE:** Utility group explains its opposition to EPA rules

6. **HOUSE:** Levin takes Ways and Means chair

7. **APPROPRIATIONS:** Moran approved as chairman of Interior subcommittee

Climate Change

8. **CLIMATE:** Royal Dutch Shell CEO urges caution on carbon markets

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E&ETV's OnPoint

26. **CLIMATE:** IPAMS's Solich makes the case for including natural gas in clean energy bill

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www.eenews.net

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01268-EPA-610

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Diane Thompson"

03/04/2010 01:09 PM

cc "David McIntosh"

bcc

Subject Re: March 4 -- Greenwire is ready

(b) (5) D.P.

Sent from my Blackberry Wireless Device

From: Arvin Ganesan
Sent: 03/04/2010 01:06 PM EST
To: Richard Windsor; Diane Thompson
Cc: "David McIntosh" <mcintosh.david@epa.gov>
Subject: Fw: March 4 -- Greenwire is ready

(b) (5) D.P.

Does that work?

Aaron, if ok, when does the administrator have a moment?

Thx.

A

Sent from my Blackberry Wireless Device

From: "E&E Publishing, LLC" [ealerts@eenews.net]
Sent: 03/04/2010 01:00 PM EST
To: Arvin Ganesan
Subject: March 4 -- Greenwire is ready

An E&E Publishing Service

Fiscal 2011: Budget & Appropriations -- An E&E Report

The Fiscal 2011 Report is a one-stop resource for tracking the fiscal 2011 spending process for environmental and energy accounts. The report includes tables for DOE, EPA, Interior, NOAA, and USDA, and links to related stories. [Click here](#) to go to the report.

Greenwire -- Thu., March 4, 2010 -- [Read the full edition](#)

1. CLIMATE: Coal-state Dems unveil bills stalling EPA emission curbs

Four influential coal-state Democrats introduced companion bills in the House and Senate today that would block U.S. EPA from implementing any climate-related stationary source rules for two years, a timeout of sorts that they think gives Congress time to pass legislation dealing with the issue. Senate Commerce Chairman Jay Rockefeller of West Virginia unveiled the Senate bill, while the House measure was introduced by West Virginia's Nick Rahall, the chairman of the Natural Resources Committee, and Alan Mollohan, a senior member of the Appropriations Committee. Rep. Rick Boucher (D-Va.), who played a pivotal role in negotiations last year on the House-passed climate bill, also signed up as an original co-sponsor.

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3. **AIR POLLUTION**: Coal-plant bill in alignment with other regs -- EPA air chief

4. **EDUCATION**: Evolution opponents drawn to climate skepticism

Politics

5. **CLIMATE**: Utility group explains its opposition to EPA rules

6. **HOUSE**: Levin takes Ways and Means chair

7. **APPROPRIATIONS**: Moran approved as chairman of Interior subcommittee

Climate Change

8. **CLIMATE**: Royal Dutch Shell CEO urges caution on carbon markets

9. **CLIMATE**: Shifting soils endanger homes' foundations

10. **SCIENCE**: Utah puts climate debate on ice

Energy

11. **NUCLEAR WASTE**: Salt domes better than Yucca for long-term storage -- Chu

12. **ELECTRICITY**: Superconducting transmission possible within 10 years -- EPRI

13. **OIL AND GAS**: TransCanada open to pipeline 'onramp' for U.S. crude

14. **NUCLEAR WASTE**: Utah facility could contain banned materials -- report

15. **NUCLEAR POWER**: Vermont Yankee's neighbors worry about future without plant

Federal Agencies

16. **EPA**: Audit outlines difficulties in tracking stimulus grants

Business

17. **AUTOS**: GM veteran vice chairman Lutz to retire

18. **AUTOS**: Tesla moves forward with plans for new model after engineers' deaths

19. **AGRICULTURE**: Monsanto CEO unworried by antitrust claims

Natural Resources

20. **EVERGLADES**: Administration mulls huge new refuge west of Lake Okeechobee

Chemicals

21. **CHEMICALS**: Wis. governor bans BPA in baby bottles, sippy cups

22. **CHEMICALS**: Lawsuit says PCBs found in fish oil supplements

States

- 23. **CALIFORNIA:** Mountain snowpack at 107% of normal, regulators say
- 24. **TOXIC WASTE:** Mich. running low on funds to clean up abandoned sites

International

- 25. **CHILE:** Earthquake leaves fisheries, wine industry in chaos

E&ETV's OnPoint

- 26. **CLIMATE:** IPAMS's Solich makes the case for including natural gas in clean energy bill

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Greenwire is written and produced by the staff of E&E Publishing, LLC. The one-stop source for those who need to stay on top of all of today's major energy and environmental action with an average of more than 20 stories a day, Greenwire covers the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. Greenwire publishes daily at Noon.

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01268-EPA-612

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, David McIntosh

cc

03/04/2010 05:28 PM

bcc

Subject Re: Senator Byrd statement on Rockefeller bill

Yes. Def.

Sent from my Blackberry Wireless Device
Richard Windsor

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

From: Richard Windsor**Sent:** 03/04/2010 05:27 PM EST**To:** David McIntosh; Arvin Ganesan**Subject:** Re: Senator Byrd statement on Rockefeller bill

My goodness. I think that's what they call leadership. Shall I send a note of thanks?

David McIntosh

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

From: David McIntosh**Sent:** 03/04/2010 05:25 PM EST**To:** Arvin Ganesan; Richard Windsor**Subject:** Senator Byrd statement on Rockefeller bill

No, I hadn't seen that. Senator Byrd's office continues to astound. God, they're terrific. Administrator, FYI.

Arvin Ganesan

[See this?](#)

03/04/2010 05:23:05 PM

From: Arvin Ganesan/DC/USEPA/US
 To: "David McIntosh" <mcintosh.david@epa.gov>
 Date: 03/04/2010 05:23 PM
 Subject: Fw: FYI

See this?

Sent from my Blackberry Wireless Device

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

From: "Jacobs, Jesse (Byrd)" [Jesse_Jacobs@byrd.senate.gov]

Sent: 03/04/2010 05:16 PM EST

To: Arvin Ganesan

Subject: FYI

STATEMENT OF SENATOR ROBERT C. BYRD, D-W.Va.
March 4, 2010

"I do not plan to cosponsor Senator Rockefeller's legislation at this time. I was encouraged by the response last week from EPA Administrator Lisa Jackson

to a letter that I signed along with other Senators that would delay into next year the application of stronger standards regarding increased efficiency or reduced pollution at large power plants and factories. Following up on my previous conversations with her in my office, I take her at her word."

"In addition, as I have pointed out in my op-ed of December 3, 2009 entitled 'Coal Must Embrace the Future,' West Virginia needs to have a seat at the negotiating table. I am continuing to have significant discussions about how to ensure the future of coal as a long-term energy resource. I am reluctant to give up on talks that might produce benefits for West Virginia's coal interests by seeming to turn away from on-going negotiations. I will continue to negotiate with all who are earnestly engaged in the pursuit of a proper balance between saving jobs, protecting the environment and ensuring the health of our communities."

###

on which is due very soon by EPA under the federal litigation over that permit.

I also understand that part of this e-mail has some of the details wrong ... For example, the correct figures for action regarding conductivity are 300 and 500, not 400 and 500 -- based on the findings of the new EPA ORD study that has yet to be released, but which is months overdue.

As you can imagine this is a competitive situation. We have enough now for the story we're going to do, but I certainly want to talk to someone from EPA. But I would need to do that today.

Thanks, Ken.

From: Greg Conrad [mailto:gconrad@imcc.isa.us]
Sent: Friday, February 12, 2010 10:36 AM
To: Lambert, Butch; paul.schmierbach@tn.gov
Subject: EPA Region IV Actions

Butch and Paul:

I heard via Randy Johnson of Alabama that EPA Region IV has decided to move ahead with the following initiatives re coal mine permits.

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Are you familiar with any of this? Randy thinks we need to schedule a conference call in the very near future to talk this over with all the states. Your thoughts?

Thanks,

Greg

Gregory E. Conrad
Executive Director
Interstate Mining Compact Commission
445A Carlisle Drive
Herndon, VA 20170
Ph: 703.709.8654
Fax: 703.709.8655
Email: gconrad@imcc.isa.us
Website: www.imcc.isa.us

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Staff Writer
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And check out Sustained Outrage, a Gazette watchdog journalism blog, <http://blogs.wvgazette.com/watchdog/>

01268-EPA-615

Adora Andy/DC/USEPA/US
03/05/2010 04:56 PM

To Richard Windsor
cc Bob Sussman, Seth Oster
bcc
Subject Re: DECISION: MTM Quote?

thanks.

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

Richard Windsor Sorry - just out. Its fine. ----- Origin... 03/05/2010 04:54:07 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/05/2010 04:54 PM
Subject: Re: DECISION: MTM Quote?

Sorry - just out. Its fine.

Adora Andy

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

From: Adora Andy
Sent: 03/05/2010 03:49 PM EST
To: Richard Windsor
Cc: Seth Oster; Bob Sussman
Subject: DECISION: MTM Quote?

Administrator,

After speaking with Ken Ward about the story he's writing on the MTM EPA guidance, here's what we

(b) (5) D.P.

[Redacted content]

(b) (5) D.P.

Thanks,
Adora

----- Forwarded by Adora Andy/DC/USEPA/US on 03/05/2010 03:17 PM -----

From: "Ken Ward Jr." <kward@wvgazette.com>
To: Adora Andy/DC/USEPA/US@EPA
Date: 03/04/2010 10:02 AM
Subject: Comment on mining plans?

Adora,

Hey, I hope you are well ... I'm writing to try to get someone from EPA who will talk to me on the record today for a story I'm working on about EPA's plans to announce (perhaps as early as March 10 -- but apparently it's been delayed) it's plan for providing mining operators with some "certainty" about what standards they need to meet to get Clean Water Act permits for surface mines in Appalachia.

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Thanks, Ken.

From: Greg Conrad [mailto:gconrad@imcc.isa.us]
Sent: Friday, February 12, 2010 10:36 AM
To: Lambert, Butch; paul.schmierbach@tn.gov
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Thanks,

Greg

Gregory E. Conrad
Executive Director
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445A Carlisle Drive
Herndon, VA 20170
Ph: 703.709.8654
Fax: 703.709.8655

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Read my blog, Coal Tattoo at <http://blogs.wvgazette.com/coaltattoo/> and
follow me on Twitter, <http://twitter.com/Kenwardjr>
And check out Sustained Outrage, a Gazette watchdog journalism blog,
<http://blogs.wvgazette.com/watchdog/>

01268-EPA-616

Adora Andy/DC/USEPA/US

To Richard Windsor

03/05/2010 05:03 PM

cc

bcc

Subject Re: DECISION: MTM Quote?

saw it! Awesome!

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

Richard Windsor

Just tweeted - HU students continue t...

03/05/2010 04:58:03 PM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA
 Date: 03/05/2010 04:58 PM
 Subject: Re: DECISION: MTM Quote?

Just tweeted -

HU students continue to impress! Remember green jobs and a clean planet is what EPA is working 4 - for u!

Adora Andy

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

From: Adora Andy
Sent: 03/05/2010 04:56 PM EST
To: Richard Windsor
Cc: Bob Sussman; Seth Oster
Subject: Re: DECISION: MTM Quote?

thanks.

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

Richard Windsor

Sorry - just out. Its fine. ----- Origin...

03/05/2010 04:54:07 PM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA
 Cc: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
 Date: 03/05/2010 04:54 PM
 Subject: Re: DECISION: MTM Quote?

Sorry - just out. Its fine.

Adora Andy

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From: Adora Andy
Sent: 03/05/2010 03:49 PM EST
To: Richard Windsor
Cc: Seth Oster; Bob Sussman
Subject: DECISION: MTM Quote?

Administrator,

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

Thanks,
Adora

----- Forwarded by Adora Andy/DC/USEPA/US on 03/05/2010 03:17 PM -----

From: "Ken Ward Jr." <kward@wvgazette.com>
To: Adora Andy/DC/USEPA/US@EPA
Date: 03/04/2010 10:02 AM
Subject: Comment on mining plans?

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Sent: Friday, February 12, 2010 10:36 AM
To: Lambert, Butch; paul.schmierbach@tn.gov
Subject: EPA Region IV Actions

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01268-EPA-617

Adora Andy/DC/USEPA/US
03/05/2010 07:35 PM

To Adora Andy
cc Bob Sussman, Richard Windsor, Seth Oster
bcc

Subject Re: DECISION: MTM Quote?

Also, this story is going to run on Sunday.

Adora Andy Administrator, (b) (5) D.P. 03/05/2010 03:49:08 PM

From: Adora Andy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/05/2010 03:49 PM
Subject: DECISION: MTM Quote?

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

Thanks,
Adora

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01268-EPA-618

Adora Andy/DC/USEPA/US
03/05/2010 07:37 PM

To Richard Windsor
cc
bcc

Subject Re: DECISION: MTM Quote?

Yep! LORD have mercy.

Richard Windsor [Sigh](#) ----- Original Message ----- 03/05/2010 07:36:35 PM

From: Richard Windsor/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Date: 03/05/2010 07:36 PM
Subject: Re: DECISION: MTM Quote?

Sigh

Adora Andy

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

From: Adora Andy
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To: Adora Andy
Cc: Bob Sussman; Richard Windsor; Seth Oster
Subject: Re: DECISION: MTM Quote?

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Adora Andy [Administrator, After speaking with Ken...](#) 03/05/2010 03:49:08 PM

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To: Richard Windsor/DC/USEPA/US@EPA
Cc: Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 03/05/2010 03:49 PM
Subject: DECISION: MTM Quote?

Administrator,

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

(b) (5) D.P.

Thanks,
Adora

----- Forwarded by Adora Andy/DC/USEPA/US on 03/05/2010 03:17 PM -----

From: "Ken Ward Jr." <kward@wvgazette.com>
To: Adora Andy/DC/USEPA/US@EPA
Date: 03/04/2010 10:02 AM
Subject: Comment on mining plans?

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Fax: (304) 348-1233

<http://wvgazette.com> or <http://wvgazette.com/News/Mining+the+Mountains>

Read my blog, Coal Tattoo at <http://blogs.wvgazette.com/coalattoo/> and follow me on Twitter, <http://twitter.com/Kenwardjr>
And check out Sustained Outrage, a Gazette watchdog journalism blog, <http://blogs.wvgazette.com/watchdog/>

01268-EPA-619

Charles Imohiosen/DC/USEPA/US
03/06/2010 01:19 PM

To Gina McCarthy, Richard Windsor
cc Bob Perciasepe, "Bob Sussman", Joseph Goffman
bcc
Subject Re: Ugh!

Got it.

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

Sent via Blackberry
Gina McCarthy

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

From: Gina McCarthy
Sent: 03/06/2010 12:25 PM EST
To: Richard Windsor; Charles Imohiosen
Cc: Bob Perciasepe; "Bob Sussman" <Sussman.bob@EPA.GOV>; Joseph Goffman
Subject: Re: Ugh!

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

Richard Windsor

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

From: Richard Windsor
Sent: 03/06/2010 09:19 AM EST
To: Charles Imohiosen
Cc: Gina McCarthy; Bob Perciasepe; "Bob Sussman" <sussman.bob@epa.gov>
Subject: Re: Ugh!

its good news.

Charles Imohiosen Mobile-Friendly Display (Disable) D... 03/06/2010 09:16:11 AM

From: Charles Imohiosen/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>
Date: 03/06/2010 09:16 AM
Subject: Ugh!

Mobile-Friendly Display (Disable) Daily Environment Report: All Issues > 2010 > March > 03/08/2010 > News > Energy: Senate Bill Would Provide Rebates, Loans For Commercial Energy Efficiency Upgrades 43 DEN A-11 Energy Senate Bill Would Provide Rebates, Loans For Commercial Energy Efficiency Upgrades Legislation that would provide consumer rebates and low-interest loans to be used for energy efficiency improvement projects in commercial and multifamily residential buildings was introduced in the Senate March 4. The Building STAR Energy Efficiency Act of 2010 (S. 3079), introduced by Sens. Jeff Merkley (D-Ore.) and Mark Pryor (D-Ark.), would authorize \$6 billion in rebates for improvements such as the installation of high-efficiency heating systems and improved insulation. The legislation also would "extend low-interest financing options" to small business and building owners to help cover the up-front costs of energy efficiency building retrofits, according to a statement from Merkley's office. "Buildings represent 40 percent of the energy used in the United States,

and many have old equipment that wastes energy and money," Pryor said in a written statement. According to the bill's backers, the legislation would create about 150,000 jobs, would save building owners more than \$3 billion in energy bills, and would reduce "the pollution that contributes to climate change" by 21 million metric tons. "As we take action to put Americans back to work, we need to set our targets on programs that provide the biggest bang for our buck and set our economy up for future growth," Merkley said in a written statement. "Clean energy is not only the next great growth industry, but it's an engine for job creation today." The legislation parallels the Home Star Act of 2010, unveiled as a draft by Sen. Jeff Bingaman (D-N.M.) and other lawmakers, which would create a homeowner energy efficiency rebate program championed by President Obama (41 DEN A-3, 3/4/10). Co-sponsors of the "Building Star" legislation include Sens. Debbie Stabenow (D-Mich.), Sherrod Brown (D-Ohio), Bernie Sanders (I-Vt.), and Ben Cardin (D-Md.) By Ari Natter

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

Sent via Blackberry

01268-EPA-620

Stan Meiburg/R4/USEPA/US

03/07/2010 08:29 AM

To Richard Windsor

cc Bob Perciasepe, "Bob Sussman"

bcc

Subject Re: Google Alert - lisa jackson epa

(b) (5) D.P.



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

From: Richard Windsor
Sent: 03/07/2010 06:56 AM EST
To: Stan Meiburg
Cc: Bob Perciasepe; "Bob Sussman" <Sussman.bob@epa.gov>
Subject: Fw: Google Alert - lisa jackson epa

Stan,

Hope you are well this weekend.

(b) (5) D.P.



Thanks, Lisa

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 03/07/2010 05:13 AM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[EPA delays putting water standards into effect](#)

Tampa Tribune

When Environmental Protection Agency director **Lisa Jackson** was in Tampa in June, said Sierra Club regional representative Phil Compton, "She said that the ...

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[EPA delays action on mountaintop removal plan](#)

Charleston Gazette

Adora Andy, press secretary for **EPA** Administrator **Lisa P. Jackson**, said late Friday that **Jackson** had previously assured West Virginia Sen. ...

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01268-EPA-621

Adora Andy/DC/USEPA/US

To Richard Windsor

03/07/2010 10:16 AM

cc

bcc

Subject Re: Gazette: EPA delays action on mountaintop removal plan

Rather - some people in this place are just a hot mess - period.

Adora Andy

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

From: Adora Andy**Sent:** 03/07/2010 10:15 AM EST**To:** Richard Windsor**Subject:** Re: Gazette: EPA delays action on mountaintop removal plan

Thanks. This place is a hot mess sometimes!

Richard Windsor

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

From: Richard Windsor**Sent:** 03/07/2010 10:14 AM EST**To:** Adora Andy**Subject:** Re: Gazette: EPA delays action on mountaintop removal plan

saw it. v good job on your part.

Adora Andy

[Charleston Gazette: EPA delays action...](#)

03/07/2010 10:13:31 AM

From: Adora Andy/DC/USEPA/US
 To: "Richard Windsor" <windsor.richard@epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>
 Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>
 Date: 03/07/2010 10:13 AM
 Subject: Gazette: EPA delays action on mountaintop removal plan

Charleston Gazette:
 EPA delays action on mountaintop removal plan

March 6, 2010

By Ken Ward Jr.

Staff writer

The Obama administration has delayed action on a set of broad-ranging and specific measures to reduce the environmental impacts of mountaintop removal, after details of the plan were leaked to coal-state mining regulators.

U.S. Environmental Protection Agency officials are also facing a cool reception from other government agencies, including the federal Office of Surface Mining Reclamation and Enforcement.

"EPA is under significant pressure from the coal industry and its friends," said Joe Lovett, director of the Appalachian Center for the Economy and the Environment. "But the science has now become clear that mountaintop removal is harming the state's water resources in real and measurable ways, and EPA has no choice but to do this."

Details of the EPA proposals are being circulated among state regulators in coal-producing states after EPA southeastern regional officials leaked the information to those regulators.

EPA has for months been close to finalizing a plan the agency hopes would provide coal companies with clearer guidelines for obtaining new permits, but also mandate tougher protections to limit damage to water quality.

Agency officials are pushing for more stringent water pollution standards, tougher permit requirements and more extensive monitoring downstream from mining operations.

Among the initiatives are initial steps toward tighter mining discharge limits on the toxic pollutant selenium and on electrical conductivity, which serves as a measure of harmful salts and metals and has been identified by scientists as an indicator of coal-mining water damage. An announcement had been planned for Wednesday, but has been delayed for at least several weeks.

Adora Andy, press secretary for EPA Administrator Lisa P. Jackson, said late Friday that Jackson had previously assured West Virginia Sen. Robert C. Byrd that EPA "will release additional guidance about how it reviews water quality impacts.

"We will keep that commitment and we will issue that guidance soon," Andy said.

OSM Director Joe Pizarchik refused an interview request for this story, and agency spokesman Peter Mali said OSM would have no comment.

Carol Raulston, a spokeswoman for the National Mining Association, said her organization is familiar with some of the EPA proposals but is not yet prepared to offer specific comments on them.

"I think we're still gathering information," Raulston said Friday. "Right now, we're in the process of reviewing it with our membership."

A year ago, the Obama administration announced a crackdown on mountaintop removal. The administration has said it is taking "unprecedented steps" to reduce mining's environmental impacts, with a focus on cutting the downstream water quality effects.

So far those steps have focused on EPA's taking a closer look at Clean Water Act permits being issued by the Army Corps of Engineers and state regulators. In one instance, the Hobet 45 permit along the Boone-Lincoln county line, EPA's review forced Patriot Coal to cut its stream impacts in half while still mining nearly all of the coal it originally sought.

Administration officials have refused to support a complete ban on the practice, or to propose new rules to outlaw the burial of streams by valley fills.

EPA has not announced specific new limits on mining pollution, opening itself up to criticism from industry and coalfield politicians that the industry needs "clarity" about what is required for permit approval.

The delay in EPA's announcement of more detailed permit guidelines came last week, as the agency also asked U.S. District Judge Robert C. Chambers for more time to decide if it will veto the largest mountaintop removal mining permit in West Virginia history, the nearly 2,300-acre Spruce No. 1 Mine in Logan County.

In mid-February, EPA southeastern regional officials leaked to Alabama regulators details of the federal agency's plans to toughen coal mine regulations. The Interstate Mining Compact Commission, the lobby

group for coal-state regulatory agencies, quickly spread word of those details to its members.

Greg Conrad, the commission's executive director, told group members in an e-mail message that EPA planned to announce initiatives including:

Requiring states to include in all coal-related water pollution permits a detailed analysis of whether the proposed mining would be expected to violate narrative water quality standards, which prohibit adverse impacts to aquatic life.

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Imposing on mine operators tougher new discharge limits for selenium runoff from mining sites. Selenium can be toxic to fish in very tiny amounts, and has been tied to fish deformities downstream from at least one major mining operation in West Virginia, Patriot Coal's Hobet 21 Mine along the Boone-Lincoln County line.

EPA is also seeking to force states to require mine operators to perform water sampling called whole effluent toxicity, or WET, testing. This method better accounts for the impacts on aquatic life from a mix of various pollutants, such as that discharged by strip mines.

But perhaps the biggest changes being planned by EPA involve conductivity, which is a measure of the electrical charge of water and is a key indicator of the presence of many harmful pollutants, include chlorides, sulfides and dissolved solids.

One widely cited EPA study, published in 2008, found that streams with high conductivity -- above 500 on a scale measured in micro-siemens per centimeter -- were biologically impaired.

According to Conrad's e-mail, EPA planned to require additional monitoring of any permits where conductivity was measured above 400 micro-siemens per centimeter, and a reduction in mine size or a stop of mining above 500 micro-siemens per centimeter.

Already, EPA Region III officials have been seeking to impose such standards on water pollution permits for coal mines in West Virginia, according to comment letters submitted by EPA to the state Department of Environmental Protection.

At the same time, though, an EPA scientific report due out soon is expected to conclude that conductivity above 300 micro-siemens per centimeter should be avoided to protect water quality.

DEP Secretary Randy Huffman said his agency would want to take a very close look if EPA proposed the 300 number.

"If we decide that is where impairment occurs, we better be right," Huffman said. "Because the impact to the state economy is pretty severe."

But in at least one watershed cleanup plan issued for the Coal River, DEP experts pinpointed 300 micro-siemens per centimeter as the level at which conductivity can impair aquatic life.

DEP officials have identified high levels of conductivity as part of the cause of the Dunkard Creek fish kill in Monongalia County, and have listed conductivity as the cause of biological impairment in other heavily mined watersheds, including the Upper Kanawha and the Gauley.

In each instance, though, state officials said, "Because available information is insufficient to address biological impairment attributed to ionic toxicity," the DEP would propose no action on the problem.

Last week, EPA's Jackson said her agency is analyzing pending U.S. Senate legislation to ban valley fills and is increasingly concerned about the water quality impacts it sees from mountaintop removal. EPA has not supported that legislation.

"Certainly it is my belief as we learn more and more from outside scientists and inside scientists, we know that there are clear water quality impacts that come from filling in streams," Jackson told a Senate Appropriations subcommittee. "That's pretty intuitive."

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

01268-EPA-622

Adora Andy/DC/USEPA/US

To Richard Windsor

03/07/2010 10:25 AM

cc

bcc

Subject Re: Gazette: EPA delays action on mountaintop removal plan

(b) (6) Privacy

Richard Windsor

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

From: Richard Windsor**Sent:** 03/07/2010 10:17 AM EST**To:** Adora Andy**Subject:** Re: Gazette: EPA delays action on mountaintop removal plan**(b) (6) Privacy**

Adora Andy

Rather - some people in this place are j...

03/07/2010 10:16:23 AM

From: Adora Andy/DC/USEPA/US
 To: Richard Windsor/DC/USEPA/US@EPA
 Date: 03/07/2010 10:16 AM
 Subject: Re: Gazette: EPA delays action on mountaintop removal plan

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Adora Andy

Charleston Gazette: EPA delays action...

03/07/2010 10:13:31 AM

From: Adora Andy/DC/USEPA/US
 To: "Richard Windsor" <windsor.richard@epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Peter Silva" <Silva.Peter@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>
 Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>
 Date: 03/07/2010 10:13 AM
 Subject: Gazette: EPA delays action on mountaintop removal plan

Charleston Gazette:
EPA delays action on mountaintop removal plan

March 6, 2010

By Ken Ward Jr.

Staff writer

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Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

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

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

From: Richard Windsor
Sent: 03/07/2010 06:56 AM EST
To: Stan Meiburg
Cc: Bob Perciasepe; "Bob Sussman" <Sussman.bob@epa.gov>
Subject: Fw: Google Alert - lisa jackson epa

Stan,

Hope you are well this weekend.

[Redacted]
[Redacted]
[Redacted]

Thanks, Lisa

From: Google Alerts [googlealerts-noreply@google.com]

Sent: 03/07/2010 05:13 AM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[EPA delays putting water standards into effect](#)

Tampa Tribune

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[EPA delays action on mountaintop removal plan](#)

Charleston Gazette

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01268-EPA-624

Seth Oster/DC/USEPA/US

03/08/2010 07:40 AM

To Michael Moats, Richard Windsor

cc

bcc

Subject Re: DECISION Line cut from speech

(b) (5) D.P.

Michael Moats

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

From: Michael Moats

Sent: 03/08/2010 07:35 AM EST

To: Richard Windsor

Cc: Seth Oster

Subject: DECISION Line cut from speech

(b) (5) D.P.

01268-EPA-625

Seth Oster/DC/USEPA/US

To Richard Windsor

03/08/2010 07:47 AM

cc

bcc

Subject Re: DECISION Line cut from speech

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

Richard Windsor

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

From: Richard Windsor

Sent: 03/08/2010 07:42 AM EST

To: Seth Oster

Subject: Re: DECISION Line cut from speech

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

Seth Oster

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

From: Seth Oster

Sent: 03/08/2010 07:40 AM EST

To: Michael Moats; Richard Windsor

Subject: Re: DECISION Line cut from speech

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

Michael Moats

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

From: Michael Moats

Sent: 03/08/2010 07:35 AM EST

To: Richard Windsor

Cc: Seth Oster

Subject: DECISION Line cut from speech

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

[Redacted]

01268-EPA-626

Seth Oster/DC/USEPA/US

To Richard Windsor

03/08/2010 08:01 AM

cc

bcc

Subject Re: DECISION Line cut from speech

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

Richard Windsor

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

From: Richard Windsor

Sent: 03/08/2010 07:49 AM EST

To: Seth Oster

Subject: Re: DECISION Line cut from speech

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

Seth Oster

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

From: Seth Oster

Sent: 03/08/2010 07:47 AM EST

To: Richard Windsor

Subject: Re: DECISION Line cut from speech

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

Richard Windsor

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

From: Richard Windsor

Sent: 03/08/2010 07:42 AM EST

To: Seth Oster

Subject: Re: DECISION Line cut from speech

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

Seth Oster

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

From: Seth Oster

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Subject: Re: DECISION Line cut from speech

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

Michael Moats

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

From: Michael Moats

Sent: 03/08/2010 07:35 AM EST

To: Richard Windsor

Cc: Seth Oster

Subject: DECISION Line cut from speech

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

(b) (5) D.P.

The text "(b) (5) D.P." is followed by two thick black horizontal bars that redact the content of the document. The first bar is approximately 713 pixels wide and 15 pixels high. The second bar is approximately 673 pixels wide and 15 pixels high.

01268-EPA-627

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", Seth Oster, "Bob Sussman", "Diane Thompson"

03/08/2010 10:40 AM

cc

bcc

Subject Fw: Obama EPA stalling mountaintop removal decisions

(b) (5) D.P.

Sent from my Blackberry Wireless Device
Gregory Peck

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

From: Gregory Peck

Sent: 03/08/2010 10:38 AM EST

To: Bob Sussman; Nancy Stoner; Arvin Ganesan; Seth Oster; Adora Andy;
Shawn Garvin

Cc: Denise Keehner; Karyn Wendelowski; Kevin Minoli

Subject: Obama EPA stalling mountaintop removal decisions

Obama EPA stalling mountaintop removal

March 8, 2010 by Ken Ward Jr.



On Friday, [we reported on](#) the U.S. Environmental Protection Agency seeking further delays in making a decision on a mountaintop removal mining permit in West Virginia history.

And in Sunday's paper, we detailed yet another EPA effort to delay decisions on mountaintop removal — this time by announcing more detailed standards for when permits will and won't be issued, and when EPA will require more information on proposed mining.

That story is [here](#). Folks who are interested in hearing more might tune in today at noon when EPA Administrator Lisa Jackson's Press Club, to hear if she talks about it or gets any questions from the media about mountaintop removal.

From a purely political standpoint, these delays by EPA certainly seem to play right into the coal industry's hands, allowing industry lobbyists and their politician friends to continue to argue that the Obama administration is just creating industry any guidelines to follow.

At the same time, it's worth remembering the comments of top EPA water official Peter Silva, who said

The notion of 'clarity' invoked by some West Virginia officials and industry representatives has too often meant a request for more information, with little or no consideration for the harmful impacts on Americans living in

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

01268-EPA-628

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/08/2010 10:09 PM

cc

bcc

Subject my Texas experience

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

[Redacted]

[Redacted]

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

01268-EPA-631

Richard Windsor/DC/USEPA/US

03/10/2010 11:27 AM

To "Tom Vilsack"

cc

bcc

Subject EPA statement re AFB

Our public statement, if you need it:"Administrator Jackson has already made clear that current law will not require any agricultural operations to undergo any greenhouse gas permitting in the near-term years, and Congress will have enacted a new climate law before we move beyond the near term. Moreover, under a provision that Congress enacted last year, EPA is not currently requiring any agricultural operations to even report any of their greenhouse gas emissions. Every six months, like clockwork, certain corporate lobbyist begin spreading new unsubstantiated rumors about EPA planning to tax cows. It was untrue last year, and it remains untrue this year."

01268-EPA-632

**Diane
Thompson/DC/USEPA/US**
03/10/2010 12:32 PM

To Richard Windsor
cc Bob Perciasepe
bcc
Subject Re: Boiler MACT Proposal

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

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

Bob Sussman Lisa -- you have a 1-on-1 with Gina on... 03/09/2010 08:01:24 PM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Date: 03/09/2010 08:01 PM
Subject: Boiler MACT Proposal

Lisa -- you have a 1-on-1 with Gina on Thursday morning (b) (5) D.P. [Redacted]

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

01268-EPA-633

**Brendan
Gilfillan/DC/USEPA/US**
03/10/2010 05:38 PM

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

Subject Response to Gov's letter re: GHGs

Administrator -

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

[Redacted]

[Redacted]

01268-EPA-638

Adora Andy/DC/USEPA/US

03/14/2010 04:31 PM

To "Richard Windsor"

cc "Seth Oster", "Allyn Brooks-LaSure"

bcc

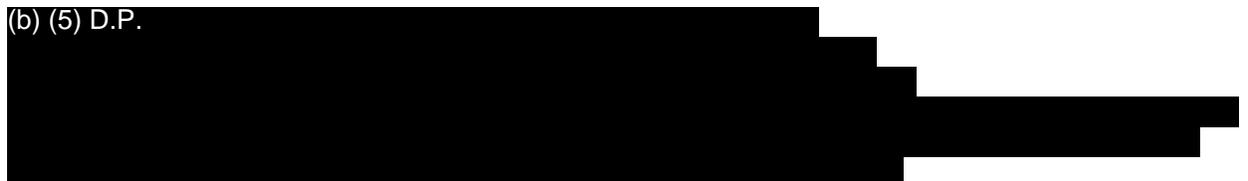
Subject PLEASE APPROVE: SEPW STATEMENT

LPJ:

(b) (5) D.P.

A large rectangular area of the document is completely redacted with black ink, obscuring the main body of the email. The redaction covers approximately 75% of the page's width and 30% of its height.

(b) (5) D.P.

A smaller rectangular area of the document is redacted with black ink, located below the first large redaction. It covers about 70% of the width and 10% of the height.Another rectangular area of the document is redacted with black ink, located below the second redaction. It covers about 80% of the width and 10% of the height.

###

01268-EPA-640

Adora Andy/DC/USEPA/US
03/14/2010 06:30 PM

To Richard Windsor, "Richard Windsor"
cc "Seth Oster", "Allyn Brooks-LaSure"
bcc

Subject Re: PLEASE APPROVE: SEPW STATEMENT

(b) (5) D.P.

Richard Windsor

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

From: Richard Windsor
Sent: 03/14/2010 04:51 PM EDT
To: Adora Andy; "Lisa Jackson" <windsor.richard@epa.gov>
Cc: "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>
Subject: Re: PLEASE APPROVE: SEPW STATEMENT

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

[Redacted]

[Redacted]

[Redacted]

Adora Andy

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

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

LPJ:

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

[Redacted]

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

[Redacted]

[Redacted]

###

01268-EPA-641

Arvin Ganesan/DC/USEPA/US

To Bob Sussman

03/14/2010 08:50 PM

cc Richard Windsor, Bob Perciasepe, Peter Silva, Nancy Stoner, Seth Oster, Betsaida Alcantara, Adora Andy
bcc

Subject Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

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

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

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

To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 03/12/2010 07:30PM
cc: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Subject: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

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

[Redacted]

[Redacted]

[Redacted]

The latest draft of the letter is attached.

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

(See attached file: Kentucky Coal Letter Friday 2-12 PM.doc)

[attachment "Kentucky Coal Letter Friday 2-12 PM.doc" removed by Arvin Ganesan/DC/USEPA/US]

01268-EPA-642

Bob Sussman/DC/USEPA/US

03/14/2010 08:54 PM

To Arvin Ganesan

cc Richard Windsor, Bob Perciasepe, Peter Silva, Nancy Stoner, Seth Oster, Betsaida Alcantara, Adora Andy

bcc

Subject Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

(b) (5) D.P.

From: Arvin Ganesan

Sent: 03/14/2010 08:50 PM EDT

To: Bob Sussman

Cc: Richard Windsor; Bob Perciasepe; Peter Silva; Nancy Stoner; Seth Oster; Betsaida Alcantara; Adora Andy

Subject: Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

(b) (5) D.P.

ARVIN R. GANESAN
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Congressional Affairs
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-----Bob Sussman/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA

From: Bob Sussman/DC/USEPA/US

Date: 03/12/2010 07:30PM

cc: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Arvin

Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida

Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA

Subject: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

(b) (5) D.P.

[Redacted]

[Redacted]

(b) (5) D.P.



The latest draft of the letter is attached.

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

(See attached file: Kentucky Coal Letter Friday 2-12 PM.doc)

[attachment "Kentucky Coal Letter Friday 2-12 PM.doc" removed by Arvin Ganesan/DC/USEPA/US]

01268-EPA-643

Arvin Ganesan/DC/USEPA/US

03/14/2010 09:01 PM

To Bob Sussman

cc Richard Windsor, Bob Perciasepe, Peter Silva, Nancy Stoner, Seth Oster, Betsaida Alcantara, Adora Andy

bcc

Subject Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

Can we discuss tomorrow am?

 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

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

To: Arvin Ganesan/DC/USEPA/US@EPA
 From: Bob Sussman/DC/USEPA/US
 Date: 03/14/2010 08:54PM
 cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
 Subject: Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

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

From: Arvin Ganesan
Sent: 03/14/2010 08:50 PM EDT
To: Bob Sussman
Cc: Richard Windsor; Bob Perciasepe; Peter Silva; Nancy Stoner; Seth Oster; Betsaida Alcantara; Adora Andy
Subject: Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

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

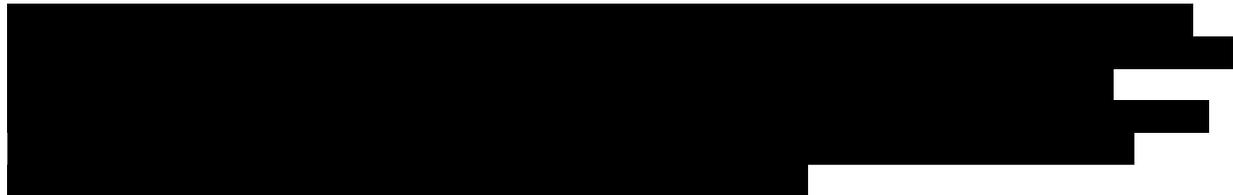
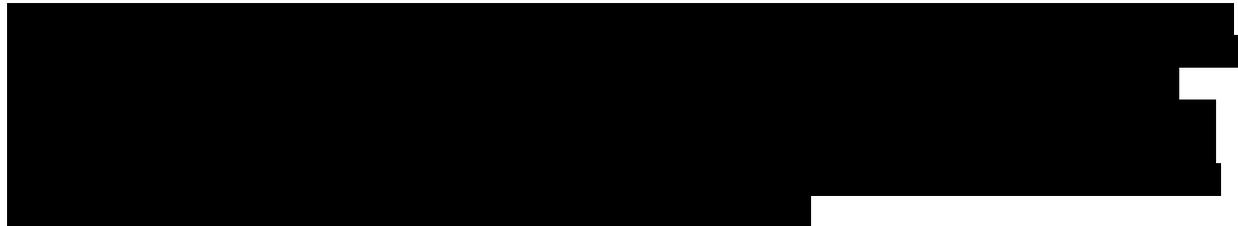
 ARVIN R. GANESAN

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United States Environmental Protection Agency
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(p) 202.564.5200
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-----Bob Sussman/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 03/12/2010 07:30PM
cc: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Subject: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

(b) (5) D.P.



The latest draft of the letter is attached.

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

(See attached file: Kentucky Coal Letter Friday 2-12 PM.doc)

[attachment "Kentucky Coal Letter Friday 2-12 PM.doc" removed by Arvin Ganesan/DC/USEPA/US]

01268-EPA-644

Bob Sussman/DC/USEPA/US

To Arvin Ganesan

03/14/2010 09:05 PM

cc Adora Andy, Betsaida Alcantara, Bob Perciasepe, Nancy Stoner, Peter Silva, Richard Windsor, Seth Oster
bcc

Subject Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

(b) (5) D.P.

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

Arvin Ganesan Can we discuss tomorrow am? -----... 03/14/2010 09:01:20 PM

From: Arvin Ganesan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Date: 03/14/2010 09:01 PM
Subject: Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

Can we discuss tomorrow am?

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

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

To: Arvin Ganesan/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 03/14/2010 08:54PM
cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Subject: Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

(b) (5) D.P.

From: Arvin Ganesan
Sent: 03/14/2010 08:50 PM EDT

To: Bob Sussman
Cc: Richard Windsor; Bob Perciasepe; Peter Silva; Nancy Stoner; Seth Oster; Betsaida Alcantara; Adora Andy
Subject: Re: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

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

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

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To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
From: Bob Sussman/DC/USEPA/US
Date: 03/12/2010 07:30PM
cc: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Subject: Fw: Draft letter to Kentucky Re: 29 pending coal 402 permits

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

[Redacted]

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

[Redacted]

The latest draft of the letter is attached.

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

(See attached file: Kentucky Coal Letter Friday 2-12 PM.doc)

[attachment "Kentucky Coal Letter Friday 2-12 PM.doc" removed by Arvin Ganesan/DC/USEPA/US]

01268-EPA-645

Seth Oster/DC/USEPA/US
03/15/2010 06:24 PM

To Richard Windsor
cc
bcc
Subject Outreach on Press Club Speech

Administrator,

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Seth

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

[Redacted]

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

01268-EPA-646

Adora Andy/DC/USEPA/US

To Richard Windsor

03/19/2010 03:23 PM

cc

bcc

Subject Re: NEWSWEEK: THE GREEN FIGHTER

yes. good story. (b) (5) D.P.
[REDACTED]

Have a great weekend!

Richard Windsor

All Cool ? What happened to the MT...

03/19/2010 03:18:16 PM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA
 Date: 03/19/2010 03:18 PM
 Subject: Re: NEWSWEEK: THE GREEN FIGHTER

All Cool ? What happened to the MTM meet?

Adora Andy

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

From: Adora Andy
Sent: 03/19/2010 03:13 PM EDT
To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; David McIntosh; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy; Stephanie Owens
Cc: Brendan Gilfillan; Betsaida Alcantara; Michael Moats; Alisha Johnson
Subject: NEWSWEEK: THE GREEN FIGHTER

The Green Fighter

By **Daniel Stone** | NEWSWEEK

Published Mar 19, 2010

From the magazine issue dated Mar 29, 2010

Washington, D.C., is littered with the careers of well-meaning public servants who came to do good but fell victim to politics. Lisa Jackson is determined not to become one of them. As head of the U.S. Environmental Protection Agency, she oversees the quality of America's air and water and monitors pollution levels. It's a job that endears her to green activists (and anyone who likes clean air and water)—but it puts her at odds with some of the nation's largest, richest industries. For decades, big manufacturers and commercial farmers—who retain powerful lobbyists and make large contributions to the election campaigns of members of Congress—have pushed back against the EPA's efforts to enact stricter controls on pollution. In the George W. Bush years they often got their way, as the EPA rolled back on enforcement.

Now Jackson is out to change that. With the backing of her boss, President Barack Obama, she has announced that unless Congress acts by next January, the EPA will use its authority under America's Clean Air Act to phase in new restrictions on carbon dioxide, the greenhouse gas that contributes to climate change. It's an audacious gambit by a single agency—essentially a threat from Jackson to Congress that unless it gets its act together, she'll move unilaterally. The U.S. emits nearly a quarter of the world's carbon dioxide; late last year EPA scientists identified CO₂

and five other less prominent greenhouse gases as a threat to public health, and Jackson has vowed to cut back on all of them. "The difference between this administration and the last is that we don't believe we have an option to do nothing," she says.

In making her announcement, Jackson and the White House weren't just putting U.S. polluters on notice. They were also sending a symbolic message to Congress and the rest of the world that, 12 years after it refused to sign the Kyoto treaty, and after offering virtually no concessions in Copenhagen, the United States is now taking climate change seriously. It was no coincidence that Jackson released the agency's research on the opening day of December's Copenhagen summit. "These long-overdue findings cement 2009 as the year when the U.S. government began addressing the challenge of greenhouse-gas pollution and seizing the opportunity of clean-energy reform," she said then.

Environmentalists applauded. But three months later, Jackson—a chemical engineer who spent years working within the EPA bureaucracy—is starting to see how difficult that may be to do back home. Already, powerful interests are lining up against the anticipated changes, which she and agency scientists have promised to detail later this year. Industry groups like the American Public Power Association are readying lobbying campaigns to kill or at least slow the impending regulations, and more than 100 agriculture and energy groups have asked Jackson to stand down. "It will create a huge competitive disadvantage to our industry," says Nancy Gravatt, a spokesperson for the American Iron and Steel Institute. "We already filed a legal challenge. The further this gets, the more of that we will be doing. We will continue to contest this."

Politicians on Capitol Hill are also agitating against the cuts. "Getting climate policy right will take a lot of work and should be done by those elected to Congress," says Republican Sen. Lisa Murkowski of Alaska, one of the nation's largest producers of oil and paper. "We may not be moving as fast as some would like, but we are working. And we're trying to make sure we balance our need to curb emissions with our need for a robust and growing economy. That's a balance the EPA can't guarantee."

Jackson knew that threatening to act by executive fiat wouldn't be popular. But she also knew it would get people's attention, and maybe prod Congress to act. She says that she would prefer to go through—instead of around—Congress. "You can definitely cut emissions through regulation, but a much more efficient way is through legislation," she says. For one thing, Congress could sugarcoat a carbon-cutting bill with tax cuts and other incentives, making it easier to get industry on board.

Jackson's do-it-or-else version contains none of that. Yet despite protests by members of Congress that she is infringing on their turf, leaders on Capitol Hill—bogged down with health-care reform and worried about a double-dip recession—have shown little interest in taking action themselves. Republicans, largely skeptical of climate change, are opposed to steep emissions cuts. And even many Democrats who are sympathetic to the cause in principle don't want to make trouble with big employers (and donors) back in their home districts. (Some lawmakers have introduced protest bills that threaten to rewrite the Clean Air Act to curtail the EPA's power, and even to dry up Jackson's budget. The bills aren't expected to go anywhere, although Jackson says she's prepared to fight such measures if they do.)

The members of Congress who do want to act on global warming recognize that pushing for emissions cuts is the last way to win the support of their colleagues. In the Senate, Democrats John Kerry and Joe Lieberman and Republican Lindsey Graham are working on a broad energy bill that will include government subsidies for businesses to use renewable energy sources. But the measure is expected to be lax on actual carbon reductions, and thus is unlikely to make a meaningful dent in the nation's greenhouse-gas emissions.

The big question in Washington isn't whether the EPA has the authority to go it alone and force polluters to change; the U.S. Supreme Court ruled in 2007 that it does. It's whether the White House is actually serious about carrying out Jackson's plan—or if it is just noisily bluffing to get Congress to move, even if it falls short of Jackson's ambitious proposals to monitor the biggest

polluters.

The one to watch for that answer isn't Jackson, but Obama. If the January deadline approaches and Congress still hasn't budged, it will fall to him to decide if he has the stomach to make good on Jackson's ultimatum. It wouldn't be a quiet fight. The other side would attack him as anti-business and anti-job—and that would include some Democrats.

Already there are signs that it may not come to that. As Jackson talks tough about deadlines and cuts—trying to convince industry that the administration is standing behind her plan—the president himself has been notably quiet on the question. His aides, meanwhile, are sending signals that Obama is looking for a way to avoid such a showdown. "The president understands that the EPA must follow the science and its legal obligations," says a White House official who spoke under the usual rules of anonymity. "But he has made abundantly clear that his strong preference is for Congress to pass energy and climate legislation." **Hardball Washington translation: let's make a deal.**

Find this article at <http://www.newsweek.com/id/235141>

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

01268-EPA-647

**Allyn
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc Bob Perciasepe, Diane Thompson

03/22/2010 06:11 PM

bcc

Subject Fw: more info on R 7's emphasis on Administrator's priorities

Karl Brooks is making a concerted and continuing effort to amplify your priorities. The latest example...

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 03/22/2010 06:11 PM -----

From: Rich Hood/R7/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 03/22/2010 06:08 PM
Subject: more info on R 7's emphasis on Administrator's priorities

Allyn,

I am pasting in the message that went up on the LAN this morning in Region 7 from Regional Administrator Karl Brooks.

Originator: Karl Brooks**Approver: Karl Brooks****Moving Forward: Agency Priorities, Regional Actions**

As we prepare for our brown bag session discussing the Administrator's Priorities and how we in Region 7 will implement those priorities, I wanted to expand on my earlier message to regional staff. You have seen the following statement from Lisa Jackson posted around our buildings: "These priorities are built around the challenges and opportunities inherent in our mission to protect human health and the environment. I have confidence in our ability to meet

every challenge, and seize every opportunity."

The posters list the Administrator's Priorities:

- 1) Taking Action on Climate Change
- 2) Improving Air Quality
- 3) Assuring the Safety of Chemicals
- 4) Cleaning up Our Communities
- 5) Protecting America's Waters
- 6) Expanding the Conversation on Environmentalism and Working for Environmental Justice
- 7) Building Strong State and Tribal Partnerships.

I strongly endorse these priorities and want to let you know how I intend to amplify them here in the Region.

1) Enforce – EPA Region 7 enforces some of our nation's most important laws, including ones that deal with climate, air quality, chemical safety, water quality and cleaning up our communities.

2) Endorse – EPA Region 7 makes sure that our partners in state government, tribal and local governments are carrying out their important duties. Working together we can accomplish our challenging mission.

3) Encourage – EPA Region 7 has technical know-how and capacity to help American citizens figure out new and better ways of living right with the earth. We encourage citizens to take responsibility for the conditions of our world and the world we will leave to our kids.

4) Visibility – As the presidential appointee here, I can function as the Administrator's eyes and ears on environmental matters in our region. I need to be out and among the people of this region,

and I intend to do that. Visibility is important both to me as the regional administrator, and it's also something I can help you accomplish.

5) Credibility – I have always believed that EPA and the folks who work for EPA speak with credibility. As regional administrator I will act always to enhance our credibility by demonstrating to the people of this region that when the agency intervenes on an issue or tackles a problem, we do so using all our knowledge, skill and resources to help people devise a solution or even just understand the problem.

6) Renewability – During my time as regional administrator I will help my colleagues who have already been on the job move our agency forward. I will help my colleagues identify those who must come after me to renew EPA's ability to do our hard work. This agency shines as a bright beacon of environmental responsibility throughout our region. I will work with all of you to keep us in the forefront. Our mission is perennial, but the tools we bring to it are renewable. I will always remember that our people are EPA's greatest resource.

I look forward to meeting with you on March 25.

Rich Hood
Associate Regional Administrator
For Media, Intergovernmental Relations
Region 7
(o) 913-551-7906
(c) 913-339-8327

01268-EPA-648

Seth Oster/DC/USEPA/US
03/26/2010 02:01 PM

To Richard Windsor
cc
bcc

Subject Idea for Next Speakers Series -- Thoughts?

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

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

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

Thoughts?

01268-EPA-649

Betsaida
Alcantara/DC/USEPA/US
 03/26/2010 07:01 PM

To Richard Windsor, Adora Andy, Bob Perciasepe
 cc
 bcc

Subject Dow Jones corrected story

we got them to make some good changes to their original piece.

EPA Moves to Deny Arch Coal Permit

- By Ian Talley
- Of DOW JONES NEWSWIRES

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

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

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

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

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

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¶ -By Ian Talley, Dow Jones Newswires; (202) 862 9285; ian.talley@dowjones.com;
-0-

Richard Windsor

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

From: Richard Windsor
Sent: 03/26/2010 05:07 PM EDT
To: Betsaida Alcantara; Adora Andy; Bob Perciasepe
Subject: Re: Spruce Clips - Part 1 of 2

Tx

Betsaida Alcantara

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

Spruce Clips – Part 1 of 2

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

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

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

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

EPA will now take public comments on the proposal for 60 days and hold a hearing on the proposal in West Virginia.

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

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

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

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

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

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

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

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

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

that EPA is going to begin using its full authority to stop this devastating practice."

Mountaintop mining -- also called "mountaintop removal" mining -- accounts for about 10 percent of U.S. coal production, though it plays an outsized role in parts of Appalachia. Coal companies say the practice is essential, extracting coal that could not be reached another way. But environmentalists say the practice destroys mountain ecosystems, buries stream valleys under tons of rubble and poisons stream life for miles downstream.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section of the Clean Water Act.

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

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

01268-EPA-650

Adora Andy/DC/USEPA/US

To Betsaida Alcantara, Richard Windsor, Bob Perciasepe

03/26/2010 07:30 PM

cc

bcc

Subject Re: Dow Jones corrected story

(b) (5) D.P.

Betsaida Alcantara

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

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

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EPA Moves to Deny Arch Coal Permit

- By Ian Talley
- Of DOW JONES NEWSWIRES

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

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

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

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

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

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

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

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Washington Post Staff Writer
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01268-EPA-651

**Betsaida
Alcantara/DC/USEPA/US**
03/26/2010 08:47 PM

To Richard Windsor
cc
bcc

Subject Re: Dow Jones corrected story

Thx!

Richard Windsor

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

From: Richard Windsor
Sent: 03/26/2010 08:12 PM EDT
To: Adora Andy; Betsaida Alcantara; Bob Perciasepe
Subject: Re: Dow Jones corrected story

Well done BA. !

Adora Andy

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

From: Adora Andy
Sent: 03/26/2010 07:30 PM EDT
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Subject: Re: Spruce Clips - Part 1 of 2

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The U.S. Environmental Protection Agency on Friday took a rare step against

a proposed "mountaintop" coal mine in West Virginia -- proposing to block the mine, despite the fact that it already has a federal permit.

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

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

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

EPA will now take public comments on the proposal for 60 days and hold a hearing on the proposal in West Virginia.

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

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

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

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

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

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

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

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

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

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

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

EPA recommends veto of W.Va. mining permit

By BRIAN FARKAS
Associated Press Writer

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

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

headwater streams and degrade water quality.

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

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

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

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

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

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

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

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

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

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

It's the first time since 1972 that EPA has used its authority to veto a permitted project. In nearly four decades the agency has used its authority

only 12 times before a permit was issued.

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

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

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

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

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

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

01268-EPA-653

**Allyn
Brooks-LaSure/DC/USEPA/US**

03/31/2010 10:48 AM

To Richard Windsor, "Perciasepe, Bob", "Fulton, Scott",
"Thompson, Diane", "McCarthy, Gina", "Elworth, Larry",
"McIntosh, David", "Ganesan, Arvin", "Sussman, Bob"
cc "Oster, Seth", "Andy, Adora", "Moats, Michael"

bcc

Subject Fw: EMBARGOED: Remarks of President Barack Obama on
Energy Security at Andrews Air Force Base--As Prepared for
Delivery

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]
Sent: 03/31/2010 10:46 AM AST
To: Allyn Brooks-LaSure
Subject: EMBARGOED: Remarks of President Barack Obama on Energy Security at Andrews Air Force
Base--As Prepared for Delivery

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED FOR DELIVERY
March 31, 2010

**Remarks of President Barack Obama – As Prepared for Delivery
Statement on Energy Security
Wednesday, March 31, 2010
Andrews Air Force Base, Maryland**

As Prepared for Delivery –

Thank you, Secretary Salazar. Ken and I were colleagues in the Senate, and I appointed him because I knew he'd be a faithful and pragmatic steward of our natural resources. As Secretary, he's changing the way the Interior Department does business so that we are responsibly developing traditional sources of energy and renewable sources of energy, from the wind on the high plains to the sun in the deserts to the waves off our coasts.

It's also good to see so many members of our Armed Forces here today. Andrews is the home of Air Force One, and I appreciate everything you do for me and my family. You've got a 100-percent on-time departure record. And you don't charge for checking luggage. So it's a pretty good deal. But in all seriousness, I want to thank you not only for the support you provide to me – but also for the service you perform to keep our country safe.

We are here today to talk about America's energy security, an issue that has been a priority for my administration since the day I took office. Already, we've made the largest investment in clean energy in our nation's history. It's an investment that's expected to create or save more than 700,000 jobs across America: jobs manufacturing advanced batteries for more efficient vehicles, upgrading the power grid so that it's smarter and stronger, and doubling our nation's capacity to generate renewable electricity from sources like the wind and the sun.

Just a few months after taking office, I also gathered the leaders of the world's largest automakers, the heads of labor unions, environmental advocates, and public officials from California and across the country to reach an historic agreement to raise fuel economy standards in cars and trucks. Tomorrow, after decades in which we have done little to increase auto efficiency, those new standards will be finalized, which will reduce our dependence on oil while helping folks spend a little less at the pump. So my administration is upholding its end of the deal, and we expect all parties to do the same. I'd also point out: this rule will not only save drivers money; it will save 1.8 billion barrels of oil. That's like taking 58 million cars off the road for an entire year.

Today, we're also going one step further. In order to save energy and taxpayer dollars, my administration – led by Secretary Chu at Energy and Administrator Johnson at GSA – is doubling the number of hybrid vehicles in the federal fleet, even as we seek to reduce the number of cars and trucks used by our government overall. We're going to lead by example and practice what we preach: cutting waste, saving energy, and reducing our reliance on foreign oil.

But we have to do more. We need to make continued investments in clean coal technologies and advanced biofuels. A few weeks ago, I announced loan guarantees to break ground on America's first new nuclear facility in three decades, a project that will create thousands of jobs. And in the short term, as we transition to cleaner energy sources, we'll have to make tough decisions about opening new offshore areas for oil and gas development in ways that protect communities and coastlines.

This is not a decision that I've made lightly. It's one Ken and I – as well as Carol Browner, my energy advisor in the White House, and others in my administration – looked at closely for more than a year. But the bottom line is this: given our energy needs, in order to sustain economic growth, produce jobs, and keep our businesses

competitive, we're going to need to harness traditional sources of fuel even as we ramp up production of new sources of renewable, homegrown energy.

So today we're announcing the expansion of offshore oil and gas exploration – but in ways that balance the need to harness domestic energy resources and the need to protect America's natural resources. Under the leadership of Secretary Salazar, we'll employ new technologies that reduce the impact of oil exploration. We'll protect areas vital to tourism, the environment, and our national security. And we'll be guided not by political ideology, but by scientific evidence. That's why my administration will consider potential new areas for development in the mid and south Atlantic and the Gulf of Mexico, while studying and protecting sensitive areas in the Arctic. That's why we'll continue to support development of leased areas off the North Slope of Alaska, while protecting Alaska's Bristol Bay.

There will be those who strongly disagree with this decision, including those who say we should not open any new areas to drilling. But what I want to emphasize is that this announcement is part of a broader strategy that will move us from an economy that runs on fossil fuels and foreign oil to one that relies more on homegrown fuels and clean energy. And the only way this transition will succeed is if it strengthens our economy in the short term and long term. To fail to recognize this reality would be a mistake.

On the other side, there will be those who argue that we do not go nearly far enough; who suggest we open all of our waters to energy exploration without any restriction or regard for the broader environmental and economic impact. They'd deny the fact that with less than 2 percent of oil reserves, but more than 20 percent of world consumption, drilling alone cannot come close to meeting our long-term energy needs, and that for the sake of the planet and our energy independence, we need to begin the transition to cleaner fuels now.

Ultimately, we need to move beyond the tired debates between right and left, between business leaders and environmentalists, between those who would claim drilling is a cure all and those who would claim it has no place. Because this issue is just too important to allow our progress to languish while we fight the same old battles over and over again.

For decades we've talked about how our dependence on fossil fuels threatens our economy – yet our will to act rises and falls with the price of a barrel of oil. For decades we've talked about the threat to future generations posed by our current system of energy – even as we can see the mounting evidence of climate change from the Arctic Circle to the Gulf Coast. And for decades, we've talked about the risks to our security created by our dependence on foreign oil – even as that dependence has grown year after year after year.

And while our politics has remained entrenched along worn divides, the ground has shifted beneath our feet. Around the world, countries are seeking an edge in the global marketplace by investing in new ways of producing and saving energy. From China to Germany, these nations recognize that the country that leads the clean energy economy will be the country that leads the global economy. Meanwhile, here at home, as politicians in Washington debate endlessly whether to act, our own military has determined that we can't afford not to.

If there was any doubt about that, you need only look to the F-18 fighter and the light armored vehicle behind me. The Army and Marine Corps have been testing this vehicle on a mixture of biofuels. And this Navy fighter jet - called the Green Hornet - will be flown for the first time in just a few weeks, on Earth Day. If tests go as planned, it will be the first plane ever to fly faster than the speed of sound on a fuel mix that's half biomass. The Air Force is also testing jet engines using biofuels and had the first successful biofuel-powered test flight just last week. Though I don't want to drum up any kind of rivalry.

Now, the Pentagon isn't seeking these alternative fuels just to protect our environment; they are pursuing these homegrown energy sources to protect our national security. Our military leaders recognize the security imperative of increasing the use of alternative fuels, decreasing energy use, and reducing our reliance on imported oil. That's why the Navy, led by Secretary Mabus who is here today, has set a goal of using 50-percent alternative fuel in all planes, vehicles, and ships in the next ten years. And that's why the Defense Department has invested \$2.7 billion this year alone to improve energy efficiency.

Moving toward clean energy is about our security. It's about our economy. And it's about the future of our planet. And what I hope is that the policies we've laid out - from hybrid fleets to offshore drilling, from nuclear energy to wind energy - underscore the seriousness with which my administration takes this challenge. It's a challenge that requires us to think and act anew.

So I am open to proposals from my Democratic and Republican friends. I believe we can move beyond the broken politics of the past. And I know that we can come together to pass comprehensive energy and climate legislation that will foster new industries and millions of new jobs protecting our planet and helping us become more energy independent. That's what we can do. That's what we must do. And I am confident that that is what we will do.

Thank you.

###

01268-EPA-654

**Daniel
Gerasimowicz/DC/USEPA/US**
03/31/2010 10:49 AM

To
cc
bcc

Subject Meeting with Steve Leer, Chairman and CEO of Arch Coal, Inc.

Meeting

Date 04/20/2010

Time 11:00:00 AM to 11:30:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Johnna Huggins (Assistant to Mr. Leer) (b) (6) Privacy

Staff:

Bob Sussman (OA)
Shawn Garvin (R3)
Scott Fulton (OGC)

Attendees:

Mr. Steve Leer, Chairman and CEO of Arch Coal, Inc.

Mr. Robert W. Shanks, President Eastern Operations Arch Coal, Inc.

01268-EPA-655

Curt Spalding/R1/USEPA/US

03/31/2010 01:19 PM

To Richard Windsor

cc Bob Perciasepe, Diane Thompson

bcc

Subject Flood in Rhode Island

Lisa,

As you may have seen on the news, the rain in Rhode Island is having a devastating effect on water quality. The West Warwick and Warwick sewage plants have been flooded and are completely inoperable. When check valves fail, sewage is backing up into homes.

Staff here at Region I is connected with and offering full support to DEM, Rhode Island. Following established procedures with FEMA, the Federal Agencies have mobilized and stand ready to provide coordinated assistance as it is requested. Senator Reed's office has contacted me and I am personally reaching out to the Mayors asking them to call me if there is a problem getting the support they need. Because Region I staff went to New Orleans to deal with how to get basic sewage treatment back on line after Hurricane Katrina, we are especially able to help with the sewage plant restoration process, after the immediate crisis passes. Going forward, this know-how will be shared as it is needed

(b) (5) D.P.



If you have questions, about the situation here in New England, please do not hesitate to call me or Ira.

Curt Spalding
EPA New England
Regional Administrator
Phone: 617-918-1012

01268-EPA-656

**Diane
Thompson/DC/USEPA/US**
03/31/2010 01:28 PM

To Curt Spalding
cc Bob Perciasepe, Richard Windsor, Seth Oster
bcc
Subject Re: Flood in Rhode Island

Thanks for the update and let us know if there is anything you need from us. I am looping in OPA so they know what is going on.
Diane

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

Curt Spalding Lisa, As you may have seen on the ne... 03/31/2010 01:19:55 PM

From: Curt Spalding/R1/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 03/31/2010 01:19 PM
Subject: Flood in Rhode Island

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

If you have questions, about the situation here in New England, please do not hesitate to call me or Ira.

Curt Spalding
EPA New England
Regional Administrator
Phone: 617-918-1012

01268-EPA-657

Richard Windsor/DC/USEPA/US
03/31/2010 01:55 PM

To Curt Spalding
cc Bob Perciasepe, Diane Thompson
bcc
Subject Re: Flood in Rhode Island

Tx Curt.
Curt Spalding

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

From: Curt Spalding
Sent: 03/31/2010 01:19 PM EDT
To: Richard Windsor
Cc: Bob Perciasepe; Diane Thompson
Subject: Flood in Rhode Island

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(b) (5) D.P.



If you have questions, about the situation here in New England, please do not hesitate to call me or Ira.

Curt Spalding
EPA New England
Regional Administrator
Phone: 617-918-1012

01268-EPA-660

**Allyn
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc

04/01/2010 09:00 AM

bcc

Subject Fw: News Release (Region 6): EPA Disapproves Air Permitting Exemption Program in Texas

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

From: Al Armendariz
Sent: 03/31/2010 04:51 PM EDT
To: Allyn Brooks-LaSure
Subject: Re: News Release (Region 6): EPA Disapproves Air Permitting Exemption Program in Texas

:)

So much work has lead up to the next 90 days.

It's going to feel good to now go final on so many issues.

(b) (5) Deliberative
[Redacted]

[Redacted]

Best

Al

From: Allyn Brooks-LaSure
Sent: 03/31/2010 11:57 AM EDT
To: Al Armendariz
Subject: Fw: News Release (Region 6): EPA Disapproves Air Permitting Exemption Program in Texas

You're my hero.

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

From: "U.S. EPA" [usaepa@govdelivery.com]
Sent: 03/31/2010 10:41 AM EST
To: Allyn Brooks-LaSure
Subject: News Release (Region 6): EPA Disapproves Air Permitting Exemption Program in Texas

EPA Disapproves Air Permitting Exemption Program in Texas

(Dallas, Texas – March 31, 2010) Today, EPA disapproved the Qualified Facilities exemption rule that TCEQ had submitted for inclusion in its federally approved State Implementation Plan. The rule allows companies that have Texas issued air permits to avoid certain federal clean-air requirements including public review when they modify their plants. EPA has determined that this regulation does not meet several federal Clean Air Act requirements.

“Today’s action improves transparency by requiring companies that modify their operations to notify the public and will assure that all air emitting sources are properly permitted under the Clean Air Act,” said Al Armendariz, Regional Administrator.

“Improved public review will better inform our communities about the environmental conditions where they live.”

The Clean Air Act ensures that businesses across the country operate efficiently and cleanly. Under the Act, all states must develop plans for meeting federal requirements to protect public health, including an air permitting program. Since EPA approved Texas’ major clean-air permitting plan in 1992, the state has submitted over 30 regulatory changes to the EPA approved plan. Today’s action represents final agency decision on one of those regulatory changes.

In September 2009, EPA issued a Federal Register Notice proposing to disapprove the TCEQ’s Qualified Facilities Program and invited public comment. EPA has completed its careful review of comments and is now issuing its final decision.

EPA has been meeting with the Texas Commission on Environmental Quality, industry representatives, and environmental groups to discuss deficiencies with air emission permits issued by the state agency to industry in the state. These discussions have led to Texas proposing new rules used to issue permits.

EPA intends to work with the state and interested parties as air quality permits are transitioned in a gradual and structured manner to be consistent with state and federal law. EPA is committed to a close partnership with industry, environmental organizations, and community leaders as we work with the state to update the state-issued permits.

In July 2009, EPA and Business Coalition for Clean Air (BCCA) Appeal Group, Texas Association of Business, and Texas Oil and Gas Association reached an agreement regarding the timing of federal review of regulatory changes to Texas’ air permitting program. EPA is likely to issue final decisions on two additional changes--the Flexible Permits Program and New Source Review Reform regulations—before the end of the year.

More about activities in EPA Region 6: <http://www.epa.gov/region6>

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Note: If a link above doesn't work, please copy and paste the URL into a browser.

For more information, contact Dave Bary at (214) 665-2200 or r6press@epa.gov.

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This service is provided to you at no charge by [U.S. Environmental Protection Agency](#).



01268-EPA-661

Richard Windsor/DC/USEPA/US
04/02/2010 01:06 PM

To Adora Andy
cc
bcc

Subject Re: NYTIMES: E.P.A. to Limit Water Pollution From Mining

They used the Money line! :)
Adora Andy

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

From: Adora Andy
Sent: 04/02/2010 01:04 PM EDT
To: Richard Windsor
Cc: Seth Oster; Allyn Brooks-LaSure
Subject: NYTIMES: E.P.A. to Limit Water Pollution From Mining

April 1, 2010

E.P.A. to Limit Water Pollution From Mining

By [TOM ZELLER Jr.](#)

The [Environmental Protection Agency](#) issued tough new water quality guidelines on Thursday that could curtail some of the most contentious [coal](#) mining techniques used across Appalachia.

In announcing the guidelines, [Lisa P. Jackson](#), the agency's administrator, cited evolving science on the effects of mountaintop removal mining, an aggressive form of coal extraction that uses explosives and vast machinery to tear off hilltops to expose coal seams, dumping the resulting rubble into streams and valleys below. The goal of the new rules, Ms. Jackson said, is to prevent "significant and irreversible damage" to Appalachian watersheds.

"Let me be clear," Ms. Jackson said during a phone call with reporters. "This is not about ending coal mining. This is about ending coal mining pollution."

The most substantial effect of the new guidelines — which the agency will promulgate to regional offices that issue permits — will be to benchmark the permissible levels of mining runoff likely to be introduced into the waterways surrounding a proposed project. Operations that would result in levels roughly five times above normal would be considered too damaging.

Ms. Jackson suggested that one practical result of the guidelines would be to make it far more difficult for so-called valley fill operations, where layers of soil and rock are removed from mountaintops and piled in nearby valleys and streams, to receive permits.

Also on Thursday, the E.P.A. published a pair of scientific reports that supported the new guidelines and announced plans for a new Web-based clearinghouse that will track mining permits under review.

Environmental groups hailed the guidelines as long overdue and an important step in bringing science to bear on environmental policy.

“I think it’s a very good day for people in Appalachia,” said Jon Devine, a senior attorney with the [Natural Resources Defense Council](#). “E.P.A. is making clear that it is intending to follow the science when it issues permits.”

Mining industry representatives, however, said the guidelines threatened jobs in the region.

“America’s coal mining communities are deeply concerned by the impact of policy announced today by E.P.A. on coal mining permits, employment and economic activity throughout Appalachia,” Bruce Watzman, senior vice president for regulatory affairs at the [National Mining Association](#), said in an e-mailed statement.

“The policy was announced without the required transparency and opportunity for public comment that is afforded to policies of this magnitude,” Mr. Watzman added.

01268-EPA-662

Adora Andy/DC/USEPA/US

04/03/2010 12:43 PM

To "Richard Windsor", "Arvin Ganesan", "Bob Sussman"

cc "Seth Oster", "Allyn Brooks-LaSure", "Betsaida Alcantara"

bcc

Subject Charleston Gazette (4-3) Arch Coal sues EPA over possible Spruce Mine veto

Fyi... We sent them the following agency statement, but the Gazette asked us very late yesterday apparently missed the deadline.

EPA has not yet seen Arch's recently filed challenge regarding the Spruce No. Mine. We are confident, however, that EPA's actions regarding the Spruce mine are fully consistent with the Agency's authority to protect the environment, public health, and water quality under the Clean Water Act.

Roy Seneca

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

From: Roy Seneca

Sent: 04/03/2010 09:45 AM EDT

To: garvin.shawn@epa.gov; white.terri-a@epa.gov; ryan.daniel@epa.gov; kulik.michael@epa.gov; John Pomponio; John Forren; Jessica Greathouse; Stefania Shamet

Cc: smith.william@epa.gov; heron.donna@epa.gov; andy.adora@epa.gov; mulkey.marcia@epa.gov

Subject: Charleston Gazette (4-3) Arch Coal sues EPA over possible Spruce Mine veto

Arch Coal sues EPA over possible Spruce Mine veto

By Staff, wire reports

CHARLESTON, W.Va. -- Mining giant Arch Coal Inc. fired back at the Obama administration Friday, filing suit against the government in one federal court and filing a strongly worded brief in another to protest the potential veto of the largest mountaintop-removal coal-mining permit in West Virginia history.

St. Louis-based Arch argues in the federal lawsuit filed in Washington, D.C., that the U.S. Environmental Protection Agency doesn't have the authority to revoke a Clean Water Act permit once it has been issued.

EPA has consistently raised significant questions about the Spruce Mine's potential impacts for years, but only last fall under the Obama administration actually took the rare step of trying to veto a corps' dredge-and-fill permit approval.

Environmental groups have been trying to stop the Spruce Mine since 1998, when it was proposed as a 3,113-acre extension of Arch's Dal-Tex Mine that would bury more than 10 miles of streams in the Pigeonroost Hollow area near Blair.

U.S. District Judge Charles H. Haden II blocked the permit in 1999, putting more than 300 United Mine Workers members at Dal-Tex out of their jobs. Since then, Arch has transferred the permit to its nonunion arm and the Spruce Mine has undergone a much more detailed environmental impact study.

In January 2007, the corps issued a scaled-back version of the Spruce Mine, a 2,300-acre operation that would bury more than 7 miles of streams. Since then, the permit has been tied up in court, with Arch Coal operating on a limited scale with a few dozen workers.

The Clean Water Act gives EPA authority to prohibit dumping of waste into streams -- including "withdrawing the approval" for such dumping -- if the agency believes the dumping will have "unacceptable adverse effect" on water supplies, fisheries, wildlife or recreational areas.

But Arch's suit contends EPA can't take away a permit once it's issued, calling it "unlawful, arbitrary and capricious, an abuse of discretion." Likewise, Arch argues the corps has determined it has no grounds for suspending the permit under its regulations.

"The EPA has left us with no other choice," Arch spokeswoman Kim Link said. "We plan to vigorously defend the validly issued Spruce permit by all legal means, starting with the complaint filed today in U.S. District Court."

The EPA had no immediate comment.

In its filing before Judge Chambers, Mingo Logan argued that continued delays in deciding the Spruce Mine case "will cause real economic harm to Arch and its current and future employees."

"Because of the stay in this court, 90 percent of the reserves at Spruce No. 1 remain in the ground," the company said. "Mingo Logan does not know when it will be able to mine those reserves, and without knowing when it will be able to mine, it is economically impractical for Mingo Logan to invest in additional infrastructure, equipment and personnel that would allow Mingo Logan to mine the coal from Spruce No. 1 more efficiently and at a lower cost per ton."

And in U.S. District Court in Huntington, lawyers for Arch's Mingo Logan subsidiary argued against a motion by the government seeking more time to allow the EPA to complete the formal process to veto the permit.

"Enough!" said the first line of the brief filed on behalf of Mingo Logan by Charleston lawyer Bob McLusky.

McLusky argued that federal officials have delayed long enough a decision by U.S. District Judge Robert C. Chambers on a request by Mingo Logan to throw out a citizen suit that seeks to block the Spruce Mine.

U.S. Army Corps of Engineers officials approved the Spruce No. 1 Mine in Logan County three years ago. The permit has been tied up in court since then in a case brought by environmentalists who oppose the operation.

A week ago, EPA officials issued a proposed determination that starts a formal process for their agency to intervene and veto the corps-approved Clean Water Act permit.

The Spruce Mine has been at the heart of the mountaintop-removal battle since that fight began more than a decade ago, and all sides have been watching it closely for an indication of how strongly the Obama administration wants to force changes in the practice.

Roy Seneca
EPA Region 3 Press Officer
Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567

01268-EPA-663

**Daniel
Gerasimowicz/DC/USEPA/US**
04/07/2010 05:23 PM

To
cc
bcc

Subject Meeting with Senator Penny Wong

Meeting

Date 04/20/2010
Time 09:15:00 AM to 09:40:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room

Ct: Sarah Pilcher (Senior Research Officer (Trade) - Embassy of Australia) (b) (6) Privacy

Staff:

Shalini Vajjhala, Katherine Buckley, Mike Stahl, Mark Kasman, Walker Smith, Gary Waxmonsky (OIA)
Beth Craig, Brian McLean, Ann Bailey, Maria Vargas (OAR)
Roger Gorke (OW)
Diane Thompson, Robert Goulding (OA)

Attendees:

Senator Penny Wong, Minister for Climate Change, Water and Energy Efficiency

Australian Ambassador Mr. Kim Beazley

Ms Kristina Hickey, Senior Adviser to Minister

Ms Louise Hand, Ambassador for Climate Change and First Assistant Secretary, Department of Climate Change and Energy Efficiency

Ms Annemarie Watt, Acting Assistant Secretary, Bilateral Engagement and Sector Negotiation, International Division, Department of Climate Change and Energy Efficiency

Mr Bruce Wilson, General Manager, Environment, Department of Resources, Energy and Tourism

Ms Elizabeth Ward, Minister-Counsellor (Trade) Embassy of Australia

Mr Josh Meltzer, First Secretary (Trade) Embassy of Australia

*This meeting will continue until 10 AM and will be led by Shalini Vajjhala

01268-EPA-664

**Allyn
Brooks-LaSure/DC/USEPA/US**

04/08/2010 05:50 PM

To Richard Windsor, "Perciasepe, Bob", "Thompson, Diane",
"Sussman, Bob", "Stanislaus, Mathy", "Silva, Peter", "Fulton,
Scott"

cc "Oster, Seth", "Andy, Adora", "McIntosh, David", "Ganesan,
Arvin"

bcc

Subject Fw: President Obama Presses for Answers on Mine Safety

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]

Sent: 04/08/2010 04:09 PM AST

To: Allyn Brooks-LaSure

Subject: President Obama Presses for Answers on Mine Safety

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE

April 8, 2010

President Obama Presses for Answers on Mine Safety

Focus on Safety, Enforcement Effectiveness

WASHINGTON, D.C. – The President has tasked Federal mine safety officials to report next week on their initial assessment of the cause of the nation’s worst coal mining disaster in more than a quarter century, and what actions could prevent further tragedies in this industry.

The President will meet next week with Secretary of Labor Hilda Solis and Mine Safety and Health Administrator Joe Main. He expects them to report on their early assessment of the deadly explosion’s cause, the safety record at the Upper Branch mine, and the steps that the Federal government should take to improve safety enforcement and prevent future tragedies. The Secretary and MSHA Administrator will address safety issues as well as enforcement and legal authorities in their briefing.

###

01268-EPA-666

Scott Fulton/DC/USEPA/US
04/12/2010 07:05 PM

To "Richard Windsor", "Bob Perciasepe", Gina McCarthy, "Lisa
Heinzerling", "Bob Sussman"

cc

bcc

Subject Boiler MACT

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



01268-EPA-667

Scott Fulton/DC/USEPA/US
04/13/2010 07:48 AM

To Richard Windsor, Bob Perciasepe
cc Bob Sussman, Gina McCarthy, Lisa Heinzerling
bcc
Subject Re: Boiler MACT

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

Richard Windsor

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

From: Richard Windsor
Sent: 04/12/2010 08:17 PM EDT
To: Bob Perciasepe
Cc: Bob Sussman; Gina McCarthy; Lisa Heinzerling; Scott Fulton
Subject: Re: Boiler MACT

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

Bob Perciasepe

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

From: Bob Perciasepe
Sent: 04/12/2010 08:04 PM EDT
To: Richard Windsor
Cc: Bob Sussman; Gina McCarthy; Lisa Heinzerling; Scott Fulton
Subject: Re: Boiler MACT

Thanks Scott, and thank any one on the team who was involved.

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

Bob Perciasepe
Deputy Administrator

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

Richard Windsor (b) (5) D.P., (b)(5) A/C, (b)(5) AWP ----- 04/12/2010 07:15:31 PM

From: Richard Windsor/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 04/12/2010 07:15 PM
Subject: Re: Boiler MACT

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

Scott Fulton

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

From: Scott Fulton
Sent: 04/12/2010 07:05 PM EDT
To: Richard Windsor; Bob Perciasepe; Gina McCarthy; Lisa Heinzerling; Bob

Sussman

Subject: Boiler MACT

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



01268-EPA-670

**Allyn
Brooks-LaSure/DC/USEPA/US**

04/15/2010 11:30 AM

To Richard Windsor, "Perciasepe, Bob", "Thompson, Diane",
"Fulton, Scott", "Sussman, Bob", "Ganesan, Arvin",
"McIntosh, David", "Stanislaus, Mathy", "Heinzerling, Lisa",
"Silva, Peter"

cc "Oster, Seth", "Andy, Adora"

bcc

Subject Fw: Remarks by the President on Mine Safety

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]
Sent: 04/15/2010 11:23 AM AST
To: Allyn Brooks-LaSure
Subject: Remarks by the President on Mine Safety

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release
April 15, 2010

REMARKS BY THE PRESIDENT
ON MINE SAFETY

Rose Garden

10:39 A.M. EDT

THE PRESIDENT: Good morning, everybody. On April 5th, the United States suffered the worst mine disaster in more than a generation. Twenty-nine lives were lost. Families have been devastated. Communities have been upended. And during this painful time, all of us are mourning with the people of Montcoal and Whitesville and Naoma and the Coal River Valley. The people of West Virginia are in our prayers.

But we owe them more than prayers. We owe them action. We owe them accountability. We owe them an assurance that when they go to work every day, when they enter that dark mine, they are not alone. They ought to know that behind them there is a

company that's doing what it takes to protect them, and a government that is looking out for their safety.

In the immediate aftermath of the tragedy, I asked the officials standing with me -- Labor Secretary Hilda Solis, and Joe Main and Kevin Stricklin with the Mine Safety and Health Administration -- to lead an investigation into what caused the explosion at Massey Energy Company's Upper Big Branch mine. I asked them to report back with preliminary findings this week.

We just concluded a meeting, where they briefed me on their investigation. I want to emphasize that this investigation is ongoing, and there's still a lot that we don't know. But we do know that this tragedy was triggered by a failure at the Upper Big Branch mine -- a failure first and foremost of management, but also a failure of oversight and a failure of laws so riddled with loopholes that they allow unsafe conditions to continue.

So today I've directed Secretary Solis, Assistant Secretary Main, and Administrator Stricklin to work closely with state mining officials to press ahead with this investigation -- so we can help make sure a disaster like this never happens again. Owners responsible for conditions in the Upper Big Branch mine should be held accountable for decisions they made and preventive measures they failed to take. And I've asked Secretary Solis to work with the Justice Department to ensure that every tool in the federal government is available in this investigation.

But this isn't just about a single mine. It's about all of our mines. The safety record at the Massey Upper Big Branch mine was troubling. And it's clear that while there are many responsible companies, far too many mines aren't doing enough to protect their workers' safety.

And that's why yesterday Governor Manchin announced that West Virginia miners will take this Friday off from coal production so they can mourn their loss, but also reevaluate safety procedures. He also called for additional inspections in West Virginia mines. The federal government is taking sweeping actions as well. Starting today, we'll go back and take another look at mines across this country with troubling safety records, and get inspectors into those mines immediately to ensure they aren't facing the same unsafe working conditions that led to this disaster.

Second, I've directed Secretary Solis, Assistant Secretary Main, and Administrator Stricklin to work with Congress to strengthen enforcement of existing laws and close loopholes that permit companies to shirk their responsibilities.

Stronger mine safety laws were passed in 2006 after the Sago mine disaster. But safety violators like Massey have still been able to find ways to put their bottom line before the safety of their workers -- filing endless appeals instead of paying fines and fixing safety problems.

To help ensure that mine companies no longer use a strategy of endless litigation to evade their responsibilities, we need to tackle the backlog of cases at the Mine Safety and Health Review Commission.

And to help hold companies accountable, I've also asked Secretary Solis to streamline the rules for proving that a mining company has committed a pattern of violations -- so that we can empower the mine safety agency to take essential steps to keep miners safe. If a mining company consistently violates safety standards, they should be subjected to the tougher enforcement that comes with being placed on an updated Pattern of Violations list.

Third, we can't just hold mining companies accountable -- we need to hold Washington accountable. And that's why I want to review how our Mine Safety and Health Administration operates. For a long time, the mine safety agency was stacked with former mine executives and industry players. The industry [sic] is now run, I'm proud to say, by former miners and health safety experts like Joe Main and Kevin Stricklin. Even so, we need to take a hard look at our own practices and our own procedures to ensure that we're pursuing mine safety as relentlessly as we responsibly can. In addition, we need to make sure that miners themselves, and not just the government or mine operators, are empowered to report any safety violations.

I think we all understand that underground coal mining is, by its very nature, dangerous. Every miner and every mining family understands this. But we know what can cause mine explosions, and we know how to prevent them. I refuse to accept any number of miner deaths as simply a cost of doing business. We can't eliminate chance completely from mining any more than we can from life itself. But if a tragedy can be prevented, it must be prevented. That's the responsibility of mine operators. That's the responsibility of government. And that is the responsibility that we're all going to have to work together to meet in the weeks and months to come.

Thank you very much, everybody.

END

10:46 A.M. EDT

01268-EPA-671

Scott Fulton/DC/USEPA/US
04/16/2010 08:21 AM

To Lisa Heinzerling, Bob Sussman, Gina McCarthy, Janet McCabe, Avi Garbow, Paul Anastas
cc Bob Perciasepe, Diane Thompson, Richard Windsor
bcc

Subject Re: HCl health Threshold

(b) (5) D.P., (b)(5) A/C [Redacted]

Lisa Heinzerling

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

From: Lisa Heinzerling
Sent: 04/16/2010 07:52 AM EDT
To: Bob Sussman; Gina McCarthy; Janet McCabe; Scott Fulton; Avi Garbow; Paul Anastas
Cc: Bob Perciasepe; Diane Thompson; Richard Windsor
Subject: Re: HCl health Threshold

(b) (5) D.P., (b)(5) A/C [Redacted]

Bob Sussman

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

From: Bob Sussman
Sent: 04/15/2010 08:08 PM EDT
To: Gina McCarthy; Janet McCabe; Scott Fulton; Avi Garbow
Cc: Bob Perciasepe; Lisa Heinzerling; Diane Thompson; Richard Windsor
Subject: HCl health Threshold

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) D.P.



I look forward to our discussion tomorrow morning. Please circulate to others who will be at our meeting.

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

[attachment "HCI 4-13gm.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

01268-EPA-672

**Diane
Thompson/DC/USEPA/US**
04/17/2010 12:40 PM

To Seth Oster, Barbara Bennett
cc "Richard Windsor"
bcc
Subject Re: NYSE Euronext and the Yale Chief Executive Leadership
Institute Celebrate 40th Anniversary of Earth Day with
Inaugural Green Summit at the New York Stock Exchange on
April 22

This seems more than OK to me -- I wld think we want to be there -- but I would defer to Seth if he has concerns.

From: Seth Oster
Sent: 04/17/2010 11:03 AM EDT
To: Barbara Bennett; "Diane Thompson" <thompson.diane@epa.gov>
Subject: Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

Hi Barb. Let me look it over today.

Seth

From: Barbara Bennett
Sent: 04/17/2010 11:01 AM EDT
To: "Diane Thompson" <thompson.diane@epa.gov>; "Seth Oster" <oster.seth@epa.gov>
Subject: Fw: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

Diane, Seth,
Given the timing of this this week, I really need to let Jeff Sonnenfeld know about my participation (b) (5) D.P.

It's a summit co-hosted by NYSE and Yale SOM (b) (5) D.P.

Please let me know if I'm missing something. I was ready to accept the invitation this weekend otherwise.

Thanks,
Barb

From: Email-This
Sent: 04/15/2010 05:25 AM MST
To: Barbara Bennett

Subject: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

News from Business Wire

Barbara Bennett,

FYI from Paul Anastas

April 14, 2010 06:30 PM Eastern Daylight Time

[NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22](#)

NEW YORK--(BUSINESS WIRE)--On Thursday, April 22, NYSE Euronext (NYSE) and the Yale Chief Executive Leadership Institute will host the inaugural Green Summit at the New York Stock Exchange in conjunction with the 40th anniversary of Earth Day. The event will feature leaders from the United Nations Intergovernmental Panel on Climate Change, Department of Energy, and the corporate and academic sectors who will explore effective ways to achieve environmental sustainability and to grow business and the economy through green business. The summit will be webcast live at <http://www.thomson-webcast.net/us/dispatching/NYSE20100422> and will begin 7:50 a.m. EDT with remarks by Duncan L. Niederauer, CEO of NYSE Euronext, Jeffrey A. Sonnenfeld, Senior Associate Dean of Yale School of Management, and Jay...

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01268-EPA-673

Seth Oster/DC/USEPA/US

04/17/2010 01:51 PM

To Diane Thompson

cc Barbara Bennett, "Richard Windsor"

bcc

Subject Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

(b) (5) D.P.

We'll obviously be there too -- the Administrator will be doing the "Green for All" event in either Manhattan or Brooklyn. And of course, POTUS will be there too now, also on Wall Street. So beware of the traffic nightmares that will be that day.

Seth

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

Diane Thompson This seems more than OK to me -- I... 04/17/2010 12:40:45 PM

From: Diane Thompson/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Date: 04/17/2010 12:40 PM
Subject: Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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To: Barbara Bennett; "Diane Thompson" <thompson.diane@epa.gov>
Subject: Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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To: "Diane Thompson" <thompson.diane@epa.gov>; "Seth Oster" <oster.seth@epa.gov>
Subject: Fw: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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[REDACTED]

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[REDACTED]

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Thanks,
Barb

From: Email-This
Sent: 04/15/2010 05:25 AM MST
To: Barbara Bennett
Subject: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22



News from Business Wire

Barbara Bennett,

FYI from Paul Anastas

April 14, 2010 06:30 PM Eastern Daylight Time

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01268-EPA-674

Barbara Bennett/DC/USEPA/US
04/17/2010 02:05 PM

To Seth Oster, Diane Thompson
cc Richard Windsor
bcc

Subject Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

Thank you. Great comments (b) (5) D.P.

[Redacted]

Barb
Seth Oster

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

From: Seth Oster
Sent: 04/17/2010 01:51 PM EDT
To: Diane Thompson
Cc: Barbara Bennett; Richard Windsor
Subject: Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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

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

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From: Diane Thompson/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA
Cc: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Date: 04/17/2010 12:40 PM
Subject: Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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Subject: Re: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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Sent: 04/17/2010 11:01 AM EDT
To: "Diane Thompson" <thompson.diane@epa.gov>; "Seth Oster" <oster.seth@epa.gov>
Subject: Fw: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22

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Thanks,
Barb

From: Email-This
Sent: 04/15/2010 05:25 AM MST
To: Barbara Bennett
Subject: NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22



News from Business Wire

Barbara Bennett,

FYI from Paul Anastas

April 14, 2010 06:30 PM Eastern Daylight Time

[NYSE Euronext and the Yale Chief Executive Leadership Institute Celebrate 40th Anniversary of Earth Day with Inaugural Green Summit at the New York Stock Exchange on April 22](#)



NYSE Euronext

NEW YORK--(BUSINESS WIRE)--On Thursday, April 22, NYSE Euronext (NYSE) and the Yale Chief Executive Leadership Institute will host the inaugural Green Summit at the New York Stock Exchange in conjunction with the 40th anniversary of Earth Day. The event will feature leaders from the United Nations Intergovernmental Panel on Climate Change, Department of Energy, and the corporate and academic sectors who will explore effective ways to achieve environmental sustainability and to grow business and the economy through green business. The summit will be webcast live at <http://www.thomson-webcast.net/us/dispatching/NYSE20100422> and will begin 7:50 a.m. EDT with remarks by Duncan L. Niederauer, CEO of NYSE Euronext, Jeffrey A. Sonnenfeld, Senior Associate Dean of Yale School of Management, and Jay...

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01268-EPA-675

Seth Oster/DC/USEPA/US
04/18/2010 08:37 PM

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

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

I agree. I would suggest we discuss this offline tomorrow morning.
Bob Perciasepe

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

From: Bob Perciasepe
Sent: 04/18/2010 08:28 PM EDT
To: Adora Andy; "Richard Windsor" <windsor.richard@epa.gov>; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; Vicki Ekstrom; Alisha Johnson
Subject: Re: WSJ: Why the Clean Air Act May Be Past Its Prime

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

[Redacted]

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

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

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

April 17, 2010

Why the Clean Air Act May Be Past Its Prime

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

By Stephen Power

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

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

Some critics argue that an old complaint about the law—regulators don't have to consider costs when setting pollution standards—is all the more urgent when facing a problem as broad as global warming. Even some experts who think the law is beneficial say its implementation has been overly expensive: Because the law is so rigid, they argue, innovative pollution-fighting ideas are sometimes stifled, driving up costs.

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

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

A Global Challenge

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

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

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

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

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

Hard to Meet

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

costs, the report argued, the costs have been higher than necessary.

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

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

Mr. Burtraw, who served on the NRC panel, cites efforts to improve air quality by reducing emissions of ammonia and methane from animal feedlots. Technology exists that could allow feedlot operators to enclose manure piles and capture the ammonia and methane they generate, while providing biogas to allow the feedlots to produce their own electricity. Capturing the ammonia would reduce fine particulates that cause respiratory problems, and reduce odor.

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

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

The Wrong Emphasis?

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

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

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

01268-EPA-676

Seth Oster/DC/USEPA/US

04/19/2010 10:31 AM

To Richard Windsor

cc Diane Thompson

bcc

Subject Energy Star

The full story is below. It's worth a quick read.

(b) (5) D.P.



Seth

Electronics Industry Urges EPA To Lift Suspension Of Energy Star Certifications

The Consumer Electronics Association (CEA) has joined with major retailer organizations in urgently requesting that EPA reverse its decision to suspend online certification of Energy Star products while it addresses concerns about fraud and abuse of the program, a request that industry is also making to the Department of Energy (DOE) and the White House.

The push is the latest development in a high-stakes controversy over the Energy Star program, including congressional charges of mismanagement, which could reshape federal policies to encourage energy efficiency as a way to meet environmental goals.

[In an April 5 letter](#) to EPA Administrator Lisa Jackson, and copied to Energy Secretary Steven Chu and White House climate energy policy director Carol Browner, CEA -- representing more than 2,000 companies as diverse as Google, General Electric Appliances, and Wal-Mart -- and the retailers say the Energy Star certification suspension will place "onerous and unreasonable burdens and delays" on industry's energy efficient product lines.

The letter follows EPA's [March 30 announcement](#) to Energy Star stakeholders that it was suspending Energy Star's online product submittal (OPS) system as part of its response to a scathing March 26 Government Accountability Office (GAO) report that concluded Energy Star product certification was subject to "fraud and abuse."

EPA also announced a number of other changes to the product certification program April 14, in response to the GAO findings, including immediately requiring manufacturers to submit complete lab reports to EPA for review prior to using the Energy Star label, revoking the

automated approval process that allowed GAO to win certification for bogus products including a gasoline-powered alarm clock.

This and other new mandates are in addition to changes to accelerate steps that EPA and DOE have instituted over the past several months to boost test requirements in response to criticism by GAO, the EPA Inspector General and others ([see related story](#)).

The newest changes publicly announced this week were first addressed in [an April 2 memo](#) from EPA air chief Regina McCarthy and Assistant DOE Secretary Cathy Zoi to Jackson and Chu addressing the GAO's findings. "Unfortunately, a recently released GAO report has provided some compelling evidence that the measures we have in place to protect the value of the Energy Star label are simply insufficient," the memo says. It adds a "rapid, 180-degree shift in the way manufacturers apply for, earn and keep the Energy Star label" is needed.

The memo ordered a temporary shutdown of the OPS system, noting it will only be reopened "after the product review process has been strengthened."

However, the consumer electronics industry says the shutdown will result in "barring the introduction of the newest, most energy efficient products, while penalizing manufacturers who choose to promote the Energy Star program," according to the letter sent by CEA, the Consumer Electronics Retailer Coalition and the Retail Industry Leaders Association.

The letter also underscores that the consumer electronics industry comprised 59 percent of the energy savings achieved by the Energy Star program for residential products in 2008, citing EPA's most recent annual data. "Energy Star qualification for a new product is customarily received while the product is well into its manufacture and shipping cycle," the letter states. "EPA's sudden decision to halt all new product registrations could therefore require removal of Energy Star labels from products, packaging and instruction manuals. Such removal is virtually impossible once products have left their point of manufacture. Indeed, some products have the Energy Star label indelibly etched into the product's bezel or casing."

CEA argues that EPA should not have suspended its certification system as a result of the GAO's findings on program fraud and abuses. "We believe that EPA's actions are disproportionate to the potential concerns identified by the [GAO]," the industry letter says. Instead, CEA and the retailer groups offer recommendations for alternative ways EPA could have responded to the report, rather than an "absolute ban on new product registrations," including awarding the label to products in the certification process, as well products still in production but not yet registered.

The industry groups also ask EPA to begin a dialogue with manufacturers and other partners on ways to ensure the integrity of Energy Star compliance "without causing undue disruption to commerce."

01268-EPA-677

Seth Oster/DC/USEPA/US
04/19/2010 01:07 PM

To Richard Windsor
cc
bcc

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

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

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

Richard Windsor Cool. (b) (5) D.P. ? ... 04/19/2010 01:02:51 PM

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

Cool. (b) (5) D.P. ?

Seth Oster

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

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

It's the Sustainable Economy

Today we celebrate the 40th anniversary of Earth Day, and later this year we will mark the 40th birthday of the U.S. Environmental Protection Agency and 40 years of the remarkably successful Clean Air Act. The suite of environmental protections that took shape in 1970, along with a sweeping Clean Water Act in 1972, remain some of the most effective policies in our history.

What is sometimes less noticed is that those actions were about more than environmental protection. They also represented an economic philosophy, a belief that American industries could continue to expand and innovate without jeopardizing our health and welfare. And it worked. Despite the overheated rhetoric we often hear today about runaway environmental regulations killing jobs, our history is one of healthier families, cleaner communities – and, yes, job-creating innovation and a stronger America.

Forty years of environmental action have meant cleaner air in our cities and safe water in our homes. These changes have made our communities healthier, reducing exposure to pollution that causes cancer, heart disease and respiratory illness – three of the top four deadliest conditions in our country. And they've made our economy stronger by giving cities and towns what they need to attract new residents and new jobs.

But let's note what also took place during those same four decades of environmental progress.

We have seen the rise of a world-leading environmental technology industry. In 2007 environmental firms and small businesses in the US generated \$282 billion in revenues and \$40 billion in exports, and supported 1.6 million American jobs. That number doesn't include all the engineers and professional services firms that support those businesses.

This industry has also created cutting-edge innovations and technologies to meet new environmental and health standards. One powerful example is the catalytic converter. When EPA used the Clean Air Act to phase in unleaded gas and catalytic converters in the early seventies, major automakers fought it. The Chamber of Commerce claimed "entire industries might collapse" as a result. But today, lead pollution in our air is 92 percent lower than it was in 1980. Emissions of dangerous air pollutants that cause smog, acid rain, and more have been cut by more than half. And in the same period, our gross domestic product grew by 126 percent. Rather than hurting the economy, American innovators and entrepreneurs found ways to produce and sell more cars without increasing pollution that threatened our cities and caused costly and often deadly health problems for Americans.

At a time of historic economic difficulty, the Obama administration has sought out similar opportunities to improve our economy by protecting our environment. In a groundbreaking step in our work against climate change, President Obama formed an alliance with American automakers to set aggressive emissions standards for American cars and light trucks. The next generation of clean cars will protect our health and environment and keep almost a billion tons of carbon pollution out of our skies. At the same time, they will American drivers and reduce our dependence on foreign oil by billions of dollars.

Notwithstanding periods of difficulty, the last 40 years have seen steady improvements in the health of both our environment and our economy. Progress on both fronts has been driven by smart environmental policies that keep us healthy, strengthen our communities, and foster industry innovation. Looking ahead to the next 40 years, it is clear we must continue on the same path. Sustainability and planetary stewardship must be part of the economic growth that is reaching more and more people around the world every day. Without protections for the water, air and land that communities depend on, our economic horizons are limited. Without innovations like clean energy and energy efficiency, the global economy will be running on empty within our lifetimes.

Our economy and our environment are inextricably linked. If we want forty more years of American leadership in the global marketplace, then there is no choosing one or the other. The first generation of Earth Day leaders understood that truth. Our generation can set in motion four more decades of prosperity by insisting today that our economic and environmental interests

work hand in hand.

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

01268-EPA-678

Seth Oster/DC/USEPA/US
04/19/2010 01:33 PM

To Richard Windsor
cc
bcc

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

Just submitted to the Times. We'll see what happens and go from there.

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

Richard Windsor (b) (5) D.P. 04/19/2010 01:23:08 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 04/19/2010 01:23 PM
Subject: Re: FOR YOUR REVIEW -- NY Times/LA Times Op-Ed Draft --

(b) (5) D.P. h.

Seth Oster

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

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

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

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

Richard Windsor Cool. (b) (5) D.P. ? ... 04/19/2010 01:02:51 PM

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

Cool. (b) (5) D.P. ?

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

01268-EPA-679

Seth Oster/DC/USEPA/US

To David McIntosh

04/19/2010 07:33 PM

cc "Allyn Brooks-Lasure", "Arvin Ganesan", Richard Windsor, "Diane Thompson", "Lisa Jackson"

bcc

Subject Re: Something that will be tricky next week

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

Seth

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

David McIntosh

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

04/19/2010 06:51:06 PM

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, "Lisa Jackson" <windsor.richard@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>
Date: 04/19/2010 06:51 PM
Subject: Re: Something that will be tricky next week

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

Richard Windsor

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

From: Richard Windsor
Sent: 04/19/2010 06:41 PM EDT
To: David McIntosh; "Lisa Jackson" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>
Subject: Re: Something that will be tricky next week

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

David McIntosh

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

From: David McIntosh
Sent: 04/19/2010 06:38 PM EDT
To: windsor.richard@epa.gov; oster.seth@epa.gov; oster.seth@epa.gov; brooks-lasure.allyn@epa.gov; ganesan.arvin@epa.gov; thompson.diane@epa.gov

Subject: Something that will be tricky next week

(b) (5) D.P.



01268-EPA-681

Seth Oster/DC/USEPA/US

To windsor.richard

04/19/2010 10:26 PM

cc

bcc

Subject Tomorrow Night's GW Event

I'm sorry about the apparent miscommunications on the event tomorrow at George Washington University that I arranged for you.

I've been wanting to get you involved at GW in some way. (b) (5) D.P.

The School of Media and Public Affairs is now chaired by Frank Sesno, the former CNN anchor, and he's formed an effort called Planet Forward (www.planetforward.org) that has drawn a lot of high-profile figures and fostered efforts among the college-age population to reduce our carbon footprint (b) (5) D.P.

She may have thought I was checking with you in more detail, while I thought she was doing that on her end. My bad.

(b) (5) D.P.

In any event, I know you'll be tired -- sorry again -- but I'll make sure you're covered on getting out as quickly as possible.

Seth

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

01268-EPA-682

Seth Oster/DC/USEPA/US

04/20/2010 01:52 PM

To Richard Windsor

cc David McIntosh

bcc

Subject Fw: conversation with Bob Semple

Administrator -- I've confirmed your meeting with Bob Semple in NY next Monday after the taping of the "Daily Show" and he is helping to shepherd the oped we submitted for Earth Day through the channels over there. To round it out, he asked to speak with David on general issues surrounding climate and David provided a report of the conversation, which I wanted to share with you.

Seth

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

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

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

I just finished speaking to Bob Semple for about 25 minutes. (b) (5) D.P.



01268-EPA-683

Seth Oster/DC/USEPA/US

To Richard Windsor

04/20/2010 05:08 PM

cc

bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Yes, he and I talked at length today and yesterday (b) (5) D.P.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
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(202) 564-1918
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Richard Windsor Are you sure he understands the topic... 04/20/2010 05:01:29 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 04/20/2010 05:01 PM
Subject: Fw: Google Alert - lisa jackson epa

Are you sure he understands the topic? Tx.

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

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

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

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

Time to Act? What's Next for Climate Policy With Special Guest: **Lisa Jackson**.
www.huffingtonpost.com/.../watch-interview-with-epa_b_544...

Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more](#).

[Remove](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

01268-EPA-684

Allyn
Brooks-LaSure/DC/USEPA/US

To Richard Windsor

cc

04/20/2010 09:08 PM

bcc

Subject Fw: Top Blog Posts for Tues., April 20 - 7:30 pm

Some of the running commentary while you were at GW.

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Suzanne Ackerman

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

From: Suzanne Ackerman
Sent: 04/20/2010 07:52 PM EDT
To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin
Cc: Janice Sinclair
Subject: Top Blog Posts for Tues., April 20 - 7:30 pm

Lisa Jackson

[@LisaPJackson](#) stands up for the environmental movement against Breakthrough -esque concern trolling. Just awesome.

Posted by: [drgrist](#): 7:52 pm Full post:

Funny American Idol joke from [@LisaPJackson](#)! Lord I love this woman.

Posted by: [drgrist](#): 7:45 pm Full post:

Message to [#Obama](#), [@whitehouse](#): put [@lisapjackson](#) on road (with Stephen Chu as opening act) and you will win ...

Posted by: [jisham](#): 7:50 pm Full post:

[@LisaPJackson](#) wants to bring more people into the conversation of climate - I like it!

Posted by: [angelaishere](#): 7:33 pm Full post:

[@LisaPJackson](#): When I look out at an audience of young people, I know this is coming.

Posted by: [Consequence09](#): 7:30 pm Full post:

[@LisaPJackson](#): "I think we're looking at a future where we'll be sued. That's not unusual for the EPA"

Posted by: [climatebrad](#): 7:25 pm Full post:

Q: You prepared to shut down coal? [@LisaPJackson](#) "I'm prepared to do my job. I'm prepared to enforce the law"

Posted by: [Consequence09](#): 7:20 pm Full post:

NYC - Join us in Harlem on Earth Day w/ actor Anthony Mackie, EPA's Lisa Jackson, for a community garden planting!

Posted by: [greenforall](#): 7:15 pm Full post: <http://bit.ly/bAZY7d>

Earth Day

Earth Day, April 22, 2010 | US EPA

Posted by: [ekologica](#) 7:30 pm Full post: <http://bit.ly/aa5p8t>

USA earth day. More relevant with Icelandic ash causing chaos .

Posted by: [singlemumsmoney](#): 6:15 pm Full post: <http://www.epa.gov/earthday/>

Watch Earth Day Live on 4/21 at 3:30 p.m. EDT and ask YOUR questions to a team of EPA experts at

Posted by: [EuropeTechCom](#): 4:25 pm Full post: <http://fbcfn.net/energystar>

The 40th anniversary of earth day is this Thursday , April 22nd. To find out how little things can mean a lot, go to www.epa.gov/earthday.

Posted by: [SuziQZ](#): 4:25 pm Full post: <http://www.epa.gov/earthday>

01268-EPA-685

"Corman, Bicky (DDOE)"
<bicky.corman@dc.gov>
04/22/2010 12:17 PM

To Richard Windsor
cc
bcc

Subject Fw: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

(b) (6) Privacy

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

From: U.S. EPA <usaepa@govdelivery.com>

To: Corman, Bicky (DDOE)

Sent: Thu Apr 22 11:18:22 2010

Subject: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

CONTACT:

Latisha Petteway

petteway.latisha@epa.gov

202-564-3191

202-564-4355

FOR IMMEDIATE RELEASE

April 22, 2010

April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

WASHINGTON - The U.S. Environmental Protection Agency (EPA) will hold free events for the public on the National Mall this weekend to celebrate the 40th anniversary of Earth Day. The events will feature interactive, fun and educational exhibits related to environmental protection. Administrator Lisa P. Jackson will be at the EPA Earth Day tent on Saturday between 12 p.m.-2 p.m. Senior EPA officials will also be in attendance.

The exhibits will include an environmental crime scene forensics demonstration, cutting edge automotive technology, climate change habitat loss exhibits, environmental videos, an interactive kids booth about environmental hazards, backyard composting demonstrations, a Chesapeake Bay water model, and live mascots teaching kids about recycling and protecting nature, and others.

EPA will also be showcasing the creative efforts of more than 40 college teams and their design solutions to sustainability challenges around the world. The participants of the exhibit will compete for a \$75,000

prize as part of EPA's National Sustainable Design Expo and P3 (People, Prosperity, and the Planet) competition. The expo highlights designs that address alternative energy technologies; collection, purification and distribution of water; agricultural practices to reduce pesticide run-off; new technologies for green buildings and other innovative approaches to improve society's sustainability.

In addition to EPA's events, Earth Day Network will be sponsoring a free concert on Sunday, April 25th with Sting, John Legend, The Roots, Bob Weir, Patrick Stump, Mavis Staples, Passion Pit, Q-Tip, Booker T and more. Also attending will be the Reverend Jesse Jackson, director James Cameron, and author Margaret Atwood. Administrator Jackson will be introducing John Legend at the Earth Day Network concert on Sunday afternoon.

WHO: EPA Administrator Lisa P. Jackson
Senior EPA officials from the agency's various programs

WHAT: EPA's 40th Anniversary Earth Day Celebration
EPA's 6th Annual National Sustainable Design Expo featuring EPA's People, Prosperity and the Planet (P3) Exhibits

WHEN: Saturday, April 24, 10 a.m. – 6 p.m.
Sunday, April 25, 10 a.m. – 5 p.m.

WHERE: National Mall, 4th to 7th Streets, N.W., Washington, D.C.
(Closest metro stops include Federal Center S.W. on the Orange and Blue lines and L'Enfant Plaza Station Metro)

More information on the celebration: <http://www.epa.gov/earthday>

More information on the expo and P3: <http://www.epa.gov/P3/>

Updates on EPA's Twitter account: <http://twitter.com/epalive>

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01268-EPA-686

"Corman, Bicky (DDOE)"
<bicky.corman@dc.gov>
04/22/2010 12:20 PM

To Richard Windsor
cc
bcc

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CONTACT:
Latisha Petteway
petteway.latisha@epa.gov
202-564-3191
202-564-4355

FOR IMMEDIATE RELEASE
April 22, 2010

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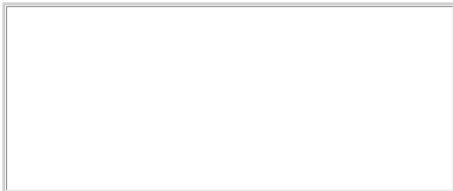
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01268-EPA-687

Richard Windsor/DC/USEPA/US
04/22/2010 12:22 PM

To "Bicky Corman"
cc
bcc

Subject Re: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

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01268-EPA-688

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04/22/2010 12:35 PM

To Richard Windsor
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Subject Re: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

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From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
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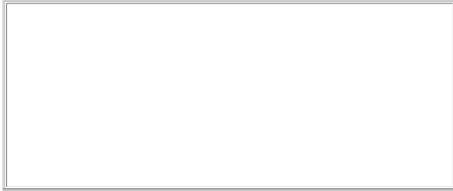
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01268-EPA-689

Richard Windsor/DC/USEPA/US
04/22/2010 01:11 PM

To "Bicky Corman"
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The broad efforts to reach out to industry and the GOP on the bills could help Lautenberg in his expressed desire to use his introduced bill as “an invitation for all to play a part” in TSCA reform. Lautenberg said at a March 9 Senate Environment & Public Works Committee (EPW) hearing, “I look forward to working with Senators on both sides of the aisle to refine the bill so it makes our environment cleaner, our children healthier and our economy stronger.”

EPA Administrator Lisa Jackson -- a proponent of TSCA reform to strengthen EPA’s authority to regulate new and existing chemicals -- has also said she would prefer a bipartisan approach to the legislation.

Jackson Statements

At an April 20 event at George Washington University in Washington, DC, Jackson said of TSCA reform, “I think that there will be real momentum -- again, I hope bipartisan -- behind the idea that in this day and age, in the year 2010, we have a right to expect more control of chemicals. And that companies that want to import these chemicals or produce them do all the testing and get that data out and make it available publicly.”

Senate Republicans’ willingness to work with Lautenberg on his bill could provide some room for negotiation to incorporate key GOP principles for TSCA reform in chemicals management legislation.

Sen. James Inhofe (R-OK), ranking member on EPW, in a Sept. 30 statement said that TSCA currently “protects human health and the environment.” However, Inhofe said he is “open to considering changes to the law, but only if those changes modernize chemical reviews, increase public understanding of the process, and strengthen protections for human health and the environment,” according to the senator’s statement.

Inhofe outlined “fundamental” principles for TSCA reform, that include: using data based on the best available risk-based science; including cost-benefit considerations for the private sector and consumers; protecting proprietary business information; prioritizing reviews for existing chemicals; not including any provision that encourages litigation or citizen suits; and not including any provision that “compels product substitution.”

“I look forward to working with EPA, stakeholders, and other lawmakers to ensure that any changes to TSCA follow these general principles,” Inhofe said.

While stakeholders are still reviewing the 100-plus page bills, industry has identified initial areas of concern. For example, on an April 15 conference call, Cal Dooley of the American Chemistry Council raised concerns about the safety standard in the Senate bill, while a key former EPA official has noted “bias” against new chemicals in the data requirements laid out in the bill that could stymie innovation ([see related story](#)).

At least one Senate Republican is also raising questions about whether innovation would be

stymied under the proposal. In an April 20 statement, Sen. John Barrasso (R-WY) reiterated calls that reform be “based upon science and not emotion” and not stifle innovation. “We cannot adopt a bill that sets the bar so high that we prevent the development of the next life-saving chemical that can improve the lives of all Americans,” he said.

The industry source also questions the broad scope of TSCA reform, because the bills focus on the production process, as well as the content of a product. “The bill would regulate everything,” the source says, adding that the provisions could stir up the interest of other industry groups not engaged in the discussion, such as electronics and auto makers.

There are also questions about whether a bill could pass in the remaining congressional session, especially after EPA toxics chief Steve Owens recently said passage of TSCA reform this year is “unlikely”([see related story](#)).

The industry source says there could be a better chance for bipartisanship after the 2010 mid-term elections, because until then Democrats are “playing to their core” and the Republicans “have no reason to give Democrats a win.” Beyond the election, Republicans could be more inclined not to offer amendments “contrary to the basic thrust of the law,” as in the health care debate.

Richard Denison, of the Environmental Defense Fund, speaking at an April 16 American Law Institute-American Bar Association event in Washington, DC, said that the House’s aggressive schedule could lead to a bill this year, though with the bills introduced the debate will “enter the next Congress with an enormous head of steam.” -- *Aaron Lovell*

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Congressional Affairs
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(f) 202.501.1519

01268-EPA-691

"Corman, Bicky (DDOE)"
<bicky.corman@dc.gov>
04/22/2010 04:14 PM

To Richard Windsor
cc
bcc

Subject Re: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

(b) (6) Privacy

From: Windsor.Richard@epamail.epa.gov <Windsor.Richard@epamail.epa.gov>
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Sent: Thu Apr 22 13:11:44 2010
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(b) (6) Privacy

From: "Corman, Bicky (DDOE)" [bicky.corman@dc.gov]
Sent: 04/22/2010 12:20 PM AST
To: Richard Windsor
Subject: Re: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

Oops, hit send too soon. (b) (6) Privacy

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www.census.gov or for additional assistance call 1-866-872-6868.

From: Corman, Bicky (DDOE)
To: 'Windsor.Richard@epamail.epa.gov' <Windsor.Richard@epamail.epa.gov>
Sent: Thu Apr 22 12:17:34 2010
Subject: Fw: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

(b) (6) Privacy



From: U.S. EPA <usaepa@govdelivery.com>
To: Corman, Bicky (DDOE)
Sent: Thu Apr 22 11:18:22 2010
Subject: Agriculture News Advisory (HQ): April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

CONTACT:
Latisha Petteway
petteway.latisha@epa.gov
202-564-3191
202-564-4355

FOR IMMEDIATE RELEASE
April 22, 2010

April 24 and 25: EPA Celebrates 40th Earth Day with Events on the National Mall

WASHINGTON - The U.S. Environmental Protection Agency (EPA) will hold free events for the public on the National Mall this weekend to celebrate the 40th anniversary of Earth Day. The events will feature interactive, fun and educational exhibits related to environmental protection. Administrator Lisa P. Jackson will be at the EPA Earth Day tent on Saturday between 12 p.m.-2 p.m. Senior EPA officials will also be in attendance.

The exhibits will include an environmental crime scene forensics demonstration, cutting edge automotive technology, climate change habitat loss exhibits, environmental videos, an interactive kids booth about environmental hazards, backyard composting demonstrations, a Chesapeake Bay water model, and live mascots teaching kids about recycling and protecting nature, and others.

EPA will also be showcasing the creative efforts of more than 40 college teams and their design solutions to sustainability challenges around the world. The participants of the exhibit will compete for a \$75,000 prize as part of EPA's National Sustainable Design Expo and P3 (People, Prosperity, and the Planet) competition. The expo highlights designs that address alternative energy technologies; collection, purification and distribution of water; agricultural practices to reduce pesticide run-off; new technologies for green buildings and other innovative approaches to improve society's sustainability.

In addition to EPA's events, Earth Day Network will be sponsoring a free concert on Sunday, April 25th with Sting, John Legend, The Roots, Bob Weir, Patrick Stump, Mavis Staples, Passion Pit, Q-Tip, Booker

T and more. Also attending will be the Reverend Jesse Jackson, director James Cameron, and author Margaret Atwood. Administrator Jackson will be introducing John Legend at the Earth Day Network concert on Sunday afternoon.

WHO: EPA Administrator Lisa P. Jackson
Senior EPA officials from the agency's various programs

WHAT: EPA's 40th Anniversary Earth Day Celebration
EPA's 6th Annual National Sustainable Design Expo featuring EPA's People, Prosperity and the Planet (P3) Exhibits

WHEN: Saturday, April 24, 10 a.m. – 6 p.m.
Sunday, April 25, 10 a.m. – 5 p.m.

WHERE: National Mall, 4th to 7th Streets, N.W., Washington, D.C.
(Closest metro stops include Federal Center S.W. on the Orange and Blue lines and L'Enfant Plaza Station Metro)

More information on the celebration: <http://www.epa.gov/earthday>

More information on the expo and P3: <http://www.epa.gov/P3/>

Updates on EPA's Twitter account: <http://twitter.com/epalive>

Information on the Earth Day Network's concert: <http://earthday.org/climaterally>

EPA's 4th Annual eCycling Event

In addition to events on the National Mall, on Saturday, April 24th, EPA is sponsoring an eCycling event at the National Harbor. Area residents, organizations and small business owners can bring any make or model computer and related equipment, including monitors, printers, scanners, keyboards, and mouse devices. EPA and partnering organizations will collect equipment at no cost, and recycle it in an environmentally safe manner.

Recycling electronics is something every American can do to protect the planet and to encourage the sustainable reuse of materials. More than 2 million tons of used electronics are disposed of annually that may contain toxics such as lead and mercury. Recyclers can recover more than 100 million pounds of materials from these electronics, including glass, steel, and plastic.

WHAT: EPA's 4th Annual eCycling Event

WHEN: Saturday, April 24, 10 a.m. – 3 p.m.

WHERE: The Plateau near National Harbor
Prince George's County, Md.

More information on the event: <http://www.epa.gov/oei/ecycling>

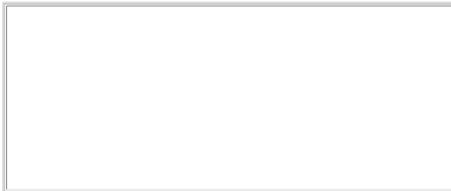
R124

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01268-EPA-693

Seth Oster/DC/USEPA/US

To Richard Windsor

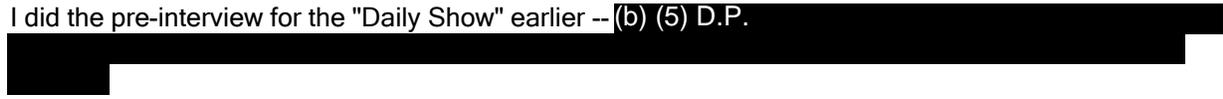
04/23/2010 04:06 PM

cc

bcc

Subject Kerry-Lieberman -- Jon Stewart Briefing

I did the pre-interview for the "Daily Show" earlier -- (b) (5) D.P.



What do you think?

Seth

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

01268-EPA-694

**David
McIntosh/DC/USEPA/US**
04/28/2010 01:02 PM

To windsor.richard
cc
bcc

Subject Fw: Modeling Specs

FYI. We just received the KGL (or now KL) modeling specs.
Allen Fawcett

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

From: Allen Fawcett
Sent: 04/28/2010 01:00 PM EDT
To: David McIntosh
Subject: Re: Modeling Specs

David,

(b) (5) D.P.

Assuming we get the go ahead, I'll work on scheduling an interagency meeting for early next week.

Allen

Allen A. Fawcett, Ph.D.
Climate Economics Branch
Climate Change Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave (6207 J)
Washington, DC 20460
(202) 343-9436

"Risley, David (Lieberman)"

Allen, Please use these m...

04/28/2010 12:53:54 PM

From: "Risley, David (Lieberman)" <David_Risley@lieberman.senate.gov>
To: Allen Fawcett/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Cc: "Rosengarten, Danielle (Lieberman)" <Danielle_Rosengarten@lieberman.senate.gov>, "Frangione, Kathleen (Foreign Relations)" <Kathleen_Frangione@foreign.senate.gov>, "Rimkunas, Matt (L. Graham)" <Matt_Rimkunas@lgraham.senate.gov>
Date: 04/28/2010 12:53 PM
Subject: Modeling Specs

Allen,

Please use these modeling specs to model the Kerry-Graham-Lieberman comprehensive energy and climate bill. I have attached the modeling specs narrative as well as the allocation. I have not included the draft legislative text at this time because we are still working through small details. However, these changes will not affect the modeling and we are requesting that you model the bill based on these specs.

As you have questions and need clarification or additional information, please call or e-mail me and I will communicate the questions to the staffs to ensure a correct and consistent answer.

This modeling is absolutely imperative to our effort. I know that you all will do your

best work. Let's be in touch once you've had a chance to digest some of this. God speed.

David

David Risley
Office of Senator Joseph Lieberman
202-224-9849

[attachment "EPA modeling specs 0427 2.doc" deleted by Allen Fawcett/DC/USEPA/US] [attachment "100422 Allocation table.xls" deleted by Allen Fawcett/DC/USEPA/US]

01268-EPA-696

Scott Fulton/DC/USEPA/US
04/28/2010 05:00 PM

To Janet McCabe, Bob Sussman, Mathy Stanislaus, Richard Windsor, Bob Perciasepe, Lisa Heinzerling
cc Gina McCarthy, "Larry Elworth"
bcc

Subject Re: 112/129-DSW; CCR

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

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

From: Janet McCabe
Sent: 04/28/2010 03:48 PM EDT
To: Bob Sussman; Mathy Stanislaus; Richard Windsor; Bob Perciasepe; Lisa Heinzerling
Cc: Gina McCarthy; "Larry Elworth" <llelworth@agcenter.org>; Scott Fulton
Subject: Re: 112/129-DSW; CCR

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

Bob Sussman

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

From: Bob Sussman
Sent: 04/28/2010 02:59 PM EDT
To: Mathy Stanislaus; Richard Windsor; Bob Perciasepe; Lisa Heinzerling; Janet McCabe
Cc: Gina McCarthy; "Larry Elworth" <llelworth@agcenter.org>; Scott Fulton
Subject: Re: 112/129-DSW; CCR

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

Mathy Stanislaus

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

From: Mathy Stanislaus
Sent: 04/28/2010 02:49 PM EDT
To: Richard Windsor; Bob Sussman; Bob Perciasepe; Lisa Heinzerling
Cc: Gina McCarthy; Larry Elworth <llelworth@agcenter.org>; Scott Fulton
Subject: 112/129-DSW; CCR

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

[Redacted]

01268-EPA-697

**Allyn
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc

05/02/2010 11:58 AM

bcc

Subject Fw: Sierra Club Says Reinstate Drilling Moratorium

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

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

From: "Kristina Johnson, Sierra Club" [Kristina.Johnson@sierraclub.org]
Sent: 05/02/2010 09:07 AM EST
To: Allyn Brooks-LaSure
Subject: Sierra Club Says Reinstate Drilling Moratorium

Check out our Press Room archive:

<http://action.sierraclub.org/site/R?i=RqbmNIY-EreqhAYZKiLPGA..>

View a web version:

<http://action.sierraclub.org/site/R?i=fnHEnuS4wN3RJ6M-ofnXjA..>

+++++

May 2, 2010

Contacts:

Kristina Johnson, 415.977.5619

Oliver Bernstein .512.289.8618

Oil Catastrophe Worsens, President Heads to Gulf;
Sierra Club Calls for Drilling Moratorium, Aggressive Clean Energy Plan

New Orleans -- As the offshore drilling disaster in the Gulf spreads to nearly 4,000 square miles and President Obama heads to the Gulf Coast, the Sierra Club is calling on the President to ramp up response efforts, to reinstate a federal moratorium on new offshore drilling, and to prevent future disasters through an aggressive plan to wean America from dirty energy.

Statement of Sierra Club Executive Director Michael Brune

"Sadly, we are now witnessing one of the worst environmental disasters in American history. We commend the thousands of Americans who are working so hard to respond to the disaster. But we know that despite our best efforts, we will be dealing with the impacts of BP's drilling rig for decades to come.

"The federal government should continue to use every resource available to respond to this crisis. But we need more.

"We need assurance that this won't happen again. We need to restore the federal moratorium on drilling off America's most fragile coasts, immediately. Then we need to launch an aggressive plan to wean us from dirty oil over the next two decades.

"This is a turning point for America. The dirty oil and coal industries have had a stranglehold on our economy, our health, and our environment for too long. Better safety measures and better federal regulations may have prevented this disaster. But better regulations are not a failsafe way to prevent another, bigger oil spill. They are not an answer to the lopsided relationship between the oil industry and regular hardworking Americans.

"BP and other oil companies have been raking in billions of dollars in profits and standing in the way of clean energy initiatives that would create thousands of good, green jobs for Americans. Now we are all left to deal with the consequences of the oil industry's carelessness.

"The oil industry uses our oceans to ratchet up their profits, and then they leave us to clean up their mess. They leave us to comb the beaches looking for oil slicked birds. They leave us to worry about the small fisheries and coastal businesses that are now completely shut down. They leave us to worry about what their oil and toxic chemicals will do to our drinking water and health. We are tired of the oil industry polluting our air and water and standing in the way of clean energy jobs.

"Enough is enough."

###

For more information visit

http://action.sierraclub.org/site/R?i=15dpG_xEK8Ns2APIymgJpA..

++++
85 Second St., San Francisco, CA 94105

++++
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Update My Interests:

<http://action.sierraclub.org/site/R?i=DqjuH63KIHNNgysMEMIBMg..>

01268-EPA-698

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

05/02/2010 06:53 PM

cc "Aaron Dickerson"

bcc

Subject For cardin call and for call with nancy

(b) (5) D.P.

Ill be on the call and ill talk about this at the 845, which ill call into.

Aaron, can you print out for her book tomorrow?

Thanks.

Sent from my Blackberry Wireless Device
Gregory Peck

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

From: Gregory Peck
Sent: 05/02/2010 03:52 PM EDT
To: ganesan.arvin@epa.gov
Cc: sussman.bob@epa.gov
Subject: Cardin

Arvin:

Let me know if you have any questions.

Greg

(b) (5) D.P.

(b) (5) D.P.

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

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

Gregory E. Peck
Chief of Staff

Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

01268-EPA-707

**Allyn
Brooks-LaSure/DC/USEPA/US**

05/10/2010 06:30 PM

To Richard Windsor

cc "Oster, Seth", "Woodka, Janet", "Andy, Adora", "Perciasepe,
Bob", "Thompson, Diane", "Anastas, Paul"

bcc

Subject Fw: Statement By The Press Secretary on Today's BP Oil
Spill Response Meeting

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]
Sent: 05/10/2010 06:27 PM AST
To: Allyn Brooks-LaSure
Subject: Statement By The Press Secretary on Today's BP Oil Spill Response Meeting

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
May 10, 2010

Statement By The Press Secretary on Today's BP Oil Spill Response Meeting

The Deepwater Horizon explosion and BP oil spill presents us with challenges on a number of fronts – from capping the flow at the well head and containing the spill on the ocean's surface, to controlling the impact of the oil on the coastal shoreline and on the precious wetlands and fisheries in the area. President Obama remains committed to bringing any and all available resources to the Gulf of Mexico. Earlier today the President met with a number of Cabinet members and senior staff in the White House Situation Room to review BP's efforts to stop the oil leak as well as to decide on next steps to ensure all is being done to contain the spread, mitigate the environmental impact and provide assistance to affected states, including individuals, businesses, and communities.

As we continue to evaluate different options to stop the flow of oil, the President impressed upon his team two things in the meeting today: first, the importance of engaging independent experts in the fields of science and technology; and, second,

bringing every perspective to the table to identify potential solutions.

The President was pleased to hear that some of Energy Secretary Chu's ideas have helped us better understand the dimensions of this serious problem and he asked Secretary Chu to lead a team of top administration officials and government scientists to Houston this week for an extensive dialogue with BP officials to continue to aggressively pursue potential solutions. Throughout the week, the President will continue to dispatch additional Cabinet officials to the region. As the President has made clear before, BP will be paying for all costs of stopping the spill and cleaning it up, and we will aggressively pursue full compensation for damages.

In addition, to deal more generally with the harms created by oil spills, the President has requested that we send legislation to Congress to toughen and update the law surrounding caps on damages.

Click [HERE](#) and [HERE](#) to view pictures of today's meeting.

The principals participating in the meeting included:

Department of Homeland Security Secretary Janet Napolitano
United States Coast Guard Commandant Admiral Thad Allen (National Incident Commander for this event)
Department of the Interior Secretary Ken Salazar
Department of Energy Secretary Steven Chu
Chairman of the Joint Chiefs of Staff Admiral Michael Mullen
Department of Defense Secretary Robert Gates
White House Chief of Staff Rahm Emanuel
Assistant to the President for Homeland Security John Brennan
National Security Advisor General Jim Jones
EPA Deputy Administrator Bob Perciasepe (Administrator Jackson is currently in Louisiana)
NOAA Administrator Jane Lubchenco
Associate Attorney General Tom Perrelli
Assistant to the President for Energy and Climate Change Carol Browner
OMB Director Peter Orszag
Assistant to the President for Science and Technology John Holdren
DPC Chair Melody Barnes
CEQ Chair Nancy Sutley
Assistant to the President for Cabinet Affairs Chris Lu

###

01268-EPA-708

Seth Oster/DC/USEPA/US

05/13/2010 10:12 PM

To Richard Windsor

cc

bcc

Subject Re: Google Alert - lisa jackson epa

(b) (5) D.P.

From: Richard Windsor
Sent: 05/13/2010 09:41 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>
Subject: Fw: Google Alert - lisa jackson epa

(b) (5) D.P.

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 05/14/2010 01:28 AM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[Climate Change's Secret Weapon](#)

Mother Jones

No doubt **Lisa Jackson's** trying to avoid a hostile reception from senators like **Lisa** Murkowski, who has been insisting that **EPA** rules would throttle the ...

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01268-EPA-709

Seth Oster/DC/USEPA/US

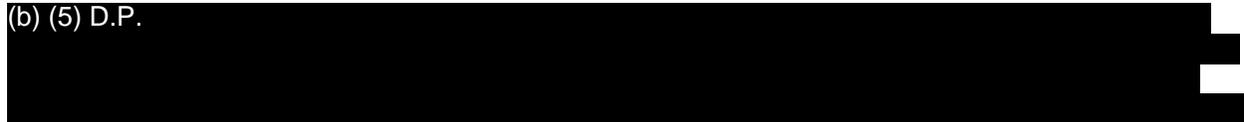
05/14/2010 08:48 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, "Allyn Brooks-Lasure", "Heidi Ellis", (b) (6) Dan Ryan" <ryan.daniel@epa.gov/OU=, Shawn Garvin/R3/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov/O=,/,

cc

bcc

Subject Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

(b) (5) D.P.


Bob -- let me know when you set your meeting and I will attend.

Seth

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

Richard Windsor

Monday is too late. I would like to do t...

05/14/2010 08:34:13 AM

From: Richard Windsor/DC/USEPA/US
 To: Bob Sussman/DC/USEPA/US@EPA
 Cc: Bob Perciasepe/DC/USEPA/US@EPA, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Dan Ryan" <ryan.daniel@epa.gov>, Shawn Garvin/R3/USEPA/US@EPA, "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, (b) (6)
 Date: 05/14/2010 08:34 AM
 Subject: Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

Monday is too late. I would like to do thisa today during my train trip back from NJ. Tx.

(b) (5) D.P.


Bob Sussman

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

From: Bob Sussman
Sent: 05/14/2010 08:29 AM EDT
To: Richard Windsor
Cc: Bob Perciasepe; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Dan Ryan" <ryan.daniel@epa.gov>; Shawn Garvin
Subject: Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI
 Am arranging a call with Shawn to talk this through on Monday and really want OPA, among others,

participating. (b) (5) D.P.

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

Richard Windsor (b) (5) D.P. 05/14/2010 08:21:42 AM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Dan Ryan" <ryan.daniel@epa.gov>
Date: 05/14/2010 08:21 AM
Subject: Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

(b) (5) D.P.

Bob Sussman

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

From: Bob Sussman
Sent: 05/13/2010 02:21 PM EDT
To: Richard Windsor; Bob Perciasepe
Subject: Fw: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/13/2010 02:21 PM -----

From: William Early/R3/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Becky Barnes/DC/USEPA/US@EPA, Dave Evans <evans.david@epa.gov>, Gregory Peck/DC/USEPA/US@EPA
Date: 05/13/2010 02:11 PM
Subject: Fw: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

Attached below is an announcement - "A Call to Arms" - from the WV Coal Association regarding the Spruce No. 1 hearing. (b) (5) D.P.

bill e.

William C. Early
Deputy Regional Administrator
Middle Atlantic Region
U. S. Environmental Protection Agency
215 814 2626
215 814 2901 (Fax)
Early.William@epa.gov

----- Forwarded by William Early/R3/USEPA/US on 05/13/2010 02:03 PM -----

From: Jessica Greathouse/R3/USEPA/US

To: Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US, John Pomponio/R3/USEPA/US@EPA, Regina Poeske/R3/USEPA/US@EPA, Stefania Shamet/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA, Catherine Libertz/R3/USEPA/US@EPA, David Dillon/R3/USEPA/US@EPA, Nicholas Gillispie/R3/USEPA/US, Brandon Foreman/DC/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, Michael Dunn/R3/USEPA/US@EPA

Cc: bobby.eggleton@charlestonwvpolice.org, adam.saslow@plexusli.com

Date: 05/13/2010 10:09 AM

Subject: WV Coal Association 'Call to Arms' on Spruce hearing- FYI



The Washington DC Senate Hearing bus trip scheduled for May 18 has been cancelled.

Members of the public are encouraged to attend the public hearing (registration begins at 5 p.m.; hearing begins at 6 p.m.)

**Charleston Civic Center (South Hall)
200 Civic Center Drive
Charleston, West Virginia 25301
304-345-1500**

The federal Environmental Protection Agency West Virginia's coal miners and our coal mining communities are under attack by the EPA and scheduled two hearings on the same day (May 18th) for bills and actions that will do away with mining in West Virginia and take our jobs to West Virginia coal teamed up to make it very difficult for our people to be represented at both places, one in Washington and the other in Charleston.

We ask your immediate attention be given to the Charleston West Virginia hearing that will be held at the Civic Center. EPA is holding the already issued Spruce permit of Arch Coal in Logan County. This is almost unbelievable in today's world, the federal government (EPA) is working miners home when the country is trying to rebuild its economy. We must show EPA how much we care about our miners, our jobs and our communities.

We ask you to call the following toll-free number to reserve a space at the hearing. The phone number is 1-877-368-3552. You will be given a phone number. It will let EPA know a large group plans to attend the May 18th hearing.

You can also register online at <http://sprucehearing.eventbrite.com/>

Previous Statements



Documents

1. WV DEP Letter to EPA claims and actions revoked.
2. Corps of Engineers Spruce Mine
3. Senate Concurrent resolution regular session, un

This federal bureaucracy is misleading, and is adding excessive red tape that is affecting people's livelihoods. Government should be a facilitator and partner, not a hindrance to Americans working to obtain the American Dream – and that is to have a good job, make a decent wage and provide for their family." - **Gov. Joe Manchin, West Virginia.**

"[A]t some point, a project must be deemed to have been studied enough to meet NEPA's requirements. This is the most heavily studied and scrutinized surface mining coal operation in the history of a state which has a long history with the coal mining industry." - **West Virginia Department of Environmental Protection**

"The WVDEP is committed to the application of the existing laws, rules and policies to protect the environment. ... It does not support retroactive, ad hoc departures from existing laws rules and guidelines." - **West Virginia Department of Environmental Protection**

"There are 250 jobs at risk in that mine. The Spruce #1 permit has been in operation over two years and Arch has worked hard to comply with every request from the EPA. If this veto is allowed to stand then any mine permit is at risk. There is a possible \$150 million in taxes, miners wages and payments to suppliers and area businesses at stake if this permit is allowed to be stopped permanently," - **Sen. Ron D. Stollings, (D-Boone, Logan, Lincoln)**

"This decision by EPA is reckless and arbitrary. It establishes a dangerous precedent in that it reneges on an already approved permit --- something that has never been done previously. In doing so, it brings into question the reliability of the entire permitting process and shows an arrogant disregard for the impacts this will have on the state's economy and its people." - **Bill Raney, president, West Virginia Coal Association**

History



As the most carefully scrutinized and fully considered mine permit in West Virginia's history, the Spruce No. 1 permit was legally issued in 2007. The nearly 10-year permitting process included the preparation of a full environmental impact statement. The EPA was intimately involved in the preparation and approval of the Spruce permit, making today's news even more difficult to understand. - **Arch Coal**

Questions About Spruce No. 1 Mine Public Hearing



Q: When and where is the Public Hearing for the Spruce No. 1 Surface Mine Proposed

4. [Letter from Senate regarding the Spruce](#)
5. [Statement from Coal Association regarding decision to revoke](#)
6. [Statement from Coal Association regarding Mine Permit](#)
7. [Chart from EPA—](#)

The Facts



- At full production the mine will employ 300 indirect and induce
- The jobs created by the mine will provide employment opportunities for \$70,000 annually with
- Total economic impact of the mine will be \$150 million annually.
- The Spruce operation is the largest in West Virginia or the Appalachian region.
- The permit is the most comprehensive in the history of the state.
- During the permit's 10-year history, production levels were 100 percent of the EPA -- for example, 100 percent and the fill placed in the mine is recoverable reserves of coal.
- The Spruce mine permit was issued in 2007 and the mine commenced and the industry has been in operation for over 10 years.
- EPA participated along with the industry during the permit's 10-year history and the company's efforts to re-approve the permit.
- If the EPA revokes the permit, the action has been taken and the industry has exercised that right.
- It is an unprecedented decision to revoke a permit issued and production, which has been in operation for over 10 years.
- A decision by the EPA to revoke the permit over the validity of any permit in any industry -- not just coal -- is unprecedented.
- The EPA has continued to delay the permit ... It has had to delay the permit ... It should not delay any longer. The EPA to pocket veto the permit.
- EPA's concerns regarding the permit. The State of West Virginia to the EPA continues to disregard the agency has no respect for the sovereignty of the Legislature and the standards.

Determination?

A: EPA Region 3 will hold a public hearing at 7 p.m. on Tuesday, May 18, 2010 at the Charleston Civic Center (South Hall) in Charleston, West Virginia.

Q: Where is the Civic Center located?

A: The Charleston Civic Center is located at 200 Civic Center Drive, Charleston, West Virginia. Their phone number is 304-345-1500.

Q: What is the purpose of the Public Hearing?

A: EPA is holding the public hearing to obtain public testimony or comment on EPA's proposed 404(c) action on the Spruce No. 1 Mine project.

Q: Is the Public Hearing open to anyone?

A: Anyone may appear at the hearing and submit oral and/or written statements or data. On-site registration to speak will begin at 5 p.m.

Q: What about people who have special needs?

A: For those who have special needs and require auxiliary aids and/or services to fully participate in the public hearing, please call 215-814-2760.

Q: Are advanced sign-ups being accepted?

A: Yes. In anticipation of the large turnout for the hearing, advanced sign-up is recommended due to time and capacity limitations, especially for those planning to make oral comments.

Q: How do I sign up?

A: To sign up go to <http://www.epa.gov/region3/mtn/top/spruce1hearing.html> and click on the link which reads "Registering ahead of time is recommended." You may also sign-up by phone at 877-368-3552.

Q: How do I submit my comments?

A: Submit your comments, identified by Docket ID No EPA-R03-OW-2009-0985, by one of the following methods:

Federal eRulemaking Portal (recommended method of comment submission): <http://www.regulations.gov>. Follow the online instructions for submitting comments. Or, go directly to the comments page for this action.

E-mail: ow-docket@epamail.epa.gov This e-mail address is being protected from spambots. You need JavaScript enabled to view it . Include the docket number, EPA-R03-OW-2009-0985, in the subject line of the message.

Mail:

"EPA-R03-OW-2009-0985, Spruce No. 1 Surface Mine"
U.S. Environmental Protection Agency
EPA Docket Center Water Docket, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hand Delivery or Courier:
Director, Office of Environmental Programs
Environmental Assessment and Innovation Division (3EA30)

U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103

Such deliveries are only accepted during the Regional Office's normal hours of operation, which are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Submit at the Public Hearing: Written comments may also be presented at the hearing.

Jessica H. Greathouse
State and Congressional Liaison
U.S. Environmental Protection Agency
(304) 224-3181

01268-EPA-710

(b) (6)
05/14/2010 09:11 AM

To Richard Windsor
cc
bcc
Subject Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

Hi Administrator,

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

[Redacted]

If you need further information please let me know.

(b) [Redacted]
to -----\Sent by EPA Wireless E-Mail Services.
Richard Windsor

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

From: Richard Windsor
Sent: 05/14/2010 08:34 AM EDT
To: Bob Sussman
Cc: Bob Perciasepe; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Dan Ryan" <ryan.daniel@epa.gov>; Shawn Garvin; Heidi Ellis; "Diane Thompson" <thompson.diane@epa.gov>; (b) (6)

Subject: Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI Monday is too late. I would like to do this today during my train trip back from NJ. Tx.

Also, (b) (5) D.P. [Redacted] ?
Bob Sussman

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

From: Bob Sussman
Sent: 05/14/2010 08:29 AM EDT
To: Richard Windsor
Cc: Bob Perciasepe; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Dan Ryan" <ryan.daniel@epa.gov>; Shawn Garvin

Subject: Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI Am arranging a call with Shawn to talk this through on Monday and really want OPA, among others, participating (b) (5) D.P.

[Redacted] ?.

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

Richard Windsor (b) (5) D.P. 05/14/2010 08:21:42 AM

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>, "Dan Ryan" <ryan.daniel@epa.gov>
Date: 05/14/2010 08:21 AM
Subject: Re: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

(b) (5) D.P.

Bob Sussman

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

From: Bob Sussman
Sent: 05/13/2010 02:21 PM EDT
To: Richard Windsor; Bob Perciasepe
Subject: Fw: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/13/2010 02:21 PM -----

From: William Early/R3/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Becky Barnes/DC/USEPA/US@EPA, Dave Evans <evans.david@epa.gov>, Gregory Peck/DC/USEPA/US@EPA
Date: 05/13/2010 02:11 PM
Subject: Fw: WV Coal Association 'Call to Arms' on Spruce hearing- FYI

Attached below is an announcement - "A Call to Arms" - from the WV Coal Association regarding the Spruce No. 1 hearing. (b) (5) D.P.

bill e.

William C. Early
Deputy Regional Administrator
Middle Atlantic Region
U. S. Environmental Protection Agency
215 814 2626
215 814 2901 (Fax)
Early.William@epa.gov

----- Forwarded by William Early/R3/USEPA/US on 05/13/2010 02:03 PM -----

From: Jessica Greathouse/R3/USEPA/US
To: Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US, John Pomponio/R3/USEPA/US@EPA, Regina Poeske/R3/USEPA/US@EPA, Stefania Shamet/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA, Catherine Libertz/R3/USEPA/US@EPA, David Dillon/R3/USEPA/US@EPA, Nicholas Gillispie/R3/USEPA/US, Brandon Foreman/DC/USEPA/US@EPA, Daniel Ryan/R3/USEPA/US@EPA, Michael Dunn/R3/USEPA/US@EPA
Cc: bobby.eggleton@charlestonwvpolice.org, adam.saslow@plexusli.com
Date: 05/13/2010 10:09 AM
Subject: WV Coal Association 'Call to Arms' on Spruce hearing- FYI



The Washington DC Senate Hearing bus trip scheduled for May 18 has been cancelled.

Members of the public are encouraged to attend the public hearing (registration begins at 5 p.m.; hearing begins at 6 p.m.) on May 18th at the following location:

**[Charleston Civic Center \(South Hall\)](#)
**200 Civic Center Drive
 Charleston, West Virginia 25301
 304-345-1500****

The federal Environmental Protection Agency West Virginia's coal miners and our coal mining communities are under attack by opponents in Congress and scheduled two hearings on the same day (May 18th) for bills and actions that will do away with people's jobs. We're convinced the opponents to West Virginia coal teamed up to make it very difficult for our people to attend the hearing in Washington and the other in Charleston. We must prove them wrong!

We ask your immediate attention be given to the Charleston West Virginia hearing that will be held at the Civic Center on May 18th. This hearing threatens to "veto" the already issued Spruce permit of Arch Coal in Logan County. This is almost unbelievable in today's economy. The EPA is confiscating a legally-issued permit and sending working miners home when the country is trying to rebuild its economy. We are asking you to stand up for our miners, our jobs and our state.

We ask you to call the following toll-free number to reserve a space at the hearing. The phone number is 1-877-368-3683. Please provide your address, email address and phone number. It will let EPA know a large group plans to attend the May 18th hearing.

You can also register online at <http://sprucehearing.eventbrite.com/>

Previous Statements



This federal bureaucracy is misleading, and is adding excessive red tape that is affecting people's livelihoods. Government should be a facilitator and partner, not a hindrance to Americans working to obtain the American Dream – and that is to have a good job, make a

Documents

1. [WV DEP Letter to EPA responding to EPA's decision that the Spruce permit should be revoked](#)
2. [Corps of Engineers Letter to EPA regarding the Spruce Mine](#)
3. [Senate Concurrence on the Spruce Mine during the regular session](#)
4. [Letter from Senator Lisa Murkowski to EPA Administrator Lisa Jackson regarding the Spruce Mine](#)
5. [Statement from Senator Lisa Murkowski regarding EPA's decision to revoke the Spruce Mine permit](#)

decent wage and provide for their family." - **Gov. Joe Manchin, West Virginia.**

"[A]t some point, a project must be deemed to have been studied enough to meet NEPA's requirements. This is the most heavily studied and scrutinized surface mining coal operation in the history of a state which has a long history with the coal mining industry." - **West Virginia Department of Environmental Protection**

"The WVDEP is committed to the application of the existing laws, rules and policies to protect the environment. ... It does not support retroactive, ad hoc departures from existing laws rules and guidelines." - **West Virginia Department of Environmental Protection**

"There are 250 jobs at risk in that mine. The Spruce #1 permit has been in operation over two years and Arch has worked hard to comply with every request from the EPA. If this veto is allowed to stand then any mine permit is at risk. There is a possible \$150 million in taxes, miners wages and payments to suppliers and area businesses at stake if this permit is allowed to be stopped permanently," - **Sen. Ron D. Stollings, (D-Boone, Logan, Lincoln)**

"This decision by EPA is reckless and arbitrary. It establishes a dangerous precedent in that it reneges on an already approved permit --- something that has never been done previously. In doing so, it brings into question the reliability of the entire permitting process and shows an arrogant disregard for the impacts this will have on the state's economy and its people." - **Bill Raney, president, West Virginia Coal Association**

History



As the most carefully scrutinized and fully considered mine permit in West Virginia's history, the Spruce No. 1 permit was legally issued in 2007. The nearly 10-year permitting process included the preparation of a full environmental impact statement. The EPA was intimately involved in the preparation and approval of the Spruce permit, making today's news even more difficult to understand. - **Arch Coal**

Questions About Spruce No. 1 Mine Public Hearing



Q: When and where is the Public Hearing for the Spruce No. 1 Surface Mine Proposed Determination?

6. [Statement from Spruce No. 1 Mi](#)
7. [Chart from EPA-works.](#)

The Facts



- At full production the mine will create another 300 jobs
- The jobs created by the mine will be long-term employment with an average salary of approximately \$70,000
- Total economic impact of the mine will be approximately \$150 million
- The Spruce operation will create 250 jobs
- The permit is the most controversial in the history of West Virginia or the coal industry
- During the permit's preparation and production level concerns of the EPA were reduced by 27 percent by 57 percent. Total production was reduced by 10.6 million tons
- The Spruce mine production has come on line and is working
- EPA participated along the way during the permitting process and praised the company
- If the EPA revokes the permit such an action has been taken 14th time the EPA has taken such an action since it was created in 1972
- It is an unprecedented action already been issued
- A decision by the EPA will cast doubt over the future of the coal industry in West Virginia for any mine
- The EPA has continued to delay on an official decision to revoke the permit by doing nothing
- EPA's concerns regarding the impact of the mine on the State of West Virginia's coal programs. The fact that

A: EPA Region 3 will hold a public hearing at 7 p.m. on Tuesday, May 18, 2010 at the Charleston Civic Center (South Hall) in Charleston, West Virginia.

Q: Where is the Civic Center located?

A: The Charleston Civic Center is located at 200 Civic Center Drive, Charleston, West Virginia. Their phone number is 304-345-1500.

Q: What is the purpose of the Public Hearing?

A: EPA is holding the public hearing to obtain public testimony or comment on EPA's proposed 404(c) action on the Spruce No. 1 Mine project.

Q: Is the Public Hearing open to anyone?

A: Anyone may appear at the hearing and submit oral and/or written statements or data. On-site registration to speak will begin at 5 p.m.

Q: What about people who have special needs?

A: For those who have special needs and require auxiliary aids and/or services to fully participate in the public hearing, please call 215-814-2760.

Q: Are advanced sign-ups being accepted?

A: Yes. In anticipation of the large turnout for the hearing, advanced sign-up is recommended due to time and capacity limitations, especially for those planning to make oral comments.

Q: How do I sign up?

A: To sign up go to <http://www.epa.gov/region3/mtntop/spruce1hearing.html> and click on the link which reads "Registering ahead of time is recommended." You may also sign-up by phone at 877-368-3552.

Q: How do I submit my comments?

A: Submit your comments, identified by Docket ID No EPA-R03-OW-2009-0985, by one of the following methods:

Federal eRulemaking Portal (recommended method of comment submission): <http://www.regulations.gov>. Follow the online instructions for submitting comments. Or, go directly to the comments page for this action.

E-mail: ow-docket@epamail.epa.gov This e-mail address is being protected from spambots. You need JavaScript enabled to view it . Include the docket number, EPA-R03-OW-2009-0985, in the subject line of the message.

Mail:

"EPA-R03-OW-2009-0985, Spruce No. 1 Surface Mine"
U.S. Environmental Protection Agency
EPA Docket Center Water Docket, Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hand Delivery or Courier:
Director, Office of Environmental Programs

conclusions is further
for the state's environ
the Legislature to pr
standards.

Environmental Assessment and Innovation Division (3EA30)
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103

Such deliveries are only accepted during the Regional Office's normal hours of operation, which are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Submit at the Public Hearing: Written comments may also be presented at the hearing.

Jessica H. Greathouse
State and Congressional Liaison
U.S. Environmental Protection Agency
(304) 224-3181

01268-EPA-711

Seth Oster/DC/USEPA/US

To Richard Windsor

05/14/2010 09:32 AM

cc

bcc

Subject Fw: Womens Conservation Forum

Hi. (b) (5) D.P.


Seth

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

----- Forwarded by Seth Oster/DC/USEPA/US on 05/14/2010 09:32 AM -----

From: Ann Friedman <Ann@(b) (6) Privacy>
To: Seth Oster/DC/USEPA/US@EPA
Date: 05/14/2010 07:37 AM
Subject: Womens Conservation Forum

Dear Seth,

I am following up on my husband's email to you. Four years ago I and 5 other women founded the Women's Conservation Forum through Conservation International, where I am a board member. The purpose was to organize a true forum where women could come together to hear speakers and freely discuss the complex issues relating to conservation and the environment, issues that we all cared deeply about but about which we probably didn't have more than a superficial understanding.

We usually hold three events, usually lunches, per year, and they have been very successful, attracting some 80 or so high-powered Washington-area women each time. Our events have ranged from a book discussion with E.O Wilson to an interview with Jody Freeman to a panel on corporate sustainability (with four women corporate sustainability officers from major corporations, such as WalMart) to a panel on ecotourism to a speaker on the carbon footprint of food. We have decided to group this year's events under the theme of "Women Speaking Out" or something to that effect, and we're tying the events to CI's new mission, which includes ensuring water security, food security and combating climate change.

We would be absolutely honored if Administrator Jackson were willing to speak to us. The Embassy of Finland has offered to host our first luncheon of next season, and I understand that she has spoken there before. The wife of the ambassador, Laurel

Colless, is one of our founders. We are looking at the first week of October or the last week of September. Our lunches start promptly at noon and are over at 2:00. The speaker usually talks for about 20 minutes and then we leave time for Q&A to make sure we have a true dialogue. Tom said he would be happy to interview Lisa if she preferred that format – he interviewed Jody last year (who was a last-minute replacement for Carol Browner), and it was very successful.

Thank you for passing along this request. I know it's very far ahead of time, but we would really love to kick off our fifth year with such a powerful woman in the conservation field. If the suggested dates don't work but you can suggest another, please do.

Thank you,

Ann Friedman

([ann@](mailto:ann@(b) (6) Privacy)(b) (6) Privacy or (b) (6) Privacy home phone)

01268-EPA-712

Allyn
Brooks-LaSure/DC/USEPA/US

To Richard Windsor

cc

05/14/2010 07:19 PM

bcc

Subject Fw: Top Blog Posts for Fri., May 14 - 7:00 pm

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Suzanne Ackerman

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

From: Suzanne Ackerman**Sent:** 05/14/2010 07:01 PM EDT

To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin

Cc: Janice Sinclair; Denise Owens**Subject:** Top Blog Posts for Fri., May 14 - 7:00 pm**Lisa Jackson**

Outstanding commencement address by Lisa Jackson , head of EPA. Message to all of us: ask yourself "How can I help?"

Posted by: [billwolff](#) 11:20 am Full post:

Just called the EPA to urge top dog Lisa Jackson to implement new rules classifying coal ash as dangerous toxic waste. You can too.

Posted by: [jethomme](#) 3:20 pm Full post:

#bpoilnews @Lisapjackson - What do u think of all the lawsuits ? Premature? Necessary?

Posted by: [Jon Lewis](#) 3:10 pm Full post:

@lisaPJackson EPA Administrators gives updates on gulf coast oil spill

Posted by: [shrmsocmedguy](#) 2:02 pm Full post:

GHG Rules Announcement

Newsweek: EPA Ups the Ante on Climate-Energy Bill

Posted by: [SayfieNews](#) 6:45 pm Full post: <http://bit.ly/aAdz84>

("It's serious stuff. The rule when enacted would be the farthest-reaching effort to reduce the U.S.'s out of control emissions—the most abundant in the world. And it would be President Obama making good on his promise to environmentalists....")

Natl Petrochem & Refiners Assoc calls EPA's final GHG tailoring rule 'unlawful'

Posted by: [smtaber](#) 6:15 pm Full Post: <http://bit.ly/a000yh>

EPA Finalizes "Tailoring Rule" For Major Source GHG Permitting

Posted by: [JDMI](#) 4:50 pm Full post:

http://enewsusa.blogspot.com/2010_05_14_archive.html

AF&AP comments on EPA's tailoring rule

Posted by: [altenergyjobs](#) 4:15 pm Full Post: <http://bit.ly/9nQHi5>

(Note: American Forest & Paper Association President and CEO Donna Harman made the following statement on the U.S. EPA's GHG Tailoring Rule, issued this week: "The EPA's action hurts rural communities by endangering family wage American jobs and reversing economic development in communities that need it the most.")

Gulf Oil Spill & EPA Response

Gulf Oil Leaks Could Gush for Years - [#news](#) [#energy](#)

Posted by: [NatGeoSociety](#) 12:40 pm Full post: <http://on.natgeo.com/c6zFdg>

Seattle Globe: Govt. secrecy update: EPA allows experts to comment on oil spill ; this looks like progress. [#epa](#) [#transparency](#) [#gov20](#)

Posted by: [Seattleglobe](#) 2:06 pm Full post: <http://bit.ly/cP7IGY>

(Note: After our [recent outrage](#) about EPA's news conferences where reporters were forbidden to identify government officials who briefed journalists, we on Wednesday were pleasantly surprised by an EPA news conference that's back in the real world. Specifically, when EPA Administrator Lisa Jackson did a phone-in presser on the use of dispersants on oil spill, [the notice](#) listed the names and titles of lower-ranking EPA staffers who would appear....)

On our radar: [#Oilspill](#). Scientists and enviro groups say leak is much larger than US or BP acknowledge.

Posted by: [nytimes](#) 6:30 am Full post: <http://nyti.ms/aDY8mD>

01268-EPA-725

David Gray/R6/USEPA/US

To "Richard Windsor"

06/03/2010 09:59 PM

cc

bcc

Subject Fw: URGENT

Fyi
David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov

Sent from Blackberry
Sam Coleman

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

From: Sam Coleman
Sent: 06/03/2010 09:58 PM EDT
To: David Gray
Subject: Re: URGENT

Called and left a message.

Samuel Coleman, PE
Superfund Div Region 6
214.665.6701 Ofc
214.789.2016 Cell

Sent by EPA Wireless E-Mail Services
David Gray

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

From: David Gray
Sent: 06/03/2010 09:33 PM EDT
To: Sam Coleman
Subject: Re: URGENT

Any chance - you can make the call?

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov

Sent from Blackberry
Sam Coleman

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

From: Sam Coleman
Sent: 06/03/2010 09:03 PM EDT
To: David Gray; "Sam Coleman" <coleman.sam@epa.gov>
Subject: Re: URGENT

Timing?

Samuel Coleman, PE
Superfund Div Region 6
214.665.6701 Ofc
214.789.2016 Cell

Sent by EPA Wireless E-Mail Services
David Gray

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

From: David Gray
Sent: 06/03/2010 08:28 PM EDT
To: "Sam Coleman" <coleman.sam@epa.gov>
Subject: URGENT

In case you haven't heard from Al yet about this email to LPJ

Thanks for offering to have Mr. Coleman arrange for a multi-agency briefing for our state and local NAACP presidents in the area. Given such access to senior officials from BP, the Coast Guard, EPA and any other relevant agencies, there is a lot our folks can do to address concerns and distribute information in coastal communities.

The point-person at NAACP for Mr. Coleman is Jacqui Patterson, Director, NAACP Climate Change Initiative. Her email is jpatterson@naacpnet.org. Her mobile phone is 4434659809. She is expecting his call.

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov

Sent from Blackberry

01268-EPA-730

Scott Fulton/DC/USEPA/US

06/05/2010 10:16 PM

To Kristi Smith, Richard Ossias

cc Anna Wood, Bob Perciasepe, Brian Doster, Diane Thompson, Elliott Zenick, Gina McCarthy, Janet McCabe, Mary-Kay Lynch, Richard Windsor, Steve Page

bcc

Subject Re: Defense of Shell permits on issue of air emissions from a potential spill

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

[Redacted]

Thanks, Scott

Kristi Smith

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

From: Kristi Smith

Sent: 06/05/2010 08:53 PM EDT

To: Richard Ossias

Cc: Anna Wood; Bob Perciasepe; Brian Doster; Diane Thompson; Elliott Zenick; Gina McCarthy; Janet McCabe; Mary-Kay Lynch; Richard Windsor; Scott Fulton; Steve Page

Subject: Re: Defense of Shell permits on issue of air emissions from a potential spill

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

- Kristi

[attachment "Shell EAB - EPA Reg10 Response to Petitions for Review - June 5 1 pm EST DRAFT.doc"
deleted by Scott Fulton/DC/USEPA/US]

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

[Redacted]

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

[Redacted]

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

A large rectangular area of the document is completely redacted with black ink, covering the majority of the page's content.

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

A large rectangular area of the document is completely redacted with black ink, covering the majority of the page's content.

Kristi M. Smith
US EPA, Office of General Counsel
Air and Radiation Law Office
(202) 564-3068 (office)
(202) 564-5603 (fax)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

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

06/05/2010 08:18:28 PM

From: Richard Ossias/DC/USEPA/US
 To: Bob Perciasepe/DC/USEPA/US@EPA
 Cc: Anna Wood/DC/USEPA/US@EPA, Brian Doster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Elliott Zenick/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Kristi Smith/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA
 Date: 06/05/2010 08:18 PM
 Subject: Re: Defense of Shell permits on issue of air emissions from a potential spill

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

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

06/05/2010 07:56:28 PM

From: Bob Perciasepe/DC/USEPA/US
 To: Richard Ossias/DC/USEPA/US@EPA
 Cc: Anna Wood/DC/USEPA/US@EPA, Brian Doster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Elliott Zenick/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Kristi Smith/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA
 Date: 06/05/2010 07:56 PM
 Subject: Re: Defense of Shell permits on issue of air emissions from a potential spill

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

[Redacted]

[Redacted]

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

Richard Ossias

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

From: Richard Ossias
Sent: 06/05/2010 07:44 PM EDT
To: Bob Perciasepe
Cc: Anna Wood; Brian Doster; Diane Thompson; Elliott Zenick; Gina McCarthy; Janet McCabe; Kristi Smith; Mary-Kay Lynch; Richard Windsor; Scott Fulton; Steve Page
Subject: Re: Defense of Shell permits on issue of air emissions from a potential spill

(b) (5) D.P., (b)(5) A/C, (b)(5) AWP
[Redacted text block]

[Redacted text block]

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

[Redacted text block]

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

[Redacted text block]

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

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

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

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

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

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

[Redacted text block]

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

[Redacted text block]

[Redacted text block]

[Redacted text block]

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

[Redacted]

Bob Perciasepe (b) (5) D.P., (b)(5) A/C, (b)(5) AWP 06/05/2010 07:00:44 PM

From: Bob Perciasepe/DC/USEPA/US
To: Richard Ossias/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA, Anna Wood/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA
Cc: Kristi Smith/DC/USEPA/US@EPA, Elliott Zenick/DC/USEPA/US@EPA, Brian Doster/DC/USEPA/US@EPA
Date: 06/05/2010 07:00 PM
Subject: Re: Defense of Shell permits on issue of air emissions from a potential spill

All

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

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

Richard Ossias

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

From: Richard Ossias

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

To: Scott Fulton; Bob Perciasepe; Diane Thompson; Richard Windsor; Gina McCarthy; Janet McCabe; Steve Page; Anna Wood; Mary-Kay Lynch

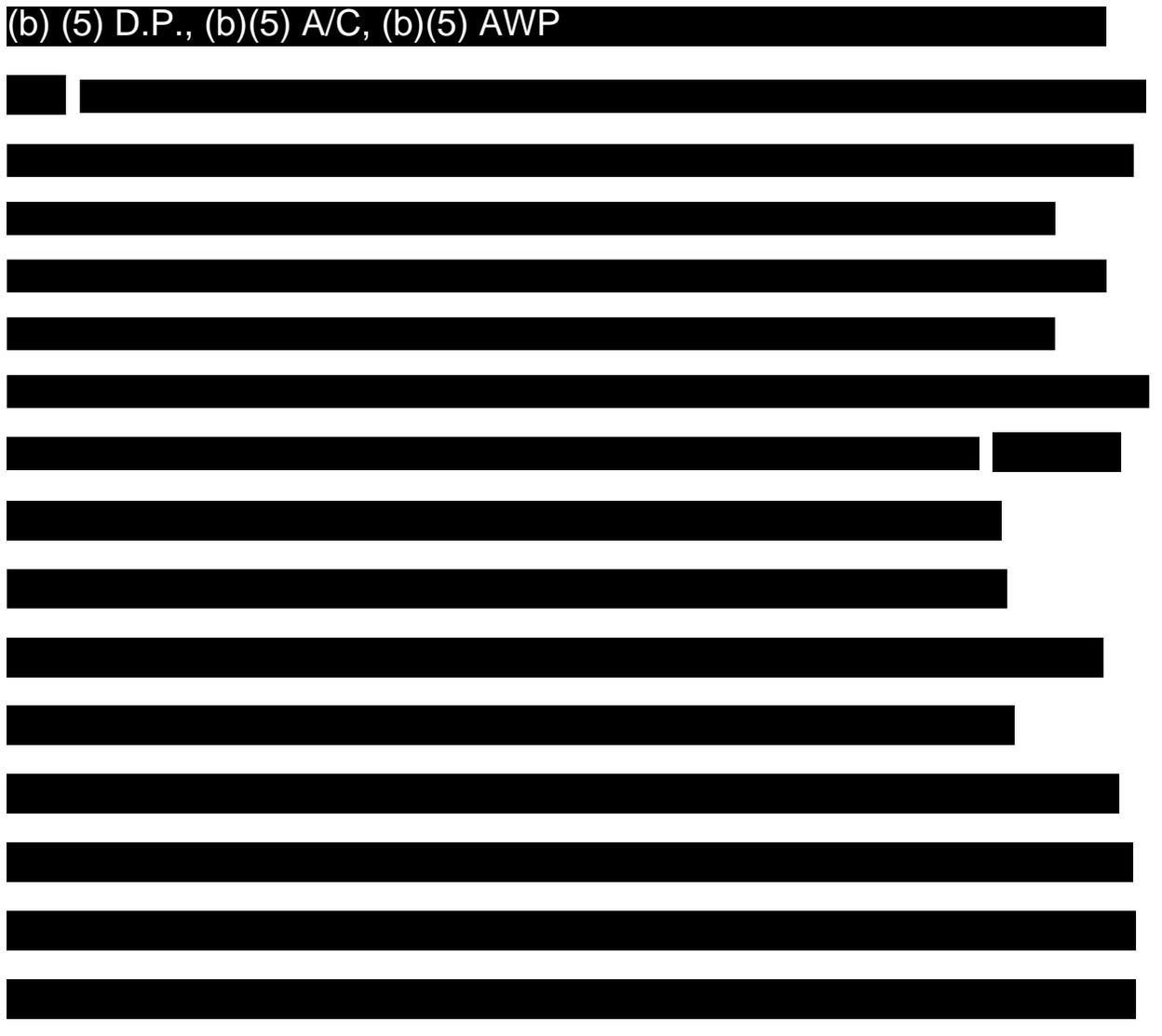
Cc: Kristi Smith; Elliott Zenick; Brian Doster

Subject: Defense of Shell permits on issue of air emissions from a potential spill

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



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



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

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

[Redacted]

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

[Redacted]

01268-EPA-736

Seth Oster/DC/USEPA/US

06/13/2010 02:24 PM

To Bob Sussman, Richard Windsor

cc

bcc

Subject Re: From Ashley Judd

Thanks Bob. (b) (5) D.P.

Seth

From: Bob Sussman
Sent: 06/13/2010 07:18 AM EDT
To: Richard Windsor
Cc: Seth Oster
Subject: Fw: From Ashley Judd

Wanted to make sure you saw this.

From: "Judd, Ashley" [ashley (b) (6) Privacy]
Sent: 06/13/2010 12:13 AM AST
To: Bob Sussman
Subject: From Ashley Judd

Dear Mr Sussman:

On 9 June, I had the honor of addressing the National Press Club. My topic was one of my core missions in life: stopping the rape of Appalachia, mountain top removal coal mining.

I was surprised and dismayed to read in a press report that during my talk, I criticized Administrator Jackson. Nothing could be further from the truth. In fact, my call to action for each person in the room was to express their support of the close, critical attention the agency has been paying to MTR since Administrator Jackson's appointment and especially to support the EPA's move to veto the permit application for West Virginia Spruce No.1 Mine. Equally, I admonished the press to cover MTR better, more fully, more frequently; I should have added accurately.

In the event this false report has made its way to your office, I wanted to offer this correction. I regret that at the National Press Club, of all places, I would be misquoted on such a huge issue and with regard to someone whose actions I have keenly watched with great interest, relief, and appreciation.

If you or your office have any interest in my talk, I would be glad to send you the text. It is a deeply personal issue to me; my people come from the mountains of eastern Kentucky for at least 8 generations.

If I may ever be useful, please don't hesitate to ask. And, when is President Obama going to do a fly over of an MTR site?

With best wishes,

Ashley Judd

01268-EPA-737

**Daniel
Gerasimowicz/DC/USEPA/US**
06/14/2010 12:11 PM

To
cc
bcc

Subject Meeting with Christiana Figueres, Executive Secretary of the United Nations Framework Convention on Climate Change (UNFCCC)

Meeting

Date 06/28/2010

Time 10:00:00 AM to 10:45:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Bullet Room

Ct: Elaine Loughridge (CCAP) 202-350-8584

Staff:

Gina McCarthy, Joe Goffman, Maurice LeFranc, Brian McLean (OAR)

Michelle DePass, Shalini Vajjhala, Martin Dieu, Anthony Socci, Gary Waxmonsky (OIA)

Optional: Diane Thompson, Robert Goulding (OA)

Attendees:

Christina Figueres, Executive Secretary, UNFCCC

Ned Helme, President of the Center for Clean Air Policy

Marty Spitzer, Legislative Director, Center for Clean Air Policy

01268-EPA-739

Janet Woodka/DC/USEPA/US

To "Diane Thompson", richard.windsor

06/16/2010 08:35 AM

cc "Bob Perciasepe"

bcc

Subject Re: Update from travels to R8

Bob is still in Denver for an Human Resources Council meeting this am. Craig Hooks will also be there. Bob is going to meet with the R8 Senior Leadership Team mid-day and then head back tonight. Bob sent me back last night (getting in at 2 am this am) to go to a meeting at CEQ (b) (5) D.P.

Yesterday, after the all hands, Bob and I meet with Carol Rushin, Judy Wong, and Paula Smith. We discussed some interesting tribal initiatives in R8 (which I will get to Michelle Depass), their green building and other initiatives, and an idea that they have for "a new day at epa".

Bob and I then met with Jim and Mary Grace (b) (5) D.P.

I'll be on the call this am until 9 and in the office after 11ish (after ceq meeting) should you want to discuss this or anything else further - and I'm always available by cell.

Janet Woodka

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

From: Janet Woodka

Sent: 06/15/2010 04:47 PM EDT

To: "Diane Thompson" <thompson.diane@epa.gov>; richard.windsor@epa.gov

Cc: "Bob Perciasepe" <perciasepe.bob@epa.gov>

Subject: Update from travels to R8

Well, Bob and I had a long journey getting here (nothing like an 7 hour trip to denver!) And the schedule has shifted slightly. We did a meeting with Craig Hooks and the "unity" council.

We're now at the all-hands meeting. Craig Hooks did a great job - talking about ARRA and making EPA a better place to work (and stressing his career epa creds!). Bob P talked about the priorities and did an excellent job.

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

[Redacted]

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

01268-EPA-740

**Daniel
Gerasimowicz/DC/USEPA/US**
06/18/2010 03:12 PM

To
cc
bcc

Subject Meeting with Todd Stern

Meeting

Date 06/23/2010
Time 02:15:00 PM to 03:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location Administrator's Office

Ct: Talia Hutchison (Exec. Assistant to Mr. Stern) 202-647-9884

Subj: Methane to Markets (M2M)

Staff:

Gina McCarthy, Paul Gunning (OAR)
Shalini Vajjhala (OITA)
Optional: Bob Perciasepe (OA)

The Deputy Administrator may stop in to this meeting

Attendees:

Todd Stern, State Department Special Envoy for Climate Change

Christo Artusio, Deputy Director, Office of Global Change, Bureau of Oceans and International Environmental and Scientific Affairs,
United States Department of State

Barbara DeRosa-Joynt, Director of the Administrative Support Group, Asia-Pacific Partnership on Clean Development and Climate,
United States Department of State

01268-EPA-742

Bob Sussman/DC/USEPA/US

To Windsor.Richard

06/23/2010 08:34 AM

cc "Bob Perciasepe", "Diane Thompson"

bcc

Subject Re: MTM Decisions

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

[Redacted]

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

Bob Sussman

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

06/17/2010 07:55:45 PM

From: Bob Sussman/DC/USEPA/US
To: "Lisa P. Jackson" <Windsor.Richard@epamail.epa.gov>
Cc: "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>
Date: 06/17/2010 07:55 PM
Subject: MTM Decisions

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-743

Shawn Garvin/R3/USEPA/US

06/23/2010 03:40 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman

cc

bcc

Subject Fw: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

I just wanted to let you that I received a call from Randy Huffman twice regarding this article. He apologized and said that he had said all the words, just not in the way it was quoted. Just an FYI.

Thanks - Shawn

----- Forwarded by Shawn Garvin/R3/USEPA/US on 06/23/2010 03:38 PM -----

From: Roy Seneca/R3/USEPA/US
To: Shawn Garvin/R3/USEPA/US@EPA, Cindy Cook/R3/USEPA/US, Daniel Ryan/R3/USEPA/US@EPA, Jessica Greathouse/R3/USEPA/US@EPA, Terri-A White/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA, Catherine Libertz/R3/USEPA/US@EPA, David Sternberg/R3/USEPA/US@EPA, Amy Caprio/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, William Early/R3/USEPA/US, capacasa.jon@epa.gov, Martin Harrell/R3/USEPA/US@EPA, David McGuigan/R3/USEPA/US@EPA, Donna Heron/R3/USEPA/US@EPA
Date: 06/23/2010 02:20 PM
Subject: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."
June 23, 2010 by Ken Ward Jr.

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At the time, Randy told me:

If EPA's not going to give us answers, we need to get our own. We need to get our own posture on this, and the end result is going to be a reduction in the size and scope of these operations.

And, in a rare moment for a West Virginia government leader, Randy was pretty honest about what the impacts from mining really are and what should be done about it:

Our opposition [to EPA's permit reviews] has been more about the process than it has been about the science. There is a lot of validity to the concerns about the downstream impacts.

I think that's the change in direction everyone is going to have to make to meet the downstream water quality requirements. I don't see any choice but to reduce the impacts.

Well, four months went by, and WVDEP hadn't released any new policies, rules or water quality guidelines. EPA went ahead with its own actions, proposing a tough guideline for conductivity, aimed at addressing increasing concerns about what mountaintop removal is doing to water quality downstream. As far as I know, WVDEP still hasn't publicly released any new rules itself, though Randy told me last week that they were going to do so sometime soon.

But gosh, what do we have today, in a report from Vicki Smith of The Associated Press? Check it out:

West Virginia's top environmental official says surface-mine permitting in his state is getting tougher federal scrutiny than in any of the other five states the Environmental Protection Agency has targeted, and the continuing conflict over new standards will likely end up in litigation.

"We are either going to be a plaintiff, a defendant or an intervener," Department of Environmental Protection Secretary Randy Huffman told The Associated Press. "I can't predict right now which one we'll be."

Several DEP employees are attending a meeting with EPA staff in Pittsburgh on Wednesday and Thursday over new water-quality standards imposed April 1 on six states: West Virginia, Kentucky, Pennsylvania, Ohio, Virginia and Tennessee. Huffman argues the standards are not only unattainable, but also being unfairly enforced.

"They are wrong on a lot of levels," Huffman said of federal regulators. "... If what EPA is doing is illegal, they will pay the price."

Huffman said his staff will "do more listening and asking questions than talking" to EPA officials. "I can promise you, there will be much that will be said in this two-day meeting that will be held against them later."

Re-read a couple of those quotes:

If what EPA is doing is illegal, they will pay the price.

I can promise you, there will be much that will be said in this two-day meeting that will be held against them later.

What do we not see in these quotes? Any recognition at all from the Manchin administration's top environmental regulator of the overwhelming science showing that mountaintop removal is having pervasive and irreversible impacts on the environment and that tougher rules are needed to curb those effects.

These statements sound much more like Randy Huffman's testimony to the U.S. Senate a year ago, in which the state's top environmental regulator sounded more like someone whose main job was to promote the coal industry. A few examples of his remarks in that testimony:

Without evidence of any significant impact on the rest of the ecosystem beyond the diminished numbers of certain genus of mayflies, the State cannot say that there has been a violation of its narrative standard.

The greater concern for the Department of Environmental Protection, however, as protector of the State's water resources, is the unintended consequences of the Environmental Protection Agency's recent actions that have the potential to significantly limit all types of mining.

What happened to the realization from WVDEP that mining is having impacts that current regulations don't address, and to the state's efforts to try to tackle those impacts?

I asked Randy about that this morning, and he said WVDEP staffers continue to work on the project, that it's complicated and is taking longer than he would have liked. "We're working our tails off on it, but it is just hard," he said.

Also, Randy said he doesn't think he said some of the things Vicki quoted him as saying, in particular that bit about EPA "paying the price" or the part about what EPA says in this week's meetings being "held against them later." Randy told me:

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Regardless, is it any wonder that that EPA officials sometimes say things like this:

The notion of 'clarity' invoked by some West Virginia officials and industry representatives has too often meant letting coal companies do as they please, with little or no consideration for the harmful impacts on Americans living in coal country.

UPDATED:

DEP spokeswoman Kathy Cosco just called me back to say that, in fact, Randy did say the things quoted in Vicki's story ... and Randy was calling EPA this afternoon to apologize

Roy Seneca
EPA Region 3 Press Officer
Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567

01268-EPA-744

Seth Oster/DC/USEPA/US
06/23/2010 05:45 PM

To Richard Windsor
cc
bcc

Subject Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.
Richard Windsor

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

From: Richard Windsor
Sent: 06/23/2010 04:58 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>

Subject: Fw: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.
Richard Windsor

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

From: Richard Windsor
Sent: 06/23/2010 04:54 PM EDT
To: Shawn Garvin; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman
Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on

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

Shawn Garvin

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

From: Shawn Garvin
Sent: 06/23/2010 03:40 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman

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Roy Seneca
EPA Region 3 Press Officer
Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567

01268-EPA-745

Seth Oster/DC/USEPA/US

To Richard Windsor

06/23/2010 05:51 PM

cc

bcc

Subject Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

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

Richard Windsor

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

From: Richard Windsor

Sent: 06/23/2010 05:46 PM EDT

To: Seth Oster

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

Tx

Seth Oster

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

From: Seth Oster

Sent: 06/23/2010 05:45 PM EDT

To: Richard Windsor

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

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

Richard Windsor

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From: Richard Windsor

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To: "Seth Oster" <oster.seth@epa.gov>

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

Richard Windsor

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

From: Richard Windsor

Sent: 06/23/2010 04:54 PM EDT

To: Shawn Garvin; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

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

Shawn Garvin

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

From: Shawn Garvin

Sent: 06/23/2010 03:40 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman

Subject: Fw: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

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----- Forwarded by Shawn Garvin/R3/USEPA/US on 06/23/2010 03:38 PM -----

From: Roy Seneca/R3/USEPA/US
To: Shawn Garvin/R3/USEPA/US@EPA, Cindy Cook/R3/USEPA/US, Daniel Ryan/R3/USEPA/US@EPA, Jessica Greathouse/R3/USEPA/US@EPA, Terri-A White/R3/USEPA/US@EPA, Michael Kulik/R3/USEPA/US@EPA, Catherine Libertz/R3/USEPA/US@EPA, David Sternberg/R3/USEPA/US@EPA, Amy Caprio/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, William Early/R3/USEPA/US, capacasa.jon@epa.gov, Martin Harrell/R3/USEPA/US@EPA, David McGuigan/R3/USEPA/US@EPA, Donna Heron/R3/USEPA/US@EPA
Date: 06/23/2010 02:20 PM
Subject: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

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Roy Seneca
EPA Region 3 Press Officer
Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567

01268-EPA-746

Seth Oster/DC/USEPA/US
06/23/2010 05:58 PM

To Richard Windsor
cc
bcc

Subject Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P., (b) (6) Privacy
Richard Windsor

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

From: Richard Windsor
Sent: 06/23/2010 05:53 PM EDT
To: Seth Oster

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.

Seth Oster

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

From: Seth Oster
Sent: 06/23/2010 05:51 PM EDT
To: Richard Windsor

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.
Richard Windsor

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

From: Richard Windsor
Sent: 06/23/2010 05:46 PM EDT
To: Seth Oster

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

Tx
Seth Oster

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

From: Seth Oster
Sent: 06/23/2010 05:45 PM EDT
To: Richard Windsor

Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.
Richard Windsor

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

From: Richard Windsor
Sent: 06/23/2010 04:58 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>

Subject: Fw: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.

Richard Windsor

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From: Richard Windsor
Sent: 06/23/2010 04:54 PM EDT
To: Shawn Garvin; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman
Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."
(b) (5) D.P.

Shawn Garvin

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

From: Shawn Garvin
Sent: 06/23/2010 03:40 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman
Subject: Fw: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."
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Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567

01268-EPA-747

Shawn Garvin/R3/USEPA/US

06/24/2010 12:05 AM

To Richard Windsor

cc Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster

bcc

Subject Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.

Richard Windsor

(b) (5) D.P.

06/23/2010 04:54:36 PM

From: Richard Windsor/DC/USEPA/US
 To: Shawn Garvin/R3/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
 Date: 06/23/2010 04:54 PM
 Subject: Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on mining permits: "If what EPA is doing is illegal, they will pay the price."

(b) (5) D.P.

Shawn Garvin

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Sent: 06/23/2010 03:40 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman
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Office of Public Affairs
seneca.roy@epa.gov
(215) 814-5567

01268-EPA-748

Janet Woodka/DC/USEPA/US
06/27/2010 10:07 AM

To richard.windsor, "Bob Perciasepe", "Diane Thompson"
cc
bcc

Subject Fw: OSC Authority to Direct Waste

In light of yesterday's discussion and the ongoing saga on the waste directive, I just wanted to make you aware of this discussion going on between the regions (stan and larry, mainly) for your awareness.

Stan Meiburg

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

From: Stan Meiburg

Sent: 06/26/2010 11:05 PM EDT

To: Lawrence Starfield

Cc: "Mary-Kay Lynch" <lynch.mary-kay@epa.gov>; Al Armendariz; Janet Woodka

Subject: Re: OSC Authority to Direct Waste

Larry, thanks for your note. I hope you'll see this as a helpful response.

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

[Redacted]

[Redacted]

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

[Redacted]

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
Lawrence Starfield

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

From: Lawrence Starfield
Sent: 06/26/2010 09:03 PM EDT
To: Stan Meiburg
Cc: "lynch mary-kay" <lynch.mary-kay@epa.gov>; Al Armendariz; Janet Woodka
Subject: Re: OSC Authority to Direct Waste

Stan,

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

[Redacted]

[Redacted]

[Redacted]

Larry
Sent by EPA Wireless E-Mail Services
Stan Meiburg

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

From: Stan Meiburg
Sent: 06/21/2010 08:02 PM EDT
To: Janet Woodka
Cc: lynch.mary-kay@epa.gov; Al Armendariz; Lawrence Starfield
Subject: Fw: OSC Authority to Direct Waste

Janet--

(b) (5) D.P., (b)(5) A/C [Redacted]

(b) (5) D.P., (b)(5) A/C
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Stan

A. Stanley Meiburg
Acting Regional Administrator
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61 Forsyth Street, SW
Atlanta, GA 30303

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

----- Forwarded by Stan Meiburg/R4/USEPA/US on 06/21/2010 07:20 PM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: Stan Meiburg/R4/USEPA/US@EPA

Date: 06/21/2010 07:16 PM
Subject: Fw: OSC Authority to Direct Waste

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 06/21/2010 07:15 PM -----

From: John Michaud/DC/USEPA/US
To: Lawrence Starfield/R6/USEPA/US@EPA
Cc: Ben Harrison/R6/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, James Bove/DC/USEPA/US@EPA
Date: 05/26/2010 09:25 AM
Subject: OSC Authority to Direct Waste

Larry --

Would you be available for a call this morning to talk about the OSC's authority to direct oil spill response waste to or away from specific facilities? (b) (5) D.P., (b)(5) A/C

[REDACTED]

[REDACTED]

Thanks.

[attachment "disposal issue_v4.doc" deleted by Lawrence Starfield/R6/USEPA/US]

John R. Michaud
Assistant General Counsel for RCRA
Solid Waste and Emergency Response Law Office
Office of General Counsel
U.S. EPA, Washington, D.C.
Mail Code: 2366A
tel: 202-564-5518
fax: 202-564-5531
email: michaud.john@epa.gov

01268-EPA-750

Adora Andy/DC/USEPA/US

07/09/2010 10:53 PM

To Sarah Pallone, "Dana Tulis", "Mathy Stanislaus", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"
cc "Brendan Gilfillan", "Betsaida Alcantara", "Alisha Johnson", "Michael Moats", "Vicki Ekstrom"

bcc

Subject HEADS UP #2: HUFF PO

Administrator,

Early next week, Dan Froomkin (formerly of the Washington Post, now at Huffington Post) will publish parts 2 and 3 of the story below. One of them will be on EPA science and the decision to us dispersants (straight from the PEER release in the last email I sent). We are currently working with the reporter on the story which will likely wrap Monday.

Thanks,

Adora

HUFFINGTON POST: Despite Obama's Lofty Words, Scientific Integrity Rules Are Lagging

http://www.huffingtonpost.com/2010/07/09/despite-obamas-lofty-word_n_641082.html

Despite Obama's Lofty Words, Scientific Integrity Rules Are Lagging

First Posted: 07- 9-10 02:32 PM | Updated: 07- 9-10 02:45 PM

Dan Froomkin

Last March, President Obama promised he'd have a strategy for restoring scientific integrity to the federal government on hand by July 29. A full year later, federal agencies still have not received any new directives and some government scientists say that conditions have not improved noticeably since Obama took power.

Obama made scientific integrity an issue in his presidential campaign, and his March 9, 2009 memo outlined a series of high-minded principles -- advocating, for instance, for "transparency in the preparation, identification, and use of scientific and technological information in policymaking."

The memo also ordered John Holdren, the director of the White House's Office of Science and Technology Policy (OSTP) to develop guidelines "designed to guarantee scientific integrity throughout the executive branch." Obama gave Holdren 120 days. That deadline came and went. And Friday is its one-year anniversary.

The White House won't explain what's holding things up. In a June 18 posting on the White House website, Holdren simply said that "the process has been more laborious and time-consuming than expected at the outset." He set a new deadline, saying he would deliver "a high-quality product" to Obama "in the next few weeks." (That was three weeks ago.)

Holdren, however, also tried to argue that the directives weren't really a big deal. "There should not be any doubt that these principles have been in effect -- that is, binding on all Executive departments and agencies -- from the date of issue of the Memorandum on March 9, 2009," he wrote. The hold-up, he insisted, only affected "recommendations to the President on what further instructions he might issue in augmentation of these principles in order to advance the goal of achieving the highest level of scientific integrity across the Executive Branch." (Holdren's italics.)

But that, people who follow the issue closely tell the Huffington Post, is baloney.

"You can't enforce a principle, without a rule," said Jeff Ruch, executive director of Public Employees for

Environmental Responsibility, a whistleblower group that he describes as "sort of a shelter for battered staff." Ruch's group is calling attention to the one-year anniversary of the blown deadline in hopes of spurring action.

"The reason that the Bush people were able to manipulate science is because there are no rules against it. And there still aren't," Ruch said.

"For changes to be meaningful and lasting, the White House must provide specific guidelines, they must provide a timeline and they must present benchmarks for agency performance, so we can measure the agencies and assure accountability," said Francesca Grifo, director of the scientific integrity project at the Union of Concerned Scientists.

"That's actually how the work gets done," said Susan F. Wood, a professor involved in George Washington University's Scientists in Government program. Obama's memo was a "first step," she said. "Following through on that is really important."

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01268-EPA-751

Adora Andy/DC/USEPA/US
07/10/2010 09:51 AM

To Richard Windsor, Sarah Pallone, Dana Tulis, Mathy Stanislaus, "Richard Windsor", Bob Perciasepe, Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", Stephanie Owens
cc "Brendan Gilfillan", "Betsaida Alcantara", Alisha Johnson, Michael Moats, Vicki Ekstrom
bcc

Subject Re: HEADS UP #2: HUFF PO

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

Richard Windsor

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

From: Richard Windsor
Sent: 07/10/2010 12:11 AM EDT
To: Adora Andy; Sarah Pallone; Dana Tulis; Mathy Stanislaus; "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <Sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>; Alisha Johnson; Michael Moats; Vicki Ekstrom
Subject: Re: HEADS UP #2: HUFF PO

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

[Redacted]

Adora Andy

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

From: Adora Andy
Sent: 07/09/2010 10:53 PM EDT
To: Sarah Pallone; Dana Tulis; Mathy Stanislaus; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Alisha Johnson; Michael Moats; Vicki Ekstrom
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http://www.huffingtonpost.com/2010/07/09/despite-obamas-lofty-word_n_641082.html

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First Posted: 07- 9-10 02:32 PM | Updated: 07- 9-10 02:45 PM

Dan Froomkin

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01268-EPA-752

Adora Andy/DC/USEPA/US
07/10/2010 09:51 AM

To Bob Perciasepe, Richard Windsor, Sarah Pallone, Dana Tulis, Mathy Stanislaus, "Richard Windsor", Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", Stephanie Owens
cc "Brendan Gilfillan", "Betsaida Alcantara", Alisha Johnson, Michael Moats, Vicki Ekstrom
bcc
Subject Re: HEADS UP #2: HUFF PO

Thanks Bob. (b) (5) D.P.
Bob Perciasepe

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

From: Bob Perciasepe
Sent: 07/10/2010 05:22 AM EDT
To: Richard Windsor; Adora Andy; Sarah Pallone; Dana Tulis; Mathy Stanislaus; "Lisa Jackson" <windsor.richard@epa.gov>; Diane Thompson; "Bob Sussman" <Sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>; Alisha Johnson; Michael Moats; Vicki Ekstrom
Subject: Re: HEADS UP #2: HUFF PO

Lisa and Adora.

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

[Redacted]

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

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

From: Richard Windsor
Sent: 07/10/2010 12:11 AM EDT
To: Adora Andy; Sarah Pallone; Dana Tulis; Mathy Stanislaus; "Lisa Jackson" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <Sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens
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01268-EPA-753

Craig Hooks/DC/USEPA/US

07/11/2010 11:00 AM

To Curt Spalding

cc Diane Thompson, Richard Windsor, Bob Perciasepe

bcc

Subject Re: Unusual rain storm in Boston damages Region I Office

Curt,

I'm sorry you all are experiencing flooding issues once again. I will have my folks on this immediately in an effort to minimize the disruption you're facing and work with GSA to expedite the repairs necessary to prevent this from happening again. Pls call or get in touch with me if there are additional issues OARM can assist you with. Thx.

Curt Spalding

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

From: Curt Spalding

Sent: 07/11/2010 10:55 AM EDT

To: Craig Hooks

Cc: Diane Thompson; Richard Windsor; Bob Perciasepe

Subject: Unusual rain storm in Boston damages Region I Office

Craig,

A more detailed report will be coming to your team late this PM. Just want to give you an early heads-up that a severe rain storm in Boston seriously damaged the Region I office. The cisterns on the green roof overflowed and the drainage pipe for the overflow failed - either designed too small or broke. The failure of the drain pipe caused serious flooding on floors 3,2, and 1. EPA and GSA teams are assessing the damage. I will get a full report at 4:00 PM today. According news reports, 3.5 inches rain fell in very short time. This storm followed several days of unusually high humidity - felt like we were living in the Gulf coast. Many of the storm water and combine sewer systems in the Boston area failed. (b) (6) Privacy

[REDACTED] The storm is a major pollution event for area waters.

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

Adapting to climate change ain't going to be easy.

- Curt

Curt Spalding
EPA New England
Regional Administrator
Phone: 617-918-1012

01268-EPA-755

Scott Fulton/DC/USEPA/US
07/14/2010 10:02 AM

To Bob Perciasepe, Richard Windsor
cc
bcc
Subject Re: GHG BACT

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

Bob Perciasepe

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

From: Bob Perciasepe
Sent: 07/14/2010 09:43 AM EDT
To: Bob Sussman; Richard Windsor
Cc: Lisa Heinzerling; Scott Fulton
Subject: Re: GHG BACT

Thanks Bob for this info.

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

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

From: Bob Sussman
Sent: 07/14/2010 09:29 AM EDT
To: Richard Windsor; Bob Perciasepe
Cc: Lisa Heinzerling; Scott Fulton
Subject: Fw: GHG BACT

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

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

[Redacted]

Gina McCarthy

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

From: Gina McCarthy
Sent: 07/14/2010 12:30 AM EDT
To: Bob Sussman; Lisa Heinzerling; Scott Fulton
Cc: Joseph Goffman; Janet McCabe
Subject: Fw: GHG BACT

At the risk of focusing a free flowing discussion that we might have tomorrow morning, I wanted to share my thoughts, as well as David's reaction. (b) (5) D.P. [Redacted]

----- Forwarded by Gina McCarthy/DC/USEPA/US on 07/14/2010 12:21 AM -----

From: David McIntosh/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 07/13/2010 11:45 PM
Subject: Re: GHG BACT

Thanks again for sending this. Here are my reactions:

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

(b) (5) D.P.

A large rectangular area of the document is completely redacted with black ink, obscuring all text and graphics within this region.

Gina McCarthy

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

From: Gina McCarthy

Sent: 07/13/2010 08:24 PM EDT

To: "David McIntosh" <McIntosh.David@EPA.GOV>

Cc: Joseph Goffman; Janet McCabe

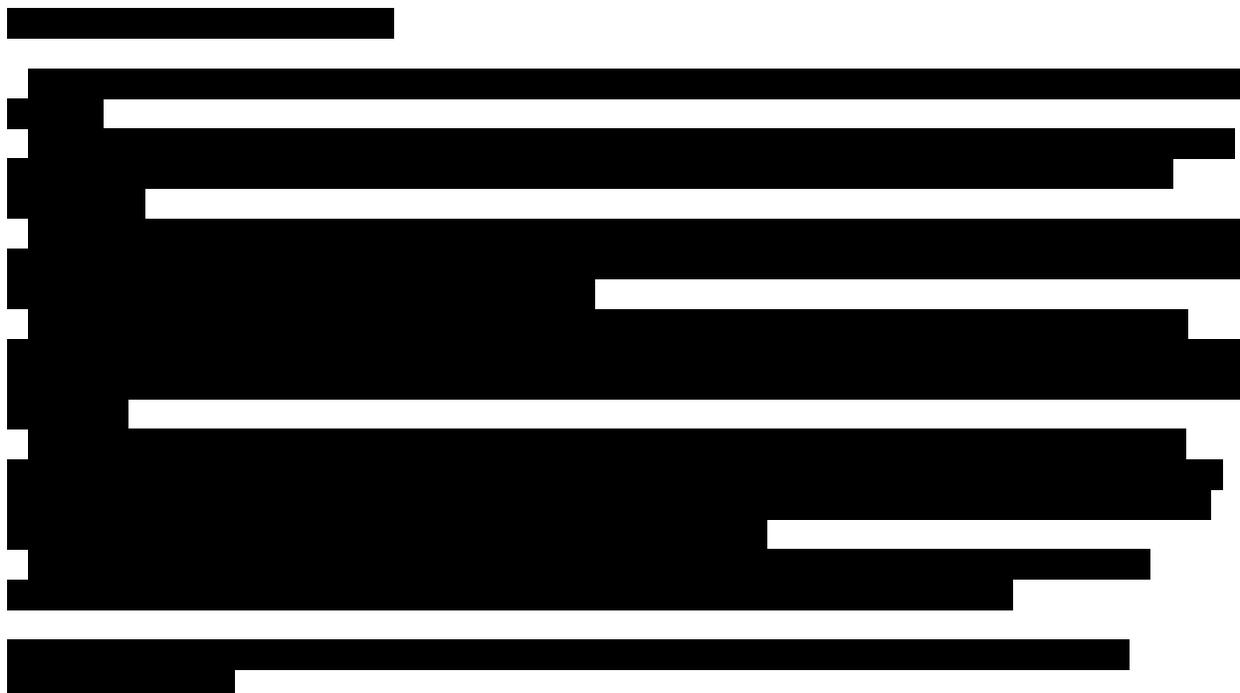
Subject: GHG BACT

(b) (5) D.P.

A single line of text is redacted with black ink.

Policy deliberative. Not for distribution.

(b) (5) D.P.

A large, irregularly shaped area of the document is redacted with black ink, covering multiple lines of text and graphics.

(b) (5) D.P.

A single line of text is redacted with black ink.

(b) (5) D.P.

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[Redacted]

(b) (5) D.P.

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(b) (5) D.P.

[Redacted]

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

[Redacted]

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

01268-EPA-756

Adora Andy/DC/USEPA/US

07/14/2010 04:16 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Stephanie Owens, David McIntosh, Arvin Ganesan, Peter Silva, Al Armendariz, Mathy Stanislaus
cc Betsaida Alcantara

bcc

Subject BUSINESS WEEK: Army Corps considering coal ash to fix levees

A MUST READ. We'll work on a statement in case we get calls.

<http://www.businessweek.com/ap/financialnews/D9GUSVJ80.htm>

Army Corps considering coal ash to fix levees
By JIM SUHR

ST. LOUIS

The Army Corps of Engineers wants to use ash cast off from coal-fired electrical generation to shore up dozens of miles of Mississippi River levees, drawing fire from environmentalists worried that heavy metals from the filler might make their way into the river.

The corps announced the plan last month, touting the injection of a slurry of water, coal ash and lime into 25 miles of slide-prone levees in 200-mile stretch of the river from Alton, Ill., near St. Louis to tiny Gale on southern Illinois' tip as the cheapest, longest-lasting fix among several options it weighed.

A public hearing on the matter, scheduled Thursday in St. Louis, is certain to elicit questions from environmentalists who consider the use of coal ash -- also known as fly ash -- a bad idea despite corps assurances that it has been used trouble-free on levees near Memphis for more than a decade.

"This is an emotional issue with some people," Alan Dooley, a spokesman for the Army Corps' St. Louis district, said Tuesday. "But we are looking for a more permanent way of fixing the levees. We're looking at public safety and best use of taxpayer dollars."

Various studies have suggested the ash -- a remnant of coal-fired power plants and long used in making roads and cement -- contains arsenic, selenium, mercury and other substances defined as hazardous, and may be closely linked to cancer.

The corps has said clay used to build the levees more than a half-century ago wasn't strong enough to last long-term, its significant shrinkage at low moisture levels allowing for the formation of cracks that fill with water from precipitation, weakening the embankment.

The proposed slurry involving fly ash would fill cracks and meld with substances in the clay, producing a cement-like, soil-fortifying material that locks in trace metals within the ash, Dooley said.

Dooley said other options considered by the corps included carving out the weakened soil in slide-prone levees and replacing it with firmer ground trucked in, or mixing the dug-out soil with firming lime, then reinserting and compacting it. Dooley said such efforts were more expensive and time-consuming than the ash-slurry plan, though cost projections of any of the options were not immediately available Tuesday.

Environmentalists worry that heavy metals from the coal ash might be too unstable, degrade in the water and leach its way into the river, then be swept downstream to the Gulf of Mexico.

"The whole thing is an absurd idea," said Kathy Andria, president of the American Bottom Conservancy and chairwoman of the Illinois Sierra Club's Floodplain Task Force.

Andria said engineers and a geologist she consulted panned the idea as a gambit that could further pollute a river system that supplies drinking water to many communities near the affected levees and provides recreation such as swimming, boating and fishing.

"With enough toxins there are (in the river), we don't need the federal government putting more in," she said.

Concerns about coal ash were revived in December 2008, when 5.4 million cubic yards of it breached an earthen dike and spilled into and around the Emory River from the Tennessee Valley Authority's Kingston plant near Knoxville. The TVA -- the nation's biggest public utility -- is in the midst of a projected \$1.2 billion cleanup of the mess.

The Environmental Protection Agency in May first proposed federal regulation of coal ash, perhaps as a hazardous waste form. The plan would allow coal byproducts to be used in concrete, wallboard and other building materials.

An EPA statement said one option would have EPA enforce compliance with waste management and disposal regulations, and another would set performance guidelines to be "enforced primarily through citizen suits."

01268-EPA-762

Susan Hedman/R5/USEPA/US

To Richard Windsor, Bob Sussman, Adora Andy, Lisa Feldt, Brooks.Karl

07/15/2010 04:28 PM

cc Al Armendariz, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Mathy Stanislaus, Peter Silva, Stephanie Owens

bcc

Subject Re: BUSINESS WEEK: Army Corps considering coal ash to fix levees

Just a quick update: Lisa, Karl and I have touched base and will be working with our respective staff members to come up with a proposed plan of action -- which we will circulate to you in short order.

Richard Windsor

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

From: Richard Windsor

Sent: 07/15/2010 08:54 AM EDT

To: Bob Sussman; Susan Hedman; Adora Andy; Lisa Feldt

Cc: Al Armendariz; Arvin Ganesan; Betsaida Alcantara; Bob Perciasepe; David McIntosh; Diane Thompson; Mathy Stanislaus; Peter Silva; Stephanie Owens

Subject: Re: BUSINESS WEEK: Army Corps considering coal ash to fix levees

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

Bob Sussman

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

From: Bob Sussman

Sent: 07/15/2010 08:02 AM EDT

To: Susan Hedman; Richard Windsor; Adora Andy; Lisa Feldt

Cc: Al Armendariz; Arvin Ganesan; Betsaida Alcantara; Bob Perciasepe; David McIntosh; Diane Thompson; Mathy Stanislaus; Peter Silva; Stephanie Owens

Subject: Re: BUSINESS WEEK: Army Corps considering coal ash to fix levees

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

Susan Hedman

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

From: Susan Hedman

Sent: 07/14/2010 06:54 PM EDT

To: Richard Windsor; Adora Andy

Cc: Al Armendariz; Arvin Ganesan; Betsaida Alcantara; Bob Perciasepe; Bob Sussman; David McIntosh; Diane Thompson; Mathy Stanislaus; Peter Silva; Stephanie Owens

Subject: Re: BUSINESS WEEK: Army Corps considering coal ash to fix levees

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

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

Richard Windsor

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

From: Richard Windsor

Sent: 07/14/2010 04:51 PM EDT

To: Adora Andy; Susan Hedman

Cc: Al Armendariz; Arvin Ganesan; Betsaida Alcantara; Bob Perciasepe; Bob Sussman; David McIntosh; Diane Thompson; Mathy Stanislaus; Peter Silva; Stephanie Owens

Subject: Re: BUSINESS WEEK: Army Corps considering coal ash to fix levees

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

[Redacted]

Adora Andy

[A MUST READ. We'll work on a statem...](#)

07/14/2010 04:16:18 PM

From: Adora Andy/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Cc: Betsaida Alcantara/DC/USEPA/US@EPA

Date: 07/14/2010 04:16 PM
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