01268-EPA-5659

Richard Windsor/DC/USEPA/US
04/15/2011 07:34 PM

To Scott Fulton
cc
bcc
Subject Re: OMB's views on the application of OMB's Peer Review Bulletin and Information Quality Guidelines to EPA's Technical Support Document for the EPA Endangerment Finding.

Tx.

From: Scott Fulton
Sent: 04/15/2011 07:29 PM EDT
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; "Diane Thompson" <thompson.diane@epa.gov>; David McIntosh
Subject: Fw: OMB's views on the application of OMB's Peer Review Bulletin and Information Quality Guidelines to EPA's Technical Support Document for the EPA Endangerment Finding.

Fyi, this worked through. [redacted] Ex.5 - Deliberative [redacted]. Cheers, Scott

---

From: "Bansal, Preeta D." [redacted] (b) (6)
Sent: 04/15/2011 06:15 PM AST
To: Scott Fulton
Subject: FW: OMB's views on the application of OMB's Peer Review Bulletin and Information Quality Guidelines to EPA's Technical Support Document for the EPA Endangerment Finding.

FYI also.

Preeta D. Bansal
OMB General Counsel and Senior Policy Advisor
(b) (6) [redacted]

From: Aitken, Steven D.
Sent: Friday, April 15, 2011 6:12 PM
To: 'Elkins.Arthur@epamail.epa.gov'
Cc: 'Najjum.Wade@epamail.epa.gov'
Subject: OMB's views on the application of OMB's Peer Review Bulletin and Information Quality Guidelines to EPA's Technical Support Document for the EPA Endangerment Finding.

Inspector General Elkins – This is a follow-up on an issue that I discussed with your office a few weeks ago.

[redacted] Ex.5 - Deliberative [redacted]

Ex.5 - Deliberative

[redacted]

Ex.5 - Deliberative

[redacted]

[redacted]

Thank you.

-- Steve

Steven D. Aitken
Deputy General Counsel
Office of Management and Budget
(b) (6) [redacted]

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

From: Najjum.Wade@epamail.epa.gov [mailto:Najjum.Wade@epamail.epa.gov]

Sent: Wednesday, February 23, 2011 2:05 PM
To: Aitken, Steven D.
Subject: EPA OIG Review of GHG Endangerment Finding process

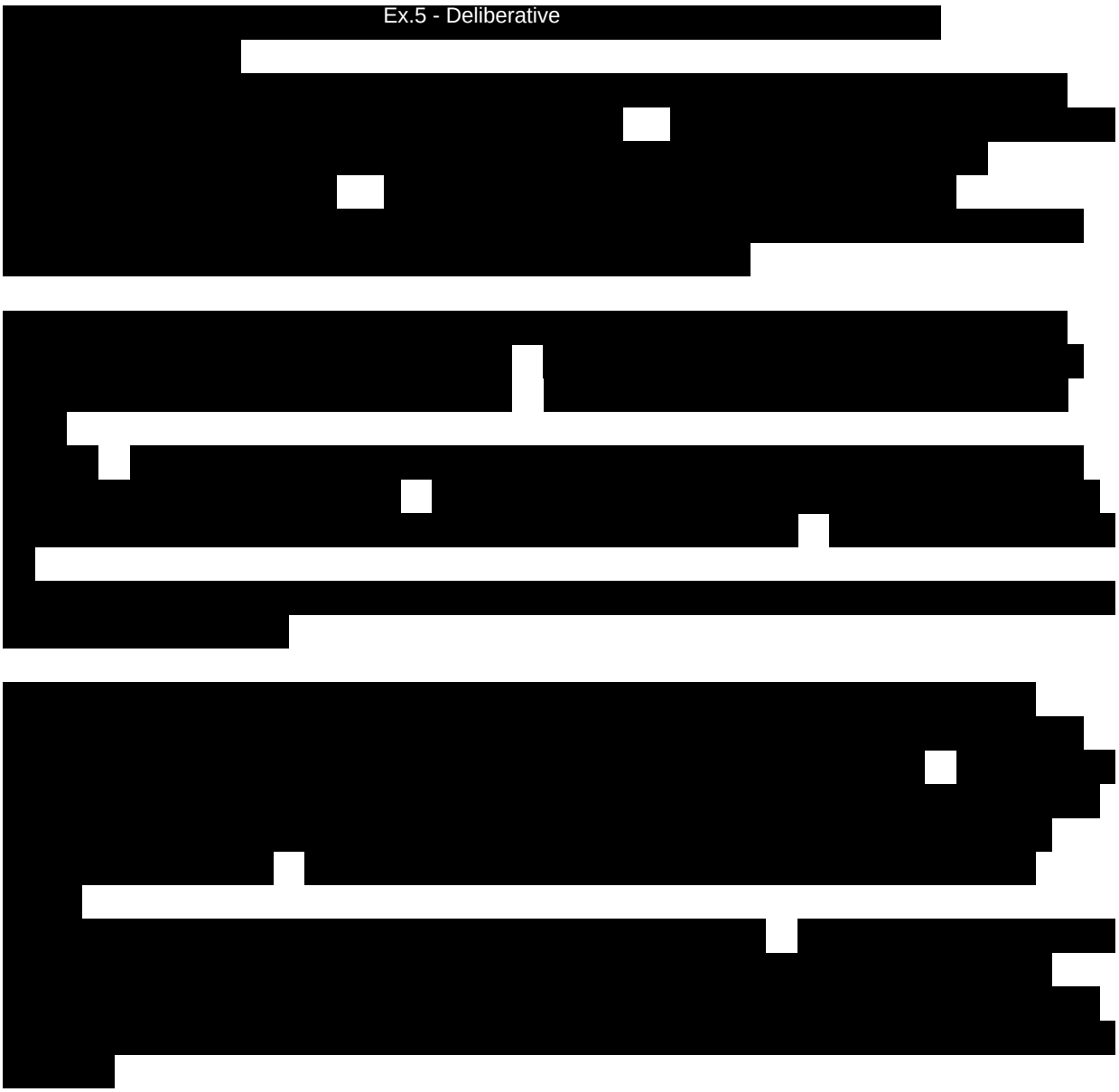
Mr. Aitken,

Ex.5 - Deliberative

[redacted]

[redacted]

Ex.5 - Deliberative



If I can be of help, please let me know. I can be reached at 202-566-0827.

VR

Wade T. Najjum
Assistant Inspector General for Program Evaluation

----- Message from "Aitken, Steven D." <(b) (6) on Fri, 18 Feb 2011 15:08:02 -0500 -----

To: "'Lavenburg.Andrew@epamail.epa.gov'" <Lavenburg.Andrew@epamail.epa.gov>
cc: "Luczynski,
Subject: Andrew

Andrew --

This is a follow-up to the OMB responses that Kimberley sent to you in September (see below and attached).

Ex.5 - Deliberative

Thank you very much for your consideration of our request. If you would like to discuss this further, please call me.

-- Steve

Steven D. Aitken
Deputy General Counsel
Office of Management and Budget
(b) (6)

From: Luczynski, Kimberley S.
Sent: Friday, September 10, 2010 2:00 PM
To: Lavenburg.Andrew@epamail.epa.gov
Cc: Aitken, Steven D.
Subject: RE: EPA Office of Inspector General request for input regarding OMB information quality and peer review guidelines

Andrew,

Thank you for the opportunity to respond to your questions. Attached are responses from OMB staff.

Kimberley S. Luczynski
Assistant General Counsel
Office of Management and Budget
725 17th St. NW
Washington, DC 20503
(b) (6) (direct)
(202) 395-3108 (fax)

From: Lavenburg.Andrew@epamail.epa.gov [mailto:Lavenburg.Andrew@epamail.epa.gov]
Sent: Wednesday, August 11, 2010 1:51 PM
To: Luczynski, Kimberley S.
Cc: Beusse.Rick@epamail.epa.gov; Hatfield.Jim@epamail.epa.gov; Chuong.Bao@epamail.epa.gov; Manibusan.John@epamail.epa.gov
Subject: EPA Office of Inspector General request for input regarding OMB information quality and peer review guidelines

Ms. Luczynski,

Ex.5 - Deliberative

[redacted]

[redacted] Ex.5 - Deliberative

[redacted]

If you have any questions or concerns about our request, please feel free to contact me.

Best Regards,

Andrew Lavenburg
Social Scientist
U.S. EPA-OIG
Mail Drop N283-01
Research Triangle Park, NC 27711
phone: 919-541-1871
fax: 919-541-2504
e-mail: lavenburg.andrew@epa.gov

attachments (2)

01268-EPA-5660

Michael Moats/DC/USEPA/US
04/16/2011 03:02 PM

To Seth Oster, Richard Windsor
cc
bcc
Subject Fw: power shift remarks

Attached are a few revisions the White House crew made to the Powershift remarks. Ex.5 - Deliberative [redacted]

Mike

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

-----Forwarded by Michael Moats/DC/USEPA/US on 04/16/2011 02:58PM -----
To: Daniel Kanninen/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA
From: "Greenawalt, Andrei" <(b) (6) [redacted]
Date: 04/16/2011 02:53PM
Cc: "Stevens, Clark" <(b) (6) [redacted]
Subject: power shift remarks
(See attached file: 20110416 Powershift (3) (2).docx)

Thanks again for sending these. Few collective edits from folks here attached. (Not sure I've got the right email for moats so dan can you forward if not). Hope it goes well tonight.

From: Andrei Greenawalt <(b) (6) [redacted]
To: Greenawalt, Andrei
Sent: Sat Apr 16 14:43:01 2011
Subject: power shift remarks

Ex.5 - Deliberative [redacted]
- 20110416 Powershift (3) (2).docx

01268-EPA-5661

Richard Windsor/DC/USEPA/US
04/16/2011 03:12 PM

To "Lisa At Home"
cc
bcc
Subject Fw: power shift remarks

From: Michael Moats
Sent: 04/16/2011 03:02 PM EDT
To: Seth Oster; Richard Windsor
Subject: Fw: power shift remarks

Attached are a few revisions the White House crew made to the Powershift remarks Ex.5 - Deliberative
[redacted]
Mike

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

-----Forwarded by Michael Moats/DC/USEPA/US on 04/16/2011 02:58PM -----
To: Daniel Kanninen/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA
From: "Greenawalt, Andrei" <[redacted] (b) (6)
Date: 04/16/2011 02:53PM
Cc: "Stevens, Clark" <[redacted] (b) (6)
Subject: power shift remarks
(See attached file: 20110416 Powershift (3) (2).docx)

Thanks again for sending these. Few collective edits from folks here attached. (Not sure I've got the right email for moats so dan can you forward if not). Hope it goes well tonight.

From: Andrei Greenawalt <[redacted] (b) (6)
To: Greenawalt, Andrei
Sent: Sat Apr 16 14:43:01 2011
Subject: power shift remarks

Ex.5 - Deliberative
[redacted]

20110416 Powershift (3) (2).docx

01268-EPA-5662

Bob Sussman/DC/USEPA/US
04/20/2011 12:40 PM

To Richard Windsor
cc Seth Oster
bcc
Subject Fw: WNEP: Gas Drilling Emergency in Bradford County

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 04/20/2011 12:40 PM -----

From: "Bordoff, Jason E." <[redacted] (b) (6)
To: Anhar Karimjee/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Date: 04/20/2011 12:34 PM
Subject: WNEP: Gas Drilling Emergency in Bradford County

Fyi

WNEP: Gas Drilling Emergency in Bradford County
http://www.wnep.com/wnep-brad-leroy-gas-drillingemergency20110420,0,1884646.story
By Jim Hamill
12:13 p.m. EDT, April 20, 2011

The Pennsylvania Department of Environmental Protection is at a natural gas drilling site in Bradford County where, officials said, crews were fracking when a well blew out near the surface.

A massive operation is underway in Bradford County to deal with a spill at a natural gas well in LeRoy Township near Canton.

DEP, Bradford County public safety, Chesapeake Energy and more are very active in the farming community.

Bradford County's director of public safety said a Chesapeake well went out of control early Wednesday morning. That means the well blew near the surface, spilling thousands and thousands of gallons of frack fluid over containment walls, through fields, personal property and farms, even where cattle continue to graze.

DEP is taking ground water and stream samples to determine the extent of the spill.

Officials said fluids from the well have, in fact, contaminated Towanda Creek which feeds into the Susquehanna River.

There are no injuries reported from the incident.

People who live around the well site were approached and asked to evacuate as a precaution.

Currently Chesapeake energy is attempting to kill the well, according to Bradford County's public safety director.

There has been no comment from Chesapeake energy but it is obvious that the damage is already done.

Newswatch 16 has a crew on the scene and will continue to have the latest information as it becomes available.

Jason E. Bordoff
Associate Director for Energy and Climate Change | Council on Environmental Quality
Senior Advisor for Energy and Environmental Policy | National Economic Council
p: (b) (6) | f: 202.456.2710 | (b) (6)

01268-EPA-5663

Seth Oster/DC/USEPA/US
04/22/2011 09:12 AM

To "Lisa Jackson"
cc
bcc
Subject FYI for your WH Mtg

[redacted] Ex.5 - Deliberative

Brendan Gilfillan

----- Original Message -----
From: Brendan Gilfillan
Sent: 04/21/2011 07:25 PM EDT
To: [redacted] (b) (6) [redacted] (b) (6) [redacted] (b) (6) "Gavin, Tom" <[redacted] (b) (6)
Cc: Seth Oster <oster.seth@epa.gov>; Adora Andy
Subject: MATS update

Jon -

Per your conversation with Seth, we wanted to keep you fully updated on our efforts to keep amplifying this issue - [redacted] Ex.5 - Deliberative

To that end, an updated recap of our activities is below.

Thanks.

- Brendan

Mercury and Air Toxics Events Featuring Administrator Jackson

April 18: Administrator Jackson attended a children's health town hall meeting in Atlanta, GA and discussed the benefits of the proposed rule for children.

April 4: Administrator Jackson participated in a health roundtable and the Children's Hospital of Philadelphia and discussed the benefits of the proposed rule for children.

March 16: Administrator Jackson held a press conference with the American Lung Association and the American Academy of Pediatrics to announce the proposed Mercury and Air Toxics standards.

Regional Mercury and Air Toxics Events

Region 2

Region held an event in the Ironbound section of Newark, an environmental justice area, at a community group's children's center.

Region 6

Deputy Administrator Bob Perciasepe held an event at a New Orleans health clinic on March 21st.

Region 7

Region held an event with the Regional Administrator in St. Louis on March 18th with the American Lung Association and health officials from St. Louis city and county. Region also held a press event on March 22nd in Kansas City with health and air quality stakeholder.

Region 8

Region did a press availability with a local company that makes mercury emissions controls – the local Fox affiliate and a Denver Post reporter and photographer attended.

Region 9

Region held a press event with the Regional Administrator, the American Lung Association, Environment California and NRDC on March 21st that was attended by the following San Francisco Bay Area media outlets: KRON – TV, KTSF – TV, KTVU – TV, KMTP – TV, KPFA – Radio, KMUD – Radio and Tsing Tao News – Print.

Mercury and Air Toxics Standards: Editorial Reactions

The Star Ledger: "…the proposed national rules still come as a relief, because our state continues to be choked by toxic air that wafts in from plants in Pennsylvania, Ohio and midwestern states, accounting for about one-third of our air pollution." [The Star-Ledger, April 1, 2011]

The Anniston Star: "To its credit, the Environmental Protection Agency has proposed new limits on pollution standards from coal-fired power plants. That's news to cheer." [The Anniston Star, March 21, 2011]

The Baltimore Sun: "The toxic effects of mercury on humans and other animals are well-documented and have been for decades. The chief effect is to impair neurological development, and one of the more frightening aspects of mercury pollution is how widespread it has become. Yet it wasn't until this past week that the U.S. Environmental Protection Agency proposed new rules for power plants to reduce the spread of mercury and other toxic emissions, calling for a 91 percent cut over the next five years." [The Baltimore Sun, March 21, 2011]

The Lexington Herald Leader: In Kentucky, so much mercury has entered the aquatic food chain that every single lake and stream is under a mercury advisory for women and young children. Kentucky is always in the top 10 states for mercury pollution — with an estimated 5,930 pounds falling on the state in 2009." The Lexington Herald Leader, March 20, 2011

The New York Times: "Some environmental groups saw the rule as the most important step forward for healthier air since the Clean Air Act was last updated in 1990. It is unquestionably a victory for the public: when fully effective, the rule could save as many as 17,000 lives a year." [The New York Times, March 20, 2011]

The Philadelphia Inquirer: "Proposed reductions of toxic emissions from coal-fired power plants are a needed step to improve public health in Pennsylvania and New Jersey." [The Philadelphia Inquirer, March 21, 2011]

The Pittsburgh Post-Gazette: "Here's some good news for people who breathe. The Environmental Protection Agency, in response to a court ruling, has finally proposed the first controls on mercury emissions and other toxic air pollutants." [The Pittsburgh Post-Gazette, March 20, 2011]

Note: the same editorial ran in The Toledo Blade.

The Roanoke Times: "… the regulations are long overdue. They are reasonable and will protect the health of millions of Americans. They should go into effect as soon as possible." [The Roanoke Times, March 24, 2011]

The Salt Lake Tribune: "Well, how about this for a reminder: Fifty-three tons of toxic mercury emissions. Another 210 tons of arsenic. An estimated 17,000 premature deaths, 11,000 heart attacks and 120,000 childhood asthma attacks. All in one year. Those, according to the Environmental Protection Agency, are the human costs of allowing coal-fired power plants in the United States to operate under regulations that have not changed in more than 20 years." The Salt Lake Tribune, March 20, 2011]

Mercury and Air Toxics Standards: EPA Op-Eds

Region 2:

The Albany Times-Union ran an op-ed from the Regional Administrator

Region 3:

The Charleston Gazette ran an op-ed from the Regional Administrator

Region 7:

The St. Louis Post-Dispatch ran an op-ed from the Regional Administrator

Mercury and Air Toxics Standards: Regional Coverage

- **The Philadelphia Inquirer**/ In Philadelphia, federal EPA chief says health equals jobs/ Sandy Bauers/ 5 April 2011
- **The Associated Press** EPA head visits Philly to discuss mercury rules/ 4 April 2011
- Platts/ EPA proposes rule to cut toxic emissions; would reduce mercury, other pollutants by 91%/ Cathy Cash/ 24 March 2011
- **The Star-Ledger**/ New EPA proposals would reduce coal plants' mercury emissions/ Seth Augenstein/ 21 March 2011
- **The Buffalo News**/ Upstate N.Y. Powerplants Foresee No Problem Meeting Mercury Rules/ Jerry Zremski/ 20 March 2011
- **Houston Chronicle**/ New limits on mercury to cost Texas coal plants/ Matthew Tresaugue/ 17 March 2011
- **The Denver Post**/ Emission transition limits proposed for pollution from coal-fired power plants/ Bruce Finley/ 17 March 2011
- **The Courier-Journal**/ EPA aims to slash mercury emissions; Plan curbs coal-plant toxins, but utility bills might rise/ James Bruggers/ 17 March 2011
- **Philadelphia Inquirer**/ EPA proposes new limits on power-plant emissions/Sandy Bauers/ 16 March 2011
- **Pittsburgh Post-Gazette**/ Feds propose first controls on mercury emissions/ Don Hopey/ 16 March 2011
- **The Columbus Dispatch**/ Feds propose air-pollution limits for coal-fired power plants/ Spencer Hunt/ 17 March 2011
- **Milwaukee Sentinel-Journal**/ Congress likely to challenge EPA's proposed mercury-emission rules/ Lee Berquist/ 16 March 2011
- **Akron Beacon Journal**/ EPA pushes coal-plant limits/ Bob Downing/ 16 March 2011
- **McClatchy Newspapers** (ran in Miami Herald, Minneapolis Star-Tribune, Kansas City Star,

Bellingham Herald, Bradenton Herald, Lexington Herald Leader, etc.)/ EPA to limit coal-fired power plants' toxic emissions/ Renee Schoof/ 16 March 2011

The Philadelphia Inquirer
In Philadelphia, federal EPA chief says health equals jobs
By Sandy Bauers
4 5 2011
When Lisa P. Jackson took the stage at a national brownfields conference in Philadelphia on Monday, she said she wished all her detractors could be there to hear how restoring polluted industrial sites makes good business sense.

An hour later, when she participated in a panel at Children's Hospital of Philadelphia about new rules limiting emissions of mercury and other poisons from U.S. power plants, she spoke of how it would not only prevent thousands of premature deaths and illnesses a year, but would also support thousands of jobs in the construction and utility industries.

"These are very good jobs," she said. "They're labor-intensive jobs. And you know what you can't do with them? You can't ship them overseas, because our power plants are here."

Health and jobs. Health and jobs. It's almost a mantra for Jackson, the U.S. Environmental Protection Agency's administrator.

Now two years into the job, Jackson is a beleaguered cabinet member who draws detractors - and supporters - wherever she goes.

In Congress, she has been grilled, challenged, countered, and debated as new Republican legislators contend that she and the agency are overreaching their purview.

"You will hear people use words like cutting and defunding, and making bold claims about so-called EPA power grabs," she said. Indeed, "you may have heard that earlier this year, someone in Congress offered me my very own parking space, because I've come in to testify so often."

Perhaps the most volatile issue is whether the EPA should regulate greenhouse gases - carbon dioxide and other heat-trapping gases that most scientists say are causing climate change.

U.S. Sen. Pat Toomey (R., Pa.) is a co-sponsor of an energy bill that would prevent the EPA from imposing an energy tax on greenhouse gases. He says the bill would help lower energy prices.

"We cannot allow the EPA to hold Pennsylvania's economy hostage," he said in a statement.

The U.S. Chamber of Commerce's Bill Kovacs said it was "clear that the Clean Air Act was never intended to [give the agency authority to] regulate greenhouse gases."

"It's a decision for Congress to make," said Kovacs, senior vice president of environment, technology, and regulatory affairs for the chamber. "Not a bureaucratic regulatory agency."

He also contended that historically, the EPA proposed only three to five major "rules" - or sets of regulations - a year. This year, he said, Jackson's EPA is anticipated to propose more than two dozen, with nearly half of them already issued.

That's "partly because she inherited a mess from her predecessors," countered Frank O'Donnell, president of the national advocacy group Clean Air Watch in Washington. "A large percentage of the air rules are redos of rules the Bush administration botched in its quest to be industry-friendly."

The agency "has just fallen into the right-wing mantra of government being too big," he said. "The EPA is

suffering as a result of the health-care legislation and the fire that it lit in the tea party and elsewhere. In a lot of parts of the country, you don't hear the EPA used without the prior epithet job-killing."

David Masur, director of PennEnvironment, which hosted the mercury panel at Children's Hospital, said he thought that at the root of the debate were special interests holding sway with newly elected officials.

"Why we see this now is the political lay of the land has changed, and big polluters are cashing in," he said. Congressional conservatives are "standing up for the powerful polluters instead of the kids with asthma and old people who can't go outside on hot summer days."

Jackson, 49, a chemical engineer with a master's degree from Princeton University, was the secretary of the New Jersey Department of Environmental Protection before joining the Obama administration.

She also spent 16 years with the EPA previously, overseeing the cleanup of hazardous waste sites under the Superfund program.

In a way, she's not surprised at the current conflict.

"We're doing our job," she said. "I think EPA is getting attention because we are using science to follow the law. And that's long overdue."

She said that whether the rules are about mercury or ozone or clean water, "those are the issues that EPA should be speaking on. It means that we're relevant. It means that every once in a while, the American people have to remember that we have insisted as a nation on strong environmental protection and we don't want to go backwards."

She praised the agency's work not just on new regulations, but on the Chesapeake Bay, the BP oil spill, and its current radiation monitoring of the nation's rainwater, drinking water and milk "to assure Americans that the horrible tragedy in Japan is not affecting them and their families."

In the coming-on-strong department, Jackson also announced Monday that possibly within months, the agency would propose standards to deal with oil and natural-gas drilling, particularly their air emissions.

In rural Wyoming, where drilling is widespread, she said, officials were surprised to learn that levels of smog rivaled those in Los Angeles.

She said states "have a huge role to play in that planning process. No state can afford to look the other way."

In Pennsylvania, nearly 3,000 wells have been drilled, and Gov. Corbett is an industry ally, opposing a severance tax. A top official of the Department of Environmental Protection recently ordered that all violations and enforcement actions be approved by the DEP secretary.

Jackson, whose regional administrator, Shawn Garvin, recently sent a strongly worded letter to the Pennsylvania DEP urging greater scrutiny of the industry, said, "I would encourage the State of Pennsylvania to be looking at aggressively overseeing" the industry.

The EPA is expected to bring out another major rule this summer addressing the downwind transport of pollutants from power plants. It is sure to raise more criticism and debate.

But in Philadelphia at the brownfields and mercury events on Monday, Jackson was among her fans.

U.S. Rep. Chaka Fattah (D., Pa.), who introduced Jackson at the Children's Hospital panel, said that "some members of Congress have made it their mission to interject themselves, to be a roadblock in the work of the administration, but she is doing a great job. I know in my talks with the president there is no cabinet administrator that he has appointed that he is prouder of."

During a question-and-answer period, audience members thanked Jackson for the work she and her agency were doing.

"You've put your finger in the dike," said a Pennsylvania woman who said she was asthmatic. "I know you've gotten a lot of backlash you don't deserve."

Earlier, at the brownfields conference, Jackson received a standing ovation.

And that was just for coming on stage, before she had said a word.

The Associated Press
EPA head visits Philly to discuss mercury rules
4 4 2011

The head of the Environmental Protection Agency told a forum Monday at the Children's Hospital of Philadelphia that proposed new standards on mercury and air toxics would prevent 12,200 trips to the hospital and save 17,000 lives every year.

EPA Administrator Lisa Jackson said the first national standards for mercury and other pollutants are a strong step forward in protecting the health of the American people.

"EPA's proposed Mercury and Air Toxic Standards are a strong step forward in the ongoing effort to protect the health of the American people," Jackson said in a statement. "These first-ever national standards for harmful pollutants like mercury will have wide-reaching benefits for our health and our economy."

With the use of existing technologies, she said, the changes will help prevent deaths, heart attacks and asthma attacks.

Nearly 100 doctors, public health experts and community leaders attended the forum, sponsored by the nonprofit group PennEnvironment.

The EPA is in the middle of a 60-day public comment period before the rule is published. Hearings are being held around the country to discuss the health and environmental benefits of the standards.

"EPA has taken a major step towards protecting the health of millions of Americans," Adam Garber, PennEnvironment's field director, said in a statement.

Platts
EPA proposes rule to cut toxic emissions; would reduce mercury, other pollutants by 91
Cathy Cash
3 24 11

Coal- and oil-fired power plants would have to slash emissions of mercury and other toxins by 91% beginning in 2016 under a rule proposed by the Environmental Protection Agency on March 16. The agency is expected to finalize the rule in November.

The proposed mercury and air toxics standards would require existing coal- and oil-fired power plants to meet the average emission reductions achieved by 12% of the sector's best-controlled plants.

Technologies to reduce emissions to meet the toxics rule requirement are already available for electric generating units, including scrubbers, dry sorbent injection, selective catalytic reduction, activated carbon injection and fabric filters, according to EPA.

An estimated 1,200 existing coal-fired units and 150 oil-fired units at 525 power plants nationwide would be required meet the proposed rule to reduce air toxics, EPA said.

The proposed rule seeks to prevent 91% of the mercury, 91% of the acid gas and 55% of the sulfur dioxide from being emitted from these fossil-fuel power plants. In addition to mercury, the EPA rule seeks reductions in other heavy metals from these power plants.

Coal plants are responsible for 99% of the mercury and the bulk of the other hazardous air pollutants emitted from the power sector, including arsenic, chromium and nickel, and acid gases, such as hydrogen chloride, the agency said.

The agency further proposes to revise the Clean Air Act's "new source performance standards" for new power plants to limit emissions of particulate matter, sulfur dioxide and nitrogen oxides. The standards would set work practices to limit air toxics from electricity generated by burning coal, oil and natural gas.

EPA provides flexibility to covered sources by allowing "facility-wide averaging" for all hazardous air pollutants emitted at a power plant within the same subcategory. The agency's rule would create two subcategories: coal-fired boilers located at mine mouths fueled by lignite and solid and liquid oil units.

"This will allow equivalent, less costly way of achieving emissions standards," the agency said in an overview of the proposed rule.

Once the rule is final, the Clean Air Act requires that the hazardous air pollutant standards be met within three years, but EPA Administrator Lisa Jackson said a one-year extension may be sought by covered sources.

The agency said the public health benefits from installing control equipment on these power plants would be $140 billion, outweighing the cost of the compliance with the rule, which it estimates at $10.9 billion in the year 2016.

"More than half the nationwide fleet — a large number of coal-fired power plants — has met these standards," Jackson said during a news conference where she signed the proposed rule. "Impact on utility bills is quite small."

Jackson said agency modeling shows the impact on utility ratepayers would be about a $3 to $4 a month increase. In addition, compliance with the standard would result in 31,000 short-term construction jobs and 9,000 long-term utility jobs, she said

EPA is accepting public comment for 60 days, once the proposal is published in the Federal Register. The agency also plans to host public hearings in Atlanta, Chicago and Philadelphia on the proposal this year. Dates for the three public hearings have not been set.

Electric utilities and energy companies, depending on their generation portfolios, offered mixed reviews on the proposed rule that has been 20 years in the making. The Clinton administration EPA first labeled mercury emissions from power plants as a hazardous pollutant.

"We recently completed the installation of a major air quality control system, including scrubbers, baghouse, and other equipment at one of our major coal facilities in Maryland," Paul Allen, senior vice president and chief environmental officer of Constellation Energy, said.

"These systems work effectively and result in dramatically lower emissions of mercury, sulfur dioxide, particulate matter, and acid gases," Allen said in a statement. "We know from experience that constructing this technology can be done in a reasonable time frame, especially with good advance planning, and there is meaningful job creation associated with the projects."

Constellation Energy is part of the Clean Energy Group, which is comprised of electric utilities and energy companies that operate lower-emission generation. Calpine, Exelon, PG&E Corp., Public Service Enterprise Group, and Seattle City Light are also group members that lauded EPA for the proposed air toxics rule.

PSEG is still evaluating the rule but believes it can be met "in a cost effective manner while maintaining the reliability of the electric system," said Anne Hoskins, the utility's senior vice president for public affairs and sustainability.

"The industry has had more than enough time to study and prepare for these requirements," she said. "There ought to be no further delay."

The Edison Electric Institute, the investor-owned utility lobbying group, offered a more measured response to EPA's latest regulation for the industry.

"EPA's proposal would present substantial challenges for many utilities and their customers, while being less burdensome for others. Companies facing multiple emission-control requirements under very tight deadlines would face the biggest challenges related to costs and possibly jobs," EEI spokesman Dan Riedinger said.

"There is general agreement within the power sector that, as EPA moves forward with this and other regulatory proposals, the agency should seek to incorporate flexibility into its implementation strategies," he said.

The agency is expected to issue more rules to address cooling water intake, interstate SO2 and NOx and coal ash in the next couple of years. Congress is currently debating legislation to stop the agency from proceeding with greenhouse gas standards for oil refineries and power plants.

Manufacturing and coal-mining interests opposed the proposal. Environmental groups embraced it as a long overdue effort to protect public health and waterways.

"Thanks to its lobbying prowess, the coal-burning power industry has escaped toxic pollution controls for more than two decades," said Clean Air Watch President Frank O'Donnell. "We have no doubt this is only round one of this battle, and that coal interests will continue to fight for loopholes and delays. We anticipate a smokestack smoke screen: scare tactics, including phony claims about possible blackouts."

The National Association of Manufacturing called the rule "yet another example of overreaching regulation that will negatively influence the bottom line for manufacturers and the American people."

"This proposed rule will prevent job creation, future investment and growth and will weaken the global competitiveness of the American manufacturing industry," NAM Senior Vice President Aric Newhouse said.

The Star-Ledger
New EPA proposals would reduce coal plants' mercury emissions
By Seth Augenstein
3 21 11

The teenaged girl had become withdrawn, her grades worsened and the family was worried. Her mother took her to several doctors before a test finally revealed the problem.

Her blood contained a level of mercury several times what it should be. The family frequently ate fish for its perceived health benefits, but were unaware it is also a common source of mercury, said Robert Laumbach, the doctor who treated the girl last week.

The mercury, he said, is directly attributable to the country’s coal-fired power plants, which have

historically had no regulations on how much mercury they pump into the air, all of which eventually ends up in water, then fish, and then humans, Laumbach said.

"We all have mercury in our bodies from the emissions from power plants," said Laumbach, an assistant professor at the Environmental and Occupational Health Sciences Institute in Piscataway.

Those coal-fired power plants may soon have to cut back their emissions, after the Environmental Protection Agency last week unveiled the first-ever national standards for mercury, arsenic and other toxic air pollutants.

Under the proposed regulations, mercury emissions would be reduced by 91 percent, according to the EPA, which estimates the new rules could prevent 17,000 premature deaths per year nationwide, as well as thousands of illnesses, like heart attacks and asthma.

About half the nation's coal plants employ pollution-control technologies but still emit nearly half the country's toxic mercury, the EPA said.

New Jersey's standards are already more stringent than the federal proposal — and have been for almost a decade — but limiting emissions elsewhere will have important benefits here, officials said.

"These proposed standards will have a dramatic impact on the health of children here in New Jersey and across the country," said Judith Enck, the EPA's regional administrator. "These standards simply require power plants to install widely available and proven technology to control these pollutants."

Much of the industry is opposed to the changes. Scott Segal, the director of the Electric Reliability Coordinating Council, a coalition of power companies, said the changes could endanger half of the country's power generation — and the public health benefits are being exaggerated.

"Their benefits analysis is completely smoke and mirrors," he said. "You don't regulate yourself to prosperity."

However, other companies support of the proposal. PSEG invested $1.3 billion to reduce emissions by 90 percent at its plants in Hudson and Mercer counties, and is urging the EPA to finalize the rule as soon as possible.

"It can be done — we've done it here in New Jersey," said Jenn Kramer, a PSEG spokeswoman. "It's too great of a cost not to make these investments."

New Jersey passed its law limiting emissions in 2004. But it's down-wind from other power plants not currently regulated. In fact, a single power plant across the border in Pennsylvania — the Portland Generating Station in Mount Bethel — accounts for more mercury emissions than all five of New Jersey's power plants combined, according to the state's Department of Environmental Protection.

The EPA will hold a 60-day public comment period before finalizing the rule.

The Buffalo News
Upstate N.Y. Powerplants Foresee No Problem Meeting Mercury Rules
By Jerry Zremski
3 20 11

March 20--WASHINGTON--The Environmental Protection Agency has proposed tough new limits on emissions of mercury and other airborne toxins from coal-fired power plants, prompting an outcry from the producers of electricity nationwide -- but not those in the Buffalo area.

The new regulations should pose no problem for NRG Corp.'s Huntley Station in the Town of Tonawanda or its facility in Dunkirk, a company spokesman said. AES Corp's coal-fired power plant in Somerset won't

be troubled by the new rules, either, the plant manager said.

The local companies say they have been years ahead of the game in installing technology to reduce emissions. NRG, for example, has invested about $300 million since 2006 on clean-air improvements at its two local plants.

"The controls we have installed today already meet the EPA proposals for mercury and air toxins," said David Gaier, communications manager.

The state-of-the-art environmental control systems at the two plants, in operation since the end of 2009, reduce total emissions of sulfur dioxide by 87 percent. Nitrous oxide emissions were cut 87 percent, while mercury output fell by more than 90 percent, Gaier said.

The company's investments result from a 2005 agreement with the state, which had filed suit three years earlier. Then- State Attorney General Eliot L. Spitzer argued that the Huntley and Dunkirk plants account for more than 21 percent of the nitrogen oxide emitted by power plants in the state and 38 percent of the sulfur dioxide, making them among the state's top polluters.

In Niagara County, the AES plant in Somerset is equipped with the most modern equipment to prevent toxic emissions.

"AES Somerset is one of the cleanest and most efficient coal fired power plants in the United States and is well-positioned to meet the proposed rule," said Peter Bajc, the plant manager.

The EPA rule -- on which the agency has been working for 20 years -- would require coal-fired power plants around the country to install "scrubbers" and other technology to cut emissions dramatically.

"Such controls are extraordinarily costly with profound impacts on electricity supply and price, and job creation," the Electric Reliability Coordinating Council, a leading industry group, said in a statement.

But EPA Administrator Lisa Jackson defended the regulations.

"With the help of existing technologies, we will be able to take reasonable steps that will provide dramatic protections to our children and loved ones, preventing premature deaths, heart attacks, and asthma attacks," Jackson said.

The American Lung Association also lauded the proposed regulation.

"Without these standards, toxic pollution will continue filling our lungs, and more people will suffer and even die unnecessarily," said Charles D. Connor, the group's president and CEO.

Houston Chronicle
New limits on mercury to cost Texas coal plants
By Matthew Tresaugue
3 17 11

Federal environmental regulators proposed the first national rules Wednesday for mercury and other toxic air pollution from coal-fired power plants — a move that could cost the industry billions while preventing thousands of cases of disease a year.

The new standards, which the Environmental Protection Agency issued under court order, would require many older power plants to install scrubbers and other pieces of costly equipment to reduce emissions of the pollutants by 2015. As a result, the rules would reduce mercury and acid gas emissions by 91 percent from the plants, the agency said.

The rules could have a significant effect on Texas power plants, which emit more mercury from coal

plants than any other state.

EPA Administrator Lisa Jackson said the proposal could produce public health benefits 13 times greater than the cost of compliance, which the agency estimates at more than $10 billion.

Jackson, already under fire from members of Congress for a series of costly rules, said utilities can meet the proposed limits on mercury, heavy metals and acid gases with existing technologies, allowing them "to take reasonable steps that will provide dramatic protections to our children and loved ones." Households could see their electric bills increase by $4 a month once the regulations are fully in place, she said.

But the Electric Reliability Coordinating Council, which represents utilities, said the proposed rules may be the most expensive in the EPA's 40-year history — even more than new regulations for smog and carbon dioxide and other heat-trapping gases.

'Only round one' of battle

The utility group also said the EPA had overstated the potential health benefits to justify new controls that will have "profound impacts on electricity supply and price and job creation."

Environmentalists and public health advocates, in response, said utilities made the same assertions in the courts and Congress for two decades in order to avoid regulations.

"We have no doubt this is only round one of this battle and that coal interests will continue to fight for loopholes and delays," said Frank O'Donnell, president of Clean Air Watch. "We anticipate a smokestack smokescreen — scare tactics, including phony claims about possible blackouts. EPA needs to stand its ground and make sure that these dirty power plants clean up ASAP."

The new rules replace ones imposed by the George W. Bush administration that would have given companies until the 2020s to reduce mercury emissions by 70 percent. A federal court threw out the rules in 2008, telling the EPA to look at all toxins released by power plants, not just mercury, and propose regulating emissions. The deadline set by the court was Wednesday.

Major effect on Texas

The stricter regulations by the Obama administration would have a major effect on Texas and other states that rely on coal for generating electricity. Coal-fired power plants release the majority of mercury in the air, and the Lone Star State is home to seven of the nation's top 16 emitters of the toxic metal, according to a new study by the Environmental Defense Fund.

The proposed rules "may prove to be the best defense that Texas citizens have in the face of the devastating consequences of health effects resulting from mercury exposure," said Elena Craft, a Texas-based toxicologist for the advocacy group.

Mercury is one of dozens of toxic chemicals and heavy metals that billow out of the smokestacks of coal-fired power plants, but it is also one of last to be targeted for limits by federal regulators.

The toxic metal is linked to premature deaths, heart disease and asthma attacks. It also takes only a small amount of mercury to pollute lakes and streams — and the fish that people catch to eat.

The rules must undergo 60 days of public comment before becoming final, most likely in November.

The Denver Post
Emission transition limits proposed for pollution from coal-fired power plants
Bruce Finley

17 March 2011

Federal environmental regulators Wednesday proposed the nation's first limit on mercury, arsenic, acid gas and other toxic air pollution emitted from coal-fired power plants.

The limit could cut 91 percent of the pollution, including 45 tons of mercury each year, wafting from power-plant smokestacks nationwide. In Colorado, federal data indicate power plants spew 943 pounds a year of toxic pollutants, which then settle on land and water.

Technology companies including Colorado-based ADA Environmental Solutions in Littleton, which makes monitoring equipment and carbon-cleanup systems, are mobilizing to help energy producers comply.

"We see this as a way of improving the environment and making a lot of money," ADA chief executive Michael Durham said.

A 2009 court order spurred the Environmental Protection Agency to act. The proposed limit must be finalized by mid-November after a public comment period.

"This means there will be far fewer developmental disabilities. We hope it will mean fewer fish advisories for lakes and streams around the country. It means thousands and thousands fewer premature deaths," EPA regional administrator Jim Martin said.

The EPA has set limits on air pollution from incinerators, medical waste and cement plants under the Clean Air Act. But it has taken 20 years to set standards aimed at reducing toxic industrial pollution. Federal officials estimate compliance will cost energy companies about $11 billion but that health benefits by 2016 will be worth $140 billion.

ADA, which employs about 90 workers, anticipates its annual revenues of around $20 million could increase fivefold as more companies install activated-carbon-injection technology.

Durham's team plans to build new manufacturing plants around the region to produce a superfine carbon powder. The powder, sprayed over power-plant pollution, traps toxic particles. The material is then buried in landfills.

ADA has supplied more than 60 power plants and is exploring possibilities in China.

Some of the 14 coal-fired plants in Colorado have installed systems for reducing pollution. Some are planning to shift toward cleaner sources of energy.

About half here, including power plants in Hayden, Craig and Colorado Springs, and 44 percent nationwide, likely would need to make upgrades to comply with the new standards, EPA officials say.

Xcel Energy, which operates coal-fired plants in Colorado, couldn't determine whether meeting the EPA limit is likely to raise rates for customers, spokeswoman Michelle Aguayo said.

"We haven't looked at the details," she said.

The Courier-Journal
EPA aims to slash mercury emissions; Plan curbs coal-plant toxins, but utility bills might rise
By James Bruggers
3 17 11

The U.S. Environmental Protection Agency proposed the first national rules for curbing mercury and other toxic emissions from coal-fired power plants Wednesday, predicting they would save tens of thousands of lives but likely drive up utility rates.

If enacted as planned later this year, the rules would reduce mercury emissions from power plants by as much as 91 percent over the next three or four years, while costing the nation's utilities about $11billion annually, EPA officials said.

"But the benefits are 10 times as much," EPA Administrator Lisa Jackson said at a Washington, D.C., news conference. She said utility bills could increase "about $3 or $4 a month" for the typical household.

The new rules, which would replace Bush-era regulations thrown out by the federal courts, also seek to curb other toxic emissions such as arsenic, chromium and acid gases.

They are of particular importance in Kentucky and Indiana, where coal-fired power plants supply more than 90 percent of the states' electricity.

Environmentalists and some medical doctors have called the Louisville area a mercury "hot spot" because of its concentration of coal-fired plants. Two are within the city limits, and another is across the Ohio River in New Albany, Ind.

EPA data from 2009 show that Jefferson County ranks 81st among more than 3,000 counties in the nation for smokestack emissions of mercury. Jefferson County, Ind., ranks 69th, and Spencer County, Ind., ranks 18th.

"One hundred percent of Kentucky streams have fish-consumption advisories due to mercury, so I would characterize it as an area that needs to be addressed," said John Lyons, director of the Kentucky Division for Air Quality.

Indiana also has widespread mercury warnings on eating fish.

Health benefits touted

Jackson said the announcement was "20 years in the making. ... With the help of existing technologies, we will be able to take reasonable steps that will provide dramatic protections to our children and loved ones, preventing premature deaths, heart attacks, and asthma attacks."

Mercury is a potent neurotoxin that has been shown to cause neurological damage, including lower IQ in children exposed in the womb and during early development.

Power plants are responsible for half of mercury and more than half of acid gas emissions in the U.S., the EPA said. The rules also would affect industrial oil burners.

Together, the new rules would reduce the number of premature deaths by 2016 by as many as 17,000 per year, the EPA said.

EPA officials said they expect an annual decline of 120,000 cases of aggravated asthma; 12,200 emergency room visits; 11,000 nonfatal heart attacks; and 850,000 missed days of work.

Higher costs expected

Industry officials accused the EPA of exaggerating the benefits and underestimating the costs of the rules.

Jeff Holmstead, the assistant EPA administrator for air under President George W. Bush, said the rules, combined with pending ones, could also force the retirement of as many as a third of the nation's coal-fired power plants.

"What it means is you are going to have to replace that (coal) power with power that is significantly more

expensive," he said.

Duke Energy is moving toward converting its Gallagher plant in New Albany to natural gas. "We'll make a decision by the end of the year," said Erin Culbert, a Duke spokeswoman.

Culbert said her company is reviewing the proposed rules and expects they will cost the company money to comply. But she said Duke anticipated the rules and that most of its larger plants are already removing 70 percent to 90 percent of their mercury emissions.

LG&E and Kentucky Utilities officials have said they, too, are considering retiring some of their old coal-fired plants or replacing them with natural gas plants.

Wednesday, spokesman Brian Phillips said the utilities would comply with whatever new rules the EPA imposes.

"Our No. 1 concern is timing," he said, adding that it would be a challenge to comply by 2015.

"In the past five years, we have spent $1.1billion in environmental upgrades to reduce emissions at our facilities," he said. Although made to reduce other types of regulated pollutants, the efforts also have resulted in reducing mercury, he said.

The Louisville Metro Air Pollution Control District adopted its own toxic-air reduction program in 2005 because federal rules were found lacking, but mercury wasn't one of its main targets.

But city officials want to determine whether its program is more or less stringent than the proposed federal rules, district spokesman Matt Stull said.

Gary Revlett, environmental affairs director for LG&E and KU, said he expects the new rules would require additional pollution controls at its facilities throughout the state, potentially at significant cost.

'Cap and trade' out

In 2005, the EPA under President George W. Bush unveiled a rule that it said would reduce mercury pollution from coal-fired power plants 70 percent over 13 years - the rule that was vacated by a federal court three years later.

It would have set up a "cap-and-trade" approach, where utilities that made cuts could sell credits to those that didn't.

The new approach proposed by the Obama administration requires all plants to meet emission limits.

Environmentalists praised the rules, which would require power companies to install the "maximum achievable control technology" on its plants within three or four years of their enactment.

Emission limits would be based on what the top-performing plants are already achieving, the agency said.

"This is historic," said Frank O'Donnell of Clean Air Watch. The EPA would bring the dirtiest and most toxic coal power plants up to the standards of today's cleanest plants. This would protect public health, clean up the environment and create jobs."

Jackson said the rules would create 31,000 short-term construction jobs and 9,000 long-term utility jobs.

Tom FitzGerald, director of the Kentucky Resources Council, noted how mercury from power-plant emissions has gotten into Kentucky waterways, where it is taken up by fish.

"With the level of mercury in all the fisheries in this state, any step that the EPA is going to take to reduce

mercury is a welcome move," he said.

Holmstead said the next move might be in Congress, where Republicans have become increasingly critical of the EPA and have sponsored legislation to curb its powers.

Sen. Mitch McConnell, the minority leader from Kentucky, will review the EPA's new rules, a spokesman said. Sen. Rand Paul, R-Kentucky, who has been sharply critical of the EPA, didn't return an e-mail or phone messages seeking comment.

Rep. John Yarmuth, D- Louisville, defended the EPA.

"If Republicans in Congress want to eliminate the Clean Air Act, they should try and do it directly," he said through a spokesman. "Until then, they shouldn't stand in the way of the agency which has the legal responsibility to keep toxic mercury pollution out of the air we breathe."

The EPA has opened a comment period and has said it expects to issue a final rule later this year. For more information about the proposal and how to comment, go to www.epa.gov/airquality/powerplanttoxics

Philadelphia Inquirer
EPA proposes new limits on power-plant emissions
By Sandy Bauers Philadelphia Inquirer
3 16 11

In what advocates describe as a milestone for air quality, one 20 years in the making, the U.S. Environmental Protection Agency has proposed standards that would significantly reduce the amount of mercury and other toxic chemicals released by the nation's coal-fired power plants.

The new regulations, which the industry called costly and will likely fight, would prevent thousands of asthma cases, heart attacks, and premature deaths and support nearly 40,000 jobs, EPA Administrator Lisa P. Jackson said in announcing the rule Wednesday.

The change would have special relevance for Pennsylvania, home to some of the nation's worst mercury emitters. Although much of that pollution is made to the west, it spreads far downwind, fouling the air and water in eastern Pennsylvania and in New Jersey, among other areas.

The rule presents a dilemma for Pennsylvania's aging fleet of coal-fired plants.

About half of the state's 38 plants lack the technology to meet the rule, according to the EPA. Their owners would face difficult decisions - whether to spend millions to install pollution-control equipment, convert to cleaner natural gas, or close.

Unlike Pennsylvania, New Jersey enacted a law in 2004 to cut mercury and other emissions. That state's five plants have installed equipment to meet state regulations - and presumably the proposed federal rule - or are doing so.

Jackson said the proposed rule would level the playing field and provide "regulatory certainty" for the industry. Though just over half of the nation's power plants have installed controls, the rest have been putting off the investment until they know the rules, she said.

Industry officials will likely launch a vigorous campaign to have the proposed rule weakened.

The Electric Reliability Coordinating Council said the proposed rule was one of the most expensive in EPA history and could cost the industry $100 billion.

Council director Scott Segal termed the proposed rule "an extraordinary threat to the power sector"

because about half the nation's electricity comes from coal.

The council released a four-page analysis of the rule, rebutting its stated health and jobs benefits.

The proposed rule - which the EPA will make final after a public-comment period - would reduce mercury emissions by 91 percent. Plants would have up to four years to comply.

Jackson said the cost of the rule on an annualized basis would be $10 billion to $12 billion, but "the benefits are 10 times that."

For every dollar spent to reduce pollution from power plants, the EPA estimates returns of $13 in health and economic benefits.

Jackson said the impact on residential utility bills would be "quite small" - along the order of $3 to $4 a month.

She spoke at an event in Washington that included a class of second graders from the nearby Amidon-Bowen Elementary School.

"Kids, today it's about you and millions of other children across the country, and the opportunity for all of you to grow up healthier and stronger," American Lung Association president Charles Connor said.

Power plants are the largest source of airborne mercury emissions, the EPA said.

When the mercury falls back to earth and into waterways, it becomes methylmercury, which is more toxic. It migrates up the food chain into fish that people eat.

Exposure can cause developmental delays in young children, reducing IQs. It can cause birth defects.

Other toxic metals the rule would address - arsenic, chromium, nickel - can cause cancer.

The rule also would limit emissions of acid gases, which cause lung damage and contribute to other respiratory ailments.

In recent years, Pennsylvania has remained among the nation's highest-emitting states for mercury.

In 2009, the last year for which data are available, the Keystone plant in Armstrong County and Conemaugh in Indiana County were the nation's 15th- and 22d-largest emitters of mercury.

The plants' chief operating officer, Dave Benson, said the owners had already spent $1 billion to cut emissions and would meet any new rule.

Shawn Garvin, administrator for the regional EPA office that covers Pennsylvania, said the new rule offered plants without new technology a chance to catch up.

Douglas L. Biden, president of the Electric Power Generation Association, a Pennsylvania industry group, said the plants generating 70 percent to 75 percent of Pennsylvania's coal-fired power likely meet the proposed standards now.

But many of the smaller, older plants - the oldest dates to 1949 - will face difficult decisions.

"I'm sure some companies can already see the handwriting on the wall, and they know some plants are going to go," Biden said.

He said the industry would ask for maximum flexibility in meeting new standards.

The time frame "forces the industry to go to market all at the same time. There are a finite number of competent engineering and construction contractors who can do this work," which drives up the price, he said.

Charles McPhedran, law staff chair for Citizens for Pennsylvania's Future, an environmental advocacy group that tried to get state mercury legislation passed, called the EPA's proposal a good step that would save lives.

Then again, "it's just a proposal," he said. "You can bet there's going to be a strong effort by industry to water this down. People who care about this issue need to be engaged."

William O'Sullivan, director of the New Jersey Department of Environmental Protection's division of air quality, said officials there welcomed the new rule because it would reduce pollution blowing downwind from Pennsylvania.

His state has taken legal action, seeking emission reductions at several Pennsylvania plants.

However, he was still evaluating which method the EPA is requiring for controlling hydrochloric acid and whether it would do the job.

"This EPA rule will help, but it's not likely to solve all the problems," he said.

The EPA estimates the rule would prevent 17,000 premature deaths, 11,000 heart attacks, and 120,000 cases of childhood asthma. It also would prevent 12,000 emergency-room visits and 850,000 sick days from work, the agency said.

"This is a clock that first started ticking in 1990," Jackson said.

In 1990, a bipartisan Congress amended the Clean Air Act, opening the door for the EPA to regulate toxic emissions from power plants.

A period of analysis, proposals and comment ensued. In 2005, under the Bush administration, the EPA issued a mercury rule that was later struck down in court.

"Some coal-burning power companies, and, of course, their lawyers and lobbyists, have used every trick in the book to delay complying for all these 20 years," the Lung Association's Connor said.

His message to the coal industry is: "Start now to save lives tomorrow. I can assure you that no one will complain if the air gets cleaner, faster."

Pittsburgh Post-Gazette
Feds propose first controls on mercury emissions
By Don Hopey
3 16 11

The U.S. Environmental Protection Agency has proposed the first-ever national controls on mercury and other air pollution toxics from power plants. The health-based regulations are expected to prevent as many as 17,000 premature deaths and 11,000 heart attacks a year.

The standards, announced Wednesday in response to a court deadline, are designed to reduce emissions of mercury -- a potent neurotoxin -- arsenic, chromium, lead, nickel and acid gases from power plants by 91 percent, while providing the utility industry four years to comply.

There are now no national standards for mercury emissions and acid gases, half of which come from power plants. There are 17 states with mercury controls but Pennsylvania is not among them.

Two Pennsylvania coal-fired power plants, the Keystone power plant in Armstrong County and the Conemaugh power plant in Indiana County, are listed among the top 25 mercury emitters in the U.S., according to a report released today by the Environmental Defense Fund.

"Today's announcement is 20 years in the making, and is a significant milestone in the Clean Air Act's already unprecedented record of ensuring our children are protected from the damaging effects of toxic air pollution," said EPA Administrator Lisa Jackson at a news conference in Washington, D.C. "With the help of existing technologies, we will be able to take reasonable steps that will provide dramatic protections to our children and loved ones, preventing premature deaths, heart attacks, and asthma attacks."

The proposed rule is open for public comment. A final rule is expected in November.

Coal-fired power plants are responsible for 99 percent of mercury emissions from the electric power industry. The toxic pollutants are known to cause neurological damage, according to the EPA, including lower IQ in children. The pollutants also cause environmental damage to rivers, lakes and streams and the fish that live in them. Many states, including Pennsylvania, have fish consumption advisories due to mercury pollution.

"This is historic. It would end the lethal loophole that permits coal-burning power plants to spew poisonous pollution into the air," said Frank O'Donnell, president of Clean Air Watch, an environmental organization focused on air quality. "Indeed, this is the single biggest step for public health protection that the EPA will take this year. Thousands of Americans will live longer and many millions will breathe easier as a result. Not only that, but fish will be safer to eat as toxic mercury is reduced from water bodies."

The EPA estimates that the proposed rule's public health and economic benefits, including the creation of an estimated 31,000 short-term construction jobs and 9,000 long-term maintenance and operational jobs, will greatly exceed the costs of implementation. Every dollar spent to install pollution controls will produce public health and economic business benefits of up to $13 dollars. That could total as much as $140 billion annually.

Ms. Jackson said the installation of toxics pollution controls at the 44 percent of the nation's coal-fired power plants that have no controls could lead to utility bill increases of from $3 to $4 a month for consumers. It might also cause utilities to close some of the nation's oldest and biggest polluting power plants and invest in new power plant construction instead.

The Columbus Dispatch
Feds propose air-pollution limits for coal-fired power plants
By Spencer Hunt
3 17 11

Federal environmental authorities say proposed rules to cut air pollution at coal-fired power plants would save lives and cut health-care costs.

To meet the standards, including cutting mercury pollution by 91 percent, power companies in Ohio and nationwide would have to install more scrubbers and filters. Some companies say they would shut down smaller plants to save on costs.

The rules the U.S. Environmental Protection Agency proposed yesterday would place the first-ever limits on mercury and other hazardous air pollutants that escape power-plant smoke stacks. They would have to be in place by 2016.

The changes are expected to increase the price of electricity. EPA officials estimate that the average monthly bill would go up by $3 to $4.

EPA Administrator Lisa Jackson said the changes would prevent 6,800 to 17,000 premature deaths a year, and save as much as $140 billion in annual medical bills and work days lost to asthma attacks and other breathing problems.

"It is a milestone in the Clean Air Act's already unprecedented record in protecting the health of our children and our families," Jackson said.

The proposal comes at a time when many Republicans and some Democrats in Congress are considering bills to limit the EPA's authority.

Utilities, including Columbus-based American Electric Power, already question the agency's timeline and cost estimates.

"We are concerned about the economic impact on our customers," said Melissa McHenry, an AEP spokeswoman. "It doesn't consider the impact on customers in states where there are a lot of coal-fueled power plants."

In Ohio, 89 percent of the electricity generated each year comes from 21 coal-fired plants.

Aside from a 91 percent reduction in mercury released from burning coal, the proposed rules would give the EPA the authority to limit more than 80 toxic metals, compounds and acids emitted by power plants.

The effect on Ohioans is unclear. Many of the utility-owned power plants here already have scrubbers and other pollution filters that were installed to help meet previous pollution limits and the terms of federal pollution lawsuit settlements.

Four of five generating units at American Electric Power's Muskingum River plant and its Picway plant south of Columbus have no scrubbers or filters. It's the same for Duke Energy's Beckjord station and FirstEnergy's Bayshore, Lake Shore, Ashtabula, Burger and Eastlake plants.

AEP officials have said in the past that installing scrubbers and filters at small stations, such as Picway, could make the plants too expensive to run.

FirstEnergy Spokesman Mark Durbin said it's also unlikely that power companies here and across the country would all be able to meet the EPA's proposed deadlines. He said it often takes years to get equipment made and installed.

Health advocates said the rules, which are expected to be finalized by November, are overdue.

"Our nation has waited a long time for this day," said Charles Connor, president of the American Lung Association. "When they become final, these standards will save lives and protect the health of millions of Americans."

Milwaukee Sentinel-Journal
Congress likely to challenge EPA's proposed mercury-emission rules
Lee Berquist
3 16 11

New federal regulations unveiled Wednesday would subject many older coal-fired power plants in Wisconsin to the first national standard to limit mercury emissions and other toxic pollutants.

The proposal is likely to be challenged in Congress. But if approved, the regulations would force the state's investor-owned utilities to spend tens of millions of dollars on new pollution controls, shift to natural gas or shutter facilities.

That, in turn, could lead to higher rates.

U.S. Environmental Protection Agency Administrator Lisa Jackson said modeling by the agency has shown that, nationally, a typical utility bill could increase by $3 or $4 a month.

But the EPA also said the regulations would produce significant health benefits. Nationally, improvements in health would save $59 billion to $140 billion annually from fewer sick days and hospital admissions.

The measure's health component was underscored when the Sierra Club, an environmental group, said it will roll out free mercury testing events across the country, including Milwaukee, next month. A laboratory will test hair strands for mercury.

Mercury levels can rise in the body when people eat fish contaminated with mercury. Hair can reveal such exposure.

"This rule will save money and lives," said Jennifer Feyerherm of the Sierra Club in Madison. "It's going to affect all of the older plants in the state."

But the National Association of Manufacturers said the proposal would lead to higher prices and significant job losses.

Mercury from power plants falls on water and is converted to toxic methylmercury, which accumulates in fish and other aquatic life. Wisconsin has a statewide fish consumption advisory that limits consumption of some types of fish.

The EPA said the regulations would reduce mercury emissions from power plants by 91%, and they would have three or four years to implement the changes.

Wisconsin's own mercury regulations calls for a 90% cut by 2015, but the state law allows utilities to put off achieving the goal until 2021. And it allows them to cut the emissions by 70% by 2015 if they agree to make reductions in other pollutants, such as sulfur dioxide and nitrogen oxides.

The EPA's regulation, which was 20 years in the making, also calls for controls on other pollutants, including lead, arsenic, chromium and acid gases.

The state's three largest utilities - We Energies, Alliant Energy Corp. and Wisconsin Public Service Corp. - said they were reviewing the regulations.

Because federal mercury regulations were expected - and Wisconsin had its own law in place - the utilities said they are already making upgrades or mulling what to do next.

In Milwaukee, We Energies said it will decide this year whether to install pollution upgrades at its aging Valley plant, south of downtown, or switch to another energy source, such as natural gas. It will do the same at a power plant on the Milwaukee County Grounds, said spokesman Brian Manthey. The company will have controls on 83% of its coal fleet by the end of 2012.

The utility also will have to decide how to meet regulations at its plant in Presque Isle, Mich., which serves an iron-ore mine.

Manthey said all three facilities are "must-run" plants that can't be closed. Valley produces steam for downtown Milwaukee, the county plant is needed for heating and for chilled water, and the mine relies on Presque Isle.

At Green Bay-based Wisconsin Public Service, the company said some units at its Pulliam plant in Green Bay and Weston plant near Wausau would not meet the proposed limits.

"We knew the rule was coming and we were looking at the options," said Connie Lawniczak, the utility's

director of environmental services.

Akron Beacon Journal
EPA pushes coal-plant limits
By Bob Downing
3 16 11

The U.S. Environmental Protection Agency on Wednesday proposed the first limits on mercury, other heavy metals and acid gases from coal-burning power plants.

The proposal could cost utilities as much as $11 billion and could raise consumers' electric bills by as much as $3 to $4 a month, said EPA Administrator Lisa Jackson.

The proposal was immediately blasted by utilities and industry groups and widely hailed by environmental and health groups.

But the added costs are far outweighed by the health benefits, Jackson said in a teleconference.

The new limits are projected to prevent 17,000 premature deaths and 11,000 heart attacks a year, she said.

The new limits must be met within four years and will reduce mercury emissions by 91 percent, she said.

Such limits, first proposed 20 years ago, must be finalized by November.

Akron's FirstEnergy Corp. is ''disappointed'' by the EPA's action and questioned the reasonableness of the federal mandate, said spokesman Mark Durbin.

The EPA plan also calls for limits on individual plants and boilers and eliminates the flexibility that FirstEnergy and other utilities had been seeking, he said.

It would be better to deal with coal-fired fleets, not individual plants and boilers, he said.

The EPA decision could impact all of FirstEnergy's coal-fired plants, even those that have scrubbers and other anti-pollution equipment, he said.

If the levels cannot be met, the utility will be required to do even more to reduce emissions with mercury, heavy metals and toxic gases, he said.

The utility could be forced to spend billions of dollars on plant improvements or face shutting down select coal-fired plants, he said.

Industry analysts indicated that nearly 20 percent of old and dirty coal plants may be shut down and the utilities may be inclined to switch from coal to cleaner-burning natural gas, in the wake of the EPA announcement.

The National Association of Manufacturers is unhappy with the proposal.

''This rule is yet another example of overreaching regulation that will negatively influence the bottom line for manufacturers and the American people,'' said Aric Newhouse, a senior vice president of the trade group. He called the rule an ''excessive regulation'' and a ''stringent unrealistic regulation'' that will cost jobs, raise electric bills and hurt American industry.

Environmentalists supported the rule.

''This is historic: It would end the lethal loophole that permits coal-burning power plants to spew

poisonous pollution into the air," said Frank O'Donnell of Clean Air Watch in Washington, D.C.

He called the rule the "single biggest step for public health protection" that the EPA will take in 2011.

"Powering our homes should not poison our kids," said Julian Boggs of Environment Ohio. "It's about time that dirty coal companies are required to clean up their act."

Power plants are responsible for 50 percent of mercury emissions, 50 percent of acid gases and 25 percent of arsenic, chromium and nickel emissions, the EPA said.

Many power plants will be able to meet the new limits, but 44 percent will be required to add new anti-pollution equipment, the EPA said.

It said the new rule would reduce childhood asthma cases by 120,000 and acute bronchitis in children by 11,000 annually. It would eliminate 12,000 emergency room visits and reduce missed workdays by 850,000.

Ohio's coal-fired power plants rank No. 3 for mercury admissions in the United States with 9,518 pounds behind Texas and Pennsylvania.

American Electric Power's Gen. James Gavin Power Plant in Meigs County is No. 3 in the United States with 2,099 pounds and FirstEnergy's Bruce Mansfield Power Station in Shippingport, Pa. is No. 25 with 1,023 pounds.

Airborne mercury falls to the ground with rain and snow. It accumulates in fish in rivers and lakes. Mercury advisories are in place for many bodies of water due to mercury pollution.

Mercury is a neurotoxin that can impair neurological development in fetuses, infants and children. It can affect the brain and nervous system.

The 1990 Clean Air Act amendments required that the EPA set mercury and air toxics limits.

Wednesday's announcement comes 11 years after the EPA said it would set such limits and follows a February 2008 court order that struck down an industry-friendly mercury limit proposed by the Bush administration.

The EPA, in a consent decree in October 2009, agreed to issue its mercury-air toxics limits by March 16.

The EPA will accept public comment on the new rules for 60 days after the announcement appears in the Federal Register.

McClatchy Newspapers (ran in Miami Herald, Minneapolis Star-Tribune, Kansas City Star, Bellingham Herald, Bradenton Herald, Lexington Herald Leader, etc.)
EPA to limit coal-fired power plants' toxic emissions
By Renee Schoof
3 16 11

WASHINGTON -- Toxic air pollutants such as mercury, which can lower the IQ of children who get high doses early in life, will be reduced from coal-fired power plants under a major air pollution regulation that the Environmental Protection Agency unveiled Wednesday.

The proposed rule also would reduce other forms of air pollution that cause heart attacks, asthma attacks and other serious health conditions. The EPA estimates that 17,000 lives would be saved by the new rule every year, and thousands of people would avoid missing work and visiting an emergency room.

The nation has never had a national limit on the 386,000 tons of hazardous air pollutants that coal-fired plants put out each year. Vast parts of the country and millions of Americans are affected, because more

than 400 coal-fired plants are scattered across 46 states, and their emissions spread over hundreds of miles.

The same equipment that cuts the toxic pollutants such as mercury also captures fine particle pollution. That dirty air, or soot, causes premature death, heart attacks and lung diseases. The EPA estimates that the additional reduction of particle pollution would prevent 11,000 heart attacks and 120,000 childhood asthma attacks annually.

The Electric Reliability Coordinating Council, the leading electric-power industry trade group, issued a statement opposing the rule. It said the new regulation on toxic pollution is too expensive and that there are no health benefits from reducing hazardous pollutants other than mercury.

"Such controls are extraordinarily costly with profound impacts on electricity supply and price, and job creation," the group said.

The EPA, however, said that other toxic metals emitted from the plants, including arsenic, chromium and nickel, can cause cancer.

"Today we're taking an important step forward in EPA's efforts to safeguard the health of millions of Americans," EPA Administrator Lisa Jackson said in a packed auditorium at her agency's headquarters, where the audience included a class of second graders from a Washington school.

American Academy of Pediatrics President O. Marion Burton spoke to them.

"I think you already know that this rule is about you and for you," he said. "Dirty air makes children sick. That's the long and the short of it."

Burton said he expected industry criticism about the costs the rule would impose on them, but argued that inaction costs society more. "If you think it's an expensive process to put a scrubber on a smokestack," he said, "you should see how much it takes over a lifetime to treat a child with a preventable birth defect."

About half the nation's electricity comes from plants that burn coal. According to EPA data, 44 percent of such plants have no advanced pollution-control equipment. Some other plants already meet at least part of the proposed standards, because they've had to meet state regulations.

Congress ordered the toxic-emissions reductions 20 years ago. The EPA reduced mercury emissions from all other big sources except power plants. A court threw out a mercury reduction plan for power plants that was proposed, but not put into practice, under President George W. Bush.

"Our nation has waited a long time for this day," said American Lung Association president and CEO Charles Connor. He said the EPA is closing "a toxic loophole."

The EPA plans to issue a final rule at the end of this year or early next year, Jackson said. In the meantime, it will take public comments on this proposal. The rule could be changed before it's finalized. The agency then will give utilities four years to add the pollution controls.

Coal-fired power plants emit more hazardous pollutants than any other industrial power source, the American Lung Association said in a report last week. The EPA said power plants that run on coal, plus a much smaller number that use oil, are the source of half the mercury, more than half of the acid gas emissions and 25 percent of toxic metals in U.S. air pollution.

The EPA estimated only the health benefits from the particle pollution reductions, and not from the elimination of mercury and other hazardous pollutants. It estimated that for every dollar spent on pollution controls, the public would gain $5 to $13 in health benefits.

Environmental groups cheered the proposal, as did one group of electric utilities, the Clean Energy

Group, made up of Calpine Corp., Constellation Energy, Exelon Corp., PG&E Corp., Public Service Enterprise Group Inc. and Seattle City Light.

The group's president, Michael Bradley, said in an interview that some old coal plants might close rather than add the pollution controls. That would include plants more than 50 years old that are less efficient than new ones. Bradley said that natural gas plants that aren't operating at capacity would be able to fill the gap.

Companies have been planning ahead and anticipating the new regulations for a long time, Bradley said. He also said that industry and the EPA have been exchanging data and discussing the rule announced Wednesday for the past 18 months.

01268-EPA-5664

Richard Windsor/DC/USEPA/US
04/22/2011 02:51 PM

To "Nancy Sutley", "Nancy-Ann M. DeParle", "Chris Lu", "Cass Sunstein"
cc "Bob Perciasepe", "Diane Thompson"
bcc
Subject Fw: EPA Strategic Plan

Folks,

Thanks again for a great meeting. Attached is a copy of EPA's strategic plan. Bob Perciaseppe did a masterful job leading the effort to develop it.
Lisa
Bob Perciasepe

----- Original Message -----
From: Bob Perciasepe
Sent: 04/22/2011 02:43 PM EDT
To: Richard Windsor
Subject: EPA Strategic Plan
Here it is

FY 2011-2015 EPA Strategic Plan.pdf

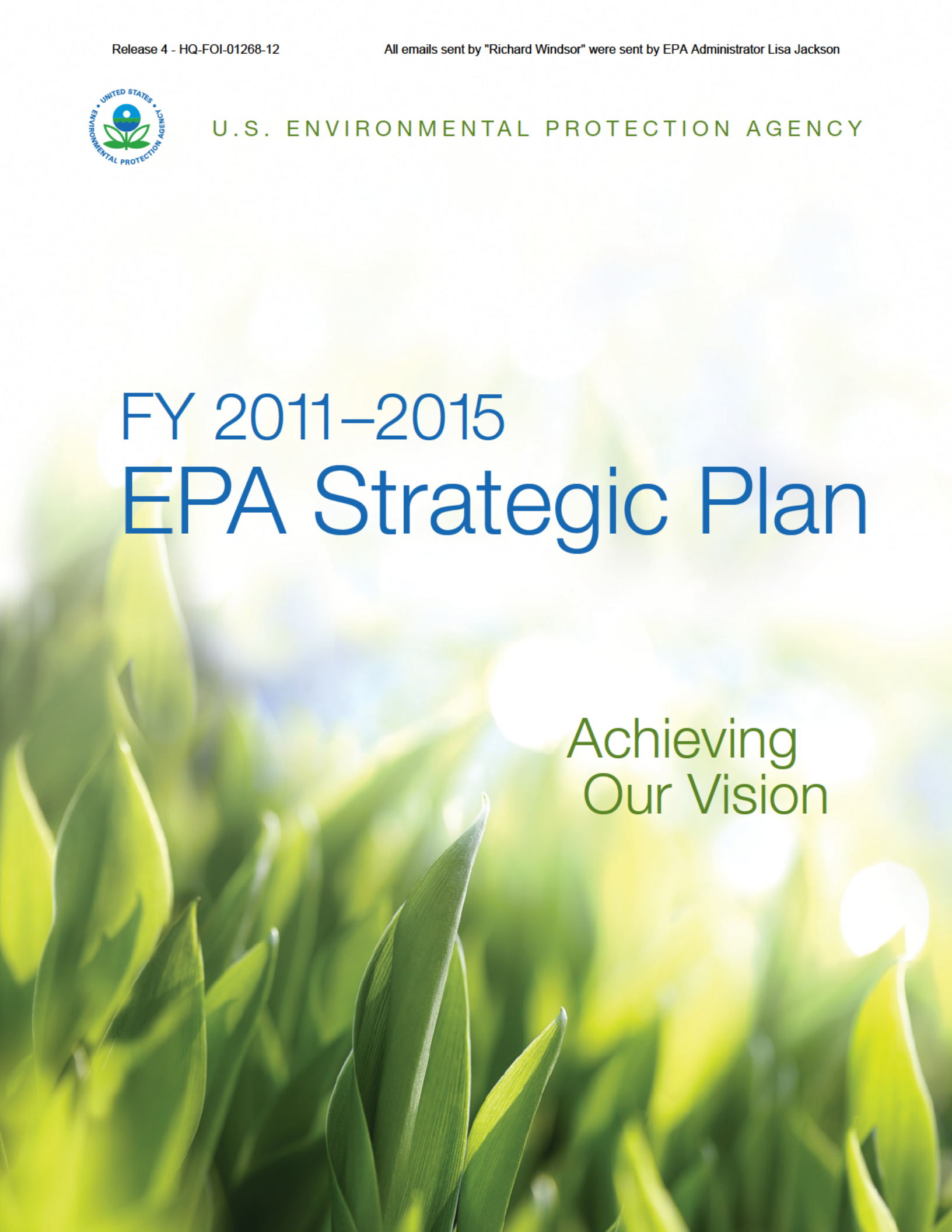
Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) + (b) (6) Privacy

U.S. ENVIRONMENTAL PROTECTION AGENCY

FY 2011–2015
EPA Strategic Plan

Achieving Our Vision



EPA's Mission:

To Protect Human Health and the Environment

Strategic Goals

Goal 1: Taking Action on Climate Change and Improving Air Quality

Goal 2: Protecting America's Waters

Goal 3: Cleaning Up Communities and Advancing Sustainable Development

Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution

Goal 5: Enforcing Environmental Laws

Cross-Cutting Fundamental Strategies

Expanding the Conversation on Environmentalism

Working for Environmental Justice and Children's Health

Advancing Science, Research, and Technological Innovation

Strengthening State, Tribal, and International Partnerships

Strengthening EPA's Workforce and Capabilities

Core Values:

Science, Transparency, Rule of Law

Fiscal Year 2011–2015 EPA Strategic Plan

Achieving Our Vision

U.S. Environmental Protection Agency
September 30, 2010

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Message from the Administrator

Since beginning my tenure as Administrator of the U.S. Environmental Protection Agency, I have been challenged by the difficult issues we face and inspired by the talent and dedication of our extraordinary work force. There is no doubt the EPA is on the job. We have made exceptional progress in protecting the environment of America's communities and restoring the trust of the American people. And we have made a number of historic environmental advances along the way. The year 2010 marks the EPA's 40th anniversary. It is a moment of celebration but also a time when we face some of the most complex and far-reaching environmental challenges in the history of the EPA, our nation and our planet. It is critical that we work harder and look further ahead.

The EPA's *FY 2011–2015 Strategic Plan* provides a blueprint for accomplishing our priorities for the next five years. This plan presents five strategic goals for advancing our environmental and human-health mission outcomes, accompanied by five cross-cutting fundamental strategies that seek to focus the EPA's work to meet the growing environmental protection needs of the day. To follow the Administration's focus on strengthening programs and achieving results, the EPA is implementing near-term Priority Goals that serve as key indicators of progress toward our five strategic goals. We will continue to affirm the core values of science, transparency and the rule of law in addressing these priorities. These are the most urgent issues we must confront through 2015.

As we prepared this strategic plan, we also were responding to one of the nation's worst environmental disasters, the Deepwater Horizon BP oil spill, which seriously affected the ecological and economic health of the Gulf Coast's communities. A sustained, effective recovery and restoration effort will require significant commitments of resources, scientific and technical expertise and coordination with a range of partners in the months and years ahead. This strategic plan offers a solid foundation for the EPA's long-term response to the impacts of the BP oil spill. As President Obama has said, our government will do "everything in our power to protect our natural resources, compensate those who have been harmed, rebuild what has been damaged, and help this region persevere like it has done so many times before." The EPA will work tirelessly to address the environmental and human-health effects and set the Gulf Coast on the path to recovery.

The EPA's Strategic Goals

Taking Action on Climate Change and Improving Air Quality: America's communities face serious health and environmental challenges from air pollution and the growing effects of climate change. During my first year as Administrator, the EPA finalized an endangerment finding on greenhouse gases, proposed the first national rules to reduce greenhouse-gas emissions under the Clean Air Act and initiated a national reporting system for greenhouse-gas emissions. All of these advances signaled historic progress in the fight against climate change. Climate change must be considered and integrated into all aspects of our work. While the EPA stands ready to help Congress craft strong, science-based climate legislation that addresses the spectrum of issues, we will assess and develop regulatory tools as warranted under law using the authority of the Clean Air Act.

We have strengthened the ambient air-quality standards for nitrogen dioxide and sulfur dioxide and proposed stronger standards for ozone, which will help millions of Americans breathe easier and lead healthier lives. We also are developing a comprehensive strategy for a cleaner and more efficient power sector, with strong and achievable emission-reduction goals for sulfur dioxide, nitrogen oxide, mercury and other air toxics. Strengthening the ambient air-quality standards consistent with the latest scientific information and gaining additional reductions in air toxics from a range of industrial facilities will significantly improve air quality and reduce risks to communities across the country. Improved monitoring, timely and thorough permitting and vigorous enforcement are our key tools for air-quality improvement.

Protecting America's Waters: Despite considerable progress, America's waters remain imperiled. From nutrient loadings and stormwater runoff to invasive species and drinking-water contaminants, water quality and enforcement programs face complex challenges that demand both traditional and innovative strategies. We will work hand-in-hand with states and tribes to develop nutrient limits and intensify our work to restore and protect the quality of the nation's streams, rivers, lakes, bays, oceans and aquifers. The EPA also will use its authority to protect and restore threatened natural treasures such as the Great Lakes, the Chesapeake Bay and the Gulf of Mexico; to address our neglected urban rivers; to ensure safe drinking water; and to reduce pollution from nonpoint and industrial dischargers. We will initiate measures to address post-construction runoff, water-quality impairments from surface mining and drinking-water contamination.

Cleaning Up Communities and Advancing Sustainable Development: Using all the tools at our disposal, including targeted enforcement and compliance efforts, the EPA will continue to make our communities safer and healthier. We are accelerating these efforts through our Superfund program to confront significant local environmental challenges. The collapse of a coal-ash impoundment in Kingston, Tenn., focused the EPA's attention on how these disposal facilities are managed nationwide. In response, the EPA proposed options for the nation's first rules to address the risks from the disposal of coal ash generated by coal-fired power plants. By maximizing the potential of our brownfields program to spur environmental cleanups and by fostering stronger partnerships with stakeholders affected by our cleanups, we are moving toward our goal of building sustainable, healthy, economically vibrant communities. And by strengthening our work with tribal communities, we are advancing our efforts to build environmental-management capacity and program implementation in Indian country.

Ensuring the Safety of Chemicals and Preventing Pollution: One of our highest priorities is ensuring the safety of the chemicals that make up the building blocks of modern society. Increasingly, the chemicals used to make our products, build our homes and support our way of life end up in the environment and in our bodies. Last year, the Administration announced principles for modernizing the more than 30-year-old Toxic Substances Control Act, under which we assess and regulate chemicals. To move forward and to make long-overdue progress, we are shifting our focus to filling in critical missing information on the chemicals most widely produced and used in commerce and addressing chemicals that pose unreasonable risk to the environment or human health. Pending legislative action by Congress, the EPA is strengthening its chemical safety program by coordinating with appropriate federal agencies to maximize use of current TSCA authorities, supported by the best available science, to aggressively assess and manage the risks of chemicals used in consumer products, the workplace and the environment. Additionally, under the Federal Insecticide, Fungicide, and Rodenticide Act, the EPA and the states register or license pesticides for use in the U.S. The EPA also is taking steps to increase transparency and public access to TSCA-related chemical information, committing to review and, where appropriate, to challenge and declassify Confidential Business Information claims for hundreds of annual new submissions and more than 20,000 previous submissions through FY 2015. By encouraging pollution prevention, we will promote the use of safer chemical alternatives, implement conservation techniques, promote efficient reuse of materials and better align the chemical-production processes with the principles of green chemistry.

Enforcing Environmental Laws: Effective, consistent enforcement is critical to achieving the human-health and environmental benefits expected from our environmental laws. The EPA, through the rule of law, will

ensure compliance with environmental requirements and, as warranted, will employ vigorous and targeted civil and criminal enforcement. We will achieve significant environmental results by focusing our efforts on the most serious water, air and chemical hazards and by working closely with states and tribes. We will protect the public by criminally prosecuting willful, intentional and serious violations of federal environmental laws.

The EPA's Cross-Cutting Fundamental Strategies

As a companion to our strategic goals, which chart the Agency's direction for achieving mission results during the next five years, the EPA's five cross-cutting fundamental strategies set explicit expectations for changing the way we approach our work. These five strategies will inform the work of every program and regional office and help us meet the challenges we face today.

Expanding the Conversation on Environmentalism: Every American has a stake in clean air and water, chemical safety, restoring contaminated industrial and mining sites and strong enforcement of environmental statutes. Every community must be part of the conversation. We will take broad steps to expand the conversation on environmentalism to communities across America, building capacity, increasing transparency and listening to the public. We will engage citizens to hear all the voices that must be part of our nation's dialogue on environmental issues.

Working for Environmental Justice and Children's Health: We will work alongside entities that bear important responsibilities for the day-to-day mission of environmental protection and strengthen oversight to ensure programs are consistently delivered nationwide. We will use a variety of approaches, including regulations, enforcement, research, community-based programs and outreach to protect children and low-income, minority and tribal populations disproportionately impacted by environmental and human-health hazards.

Advancing Science, Research and Technological Innovation: The EPA will advance the scientific research and technological innovation that is essential to enhancing our ability to protect human health and the environment.

Strengthening State, Tribal and International Partnerships: We will strengthen partnerships with states, tribes and the international community. Hand-in-hand with these partnership efforts and inclusive environmentalism, we will address pollution problems and protect human health.

Strengthening the EPA's Work Force and Capabilities: We will adopt improved, innovative and creative management approaches and exemplify stewardship, transparency and accountability in addressing increasingly complex environmental and human-health challenges. We will foster a culture of excellence and provide the infrastructure, technology, training and tools to support a talented, diverse, and highly motivated work force that supports the Administration's human capital and acquisition priorities.

Forty years after the birth of the EPA, we have a rare opportunity to spark a new era of environmental and human-health protection. The American people and countries around the world look to us for leadership. It is up to us to embrace this moment, so our children and grandchildren can have a cleaner, healthier future. We will face new challenges, new opportunities and new possibilities for achieving our vision of a cleaner, greener and more sustainable environment. I have tremendous confidence in the talent and spirit of our work force, and I know we will meet our challenges head-on, as One EPA. Fueled by our energy, our ideas, and our passion, this strategic plan will help guide our path to success.

Lisa P. Jackson

Introduction

Recent events in the Gulf Coast region and elsewhere have brought to the forefront how much we value our environment. Our homes, our livelihoods, our health and that of our children depend on clean water to drink, clean air to breathe, and healthy ecosystems that produce our food and the raw materials that support modern life. The U.S. Environmental Protection Agency (EPA) and its mission to protect human health and the environment have never been more vital than they are today.

The *Fiscal Year (FY) 2011–2015 EPA Strategic Plan* responds to this increasing degree of environmental awareness and the challenges that lie ahead.[1] We have created a streamlined, executive-level *Plan* that sets the Agency's direction, advances the Administrator's priorities, and will be used routinely by the Agency's senior leadership as a management tool. We have sharpened our strategic goals and objectives and offer a more focused set of strategic measures to better inform our understanding of progress and challenges alike in managing our programs. We intend to pursue these goals and objectives as One EPA, through meaningful collaboration across the Agency. Our new cross-cutting fundamental strategies are directed at refocusing and tangibly changing the way we carry out our work. We anticipate that this new approach will foster a renewed commitment to accountability, transparency, and inclusion.

Our five strategic goals represent a simplified and meaningful approach to our work and reflect the results we hope to achieve on behalf of the American people:

- Goal 1: Taking Action on Climate Change and Improving Air Quality
- Goal 2: Protecting America's Waters
- Goal 3: Cleaning Up Communities and Advancing Sustainable Development
- Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution
- Goal 5: Enforcing Environmental Laws

To achieve the long-term goals and associated objectives and strategic measures set out in this *Plan*, we will track progress through annual performance measures, which are presented in EPA's *Annual Performance Plans and Budgets*. We will report on our performance against these annual measures in our *Annual Performance Reports*, and use this performance information as we establish priorities, develop future budget submissions, and manage programs. Additionally, EPA reports on High Priority Performance Goals (Priority Goals), a new component of this Administration's performance management framework. Priority Goals are specific, measurable, ambitious, near-term targets that align with our long-term strategic measures and annual measures. The Priority Goals communicate the performance improvements we will accomplish relative to our priorities using existing legislative authority and resources. The Priority Goals constitute 18- to 24-month operational targets the Agency will work to accomplish, distinguishing the Priority Goals from the longer-term measures. This process will come full circle as we evaluate these performance data to develop future *Strategic Plans*.

Our measures for the *FY 2011–2015 EPA Strategic Plan* draw upon some of the indicators contained in

EPA's 2008 Report on the Environment (ROE).[2] The indicators help us to monitor trends in environmental conditions and environmental influences on human health. Our efforts to develop the report and regularly update the indicators have advanced our performance measurement work by bringing together existing and new analytical information on the environment and human health.

During the five-year horizon of this *Plan*, we know that we will face unanticipated challenges and opportunities that will affect our ability to achieve our objectives and the specific measurable results that we have described. In particular, we recognize that numerous entities vital to our success—federal[3], state, tribal, and local governments, and cooperating partners and stakeholders—are operating under resource constraints that could impede our joint progress. This *Plan* provides the framework to address these challenges and make necessary adjustments.

This *FY 2011–2015 EPA Strategic Plan* sets forth our vision and commitment to preserve the environment for future generations and to protect human health in the places where people live, work, learn, and play. It is our hope that you will join us as we undertake the important work that lies ahead.

Consultation Efforts

The Government Performance and Results Act of 1993 directs all federal departments and agencies to consult with parties interested in or likely to be affected by a strategic plan. Consultation with EPA's federal, state, local, and tribal government partners and our many stakeholders is an integral part of the Agency's strategic planning process. To that end, EPA:

- Engaged with key partners and co-regulators throughout the effort to develop the *Draft Plan*.
- Significantly expanded our outreach efforts for public review of the *Draft FY 2011–2015 EPA Strategic Plan* to enhance transparency and inclusion. We issued, for the first time, a news release in both English and Spanish and a *Federal Register Notice* and used www.regulations.gov to encourage feedback on the *Draft Plan*.
- Sent notification letters to over 800 organizations and individuals to request input. These entities included leaders of the Agency's Congressional authorizing and appropriations committees; states and state associations; all federally-recognized tribes; tribal organizations; local government representatives; other federal agencies; public health organizations; environmental, public interest, and public policy groups; and representatives of the regulated community.
- Established an on-line discussion forum to engage with the public on implementing the cross-cutting fundamental strategies to tangibly change the way we work. Comments received through the discussion forum can be viewed at https://blog.epa.gov/strategicplan.

Our efforts to significantly expand our outreach for public review of the *Draft Plan* resulted in over 500 public comments, compared to approximately 50 public comments for prior *Draft Strategic Plans*.

End Notes:

1 The *Fiscal Year 2011–2015 EPA Strategic Plan* covers the timeframe from October 1, 2010 through September 30, 2015 unless otherwise noted.

2 EPA electronic *Report on the Environment* is available at http://www.epa.gov/roe.

3 Federal entities with whom we expect continued cooperation or coordination for EPA's five strategic goals include: Agriculture, Army Corps of Engineers, Commerce, Consumer Product Safety Commission, Defense, Education, Energy, Federal Emergency Management Agency, General Services Administration, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, National Aeronautics and Space Administration, National Science Foundation, Nuclear Regulatory Commission, Small Business Administration, State, Transportation, Treasury, Tennessee Valley Authority, U.S. Agency for International Development, and U.S. Trade Representative.

Goal 1: Taking Action on Climate Change and Improving Air Quality

Reduce greenhouse gas emissions and develop adaptation strategies to address climate change, and protect and improve air quality.

Climate change poses risks to human health, the environment, cultural resources, the economy, and quality of life.[1] These changes are expected to create further challenges to protecting human health and welfare. Many effects of climate change are already evident and will persist into the future regardless of future levels of greenhouse gas (GHG) emissions. Potential climate change impacts may include, for example, increased smog levels in many regions of the country, making it more difficult to attain or maintain clean air. A rise in sea level or increased precipitation intensity may increase flooding, which would affect water quality, as large volumes of water can transport contaminants and overload storm and wastewater systems. In order to protect human health and the environment, EPA must recognize and consider the challenge a changing climate poses to the environment.

Since passage of the Clean Air Act Amendments in 1990, nationwide air quality has improved significantly.[2] Despite this progress, about 127 million Americans lived in counties that did not meet air quality standards for at least one pollutant in 2008. Long-term exposure to air pollution can cause cancer and damage to the immune, neurological, reproductive, cardiovascular, and respiratory systems.[3] Because people spend much of their lives indoors, the quality of indoor air is also a major concern. Twenty percent of the population spends the day indoors in elementary and secondary schools, where problems with leaky roofs and with heating, ventilation, and air conditioning systems can trigger a host of health problems, including asthma and allergies. Exposure to indoor radon is responsible for an estimated 20,000 premature lung cancer deaths each year.[4]

Objectives:

- **Address Climate Change.** Reduce the threats posed by climate change by reducing greenhouse gas emissions and taking actions that help communities and ecosystems become more resilient to the effects of climate change.
- **Improve Air Quality.** Achieve and maintain health-based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants.
- **Restore the Ozone Layer.** Restore the earth's stratospheric ozone layer and protect the public from the harmful effects of ultraviolet (UV) radiation.
- **Reduce Unnecessary Exposure to Radiation.** Minimize unnecessary releases of radiation and be prepared to minimize impacts should unwanted releases occur.

Strategic Measures associated with this Goal are on pages 43 through 45.

Reduce GHG Emissions and Develop Adaptation Strategies to Address Climate Change

EPA's strategies to address climate change support the President's GHG emissions reduction goals. EPA and its partners will reduce GHG emissions domestically and internationally through cost-effective, voluntary programs while pursuing additional regulatory actions as needed. Our efforts include:

- Developing and implementing a national system for reporting GHG emissions. (Implementing the mandatory GHG reporting rule is one of the Agency's Priority Goals.)[5]
- Issuing new standards to reduce emissions from cars and light-duty trucks for model years 2012 through 2016, extending that program to model year 2017 and beyond, and creating a similar program to reduce GHGs from medium- and heavy-duty trucks for model years 2014–2018. (Implementing the light-duty GHG rule is one of the Agency's Priority Goals.)[6]
- Developing standards to reduce GHG emissions from nonroad sources such as marine and aircraft and land-based nonroad equipment and locomotives.
- Implementing permitting requirements for facilities that emit large amounts of GHGs to encourage design and construction of more efficient and advanced processes that will contribute to a clean energy economy.
- Implementing refocused voluntary programs that maximize GHG reductions through the greater use of energy-efficient technologies, products, and practices, and promoting energy and transportation policies that benefit the environment and human health.
- Collaborating with state, local, and tribal governments on regulatory and policy initiatives, technical assistance, and voluntary programs related to climate change mitigation and adaption.
- Collaborating with countries and other international partners to reduce methane emissions and deliver clean energy to markets around the world through the Global Methane Initiative.
- Developing a comprehensive report to Congress on black carbon that will provide a foundation for evaluating future approaches to black carbon mitigation.
- Pursuing a sustainable, life-cycle approach to managing materials.
- Identifying and assessing substitute chemical and ozone-depleting substances and processes for their global-warming potential.
- Educating the public about climate change and actions people can take to reduce GHG emissions.

Adaptation initiatives aim to increase the resilience of communities and ecosystems to climate change by increasing their ability to anticipate, prepare for, respond to, and recover from the impacts of climate change. Many of the outcomes EPA is working to attain are sensitive to weather and climate. Consequently, every action EPA takes, including promulgating regulations and implementing programs, should take these fluctuations into consideration. For example, EPA models the ways in which weather affects air quality when it develops air quality standards, and cannot assume that climate is constant, an assumption typically made in the rulemaking process.

EPA must adapt and plan for future changes in climate, work with state, tribal, and local partners, and continue to collaborate with the U.S. Global Change Research Program and the Interagency Task Force on Climate Change Adaptation.[7] The Agency must incorporate the anticipated, unprecedented changes in climate into its programs and rules, drawing on the critical information and tools provided by EPA researchers, to continue to fulfill statutory, regulatory, and programmatic requirements.

Improve Air Quality

Taking into account the most current health effects research findings[8], EPA recently completed new, more health-protective standards for lead, sulfur dioxide, and nitrogen dioxide. We are in the process of reviewing the ozone, particulate matter, and carbon monoxide standards. Over the next five years, we will

work with states and tribes to develop and implement plans to achieve and maintain these standards. Our research provides the tools and information necessary for EPA, states, and tribes to implement air quality standards and controls.

In 2011, we expect to complete and begin implementing a rule to replace the Clean Air Interstate Rule that was remanded to us by the courts in 2008. Strengthening the standards and decreasing the emissions that contribute to interstate transport of air pollution will help many areas of the country attain the standards and achieve significant improvements in human health. As we implement the standards, we will do so in a way that protects disproportionately-impacted low-income and minority communities. We are also working with partners and stakeholders to improve the overall air quality management system and to address air quality challenges expected over the next 10 to 20 years. These efforts include improving the state implementation plan approval process, implementing a national training strategy, and developing effective air quality strategies that address multiple pollutants and consider the interplay between air quality and factors such as land use, energy, transportation, and climate.

We will address emissions from vehicles, engines, and fuels through an integrated strategy that combines regulatory approaches that take advantage of technological advances and cleaner fuels with voluntary programs that reduce vehicle, engine, and equipment activity and emissions. We are working with refiners, renewable fuel producers, and others to implement regulations to increase the amount of renewable fuel blended into gasoline. Through the National Clean Diesel Campaign, we support diesel emission reductions that can be achieved through such actions as switching to cleaner fuels; engine retrofit, repair, and replacement; and idle reduction.

Air toxics are both widespread and community-specific. They are emitted by large industry, small businesses, motor vehicles, and many other common activities. While certain chemicals are ubiquitous throughout the country, in some areas of concentrated industrial and/or mobile source activity, concentrations may be significantly greater. EPA will continue to set and enforce control technology-based air toxics emissions standards and, where needed, amend those standards to address residual risk and technology advancements.

EPA is developing a strategy aimed at reducing toxic air pollution from stationary sources in a way that targets priority categories of sources, reduces pollution in communities, utilizes a more cost-effective 'sector-based' approach, and provides tools to help communities and other stakeholders participate in rulemaking. These priority categories include petroleum refining, iron and steel, chemical manufacturing, utilities, non-utility boilers, oil and gas, and Portland cement. As part of this strategy, EPA will take advantage of the natural overlap of certain air toxics and criteria pollutant rules and coordinate the development and implementation of Maximum Achievable Control Technology (MACT) and New Source Performance Standards (NSPS) where it makes sense. Often, there are opportunities to control air toxic and criteria pollutants together. By coordinating MACT standard

development for specific source categories with other rulemaking efforts, EPA can substantially reduce the resources needed to develop standards; provide more certainty and lower cost for industry; simplify implementation for states, local, and tribal agencies; and, enhance cost-effective regulatory approaches.

Along with these regulatory efforts, EPA has a wide range of voluntary efforts to reduce emissions, including programs to reduce multi-media and cumulative risks. Through data from our national toxics monitoring network and from national and local assessments, we are able to better characterize risks and assess priorities. We work with state and local agencies, tribes, schools, and community groups to identify communities where air toxics pollution is occurring at unsafe levels and aggressively take action to reduce air toxics pollution within those areas.

Often the people most exposed to air pollutants are those most susceptible to the effects—the young, the elderly, and the chronically ill. To improve indoor air quality, EPA deploys programs that educate the public about indoor air quality concerns, including radon, and promotes public action to reduce potential risks in homes, schools, and workplaces. EPA also collaborates with state and tribal organizations, environmental and public health officials, housing and building organizations, school personnel who manage school environments, and health care providers, who treat children prone to or suffering disproportionately from asthma. The focus of these efforts is to support communities' efforts to address indoor air quality health risks. We also provide policy and technical support and financially assist states and tribes in developing and implementing effective radon programs.

Restore the Ozone Layer

EPA will implement programs that reduce and control ozone-depleting substances (ODS), enforce rules on their production, import, and emission, and facilitate the transition to substitutes that reduce GHG emissions and save energy. We will continue partnership programs that minimize the release of ODS and programs that educate the public about the importance of protection from ultra-violet radiation.

Reduce Unnecessary Exposure to Radiation

Recognizing the potential hazards of radiation, Congress charged EPA with the primary responsibility for protecting people and the environment from harmful and avoidable exposures. In fulfilling this responsibility, we will review and update our radiation protection regulations and guidance, operate the national radiation monitoring system, maintain radiological emergency response capabilities, oversee the disposal of radioactive waste at the Waste Isolation Pilot Plant, inspect waste generator facilities, and evaluate compliance with applicable environmental laws and regulations.

Applied Research

EPA's research efforts will focus on a number of air quality and climate areas over the next several years. In particular, EPA will:

- Conduct integrated science assessments of criteria air pollutants and provide new data and approaches for improving these assessments;
- Improve inventory and risk information to better inform Agency actions relative to air toxics;
- Promote resilience and adaptation by connecting air quality, water quality, and land use managers with climate change information and decision-support tools;
- Promote systems research and life-cycle analysis in analyzing the health and environmental impacts of energy production and operation, including biofuels; and,
- Investigate the influence of climate change on clean air, as well as the impacts of emissions from low-carbon fuels in transportation.

End Notes:

1 Thomas R. Karl, Jerry M. Melillo, and Thomas C. Peterson (eds.). 2009. Global Climate Change Impacts in the United States (New York, New York: Cambridge University Press). Available at http://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf.

2 U.S. EPA, 2010. *Our Nation's Air-Status and Trends through 2008*. EPA-454/R-09-002. Available at http://epa.gov/airtrends/2010/index.html.

3 U.S. EPA, 2007. *The Plain English Guide to the Clean Air Act*. EPA-456/K-07-001. Available at http://www.epa.gov/air/peg/peg.pdf.

4 U.S. EPA, 2003. *EPA's Assessment of Risks from Radon in Homes*. EPA 402-R-03-003. Available at http://www.epa.gov/radon/pdfs/402-r-03-003.pdf

5 Implementing the mandatory GHG reporting rule is one of the Agency's Priority Goals: By June 15, 2011, EPA will make publicly available 100 percent of facility-level GHG emissions data submitted to EPA in accordance with the GHG Reporting Rule, compliant with policies protecting confidential business information (CBI).

6 Implementing the light-duty GHG rule is one of the Agency's Priority Goals: In 2011, EPA, working with DOT, will begin implementation of regulations designed to reduce the GHG emissions from light-duty vehicles sold in the U.S. starting with model year 2012.

7 The U.S. Global Change Research Program coordinates and integrates federal research on changes in the global environment and their implications for society. It was mandated by Congress in the Global Change Research Act of 1990 (P.L. 101-606). In 2009, the White House Council on Environmental Quality, the Office of Science and Technology Policy, and the National Oceanic and Atmospheric Administration initiated the Interagency Climate Change Adaptation Task Force. When the President signed the Executive Order on Federal Leadership in Environmental, Energy, and Economic Performance in October 2009, he called on the Task Force to develop federal recommendations for adapting to climate change impacts both domestically and internationally.

8 U.S. EPA, 2006. *Air Quality Criteria for Lead (2006) Final Report*. EPA/600/R-05/144aF-bF. Available at http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=158823.

U.S. EPA, 2008. *Integrated Science Assessment (ISA) for Sulfur Oxides–Health Criteria (Final Report)*. EPA/600/R-08/047F. Available at http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=198843.

U.S. EPA, 2008. *Integrated Science Assessment for Oxides of Nitrogen–Health Criteria (Final Report)*. EPA/600/R-08/071. Available at http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=194645.

Goal 2: Protecting America's Waters

Protect and restore our waters to ensure that drinking water is safe, and that aquatic ecosystems sustain fish, plants and wildlife, and economic, recreational, and subsistence activities.

The nation's water resources are the lifeblood of our communities, supporting our economy and way of life. Across most of our country, we enjoy and depend upon reliable sources of clean and safe water. Several decades ago, however, many of our drinking water systems provided water to the tap with very limited treatment. Drinking water was often the cause of illnesses linked to microbiological and other contaminants. Many of our surface waters would not have met today's water quality standards. Some of the nation's rivers were open sewers, posing health risks, and many waterbodies were so polluted that safe swimming, fishing, and recreation were not possible.

We have made significant progress since enactment of the landmark Clean Water Act and Safe Drinking Water Act almost 40 years ago. Today, the enhanced quality of our surface waters and the greater safety of our drinking water are testaments to decades of environmental protection and investment, but serious challenges remain. Small drinking water systems are particularly challenged by the need to improve infrastructure and develop the capacity to meet new and existing standards. Tens of thousands of homes, primarily in tribal and disadvantaged communities and the territories, still lack access to basic sanitation and drinking water. The rate at which new waters are listed for water quality impairments exceeds the pace at which restored waters are removed from the list.

Objectives:

- **Protect Human Health.** Reduce human exposure to contaminants in drinking water, fish and shellfish, and recreational waters, including protecting source waters.
- **Protect and Restore Watersheds and Aquatic Ecosystems.** Protect the quality of rivers, lakes, streams, and wetlands on a watershed basis, and protect urban, coastal, and ocean waters.

Strategic Measures associated with this Goal are on pages 46 through 48.

Pollution discharged from industrial, municipal, agricultural, and stormwater sources continue to be causes of water quality problems, but other significant contributors include loss of habitat and habitat fragmentation, hydrologic alteration, the spread of invasive species, and climate change. For many years, nonpoint source pollution—principally nitrogen, phosphorus, and sediments—has been recognized as the largest remaining impediment to improving water quality. Recent national surveys have found that our waters are stressed by nutrient pollution, excess sedimentation, and degradation of shoreline vegetation, which affect upwards of 50 percent of our lakes and streams.[1] Climate change will compound these

problems, highlighting the urgency to evaluate with our partners options for protecting infrastructure, conserving water, reducing energy use, adopting "green" infrastructure and watershed-based practices, and improving the resilience of infrastructural and natural systems, including utilities, watersheds, and estuaries.[2]

Over the next five years, EPA will work with states, territories, and tribes to safeguard human health, make America's water systems sustainable and secure, strengthen the protection of our aquatic ecosystems, improve watershed-based approaches, focus efforts in key geographic areas[3], and take action on climate change. EPA has established two Priority Goals for the revision of drinking water standards to strengthen public health protection[4] and the development of state watershed implementation plans in support of the Chesapeake Bay total maximum daily load called for in the Chesapeake Bay Protection and Restoration Executive Order.[5] Working with our partners, the Agency's effort to protect our waters is aimed at two objectives—protecting human health and protecting and restoring watersheds and aquatic ecosystems.

Protect Human Health

Sustaining the quality and supply of our water resources is essential to safeguarding human health. More than 290 million people living in the United States rely on the safety of tap water provided by public water systems that are subject to national drinking water standards. Over the next five years, EPA will help protect human health and make America's water systems sustainable and secure by:

- Financing public water system infrastructure to protect and maintain drinking water quality;
- Strengthening compliance with drinking water standards;
- Continuing to protect sources of drinking water from contamination;
- Developing new and revising existing drinking water standards; and,
- Supporting states, tribes, territories, and local water systems in implementing these standards.

While promoting sustainable management of drinking water infrastructure, we will provide needed oversight and technical assistance to states, territories, and tribes so that their water systems comply with or exceed existing standards and are able to comply with new standards. We will also promote the construction of infrastructure that brings safe drinking water into the homes of small, rural, and disadvantaged communities and increase efforts to guard the nation's critical drinking water infrastructure.

In addition, EPA is actively working Agency-wide and with external partners and stakeholders to implement a new, multi-faceted drinking water strategy. It is designed to streamline decision making and expand protection to meet the needs of rural, urban, and other communities. This shift in approach seeks to address chemicals and contaminants by group, as opposed to working on a chemical-by-chemical basis; fostering the development of new drinking water treatment technologies; using the authority of multiple statutes; and, encouraging collaboration with states and tribes to share more complete data from monitoring at public water systems.

Science-based standards are essential to protect our public water systems, groundwater and surface waterbodies, and recreational waters. These standards are the foundation for tools to safeguard human health such as advisories for beaches, fish consumption, and drinking water. Over the next five years, we will expand that science to improve our understanding of emerging potential waterborne threats to human health. We will also increase efforts to protect and improve beach water quality for our communities, including the development of new criteria and testing methods that provide quicker results and enable faster action on beach safety.

Protect and Restore Watersheds and Aquatic Ecosystems

People and the ecological integrity of aquatic systems rely on healthy watersheds. EPA employs a suite of programs to protect and improve water quality in the nation's watersheds—rivers, lakes, wetlands, and streams—as well as in our estuarine, coastal, and ocean waters. In partnership with states, territories, local governments, and tribes, EPA's core water programs help:

- Protect, restore, maintain, and improve water quality by financing wastewater treatment infrastructure;
- Conduct monitoring and assessment;
- Establish pollution reduction targets;
- Update water quality standards;
- Issue and enforce discharge permits; and,
- Implement programs to prevent or reduce nonpoint source pollution.

Over the next five years, EPA will continue efforts to restore waterbodies that do not meet water quality standards, preserve and protect high quality aquatic resources, and protect, restore, and improve wetland acreage and quality. The Agency will improve the way existing tools are used, explore how innovative tools can be applied, and enhance efforts and cross-media collaboration to protect and prevent water quality impairment in healthy watersheds.

In partnership with states, tribes, and local communities, EPA is developing a clean water strategy that will outline objectives for advancing the vision of the Clean Water Act and actions EPA will take to achieve those objectives. The Agency will explore ways to improve the condition of the urban waterways that may have been overlooked or under-represented in local environmental problem solving. We will also work more aggressively to reduce and control pollutants that are discharged from industrial, municipal, agricultural, and stormwater sources, and vessels, as well as to implement programs to prevent and reduce pollution that washes off the land during rain events. By promoting "green" infrastructure and sustainable landscape management, EPA will help restore natural hydrologic systems and reduce pollution from stormwater events.[6]

EPA will also lead efforts to restore and protect aquatic ecosystems and wetlands, particularly in key geographic areas[3], to address complex and cross-boundary challenges. EPA is heading up a multi-agency effort to restore and protect the Great Lakes, one of America's great waters, through the Great Lakes Restoration Initiative.[7] In other parts of the nation, we will focus on nutrient pollution, which threatens the long-term health of important ecosystems such as the Chesapeake Bay. Further, given the environmental catastrophe resulting from the Deepwater Horizon BP oil spill, EPA will take necessary actions to support efforts to remove oil from and restore the Gulf of Mexico ecosystem. EPA will provide assistance to other federal, state, tribal, and local partners as they work to restore the water, wetlands, beaches, and surrounding communities of this vital area. We will also begin to identify actions to respond and adapt to the current and potential impacts of climate change on aquatic resources, including the current and potential impacts associated with warming temperatures, changes in rainfall amount and intensity, and sea level rise.[8]

Applied Research

EPA's research will help ensure that natural and engineered water systems have the capacity and resiliency to meet current and future water needs for the range of water-use and ecological requirements. These efforts will help position the Agency to meet the future needs in water resources management by:

- Evaluating individual and groups of contaminants for the protection of human health and the environment;
- Developing innovative tools, technologies, and strategies for managing water resources (including stormwater); and,
- Supporting a systems approach for protecting and restoring aquatic systems. The development of watershed-level data, tools, and approaches is crucial to our ability to provide adequate and safe water resources.

End Notes:

1 U.S. EPA, 2006. *Wadeable Streams Assessment: A Collaborative Survey of the Nation's Streams.* EPA 841-B-06-002. Available at http://www.epa.gov/owow/streamsurvey. See also EPA, 2010. *National Lakes Assessment: A Collaborative Survey of the Nation's Lakes.* EPA 841-R-09-001. Available at http://www.epa.gov/lakessurvey/pdf/nla_chapter0.pdf.

2 Resilience is the ability of a system to absorb change and disturbance and still retain its fundamental function and/or structure.

3 Key geographic areas in the national water program include the Chesapeake Bay, the Great Lakes, the Gulf of Mexico, the U.S.–Mexico Border region, the Pacific Islands, the Long Island Sound, the South Florida Ecosystem, the Puget Sound Basin, the Columbia River Basin, and the San Francisco Bay Delta Estuary. For more information on these programs and their performance measures, see the annual National Water Program Guidance, available at http://www.epa.gov/water/waterplan/index.html.

4 EPA has developed a Priority Goal as part of the drinking water strategy efforts: Over the next two years, EPA will initiate review/revision of at least four drinking water standards to strengthen public health protection.

5 EPA has developed a Priority Goal to support the Chesapeake Bay Executive Order: Chesapeake Bay watershed states (including the District of Columbia) will develop and submit Phase I watershed implementation plans by the end of CY 2010 and Phase II plans by the end of CY 2011 in support of EPA's final Chesapeake Bay total maximum daily load (TMDL) and consistent with the expectations and schedule described in EPA's letters of November 4 and December 29, 2009, and June 11, 2010. For more information, see http://executiveorder.chesapeakebay.net.

6 For information on managing wet weather with green infrastructure, see http://cfpub.epa.gov/npdes/home.cfm?program_id=298.

7 Great Lakes Restoration Initiative, information available at http://greatlakesrestoration.us/.

8 United States Global Change Research Program, information available at http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts.

Goal 3: Cleaning Up Communities and Advancing Sustainable Development

Clean up communities, advance sustainable development, and protect disproportionately impacted low-income, minority, and tribal communities. Prevent releases of harmful substances and clean up and restore contaminated areas.

Uncontrolled releases of waste and hazardous substances can contaminate our drinking water and threaten healthy ecosystems. EPA leads efforts to preserve, restore, and protect these precious resources so they are available for both current and future generations. Over the next several years, our highest priorities under this goal are to prevent and reduce exposure to contaminants and accelerate the pace of cleanups across the country. EPA works collaboratively with international, state, and tribal partners to achieve these aims and with communities to ensure that they have a say in environmental decisions that affect them. Our efforts are guided by scientific data, research, and tools that alert us to emerging issues and inform decisions on managing materials and addressing contaminated properties.

Promote Sustainable and Livable Communities

EPA supports urban, suburban, and rural community goals of improving environmental, human health, and quality-of-life outcomes through partnerships that also promote economic opportunities, energy efficiency, and revitalized neighborhoods. Sustainable communities balance their economic and natural assets so that the diverse needs of local residents can be met now and in the future with limited environmental

Objectives:

- **Promote Sustainable and Livable Communities.** Support sustainable, resilient, and livable communities by working with local, state, tribal, and federal partners to promote smart growth, emergency preparedness and recovery planning, brownfield redevelopment, and the equitable distribution of environmental benefits.
- **Preserve Land.** Conserve resources and prevent land contamination by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products.
- **Restore Land.** Prepare for and respond to accidental or intentional releases of contaminants and clean up and restore polluted sites.
- **Strengthen Human Health and Environmental Protection in Indian Country.** Support federally-recognized tribes to build environmental management capacity, assess environmental conditions and measure results, and implement environmental programs in Indian country.

Strategic Measures associated with this Goal are on pages 49 through 51.

impacts. EPA accomplishes these outcomes by working with communities, other federal agencies, states, and national experts to develop and encourage development strategies that have better outcomes for air quality, water quality, and land preservation and revitalization.

Development and building construction practices may result in a broad range of impacts on human health and the environment. EPA is working with other federal, state, and local partners to develop best practices and guidance on aspects of sustainability related to how and where development occurs, including promoting smarter growth patterns and encouraging widespread adoption of green building technologies to support our strategic goals.

For example, EPA has joined with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Transportation (DOT) to minimize the environmental impacts of development, which may include improved access to affordable housing, more transportation options, and lower transportation costs.[1] Through a set of guiding "livability" principles and a partnership agreement that will guide the agencies' efforts, this partnership is coordinating federal housing, transportation, water, and other infrastructure investments to protect the environment, promote equitable development, and help to address the challenges of climate change.

EPA is committed to ensuring environmental justice regardless of race, color, national origin, or income. Recognizing that minority and/or low-income communities may face disproportionate environmental risks, we work to protect these communities from adverse health and environmental effects and to ensure they are given the opportunity to participate meaningfully in environmental cleanup decisions.

EPA's brownfields program emphasizes environmental and human health protection in a manner that stimulates economic development and job creation by awarding competitive grants to assess and clean up brownfield properties and providing job training opportunities, particularly in underserved communities.[2] We also provide outreach and technical assistance to communities, including area-wide planning approaches, to identify: viable end uses of a single, large property or groups of brownfield properties; associated air and water infrastructure investments; and, environmental improvements in the surrounding area to revitalize the community. Under EPA's brownfields Priority Goal, area-wide planning will be conducted with the participation of other federal agencies, states, tribes, and local governments and communities to identify resources and approvals necessary to carry out actions identified in area-wide plans.[3] This new approach differs from the way EPA brownfields resources have traditionally been used, recognizing that approaching the assessment and cleanup needs of a brownfields-impacted area can be more effective than focusing on individual sites in isolation of the adjacent or surrounding area.

Preserve Land

EPA and authorized states issue and enforce permits for the treatment, storage, or disposal of hazardous wastes to ensure that facilities subject to Resource Conservation and Recovery Act (RCRA) regulations operate safely. To prevent future environmental contamination and to protect the health of the estimated three million people living within a mile of hazardous waste management facilities[4], EPA and its state partners continue their efforts to issue, update, or maintain RCRA permits for approximately 10,000 hazardous waste units (such as incinerators and landfills) at these facilities.

EPA is increasing emphasis on life-cycle based materials management. In order to respond to RCRA's mandate to conserve resources and energy, EPA will focus on strategies that emphasize sustainable materials management by identifying and reducing or minimizing waste at all life-cycle stages, from extraction of raw materials through end of life.[5] Through this approach, EPA will focus on improving resource use through evaluating the environmental impacts of life-cycle stages of a material, product, or service, including identifying GHG benefits. EPA will develop national strategies that consider using less environmentally intensive and toxic materials and continue to promote downstream solutions, like reuse and recycling, to conserve our resources for future generations.

To reduce the risk posed by underground storage tanks (USTs) located at nearly a quarter of a million facilities throughout the country, EPA and states are working to ensure that every UST system is inspected

at least once every three years. As fuel types change, UST systems must be equipped to safely store the new fuels. EPA is working to ensure biofuels are stored in compatible UST systems.

Restore Land

Challenging and complex environmental problems, such as contaminated soil, sediment, and groundwater that can cause human health concerns, persist at many contaminated properties. EPA's Superfund, RCRA corrective action, leaking underground storage tank, and brownfields cleanup programs, and Toxic Substances Control Act (TSCA) cleanups of polychlorinated biphenyls (PCBs), reduce risks to human health and the environment by assessing and cleaning up these sites to maintain or put them back into productive use.

In an effort to improve the accountability, transparency, and effectiveness of EPA's cleanup programs, EPA has initiated the Integrated Cleanup Initiative (ICI), a multi-year effort to better use the most appropriate assessment and cleanup authorities to address a greater number of sites, accelerate cleanups, and put sites back into productive use while protecting human health and the environment. By using the relevant tools available in each of the cleanup programs, including enforcement, EPA will better leverage the resources available to address needs at individual sites. EPA will examine all aspects of the cleanup programs, identifying key process improvements and enhanced efficiencies. As part of the ICI, EPA will develop a new suite of performance measures that will support comprehensive management of the cleanup life cycle by addressing three critical points in the cleanup process—starting, advancing, and completing site cleanup.

EPA is continuing to improve its readiness to respond to releases of harmful substances, including oil spills, by clarifying authorities, training personnel, and providing proper equipment. Given the Deepwater Horizon BP oil spill and the efforts to clean up and restore the Gulf of Mexico, EPA will review its current rules, guidelines and procedures on oil spills. EPA will ensure that it has the appropriate tools to prevent, prepare for, respond to, and recover from such incidents within its jurisdiction.[6]

National preparedness is essential to ensure that emergency responders are able to address multiple, large-scale emergencies, including those that may involve chemicals, oil, biological agents, radiation, or weapons of mass destruction. Consistent with the government-wide National Response Framework, EPA prepares for the possibility of multiple, simultaneous, nationally significant incidents across several regions and provides guidance and technical assistance to state and local planning and response organizations.

EPA's hazardous waste programs are working to reduce the energy use and environmental footprint during the investigation and remediation of sites. As part of this effort, EPA's Superfund program will implement its green remediation strategy to reduce the energy, water, and materials used during site cleanups while ensuring that protective remedies are implemented.[7]

EPA is also implementing its Community Engagement Initiative designed to enhance our involvement with local communities and stakeholders so that they may meaningfully participate in decisions on land cleanup, emergency response, and management of hazardous substances and waste. The goals of this initiative are to ensure transparent -and accessible decision-making processes, to deliver information that communities can use to participate meaningfully, to improve EPA responsiveness to community perspectives, and to ensure timely cleanup decisions.

Strengthen Human Health and Environmental Protection in Indian Country

Under federal environmental statutes, EPA is responsible for protecting human health and the environment in Indian country. EPA's commitment to tribal environmental and human health protection, through the recognition of tribal sovereignty and self-determination, has been steadfast for over 25 years, as formally established in the Agency's 1984 Indian Policy.[8] EPA works with over 500 federally-recognized tribes located across the United States to improve environmental and human health outcomes. Indian country totals more than 70 million acres with reservations ranging from less than 10 acres to more than 14 million acres. Difficult environmental and health challenges remain in many of these areas, including lack of access to safe drinking water, sanitation, adequate waste facilities, and other environmental safeguards taken for granted elsewhere.

In collaboration with our tribal partners and fulfilling our government-to-government responsibilities, EPA will engage in a two-part strategy for strengthening human health and environmental protection in Indian country. First, EPA will provide the opportunity for federally-recognized tribes to create an effective and results-oriented environmental capacity-building presence. Second, EPA will ensure that its programs are implemented in Indian country either by EPA or through opportunities for implementation of environmental programs by tribes themselves.

Applied Research

In the area of cleaning up communities, research will allow EPA to identify and apply approaches that better inform and guide environmentally sustainable behavior, protect human health and ecosystems, and provide the products and services needed for mitigation, management, remediation, and long-term stewardship of contaminated sites. It will also provide state, tribal, and local decision makers with the knowledge needed to make smart, systems-based decisions that will inform a balanced approach to their cleanup and development needs.

End Notes:

1 Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality. Information available at http://www.epa.gov/dced/built.htm.

2 For more information about EPA's brownfields program, see http://www.epa.gov/brownfields.

3 EPA has developed a Priority Goal for brownfields: By 2012, EPA will have initiated 20 enhanced brownfields community level projects that will include a new area-wide planning effort to benefit under-served and economically disadvantaged communities. This will allow those communities to assess and address a single large or multiple brownfields sites within their boundaries, thereby advancing area-wide planning to enable redevelopment of brownfields properties on a broader scale. EPA will provide technical assistance, coordinate its enforcement, water, and air quality programs, and work with other federal agencies, states, tribes, and local governments to implement associated targeted environmental improvements identified in each community's area-wide plan.

4 This refers to the total estimated number of people that live within a mile of each of the RCRA hazardous waste facilities that have approved controls in place. Site-specific data can be queried from the Enforcement and Compliance History On-line database, which provides fast, integrated searches of EPA and state data for regulated facilities (see http://www.epa-otis.gov/echo/compliance_report_rcra.html). Population data included in the database is from the 2000 U.S. Census.

5 For more information on sustainable materials management, see *Sustainable Materials Management: The Road Ahead*. EPA 530R-09-009. Available at http://www.epa.gov/osw/inforesources/pubs/vision2.pdf

6 Several federal agencies have jurisdiction and authority for oil spill preparedness, response, and recovery in the U.S. in addition to EPA, including the Department of Transportation and the Coast Guard. EPA's efforts will focus on those aspects of the national oil spill program for which they have authority and responsibility, primarily the inland area and fixed facilities, as well as sharing best practices, pertinent research, and lessons learned with its federal partners.

7 More information about Superfund and green remediation at EPA is available at http://www.epa.gov/superfund/greenremediation.

8 The 1984 EPA Policy for the Administration of Environmental Programs on Indian Reservations is available at http://www.epa.gov/tribal/pdf/indian-policy-84.pdf.

Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution

Reduce the risk and increase the safety of chemicals and prevent pollution at the source.

Chemicals are involved in the production of everything from our homes and cars to the cell phones we carry and the food we eat. Thousands of chemicals have become ubiquitous in our everyday lives and everyday products, as well as in our environment and our bodies. Chemicals are often released into the environment as a result of their manufacture, processing, use, and disposal. Research shows that children receive greater exposures to chemicals because they inhale or ingest more air, food, or water on a body-weight basis than adults do.[1] Other vulnerable groups, including low-income, minority, and indigenous populations, are also disproportionately impacted by, and thus particularly at risk from, chemicals.

Objectives:

- **Ensure Chemical Safety.** Reduce the risk of chemicals that enter our products, our environment, and our bodies.
- **Promote Pollution Prevention.** Conserve and protect natural resources by promoting pollution prevention and the adoption of other stewardship practices by companies, communities, governmental organizations, and individuals.

Strategic Measures associated with this Goal are on pages 52 through 53.

In 2009, the Administration announced principles for modernizing the Toxic Substances Control Act (TSCA) to help inform efforts underway in Congress to reauthorize and significantly strengthen EPA's ability to assess the safety of industrial chemicals and adequately protect against unreasonable environmental or public health risks.[2] TSCA is outdated and should be revised to provide stronger and clearer authority for EPA to collect and act upon critical data regarding chemical risks. While TSCA does provide some authority to EPA to collect chemical information and mandate industry to conduct testing, there remain large, troubling gaps in the available data and state of knowledge on many widely used chemicals in commerce. EPA's authority to require development and submission of information and testing data is limited by legal hurdles and procedural requirements. As we look to the future, it is important to work together with Congress and stakeholders to modernize and strengthen the tools available under TSCA to prevent harmful chemicals from entering the marketplace and to increase confidence that those chemicals that remain are safe and do not endanger the environment or human health, especially for consumers, workers, and sensitive subpopulations like children.

The 1990 Pollution Prevention Act established preventing pollution before it is generated as national environmental policy. EPA is enhancing cross-cutting efforts to advance sustainable practices, safer chemicals, greener processes and practices, and safer products.

Ensure Chemical Safety

Chemical safety is one of EPA's highest priorities. EPA's approach to chemical risk management leverages expertise, information, and resources by collaborating with other countries, federal agencies, states, tribes, and the public to improve chemical safety.[3] Children and other disproportionately exposed and affected groups, including low-income, minority, and indigenous populations, require more explicit consideration in EPA's chemical risk assessments and management actions, in accordance with the Executive Orders and guidance on children's health and environmental justice.[4]

EPA employs a variety of strategies under several statutes to ensure the safety of chemicals. These include:

- Controlling the risks of new chemicals before they are introduced or reintroduced into commerce;
- Evaluating chemicals already in use;
- Developing and implementing regulatory and other actions to eliminate or reduce identified chemical risks; and,
- Making public the data necessary to assess chemical safety to the extent allowed by law.[5,6]

EPA has enhanced its work to ensure the safety of existing chemicals by taking action to restrict the production and use of chemicals posing unreasonable risks and better assess chemicals that may pose environmental or public health concerns. This will quicken the Agency's pace in characterizing the hazards posed by the highest volume chemicals, maximize use of existing TSCA authorities to increase the availability of chemical information, and accelerate work to identify safer alternatives.

Over the next five years, the Agency will implement risk management actions for chemicals that pose unreasonable risk to the environment or human health, carefully considering how the most vulnerable populations are potentially affected. EPA is strengthening rules to keep track of chemicals in commerce and adding chemicals and data requirements to better inform both EPA and the public about releases of toxic chemicals into the environment. EPA is

increasing its evaluation of claims of confidentiality in order to make all health and safety data for chemicals in commerce more publicly available to the extent allowed by law. EPA is also applying increasingly sophisticated scientific tools in reviewing hundreds of new chemical submissions each year under TSCA and increasing the efficiency and effectiveness of these reviews through the implementation of electronic submission and management systems.[7]

EPA will make major strides in guarding against exposure to chemicals that continue to pose potential risks to human health and the environment even after their hazards have been identified and certain uses have been phased out. For example, to continue to reduce childhood blood lead levels, EPA is working in partnership with states and tribes to certify hundreds of thousands of lead-paint professionals and expand public awareness of lead risks by implementing requirements for the use of lead-safe practices in renovation, remodeling, and painting activities in millions of older homes.[8,9]

Over the next five years, EPA will manage a comprehensive pesticide risk reduction program through science-based registration and reevaluation processes, a worker safety program, certification and training

activities, and support for integrated pest management. EPA's current pesticide review processes focus on ensuring that pesticide registrations comply with the Endangered Species Act and achieve broader Agency objectives for water quality protection. The review processes will continue to place emphasis on the protection of potentially sensitive populations, such as children, by reducing exposures from pesticides used in and around homes, schools, and other public areas. EPA is reviewing its worker safety certification and training regulations to ensure that they are adequately protective. EPA's review processes ensure that pesticides can be used safely and are available for use to maintain a safe and affordable food supply, to address public health outbreaks, and to minimize property damage that can occur from insects and pests.[10]

EPA is also working to identify and address any potential risks of nanoscale materials during new and existing chemical review and on improving data collection efforts.[11] In addition, EPA is implementing a comprehensive testing program to screen for chemicals' potential to interact with the endocrine system.[12] More broadly, EPA is looking comprehensively across statutes to determine the best tools to apply to specific problems. For example, under a new drinking water strategy, the Agency is exploring how to use the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and TSCA to ensure that drinking water is protected from pesticides and industrial chemicals and that chemicals found in drinking water are being screened for endocrine disrupting properties using the authorities of the Safe Drinking Water Act (SDWA), the Federal Food, Drug, and Cosmetic Act (FFDCA), and FIFRA.

Prevent Pollution at the Source

The Pollution Prevention Act of 1990 established national pollution prevention policy. Time and experience have added to our understanding and appreciation of the value of preventing pollution before it occurs. Pollution prevention is central to all of EPA's sustainability strategies, and EPA will continue to incorporate pollution prevention principles into our policies, regulations, and actions. Pollution prevention, a long-standing priority for EPA, encourages companies, communities, governmental organizations, and individuals to prevent pollution and waste before generation by implementing conservation techniques, promoting efficient re-use of materials, making production processes more sustainable, and promoting the use of safer substances. Together with new technology development, these pollution prevention practices result in significant co-benefits, such as the conservation of raw materials, water, and energy; reduction in the use of hazardous and high global-warming-potential materials; promotion of safer chemical substitutes; reduction of greenhouse gas emissions; and, the elimination of pollutant transfers across air, water, and land. EPA will collaborate with states and other partners to review pollution prevention results and identify enhanced pollution prevention strategies. This will also include continuing grants to states to support vital state pollution prevention infrastructures and fund technical assistance for local businesses.

EPA promotes "green" chemistry through the development and use of innovative chemical technologies. The Agency advances environmentally-conscious design, commercialization, and use of "green" engineering processes and sets standards for labeling programs that meet stringent criteria giving consumers assurance about the environmental integrity of the products they use. In addition, EPA helps agencies across the federal government comply with green purchasing requirements, thereby stimulating demand for "greener" products and services.[13]

Research

EPA chemicals research will continue to provide the scientific foundation for addressing the risks of chemical exposure in humans and wildlife. It will include enhanced chemical screening and testing approaches for priority-setting and context-relevant chemical assessment and management. Research will inform Agency actions and help local decision makers address contaminants of greatest concern to them, particularly with respect to air toxics and drinking water issues. EPA will continue assessments of high priority chemicals. EPA's research program also will promote discoveries and innovations in green chemistry and green engineering to help encourage use of safer chemicals in commerce.

End Notes:

1 Environmental Working Group, 2005. *Body Burden–The Pollution in Newborns*. Available at http://www.ewg.org/reports/bodyburden2/execsumm.php.

2 Essential Principles for Reform of Chemicals Management Legislation. Available at http://www.epa.gov/oppt/existingchemicals/pubs/principles.html.

3 "EPA Increases Transparency of Chemical Risk Information: Action part of continued comprehensive reform of toxic substances laws." EPA News Release, January 21, 2010. Available at http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceeac8525735900400c27/631cf22eb540c4db852576b2004eca47!OpenDocument.

4 Executive Orders include: E.O. 13045 (Protection of Children from Environmental Health Risks and Safety Risks) and E.O. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations). Relevant guidance documents can be found on EPA's environmental justice and children's health websites, http://www.epa.gov/compliance/environmentaljustice/index.html and http://yosemite.epa.gov/ochp/ochpweb.nsf/content/homepage.htm.

5 Collecting and Assessing Information on Chemicals. Available at http://www.epa.gov/oppt/existingchemicals/pubs/collectinfo.html.

6 Managing Chemical Risk. Available at http://www.epa.gov/oppt/existingchemicals/pubs/managechemrisk.html.

7 Overview of EPA New Chemicals Program. Available at http://www.epa.gov/oppt/newchems.

8 Information about childhood lead poisoning is available at http://www.leadfreekids.org

9 EPA Lead-Safe Certification Program. Available at http://www.epa.gov/lead/pubs/toolkits.htm

10 EPA pesticides program information is available at http://www.epa.gov/pesticides.

11 Information about nanotechnology is available at http://www.epa.gov/ncer/nano/factsheet/.

12 Information about the EPA Endocrine Disruptor Screening Program is available at http://www.epa.gov/scipoly/oscpendo/index.htm.

13 Information about the EPA Environmentally Preferable Purchasing Program is available at http://www.epa.gov/epp/pubs/about/about.htm.

Goal 5: Enforcing Environmental Laws

Protect human health and the environment through vigorous and targeted civil and criminal enforcement. Assure compliance with environmental laws.

Vigorous enforcement supports EPA's ambitious goals to protect human health and the environment. Achieving these goals for safe drinking water, lakes and streams that are fishable and swimmable, clean air to breathe, and communities and neighborhoods that are free from chemical contamination requires both new strategies and compliance with the rules we already have. By addressing noncompliance swiftly and effectively, EPA's civil and criminal enforcement cases directly reduce pollution and risk, and deter others from violating the law.

EPA enforcement takes aggressive action against pollution problems that make a difference in communities. Through vigorous civil and criminal enforcement and other compliance tools, EPA targets the most serious water, air, and chemical hazards, and advances environmental justice by protecting low-income, minority, and tribal communities that are disproportionately impacted by such hazards.

Vigorous civil and criminal enforcement plays a central role in achieving the bold goals below that the Administrator has set for EPA:

- **Taking Action on Climate Change and Improving Air Quality:** EPA will take effective actions to reduce air pollution from the largest sources, including coal-fired power plants and the cement, acid, and glass sectors, to improve air quality. Enforcement to cut toxic air pollution in communities improves the health of communities, particularly low-income, minority, and tribal communities that are disproportionately impacted by pollution. Enforcement supports reductions in greenhouse gases (GHG) through enforcement settlements that encourage GHG emission reductions. EPA will also work to ensure compliance with new standards and reporting requirements for GHG emissions as they are developed.
- **Protecting America's Waters:** EPA is revamping enforcement and working with state permitting authorities under the Clean Water Act Action Plan[1] to make progress on the most important water pollution problems. This work includes, as a Priority Goal, increasing enforcement actions in waters that do not meet water quality standards. In addition the Agency will

Objective:

- **Enforce Environmental Laws.** Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide.

Strategic Measures associated with this Goal are on pages 54 through 55.

continue to focus on getting raw sewage out of water, cutting pollution from animal waste, and reducing pollution from stormwater runoff.[2] Enforcement will help to clean up great waters like the Chesapeake Bay and will assist in revitalizing urban communities by protecting urban waters. Enforcement will also support the goal of assuring safe drinking water for all communities, including in Indian country.

- **Cleaning Up Communities and Advancing Sustainable Development:** EPA protects communities by requiring responsible parties to conduct cleanups, saving federal dollars for sites where there are no other alternatives. Aggressively pursuing these parties to clean up sites ultimately reduces direct human exposures to hazardous pollutants and contaminants, provides for long-term human health protection, and makes contaminated properties available for reuse.
- **Ensuring the Safety of Chemicals and Preventing Pollution:** Reforming chemical management enforcement and reducing exposure to pesticides will help protect human health. Enforcement reduces direct human exposures to toxic chemicals and pesticides and supports long-term human health protection.

Criminal enforcement underlines our commitment to pursuing the most serious pollution violations. EPA's criminal enforcement program will focus on cases across all media that involve serious harm or injury; hazardous or toxic releases; ongoing, repetitive, or multiple releases; serious documented exposure to pollutants; and, violators with significant repeat or chronic noncompliance or prior criminal conviction.

EPA shares accountability for environmental and human health protection with states and tribes. We work together to target the most important pollution violations and ensure that companies that do the right thing and are responsible neighbors are not put at a competitive disadvantage. EPA also has a responsibility to oversee state and tribal implementation of federal laws to ensure that the same level of protection for the environment and the public applies across the country.

Enforcement can help to promote environmental justice by targeting pollution problems that disproportionately impact low-income, minority, and tribal communities. Ensuring compliance with environmental laws is particularly important in communities that are exposed to greater environmental health risks. EPA fosters community involvement by making information about compliance and government action available to the public.[3]

Increased transparency is an effective tool for improving compliance. By making information on violations both available and understandable, EPA empowers citizens to demand better compliance.

End Notes:

1 An overview of the Clean Water Action Plan is available at http://www.epa.gov/oecaerth/civil/cwa/cwaenfplan.html.

2 EPA has developed a Priority Goal for water enforcement: EPA will increase pollutant reducing enforcement actions in waters that do not meet water quality standards, and post results and analysis on the web.

3 Information about compliance and government action is available at http://www.epa.gov/compliance/index.html.

External Factors and Emerging Issues

EPA sets goals and objectives in carrying out its mission to protect human health and the environment, but there are always factors outside of EPA's control that affect our ability to do our work. For example, the changing economic, legal, and regulatory landscape often affects the Agency's resources, anticipated activities, and direction. As part of a dynamic global community addressing technological changes, EPA is confronted with challenges, emerging issues, and opportunities every day. An oil spill, flood, hurricane, tragedy, or other disasters can swiftly divert the Agency's anticipated focus. Other issues, such as climate change and population growth, can create long-term challenges that run deep and across many EPA programs. Additionally, EPA accomplishes much of its work through partnerships, particularly with states and tribes, and any budget shortfalls they experience can affect our ability to achieve our goals.

External factors and emerging issues present both opportunities and challenges to EPA. Specifically, over the next five years, EPA will be actively engaged in a variety of areas:

- **Climate Change:** Energy and transportation policies continue to evolve and influence the Agency's ability to improve air quality and address climate change issues. Impacts of climate change, such as changes in rainfall amount and intensity, shifting weather and seasonal patterns, and increases in flood plain elevations and sea levels, will also affect progress towards many of the goals. Yet other developments may have positive environmental impacts. The growth of alternative energy sources and increased investments in energy efficiency can reduce greenhouse gas emissions and improve local air quality.
- **American Reinvestment and Recovery Act (ARRA):** We expect the long-term impact of ARRA[1] funding will advance assessment and cleanup activities at former industrial sites, help address local water infrastructure needs, and spur technological innovation, promoting energy efficiency, alternative energy supplies, and new technologies and innovation in water infrastructure.
- **Water Quality:** Water quality programs face challenges such as increases in nutrient loadings and stormwater runoff, aging infrastructure, and population growth (which can increase water consumption and place additional stress on aging water infrastructures). The Agency needs to examine carefully the potential impacts of and solutions to these issues, including effects on water quality and quantity that could result in the long term from climate change.
- **Waste Management:** Our necessary reliance on private parties, state and tribal partners, the use of new and innovative control technologies, and the involvement of other federal agencies in remediation efforts can all affect our efforts to remediate contaminated sites and prevent waste. New waste streams are continually emerging, such as those from mining of rare earth elements which are used in clean-energy technologies, potentially presenting increased opportunities for recycling of valuable materials and challenges for safe disposal of new waste streams.
- **Protective Site Cleanup:** Hazardous waste programs are intended to provide permanent solutions to contaminated media at sites or facilities to the extent practicable. Complications can arise when new scientific information concerning contaminants at a site suggests that a risk assessment that was protective when a remedy was selected is no longer protective given the contaminant levels remaining at a site and their potential exposure pathways and uses. As appropriate, EPA must incorporate emerging science into decision making to maintain its commitment to provide permanent solutions.
- **Chemical Safety:** Legislative reforms to the Toxic Substances Control Act in line with the Administration's principles would provide EPA

with the ability to obtain and publicly disclose critical information on the risks posed by chemicals. This will strengthen our chemical risk assessment and management programs, and significantly improve federal and state ability to manage and mitigate risk from industrial chemicals.

- **Communities:** Citizen science—individual citizens and community groups that monitor and document environmental trends—can expand the reach of EPA's own field presence. Communities have access to more environmental, economic, and social data than ever before that can be synthesized and analyzed through varying tools and technologies. With this information, communities can make smarter management decisions which may lead to increasingly effective stewardship. While citizen science requires expert support to ensure the quality of environmental data and to facilitate knowledge-building, with the right tools, communities can spur local industry and others to do a better job of complying with environmental laws and regulations.

The world in which EPA works continues to change rapidly. The recent oil spill in the Gulf of Mexico is a catastrophic environmental problem that will have significant consequences and require innovative technological and other solutions. A wide range of new technologies are on the horizon in areas as diverse as nanotechnology catalysts and nanosolar cells, nanomaterials for rehabilitation of water pipes, advanced battery technologies, accurate and inexpensive portable and real-time sensors, and the application of synthetic biology to algal biofuel production. Emerging technologies may present new environmental problems that need to be understood and addressed, and at the same time will create opportunities for building an advanced technological infrastructure. EPA will continue to do its best to anticipate change and be prepared to address the inevitable challenges and opportunities that we will face in the future.

End Note:

1 Information about the American Reinvestment and Recovery Act is available at http://www.recovery.gov.

Summary of Program Evaluation

The Administration has emphasized the importance of using program evaluation to provide the evidence needed to demonstrate that our programs are meeting their intended outcomes. By assessing how well a program is working and *why*, program evaluation can help EPA identify where our activities have the greatest impact on protecting human health and the environment, provide the road map needed to replicate successes, and conversely, identify areas needing improvement. This is particularly important as EPA meets its obligations for transparency and accountability.

For the *Strategic Plan*, we look to the results of past evaluations to inform our program strategies for the next five years. Evaluation results may affirm existing strategies or identify opportunities for improvement and may lead to changes in policy, resource decisions, and program implementation. For example, the Government Accountability Office's 2007 evaluation of the Toxic Substances Control Act helped frame Administrator Jackson's September 2009 announcement of an integrated approach to chemical management and a set of principles for reform. Additionally, EPA commissioned the National Academy of Public Administration (NAPA) to conduct an independent evaluation of the Community Action for a Renewed Environment (CARE) Demonstration Program, a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment.[1] Recommendations and feedback from this evaluation have informed EPA's strategic changes and investment decisions in the program.

Our plans for future program evaluations include cyclical reviews of our research and development programs. These are geared to ensure that our research priorities meet our future challenges. Examples of other future evaluations include assessing the impact of our "green" chemical labeling program on consumer purchasing habits and measuring the success of less resource-intensive remediation strategies to clean up hazardous waste sites across the country.

While EPA conducts a variety of design, process, and outcome evaluations, under the Administration's government-wide evaluation initiative, EPA is working to evolve and expand our portfolio to conduct more rigorous impact evaluations that will enhance program effectiveness. Recently completed process and program evaluations from EPA and external organizations that informed the strategies in the *Strategic Plan* and a preliminary list of future program evaluations EPA plans to conduct are described in more detail at the *EPA Strategic Plan* website.[2]

End Notes:

1 National Academy of Public Administration, 2009. *Putting Community First: A Promising Approach to Federal Collaboration for Environmental Improvement*. Available at http://www.napawash.org/pc_management_studies/CARE/5-21-09_Final_Evaluation_Report.pdf.

2 EPA *Strategic Plan* website: http://www.epa.gov/ocfo/plan/plan.htm.

Cross-Cutting Fundamental Strategies

Introduction

Since EPA's inception over 40 years ago, we have focused not only on our mission to achieve environmental and human health results but also on how we work to accomplish those results. Achievement of each of these goals and objectives is shared across EPA. Through this *Plan*, EPA is placing an increased focus on how we work to achieve those results.

We have developed a set of cross-cutting strategies that stem from the Administrator's priorities and are designed to fundamentally change how we work, both internally and externally, to achieve the mission outcomes articulated under our five strategic goals. This *Plan* describes the vision and operating principles for each of the cross-cutting strategies:

- Expanding the conversation on environmentalism;
- Working for environmental justice and children's health;
- Advancing science, research, and technological innovation;
- Strengthening state, tribal, and international partnerships; and,
- Strengthening EPA's workforce and capabilities.

The Agency will develop annual action plans with commitments that align with existing planning, budget, and accountability processes. In implementing these strategies through annual action plans, we are embarking on a deliberate, focused effort to take tangible, measurable actions to transform the way we deliver environmental and human health protection.

Expanding the Conversation on Environmentalism

Engage and empower communities and partners, including those who have been historically under-represented, in order to support and advance environmental protection and human health nationwide.

We have begun a new era of outreach at EPA and seek to include a broader range of people and communities in our work and expand our engagement with communities historically under-represented in our decision-making processes. We will build stronger working relationships throughout the country, particularly with tribes, communities of color, economically-distressed cities and towns, young people, and others.

To accomplish these goals, we will:

- Call for innovation and bold thinking and ask all employees to bring their creativity and talents to their everyday work to enhance outreach and transparency in all our programs.
- Ensure that our science is explained clearly and accessible to all communities, communicating and educating in plain language the complexities of environmental, health, policy, and regulatory issues.
- Educate and empower individuals, communities, and Agency partners in decision making through public access to environmental information and data.
- Ensure that the Agency's regulations, policies, budget, and decision-making processes are transparent and accessible through increased access to environmental data sources, community right-to-know tools, and direct stakeholder engagement.
- Address barriers to improve engagement with historically under-represented sectors of the nation.
- Use traditional and new media to inform and educate the public about Agency activities and provide opportunities for community feedback.
- Encourage citizens to understand the complexities and impacts of environmental issues and environmental stewardship, and provide avenues and tools that enhance their ability to participate in processes that could affect them.

Working for Environmental Justice and Children's Health

Work to reduce and prevent harmful exposures and health risks to children and underserved, disproportionately impacted low-income, minority, and tribal communities, and support community efforts to build healthy, sustainable green neighborhoods.

Advancing environmental justice and protecting children's health must be driving forces in our decisions across all EPA programs. The underlying principles for this commitment are reducing exposures for those at greatest risk and ensuring that environmental justice and children's health protection are integral to all Agency activities. All populations—including minority, low-income, and indigenous populations—that are vulnerable to environmental pollution are at risk of having poor health outcomes. These vulnerabilities may arise because of higher exposures to pollution in places where they work, live, and play, and/or diminished abilities to withstand, cope with, or recover from exposure to environmental pollution.[1] Children are often most acutely affected by environmental stressors. Research has demonstrated that prenatal and early life exposures to environmental hazards can cause lifelong diseases, medical conditions, and disabilities.[2]

Environmental justice and children's health protection will be achieved when all Americans, regardless of age, race, economic status, or ethnicity, have access to clean water, clean air, and healthy communities. To accomplish this, EPA will use a variety of approaches, including regulation, enforcement, research, outreach, community-based programs, and partnerships to protect children and disproportionately impacted, overburdened populations from environmental and human health hazards. Our success in advancing environmental justice and children's health protection will result from fully incorporating these priorities into all of our activities across each of the strategic goals of the Agency. We anticipate that our leadership in advancing environmental justice and children's health protection will inspire and engage a broad spectrum of partners in the public and private sector to do the same.

Specifically, EPA will:

- In our regulatory capacity, implement the nation's environmental laws using the best science and environmental monitoring data to address the potential for adverse health effects from environmental factors in disproportionately impacted, overburdened populations and vulnerable age groups. EPA programs will incorporate environmental justice and children's health considerations at each stage of the Agency's regulation development process and in implementation of environmental regulations.
- Develop and use environmental and human health indicators to measure improvements in environmental conditions and health in disproportionately impacted communities and among vulnerable age groups.

- In our work on safe management of pesticides and industrial chemicals, take into account disproportionately impacted, overburdened populations, and women of child-bearing age, infants, children, and adolescents, and encourage the use of "green chemistry" to spur the development of safer chemicals and production processes.
- Apply the best available scientific methods to assess the potential for disproportionate exposures and health impacts resulting from environmental hazards on minority, low-income, and indigenous populations, women of child-bearing age, infants, children, and adolescents, to support EPA decision making, and to develop the tools to assess risk from multiple stressors.
- Engage communities in our work to protect human health and the environment. EPA will align multiple community-based programs to provide funding and technical assistance to communities to build capacity to address critical issues affecting children's health and disproportionately impacted populations.
- Work with other federal agencies[3] to engage communities and coordinate funding and technical support for efforts to build healthy, sustainable, and green neighborhoods, and work with residents to promote equitable development.

End Notes:

1 See the following sources:

World Health Organization, 2006. *Principles for Evaluating Health Risks in Children*. Environmental Health Criteria, 237. Available at http://whqlibdoc.who.int/publications/2006/924157237X_eng.pdf;

EPA, 2003. Framework for Cumulative Risk Assessment. Risk Assessment Forum. EPA/630/P-02/001F. Available at http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=54944; and,

EPA, 2004. *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts.* Available at http://www.epa.gov/environmentaljustice/resources/publications/nejac/nejac-cum-risk-rpt-122104.pdf.

2 National Institutes of Health, National Institute of Environmental Health Sciences, 2008. *Linking Early Environmental Exposures to Adult Diseases.* Available at http://www.niehs.nih.gov/health/docs/linking-exposures.pdf.

3 Including the Departments of Housing Urban and Development, Health and Human Services, Energy, Agriculture, Transportation, Interior, Labor, and Education.

Advancing Science, Research, and Technological Innovation

Advance a rigorous basic and applied science research and development agenda that informs, enables, and empowers and delivers innovative and sustainable solutions to environmental problems. Provide relevant and robust scientific data and findings to support the Agency's policy and decision-making needs.

The major challenges we face to human health and the environment are not incremental problems, and they do not lend themselves to incremental solutions. EPA will promote innovative solutions to environmental problems that reduce or eliminate pollution while avoiding unintended and/or unwanted consequences, addressing pollutants, chemicals, and materials throughout their life cycle from raw material to final disposition.

The Office of Management and Budget (OMB) has reiterated the critical and timely need for innovation in science and technology, building on the President's *Strategy for American Innovation*.[1,2] OMB identifies priorities that include new approaches to multi-disciplinary research, new approaches for accelerating technology commercialization and innovation, interagency and international collaborations, and better communication with the public on science, technology, and innovation.

Environmental sustainability is a guidepost for science, research, and technological innovation at EPA.[3] Sustainability is a broader approach to environmental protection that considers trade-offs in production processes and materials use. Sustainable solutions prevent chemicals from entering the environment or eliminate, rather than simply reduce, the production of waste through better materials management.

EPA must help drive high quality research, sound science, and technology innovation to sustainably address air quality, climate change, water quality and quantity, unreasonable risks from toxic chemicals, ecosystem degradation, and other environmental issues. EPA will inform, enable, and stimulate the development of sustainable solutions to current and future challenges because sustainable and innovative environmental solutions can also be more economically efficient.

EPA science and research must always inform the decisions that are essential to the protection of human health and the environment and empower the broader community that supports our mission. To address challenging environmental problems in this manner, EPA research will:

- **Provide timely, responsive, and relevant solutions:** EPA's science, research, and technological innovation depend on partnerships and a continuing dialogue with internal and external partners and stakeholders to ensure that EPA efforts focus on the highest priority problems faced by the Agency and the nation. Building on traditional collaboration efforts, EPA will also leverage the scientific discoveries of others to achieve even more responsive solutions to the environmental problems that our communities face.

- **Transcend traditional scientific disciplines:** A broad perspective—one that integrates knowledge from a wide variety of sources—is key to developing sustainable solutions. In all aspects of our work, from problem identification, to research design and conduct, to implementation and adoption of solutions, EPA must rely on diverse disciplines. Environmental problems often raise complex scientific and technological issues that require non-traditional approaches. If EPA is to advance progress on these challenging problems, we must rely on integrated, trans-disciplinary research that complements traditional, single-discipline approaches.
- **Communicate widely and openly:** Great work, done invisibly, cannot have an impact. To maximize the impact and utility of our research, EPA will communicate the design, definition, conduct, transfer, and implementation of the work we do. We will translate our science so that it is accessible, understandable, relevant to, and used by stakeholders and the general public. EPA must document our successes to maximize the value of our scientific work.
- **Catalyze sustainable innovation:** EPA's efforts alone will not be enough to address the environmental challenges our nation faces. As we develop and promote these technology innovations, EPA must account for life-cycle perspectives and support technologies that fully consider environmental and social impacts, and collaborate with partners in academia, government, and industry to assess impacts and promote effective product stewardship. EPA must also guide sustainable solutions on the path from conceptual and proof-of-concept stages, through research and development, to commercialization and deployment. EPA must understand and engage the marketplace to ensure the effectiveness of these solutions. Additionally, EPA must be receptive to external innovations in science, research, and technology that can enhance EPA's effectiveness in fulfilling our mission.

End Notes:

1 OMB Memorandum M-10-30, July 21, 2010. "Science and Technology Priorities for the FY2012 Budget." Available at http://www.whitehouse.gov/sites/default/files/omb/memoranda/2010/m10-30.pdf.

2 Press Release from the White House Office of the Press Secretary, September 21, 2009. "President Obama Lays Out Strategy for American Innovation." Available at http://www.whitehouse.gov/the_press_office/President-Obama-Lays-Out-Strategy-for-American-Innovation/.

3 Information on the EPA Sustainability Program is available at http://www.epa.gov/sustainability/.

Strengthening State, Tribal, and International Partnerships

Deliver on our commitment to a clean and healthy environment through consultation and shared accountability with states, tribes, and the global community for addressing the highest priority problems.

EPA will strengthen its state, tribal, and international partnerships to achieve our mutual environmental and human health goals. As we work together, our relationships must continue to be based on integrity, trust, and shared accountability to make the most effective use of our respective bodies of knowledge, our existing authorities, our resources, and our talents.

Successful partnerships will be based on four working principles: consultation, collaboration, cooperation, and accountability. By *consulting*, we will engage our partners in a timely fashion as we consider approaches to our environmental work so that each partner can make an early and meaningful contribution toward the final result. By *collaborating*, we will not only share information, but we will actively work together with our partners to use all available resources to reach our environmental and human health goals. As our work progresses, we will *cooperate*, viewing each other with respect as allies who must work successfully together if our goals are to be achieved. Through shared *accountability*, we will ensure that environmental benefits are consistently delivered nationwide. In carrying out these responsibilities, EPA will ensure through oversight that state and tribal implementation of federal laws achieves a consistent level of protection for the environment and human health.

With States

Under our federal environmental laws, EPA and the states share responsibility for protecting human health and the environment. With this relationship as the cornerstone of the nation's environmental protection system, EPA will:

- Improve implementation and consistent delivery of national environmental programs through closer consultation and transparency.
- Work with states to seek efficient use of resources through work-sharing, joint planning using data analysis and targeting to address priorities, and other approaches.
- Play a stronger management role to facilitate the exchange of data with states to improve program effectiveness and efficiency.
- Consult with state and local governments on a routine basis to ensure that the development and implementation of rules is consistent with *EPA's Action Development Process: Guidance on Executive Order 13132* (Federalism), which recognizes the division of governmental responsibilities between the federal government and the states.

- Strengthen state–EPA shared accountability by focusing oversight on the most significant and pressing state program performance challenges, using data and analysis to speed program improvements.
- Ensure a level playing field across states to improve compliance and address the most serious violations.

With Tribes

The relationship between the United States Government and federally-recognized tribes is unique and has developed throughout the course of the nation's history. In strengthening this relationship, EPA will:

- Focus on increasing tribal capacity to establish and implement environmental programs while ensuring that our national programs are as effective in Indian country as they are throughout the rest of the nation.
- Enhance our effort as we work with tribes on a government-to-government basis, based upon the Constitution, treaties, laws, executive orders, and a long history of Supreme Court rulings.
- Strengthen our cross-cultural sensitivity with tribes, recognizing that tribes have cultural, jurisdictional, and legal features that must be considered when coordinating and implementing environmental programs in Indian country.

With Other Countries

To achieve our domestic environmental and human health goals, international partnerships are essential. Pollution is often carried by winds and water across national boundaries, posing risks many hundreds and thousands of miles away. Many concerns, like climate change, are universal. In the international arena, EPA will:

- Expand our partnership efforts in multilateral forums and in key bilateral relationships.
- Enhance existing and nurture new international partnerships to promote a new era of global environmental stewardship based on common interests, shared values, and mutual respect.

Strengthening EPA's Workforce and Capabilities

Continuously improve EPA's internal management, encourage innovation and creativity in all aspects of our work, and ensure that EPA is an excellent workplace that attracts and retains a topnotch, diverse workforce, positioned to meet and address the environmental challenges of the 21st century.

Achieving positive environmental and human health outcomes through cleaner and safer air, water, and land, and through protection of our natural resources is the focal point of all our work at EPA. This compelling mission attracts workers eager to make a difference and drives employees across the Agency to work together. EPA fully supports the Administration's efforts to reform the federal government's hiring system to ensure highly qualified individuals are available to strengthen EPA's workforce. EPA believes these reforms will improve the Agency's ability to protect human health and the environment more effectively and efficiently.

EPA is a complex organization. This is both an asset and a challenge. To achieve its mission, EPA is continuously building and nurturing a skilled workforce, finding new ways to use the power of information, working together through enhanced communication, and demanding transparency and accountability at all levels. With innovative and creative management and a talented, diverse, and highly motivated workforce, EPA will be positioned to meet head-on the complex environmental challenges of the present and future.

To achieve this goal, EPA will:

- Recruit, develop, and retain a diverse and creative workforce, equipped with the technical skill and knowledge needed to accomplish the Agency's mission and to meet evolving environmental challenges.
- Cultivate a workplace that values a high quality work life, provides employee-friendly policies and facilities, and invests in the information infrastructure, technology, and security essential to support a mobile workforce.
- Practice outstanding resource stewardship to ensure that all Agency programs operate with fiscal responsibility and management integrity, are efficiently and consistently delivered nationwide, and demonstrate results.
- Take advantage of existing and emerging tools to improve and enhance communication, transparency, and accountability.
- Integrate energy efficiency and environmental considerations into our work practices as core components of Agency business models and operations.
- Improve the effectiveness and efficiency of the Agency's acquisition function by strengthening requirements development, contract management, and internal review practices; maximizing the use of competition in contracting, reducing high-risk contracts; improving how contracts are structured; building the skills of the acquisition workforce; and improving management of the EPA acquisition workforce.

Strategic Measurement Framework

Introduction

The *Strategic Plan* provides the foundation for EPA's performance management system—planning, budgeting, performance measurement, and accountability. The *Plan* contains EPA's strategic measurement framework of long-term goals, objectives, and strategic measures, which describe the measurable human health and environmental results the Agency is working to achieve over the next five years.

To achieve the long-term goals, objectives, and strategic measures set out in this *Plan*, EPA designs annual performance measures which are presented in EPA's *Annual Performance Plans and Budgets*. The Agency reports on our performance against these annual measures in *Annual Performance Reports*, and uses this performance information to establish priorities and develop future budget submissions. The Agency also uses this performance data to evaluate our progress and develop future *Strategic Plans*.

EPA's strategic planning and decision-making benefits from other sources of information as well, including program evaluations and environmental indicators. A number of the strategic measures in this *Strategic Plan* are based on indicators contained in EPA's *2008 Report on the Environment* (ROE). The ROE identifies a set of peer-reviewed human health and environmental indicators that allows EPA to track trends in environmental conditions and environmental influences on human health. This information also helps us better articulate and improve the strategic measurement framework in EPA's *Strategic Plan*.

The Agency continues to look for new data and information sources to better characterize the environmental conditions targeted by our programs and improve our understanding of the integrated and complex relationships involved in maintaining human health and environmental well-being.

Significant Changes in the Strategic Measurement Framework

We have made significant changes to our measurement framework in this *Plan*. We revised our five strategic goals to sharpen and align them with the Administrator's priorities, including a heightened focus on cross-program activities addressing climate change adaptation and mitigation, sustainable communities, and chemical safety. We revised our suite of strategic measures—the measurable environmental and human health outcomes we are working to achieve—in several significant ways. First, we significantly reduced the number of strategic measures by focusing on the key outcomes most important to advance the Administrator's priorities and the Agency's mission. The goal was to create a *smaller, more strategic, and more meaningful set that Agency leadership uses to manage*. Second, for consistency purposes, we placed all the quantified measurable results at the lowest level in the framework—the strategic measures. Third, we updated the strategic measures to reflect targets and baselines appropriate for the FY 2011–2015 time

horizon. Lastly, we removed the separate objectives and strategic measures for the Agency's research and development program from the *Plan* and integrated this work into the programmatic objectives; this critical work supports many of our strategic measures and will continue to be tracked through annual performance measures.

Some of the new strategic directions in our measures are reflected in this *Plan*, but efforts will continue over the next several years to make further revisions in key areas. Highlights of the new measures and continuing efforts are described below.

- **Deepwater Horizon BP Oil Spill in the Gulf of Mexico:** While we are still assessing the unprecedented environmental damage from the Deepwater Horizon BP oil spill and the Agency actions necessary to address the damage and prevent similar disasters in the future, we have added a new strategic measure as a preliminary step to reflect the challenge ahead. This measure addresses efforts to conduct a thorough review of our oil spill program regulations to ensure that these regulations are up to date and effective. The magnitude of the impacts has yet to be fully understood and assessed, so further adjustments may be needed in the future. In addition, EPA is working to develop a water-oriented measure in response to the Deepwater Horizon BP oil spill in the Gulf of Mexico. The measure will reflect efforts to assist in the restoration of the Gulf of Mexico ecosystem, including water, wetlands, beaches, and surrounding communities. Currently, EPA has two program-specific water measures, one that relates to Gulf of Mexico hypoxia and the other to regional coastal aquatic ecosystem health that will be reassessed for impact from the oil spill.

- **Climate Change Adaptation and Mitigation:** The ability of communities to respond to changes in climate over the next decade is critical to achieving many of the environmental outcomes in this *Strategic Plan*. We have incorporated consideration of climate change across all five goals of the *Strategic Plan* and will continue to collaborate with stakeholders, the US Global Change Research Program, the Interagency Taskforce on Climate Change Adaptation, and others. We have added three strategic measures for climate change adaptation under Goal 1. In addition, we have expanded the existing greenhouse gas (GHG) mitigation measure to capture reductions Agency-wide and added a measure to reflect expected GHG reductions resulting from the light-duty vehicle greenhouse gas rule.

- **Land Cleanup:** EPA has begun an Integrated Cleanup Initiative, a multi-year effort to better use assessment and cleanup authorities to address a greater number of sites, accelerate cleanups, and put those sites back into productive use while protecting human health and the environment. The Agency is working to develop a suite of measures that will allow for comprehensive management across cleanup programs and across the cleanup life cycle, with a focus on three critical points in the cleanup process—starting, advancing, and completing site cleanups. As a first step in this process, we are shifting our definition of success at a Superfund site from where the construction of a remedy is complete, to when the site is actually "ready for anticipated use" in a community. In addition, a new site assessment measure has been developed that fully captures the entire assessment workload at the beginning of the Superfund process, a measure which also may be expanded to include progress of other cleanup programs in the future.[1]

- **Chemical Safety:** One of EPA's highest priorities over the next five years is to ensure the safety of chemicals and pesticides used in this country. As part of this effort, EPA is taking a more integrated approach to managing chemical and pesticide risk reduction and, in coordination with other relevant federal agencies, is focusing on consumers, workers, and sensitive subpopulations like children. EPA is enhancing its ability to measure the effects of chemicals and pesticides on human health and the environment by introducing new measures to reduce the concentration of targeted chemicals and pesticides in the general population and children.

- **Enforcement and Compliance Assurance:** The Agency's enforcement and compliance assurance program is moving from a tool-based

(e.g., assistance, incentives, monitoring, and enforcement) to an environmental problem-based (e.g., air, water) approach to addressing noncompliance and environmental harms. Our current approach, rooted largely in the traditional inspection and enforcement model, has shown substantial environmental and human health benefits, but will not be able to keep up with expanding universes of regulated sources. For example, the universe of National Pollutant Discharge Elimination System (NPDES) sources has expanded from about one hundred thousand when the Clean Water Act (CWA) was passed to almost one million today. This is especially true in light of the current economic challenges faced by states, which perform the majority of inspections and enforcement actions. For those programs and sectors that have been the focus of EPA and state attention, the level of noncompliance shows us that serious violations are likely widespread, all but ensuring that there are areas across the country where basic health protections for Americans are in jeopardy.

EPA is adopting new strategic approaches to deal with these challenges that do not solely depend on inspections and enforcement to address serious violations, including:

- Building self-monitoring and reporting requirements into rules, which will allow government to better understand the compliance status at regulated facilities.
- Using 21st century technologies to facilitate the electronic transmission of data directly from regulated sources and states that generate the data, to government agencies that receive the data, which will improve the quality and timeliness of data available to make decisions.
- Making more information available to the public in an easy-to-use, understandable format so the public can demand better facility and government performance.

As part of this new approach, the Agency's enforcement program is developing a suite of measures that expand its ability to communicate to the public. As part of this suite, the Agency is including measures for its criminal enforcement program for the first time in the *Strategic Plan*. The suite of measures addresses:

- **Enforcement Presence/Level-of-Effort Measures:** The extent of the general enforcement and compliance assurance presence in communities;
- **Case-Linked Outcome Indicators:** The annual and long-term trends in environmental benefits resulting from EPA enforcement actions; and
- **Strategic Enforcement Measures:** The results of EPA's focused efforts to address specific, high-priority problems that make a difference to communities.

When viewed together, this suite of measures provides a more comprehensive understanding of the program than has been available previously. This suite of measures is captured in the figure on the next page.

Suite of Strategic Enforcement and Compliance Assurance Measures

Measures in the FY 2011–2015 Strategic Plan

Enforcement Presence/ Level of Effort Measures

- Inspections & evaluations
- Initiated & concluded civil judicial & administrative enforcement cases
- Compliance status of open, non-Superfund consent decrees
- Address cost recovery statute of limitations cases with total past costs above $200,000
- Reaching settlement with potentially responsible parties (PRPs)
- Criminal cases with charges filed
- Criminal cases with defendants convicted

Case-Linked Outcome Indicators

AIR
- Air pollutants reduced

WATER
- Water pollutants reduced

WASTE
- Hazardous waste reduced
- Contaminated media reduced

CHEMICALS
- Toxic and pesticide pollutants

CRIMINAL
- Criminal cases with most significant impacts
- Criminal cases with individual defendants

Measures under Development

Strategic Enforcement Measures (under development)

AIR
- Air toxics
- Criteria air pollutants

WATER
- Raw sewage
- Animal waste
- Water compliance

WASTE
- Wastes from mineral processing
- Clean up hazardous waste sites in communities

CHEMICALS
- Reduce exposure to pesticides
- Enforce chemical management rules

The *Strategic Plan* includes five-year measures for EPA's enforcement presence and outcome indicators for which EPA will develop annual performance measures for inclusion in the *Annual Plan and Budget*, similar to all strategic measures included in this *Plan*.

The Agency has historically relied on enforcement presence or level-of-effort measures to communicate its enforcement and compliance presence to the public and regulated industry. These measures illustrate that the Agency is actively and consistently performing the activities necessary to find polluters, take appropriate action, and monitor defendants' compliance with settled enforcement cases. The Agency targets these activities toward the most serious human health and environmental problems across a variety of regulatory programs.

The Agency uses case-linked outcome indicators to communicate the environmental benefits gained from completed enforcement and compliance activities such as compliance assistance, compliance incentives, and enforcement cases. While linked, there is not a linear or proportional relationship between the activities and the outcomes.

Unlike level-of-effort results, which tend to be relatively consistent on a yearly basis, these outcome measures are dominated by very large enforcement cases and will typically vary widely over time depending on the pollution problems being addressed. For example, the measure of pounds of pollution reduced by enforcement actions varies widely from year to year and is not expected to trend upwards from one year to the next. In fact, as the most

significant pollution sources are addressed, the amount of pollution reduced by enforcement in a particular industrial sector should go down over time.

Over the next five years, the Agency will develop a new category of measurement—strategic enforcement measures—designed to demonstrate progress toward achieving its national enforcement goal of aggressively going after specific pollution problems that matter to communities. In addition, the strategic enforcement measures will illustrate the work done in Goal 5 to support Goals 1-4 of this *Strategic Plan*.

To launch this effort, the Agency's enforcement program will focus initially on developing measures that demonstrate progress toward the goals of its six national enforcement initiatives.[2] These initiatives target nationally important pollution problems where enforcement can play an important role to address serious noncompliance. We will develop strategic measures that chart our progress in addressing these significant compliance problems, recognizing that the measures, like the solutions, will vary with the problem. Two examples include: (1) targeting the sectors that contribute the largest amount of serious air pollution that causes significant harm to human health, which include coal-fired utilities and acid, glass, and cement plants; and (2) working to improve compliance by the tens of thousands of animal feeding operations that contribute to water pollution in many communities. We need both aggressive enforcement actions and new creative strategies to tackle sector compliance issues for these important, but very different, problems. Our measures will reflect those strategies, and attempt to do a more complete job of providing meaningful information to the public about our progress than the traditional measures alone can do. What we learn from measures developed for the national enforcement initiatives will be applied in setting measures for our other national enforcement goals.

One of the challenges in improving compliance and reducing pollution is the lack of solid information about facility releases and compliance. These information gaps make it harder to target facilities for enforcement, to understand and develop measures for compliance performance, and for communities to know what pollution is occurring in their own neighborhoods. EPA recognizes that we need to improve facility monitoring of pollution and make that information available to the public using 21st century technologies including more comprehensive electronic reporting. These efforts will increase transparency and create incentives to reduce pollution and to comply with the law, while also giving state and federal governments the information they need to target enforcement and track progress. Over the longer term, as efforts to increase electronically reported facility information take effect, consistently reported, sector-wide data may enable us to generate realistic compliance rates for some sectors. These efforts will help us to strengthen both performance and measures in the years ahead.

Where data, baselines, and targets are available to support the measures, EPA will include new measures for the national initiatives in the *FY 2012 Annual Plan and Budget* in February 2011 and will amend the *Strategic Plan* to include those that are suitable strategic measures. For those measures where EPA does not have existing data, EPA will identify necessary data sources and begin to collect the information with the intention of developing baselines and targets for additional strategic enforcement measures to be included in future *Annual Plans*.

The Agency will also work closely with its state partners to explore how to be more transparent regarding our joint accountability to protect the environment and public health by showing to the public, before FY 2015, both federal and state progress and problems in enforcement and compliance programs, as well as compliance monitoring coverage levels.

EPA's High Priority Performance Goals (Priority Goals)

In addition to the long-term strategic measures, EPA established six near-term Priority Goals in FY 2010 with 18- to 24-month operational targets that advance our strategic goals and serve as key indicators of our work.

EPA will report progress on these Priority Goals in the *Annual Plan and Budget* and through the Office of Management and Budget, with results regularly available to the public at www.performance.gov.

EPA's Priority Goals

EPA will improve the country's ability to measure and control greenhouse gas (GHG) emissions. Building a foundation for action is essential.

- By June 15, 2011, EPA will make publicly available 100 percent of facility-level GHG emissions data submitted to EPA in accordance with the GHG Reporting Rule, compliant with policies protecting confidential business information (CBI).
- In 2011, EPA, working with DOT, will begin implementation of regulations designed to reduce the GHG emissions from light-duty vehicles sold in the U.S. starting with model year 2012.

Clean water is essential for our quality of life and the health of our communities. EPA will take actions over the next two years to improve water quality.

- Chesapeake Bay watershed states (including the District of Columbia) will develop and submit Phase I watershed implementation plans by the end of CY 2010 and Phase II plans by the end of CY 2011 in support of EPA's final Chesapeake Bay total maximum daily load (TMDL) and consistent with the expectations and schedule described in EPA's letters of November 4 and December 29, 2009, and June 11, 2010.[3]
- Increase pollutant reducing enforcement actions in waters that do not meet water quality standards, and post results and analysis on the web.
- Over the next two years, EPA will initiate review/revision of at least four drinking water standards to strengthen public health protection.

EPA will ensure that environmental health and protection is delivered to our communities.

- By 2012, EPA will have initiated 20 enhanced brownfields community level projects that will include a new area-wide planning effort to benefit under-served and economically disadvantaged communities. This will allow those communities to assess and address a single large or multiple brownfields sites within their boundaries, thereby advancing area-wide planning to enable redevelopment of brownfields properties on a broader scale. EPA will provide technical assistance, coordinate its enforcement, water, and air quality programs, and work with other federal agencies, states, tribes, and local governments to implement associated targeted environmental improvements identified in each community's area-wide plan.

End Notes:

1 EPA will continue to report site construction completions as an annual performance measure in its *Annual Plan and Budget*.

2 Information about EPA's National Enforcement Initiatives for Fiscal Years 2011–2013 is available at http://www.epa.gov/compliance/data/planning/initiatives/initiatives.html. EPA solicited feedback on its FY 2011–2013 national enforcement initiatives in a Federal Register Notice in January 2010 and in an on-line discussion forum (see http://blog.epa.gov/enforcementnationalpriority).

3 EPA letters available at http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/tmdl_implementation_letter_110409.pdf, http://www.epa.gov/region03/chesapeake/bay_letter_1209.pdf, and http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/TMDLScheduleLetter.pdf.

Goal 1: Taking Action on Climate Change and Improving Air Quality. Reduce greenhouse gas emissions and develop adaptation strategies to address climate change, and protect and improve air quality.

Objective 1.1: Address Climate Change. Reduce the threats posed by climate change by reducing greenhouse gas emissions and taking actions that help communities and ecosystems become more resilient to the effects of climate change.

Strategic Measures:

Address Climate Change

- By 2015, the light-duty vehicle greenhouse gas rule will achieve reductions of 99 $MMTCO_2Eq.$ (Baseline FY 2010: 0 $MMTCO_2Eq.$)
- By 2015, additional programs from across EPA will promote practices to help Americans save energy and conserve resources, leading to expected greenhouse gas emissions reductions of 740.1 $MMTCO_2Eq.$ from a baseline without adoption of efficient practices. This reduction compares to 500.4 $MMTCO_2Eq.$ reduced in 2008. (Baseline FY 2008: ENERGY STAR 140.8 $MMTCO_2Eq.$, Industrial Programs[1] 314.2 $MMTCO_2Eq.$, Smartway Transportation Partnership 4.2 $MMTCO_2Eq.$, Pollution Prevention Programs 6.5 $MMTCO_2Eq.$, Sustainable Materials Management Programs[2] 34.3 $MMTCO_2Eq.$, WaterSense Program 0.4 $MMTCO_2Eq.$, Executive Order 13514[3] GHG Reduction Program 0.0 $MMTCO_2Eq.$)
- By 2015, EPA will integrate climate change science trend and scenario information into five major scientific models and/or decision-support tools used in implementing Agency environmental management programs to further EPA's mission, consistent with existing authorities (preference for one related to air quality, water quality, cleanup programs, and chemical safety).[4] (Baseline FY 2010: 4 scientific models)
- By 2015, EPA will account for climate change by integrating climate change science trend and scenario information into five rule-making processes to further EPA's mission, consistent with existing authorities (preference for one related to air quality, water quality, cleanup programs, and chemical safety).[4] (Baseline FY 2010: 0)
- By 2015, EPA will build resilience to climate change by integrating considerations of climate change impacts and adaptive measures into five major grant, loan, contract, or technical assistance programs to further EPA's mission, consistent with existing authorities (preference for one related to air quality, water quality, cleanup programs, and scientific research).[4] (Baseline FY 2010: 0)

Objective 1.2: Improve Air Quality. Achieve and maintain health-based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants.

Strategic Measures:

Reduce Criteria Pollutants and Regional Haze

- By 2015, the population-weighted average concentrations of ozone (smog) in all monitored counties will decrease to 0.073 ppm compared to the average of 0.078 ppm in 2009.
- By 2015, the population-weighted average concentrations of inhalable fine particles in all monitored counties will decrease to 10.5 $\mu g/m^3$ compared to the average of 11.7 $\mu g/m^3$ in 2009.

- By 2015, reduce emissions of nitrogen oxides (NO_x) to 14.7 million tons per year compared to the 2009 level of 19.4 million tons emitted.
- By 2015, reduce emissions of sulfur dioxide (SO_2) to 7.4 million tons per year compared to the 2009 level of 13.8 million tons emitted.
- By 2015, reduce emissions of direct particulate matter (PM) to 3.9 million tons per year compared to the 2009 level of 4.2 million tons emitted.
- By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the East and 5 percent in the West, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline.
- By 2015, with EPA support for developing capability including training, policy, and administrative and technical support, 15 additional tribes will possess the expertise and capability to implement the Clean Air Act in Indian country (as demonstrated by successful completion of an eligibility determination under the Tribal Authority Rule), for a cumulative total of 62 from the 2009 baseline of 47 tribes.

Reduce Air Toxics

- By 2015, reduce emissions of air toxics (toxicity-weighted for cancer) to 4.2 million tons from the 1993 toxicity-weighted baseline of 7.2 million tons.[5]

Reduce the Adverse Ecological Effects of Acid Deposition

- By 2015, air pollution emissions reductions will reduce the number of chronically acidic water bodies and improve associated ecosystem health in acid-sensitive regions of the northern and eastern United States by approximately 10 percent below the 2001 baseline of approximately 500 lakes and 5,000 kilometers of stream length.

Reduce Exposure to Indoor Air Pollutants

- By 2015, the number of future premature lung cancer deaths prevented annually through lowered radon exposure will increase to 1,460 from the 2008 baseline of 756 future premature lung cancer deaths prevented.
- By 2015, the number of people taking all essential actions to reduce exposure to indoor environmental asthma triggers will increase to 7.6 million from the 2003 baseline of 3.0 million. EPA will place special emphasis on children at home and in schools, and on other disproportionately impacted populations.

Objective 1.3: Restore the Ozone Layer. Restore the earth's stratospheric ozone layer and protect the public from the harmful effects of ultraviolet (UV) radiation.

Strategic Measure:

Reduce Consumption of Ozone-Depleting Substances

- By 2015, U.S. consumption of hydrochlorofluorocarbons (HCFCs), chemicals that deplete the Earth's protective ozone layer, will be less than 1,520 tons per year of ozone depletion potential from the 2009 baseline of 9,900 tons per year. By this time, as a result of worldwide reduction in ozone-depleting substances, the level of "equivalent effective stratospheric chlorine" (EESC) in the atmosphere will have peaked at 3.185 parts per billion (ppb) of air by volume and begun its gradual decline to less than 1.800 ppb (1980 level).

Objective 1.4: Reduce Unnecessary Exposure to Radiation. Minimize unnecessary releases of radiation and be prepared to minimize impacts should unwanted releases occur.

Strategic Measure:

Prepare for Radiological Emergencies

- Through 2015, EPA will maintain a 90 percent level of readiness of radiation program personnel and assets to support federal radiological emergency response and recovery operations, maintaining the 2010 baseline of 90 percent.

End Notes:

1 Industrial Programs include ENERGY STAR for Industry, Natural Gas STAR, Coalbed Methane Outreach Program (CMOP), Landfill Methane Outreach Program (LMOP), Green Power Partnership, Combined Heat and Power Partnership (CHP), Voluntary Aluminum Industry Partnership (VAIP), HFC-23 Emission Reduction Partnerships, Mobile Air Conditioning Climate Protection Partnership (MAC), Environmental Stewardship Initiative, Significant New Alternatives Policy Program (SNAP), Responsible Appliance Disposal Program (RAD), GreenChill Advanced Refrigeration Partnership, and Landfill Rule.

2 Sustainable Materials Management Programs include WasteWise, National Waste Recycling, and Coal Combustion Products Recycling (C2P2).

3 The Federal Leadership in Environmental, Energy, and Economic Performance Executive Order was signed on October 5, 2009. The Executive Order sets sustainability goals for federal agencies and focuses on making improvements in their environmental, energy, and economic performance.

4 The climate is changing and this can impact EPA's ability to achieve its mission and strategic goals. EPA is currently participating in an Interagency Climate Change Adaptation Task Force which will develop recommendations towards a national climate change adaptation strategy in the fall of 2010. EPA's adaptation measures provide a snapshot of EPA's overall effort to integrate climate change adaptation into mainstream decision making within EPA. As the work of the Task Force continues, future measures may be developed that assess the effectiveness of adaptation actions or that reflect a more refined set of climate change adaptation priorities.

5 The 2015 target is an estimate based on the 2005 National Emissions Inventory (NEI) released in 2008, which does not include the impacts of post-2007 rulemakings. Updated estimates that do include the impacts of more recent rulemakings will be available after the release of the 2008 NEI in 2011.

Goal 2: Protecting America's Waters. Protect and restore our waters to ensure that drinking water is safe, and that aquatic ecosystems sustain fish, plants and wildlife, and economic, recreational, and subsistence activities.

Objective 2.1: Protect Human Health. Reduce human exposure to contaminants in drinking water, fish and shellfish, and recreational waters, including protecting source waters.

Strategic Measures:

Water Safe to Drink

- By 2015, 90 percent of community water systems will provide drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection. (2005 baseline: 89 percent. Status as of FY 2009: 89 percent.)
- By 2015, 88 percent of the population in Indian country served by community water systems will receive drinking water that meets all applicable health-based drinking water standards. (2005 baseline: 86 percent. Status as of FY 2009: 81 percent.)
- By 2015, in coordination with other federal agencies, provide access to safe drinking water for 136,100 American Indian and Alaska Native homes. (FY 2009 baseline: 80,900 homes. Universe: 360,000 homes.)

Fish and Shellfish Safe to Eat

- By 2015, reduce the percentage of women of childbearing age having mercury levels in blood above the level of concern to 4.6 percent. (2002 baseline: 5.7 percent of women of childbearing age have mercury blood levels above levels of concern identified by the National Health and Nutrition Examination Survey (NHANES).)[1]

Water Safe for Swimming

- By 2015, maintain the percentage of days of the beach season that coastal and Great Lakes beaches monitored by state beach safety programs are open and safe for swimming at 95 percent. (2007 baseline: Beaches open 95 percent of the 679,589 days of the beach season (beach season days are equal to 3,647 beaches multiplied by variable number of days of beach season at each beach). Status as of FY 2009: 95 percent.)[2]

Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems. Protect the quality of rivers, lakes, streams, and wetlands on a watershed basis, and protect urban, coastal, and ocean waters.

Strategic Measures:

Improve Water Quality on a Watershed Basis

- By 2015, attain water quality standards for all pollutants and impairments in more than 3,360 water bodies identified in 2002 as not attaining standards (cumulative). (2002 universe: 39,798 water bodies identified by states and tribes as not meeting water quality standards. Water bodies where mercury is among multiple pollutants causing impairment may be counted toward this target when all pollutants but mercury attain standards, but must be identified as still needing restoration for mercury; 1,703 impaired water bodies are impaired by multiple pollutants including mercury, and 6,501 are impaired by mercury alone. Status as of FY 2009: 2,505 water bodies attained standards.)

- By 2015, improve water quality conditions in 330 impaired watersheds nationwide using the watershed approach (cumulative). (2002 baseline: Zero watersheds improved of an estimated 4,800 impaired watersheds of focus having one or more water bodies impaired. The watershed boundaries for this measure are those established at the "12-digit" scale by the U.S. Geological Survey (USGS). Watersheds at this scale average 22 square miles in size. "Improved" means that one or more of the impairment causes identified in 2002 are removed for at least 40 percent of the impaired water bodies or impaired miles/acres, or there is significant watershed-wide improvement, as demonstrated by valid scientific information, in one or more water quality parameters associated with the impairments. Status as of FY 2009: 104 improved watersheds.)

- Through 2015, ensure that the condition of the Nation's streams and lakes does not degrade (i.e., there is no statistically significant increase in the percent rated "poor" and no statistically significant decrease rated "good.") (2006 baseline for streams: 28 percent in good condition; 25 percent in fair condition; 42 percent in poor condition. 2010 baseline for lakes: 56 percent in good condition; 21 percent in fair condition; 22 percent in poor condition.)

- By 2015, improve water quality in Indian country at 50 or more baseline monitoring stations in tribal waters (cumulative) (i.e., show improvement in one or more of seven key parameters: dissolved oxygen, pH, water temperature, total nitrogen, total phosphorus, pathogen indicators, and turbidity) and identify monitoring stations on tribal lands that are showing no degradation in water quality (meaning the waters are meeting uses). (2006 baseline: 185 monitoring stations on tribal waters located where water quality has been depressed and activities are underway or planned to improve water quality, out of an estimated 2,037 stations operated by tribes.)

- By 2015, in coordination with other federal agencies, provide access to basic sanitation for 67,900 American Indian and Alaska Native homes. (FY 2009 baseline: 43,600 homes. Universe: 360,000 homes.)

Improve Coastal and Ocean Waters

- By 2015, improve regional coastal aquatic ecosystem health, as measured on the "good/fair/poor" scale of the National Coastal Condition Report. (FY 2009 baseline: National rating of "fair" or 2.8 where the rating is based on a 4-point system ranging from 1.0 to 5.0 in which 1 is poor and 5 is good using the National Coastal Condition Report indicators for water and sediment, coastal habitat, benthic index, and fish contamination.)

- By 2015, 95 percent of active dredged material ocean dumping sites, as determined by 3-year average, will have achieved environmentally acceptable conditions (as reflected in each site's management plan and measured through onsite monitoring programs). (2009 baseline: 99 percent. FY 2009 universe is 65.) (Due to variability in the universe of sites, results vary from year to year (e.g., between 85 percent and 99 percent). While this much variability is not expected every year, the results are expected to have some change each year.)

- By 2015, working with partners, protect or restore an additional (i.e., measuring from 2009 forward) 600,000 acres of habitat within the study areas for the 28 estuaries that are part of the National Estuary Program. (2009 baseline: 900,956 acres of habitat protected or restored, cumulative from 2002–2009. In FY 2009, 125,437 acres were protected or restored.)

Increase Wetlands

- By 2015, working with partners, achieve a net increase of wetlands nationwide, with additional focus on coastal wetlands, and biological and functional measures and assessment of wetland condition. (2004 baseline: 32,000 acres annual net national wetland gain.)

Improve the Health of the Great Lakes

- By 2015, prevent water pollution and protect aquatic systems so that the overall ecosystem health of the Great Lakes is at least 24.7 points on a 40-point scale. (2009 baseline: Great Lakes rating of 22.5 (expected) on the 40-point scale where the rating uses select Great Lakes State of the Lakes Ecosystem indicators based on a 1 to 5 rating system for each indicator, where 1 is poor and 5 is good.)
- By 2015, remediate a cumulative total of 10.2 million cubic yards of contaminated sediment in the Great Lakes. (2009 baseline: Of the 46.5 million cubic yards once estimated to need remediation in the Great Lakes, 6.0 million cubic yards of contaminated sediments have been remediated from 1997 through 2008.)

Improve the Health of the Chesapeake Bay Ecosystem

- By 2015, achieve 50 percent (92,500 acres) of the 185,000 acres of submerged aquatic vegetation necessary to achieve Chesapeake Bay water quality standards. (2008 baseline: 35 percent, 64,912 acres.)

Restore and Protect the Gulf of Mexico

- By 2015, reduce releases of nutrients throughout the Mississippi River Basin to reduce the size of the hypoxic zone in the Gulf of Mexico to less than 5,000 km^2, as measured by the 5-year running average of the size of the zone. (Baseline: 2005–2009 running average size is 15,670 km^2.)

Restore and Protect the Long Island Sound

- By 2015, reduce the maximum area of hypoxia in Long Island Sound by 15 percent from the pre-TMDL average of 208 square miles as measured by the 5-year running average size of the zone. (Baseline: Pre-total maximum daily load (TMDL) average conditions based on 1987–1999 data is 208 square miles. Post-TMDL includes years 2000–2014. Universe: The total surface area of Long Island Sound is approximately 1,268 square miles; the potential for the maximum area of hypoxia would be 1,268 square miles.)

Restore and Protect the Puget Sound Basin

- By 2015, improve water quality and enable the lifting of harvest restrictions in 4,300 acres of shellfish bed growing areas impacted by degraded or declining water quality in the Puget Sound. (2009 baseline: 1,730 acres of shellfish beds with harvest restrictions in 2006 had their restrictions lifted. Universe: 30,000 acres of commercial shellfish beds with harvest restrictions in 2006.)

Sustain and Restore the U.S.–Mexico Border Environmental Health

- By 2015, provide safe drinking water or adequate wastewater sanitation to 75 percent of the homes in the U.S.–Mexico Border area that lacked access to either service in 2003. (2003 Universe: 98,515 homes lacked drinking water and 690,723 homes lacked adequate wastewater sanitation based on a 2003 assessment of homes in the U.S.–Mexico Border area. 2015 target: 73,886 homes provided with safe drinking water and 518,042 homes with adequate wastewater sanitation.)

End Notes:

1 EPA is in the process of developing a consistent methodology for analyzing the data from Centers for Disease Control and Prevention's National Health and Nutrition Examination Survey (NHANES) reports. The baseline and target may be reset when the analysis is complete at the end of CY 2010.

2 In 2007, EPA added Guam, American Samoa, and the Northern Marianas, which resulted in a lower baseline and target.

Goal 3: Cleaning Up Communities and Advancing Sustainable Development. Clean up communities, advance sustainable development, and protect disproportionately impacted low-income, minority, and tribal communities. Prevent releases of harmful substances and clean up and restore contaminated areas.

Objective 3.1: Promote Sustainable and Livable Communities. Support sustainable, resilient, and livable communities by working with local, state, tribal, and federal partners to promote smart growth, emergency preparedness and recovery planning, brownfield redevelopment, and the equitable distribution of environmental benefits.

Strategic Measures:

Promote Sustainable Communities

- By 2015, reduce the air, water, land, and human health impacts of new growth and development through the use of smart growth and sustainable development strategies in 600 (cumulative) communities, which includes local municipalities, regional entities, and state governments, through activities resulting from EPA and federal partner actions. (Baseline: In FY 2010, an estimated 34 communities will be assisted.)[1]

Assess and Cleanup Brownfields

- By 2015, conduct environmental assessments at 20,600 (cumulative) brownfield properties. (Baseline: As of the end of FY 2009, EPA assessed 14,600 properties.)
- By 2015, make an additional 17,800 acres of brownfield properties ready for reuse from the 2009 baseline. (Baseline: As of the end of FY 2009, EPA made 11,800 acres ready for reuse.)

Reduce Chemical Risks at Facilities and in Communities

- By 2015, continue to maintain the Risk Management Plan (RMP) prevention program and further reduce by 10 percent the number of accidents at RMP facilities. (Baseline: There was an annual average of 190 accidents based on RMP program data between 2005 and 2009.)

Objective 3.2: Preserve Land. Conserve resources and prevent land contamination by reducing waste generation, increasing recycling, and ensuring proper management of waste and petroleum products.

Strategic Measures:

Waste Generation and Recycling

- By 2015, increase the amount of municipal solid waste reduced, reused, or recycled by 2.5 billion pounds. (At the end of FY 2008, 22.5 billion pounds of municipal solid waste had been reduced, reused, or recycled.)
- By 2015, increase beneficial use of coal combustion ash to 50 percent from 40 percent in 2008.
- By 2015, increase by 78 the number of tribes covered by an integrated waste management plan compared to FY 2009. (At the end of FY 2009, 94 of 572 federally recognized tribes were covered by an integrated waste management plan.)
- By 2015, close, clean up, or upgrade 281 open dumps in Indian country and on other tribal lands compared to FY 2009. (At the end of FY 2009, 412 open dumps were closed, cleaned up, or upgraded. As of April 2010, 3,464 open dumps were listed in the

Indian Health Service Operation and Maintenance System Database, which is dynamic because of the ongoing assessment of open dumps.)

Minimize Releases of Hazardous Waste and Petroleum Products

- By 2015, prevent releases at 500 hazardous waste management facilities with initial approved controls or updated controls resulting in the protection of an estimated 3 million people living within a mile of all facilities with controls. (Baseline: At the end of FY 2009, it was estimated that 789 facilities will require these controls out of the universe of 2,468 facilities with about 10,000 process units. The goal of 500 represents 63 percent of the facilities needing controls.)
- Each year through 2015, increase the percentage of underground storage tank (UST) facilities that are in significant operational compliance (SOC) with both release detection and release prevention requirements by 0.5 percent over the previous year's target. (Baseline: This means an increase of facilities in SOC from 65.5 percent in 2010 to 68 percent in 2015.)
- Each year through 2015, reduce the number of confirmed releases at UST facilities to 5 percent fewer than the prior year's target. (Baseline: Between FY 1999 and FY 2009, confirmed UST releases averaged 8,113.)

Objective 3.3: Restore Land. Prepare for and respond to accidental or intentional releases of contaminants and clean up and restore polluted sites.

Strategic Measures:

Deepwater Horizon BP Oil Spill: Oil Spill Program Review

- By 2015, in response to the Deepwater Horizon BP oil spill in the Gulf of Mexico, EPA will conduct a thorough assessment of its rules, guidelines, and procedures relating to all relevant aspects of EPA's oil spill program, including prevention of, preparedness for, response to, and recovery efforts, and update them as needed, and ensure that the Agency has the appropriate tools to respond to environmental disasters of this scale.

Emergency Preparedness and Response

- By 2015, achieve and maintain at least 80 percent of the maximum score on the Core National Approach to Response (NAR) evaluation criteria. (Baseline: In FY 2009, the average Core NAR Score was 84 percent for EPA headquarters, regions, and special teams prepared for responding to emergencies.)[2]
- By 2015, complete an additional 1,700 Superfund removals through Agency-financed actions and through oversight of removals conducted by potentially responsible parties (PRPs). (Baseline: In FY 2009, there were 434 Superfund removal actions completed including 214 funded by the Agency and 220 overseen by the Agency that were conducted by PRPs under a voluntary agreement, an administrative order on consent, or a unilateral administrative order.)
- By 2015, no more than 1.5 million gallons will be spilled annually at Facility Response Plan (FRP) facilities, a 15 percent reduction from the annual average of 1.7 million gallons spilled from 2005–2009.

Cleanup Contaminated Land

- By 2015, complete 93,400 assessments at potential hazardous waste sites to determine if they warrant Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) remedial response or other cleanup activities. (Baseline: As of 2010, the cumulative total number of assessments completed was 88,000.)[3]
- By 2015, increase to 84 percent the number of Superfund final and deleted NPL sites and RCRA facilities where human exposures to toxins from contaminated sites are under control. (Baseline: As of October 2009, 70 percent Superfund final and deleted NPL sites and RCRA facilities have human exposures under control out of a universe of 5,330.)[4]
- By 2015, increase to 78 percent the number of Resource Conservation and Recovery Act (RCRA) facilities with migration of contaminated groundwater under control. (Baseline: At the

end of FY 2009, the migration of contaminated groundwater was controlled at 58 percent of all 3,746 facilities needing corrective action.)

- By 2015, increase to 56 percent the number of RCRA facilities with final remedies constructed. (Baseline: At the end of FY 2009, all cleanup remedies had been constructed at 32 percent of all 3,746 facilities needing corrective action.)
- Each year through 2015, reduce the backlog of LUST cleanups (confirmed releases that have yet to be cleaned up) that do not meet risk-based standards for human exposure and groundwater migration by 1 percent. This means a decrease from 21 percent in 2009 to 14 percent in 2015. (At the end of FY 2009, there were 100,165 releases not yet cleaned up.)
- Each year through 2015, reduce the backlog of LUST cleanups (confirmed releases that have yet to be cleaned up) in Indian country that do not meet applicable risk-based standards for human exposure and groundwater migration by 1 percent. This means a decrease from 28 percent in 2009 to 22 percent in 2015.
- By 2015, ensure that 799 Superfund NPL sites are "sitewide ready for anticipated use." (Baseline: As of October 2009, 409 final and deleted NPL sites had achieved "sitewide ready for anticipated use.")[5]

Objective 3.4: Strengthen Human Health and Environmental Protection in Indian Country. Support federally-recognized tribes to build environmental management capacity, assess environmental conditions and measure results, and implement environmental programs in Indian country.

Strategic Measures:

Improve Human Health and the Environment in Indian Country

- By 2015, increase the percent of tribes implementing federal regulatory environmental programs in Indian country to 18 percent. (FY 2009 baseline: 13 percent of 572 tribes)
- By 2015, increase the percent of tribes conducting EPA-approved environmental monitoring and assessment activities in Indian country to 50 percent. (FY 2009 baseline: 40 percent of 572 tribes)

End Notes:

1 Included in the cumulative number are communities receiving assistance from: (1) direct EPA technical assistance programs; (2) EPA-funded grants and cooperative agreements to non-governmental organizations; and (3) in a limited number of communities (i.e., 6 of the total 34 communities in the FY 2010 baseline), technical assistance done in collaboration with other EPA programs (such as EPA's brownfields program) and other federal agencies (such as the Federal Emergency Management Agency and the U.S. Departments of Transportation and Housing and Urban Development).

2 Consistent with the government-wide National Response Framework (NRF), EPA will work to fully implement the priorities under its internal NAR so that the Agency is prepared to respond to multiple nationally significant incidents. Core NAR builds upon the Core Emergency Response concept while integrating the priority elements of EPA's NAR Preparedness Plan, and the Homeland Security Priority Workplan, to reflect an Agency-wide assessment of progress.

3 This new strategic measure accounts for all remedial assessments performed at sites addressed under the Superfund program, whereas the measure in the previous (2006–2011) *Strategic Plan* captured only a subset of these assessments (i.e., the final assessments completed at sites). By capturing the assessment work leading to final assessment decisions, including the initial screening assessments to determine Superfund eligibility, the new measure more fully accounts for the work performed during the Superfund site assessment process.

4 EPA is currently revising its dioxin risk assessment which may affect the targets and baselines for the human exposures under control and sitewide ready for anticipated use measures.

5 As part of the Integrated Cleanup Initiative, EPA is evaluating "sitewide ready for anticipated use" across all cleanup programs and may modify the above Superfund measure in the future to include corresponding brownfields, RCRA corrective action, and leaking underground storage tank program goals.

Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution. Reduce the risk and increase the safety of chemicals and prevent pollution at the source.

Objective 4.1: Ensure Chemical Safety. Reduce the risk of chemicals that enter our products, our environment, and our bodies.

Strategic Measures:

Protect Human Health from Chemical Risks

- By 2015, reduce by 40 percent the number of moderate to severe exposure incidents associated with organophosphates and carbamate insecticides in the general population. (Baseline is 316 moderate and severe incidents reported to the Poison Control Center (PCC) National Poison Data System (NPDS) in 2008 for organophosphate and carbamate pesticides.)
- By 2014, reduce the percentage of children with blood lead levels above 5 µg/dl to 1.0 percent or less. (Baseline is 3.0 percent in the 2005–2008 sampling period.)[1]
- By 2014, reduce the percent difference in the geometric mean blood lead level in low-income children 1 to 5 years old as compared to the geometric mean for non-low income children 1 to 5 years old to 10.0 percent. (Baseline is 23.4 percent difference in the geometric mean blood lead level in low-income children 1 to 5 years old as compared to the geometric mean for non-low-income children 1 to 5 years old in 2005–2008.)[1]
- By 2014, reduce the concentration in the general population for the following chemicals: non-specific organophosphate metabolites by 75 percent; chlorpyrifos metabolite (TCPy) by 75 percent; and perfluoro-octanoic acid (PFOA) in serum by 2 percent. (Baselines are derived from the Centers for Disease Control and Prevention's National Health and Nutrition Examination Survey (NHANES) concentration data in the general population and results are reported biennially. Pesticide baselines are based on 2001–2002 95th percentile data for non-specific organophosphate metabolites (0.45 µmol/L) and chlorpyrifos metabolite (TCPy) (12.4 µg/L). PFOA baseline is based on 2005–2006 geometric mean data in serum (3.92 µg/L).)
- By 2014, reduce concentration for the following chemicals in children: non-specific organophosphate metabolites by 75 percent and chlorpyrifos metabolite (TCPy) by 75 percent. (Baselines are derived from the Centers for Disease Control and Prevention's National Health and Nutrition Examination Survey (NHANES) metabolite concentration data in children and results are reported biennially. Pesticide baselines are based on 2001–2002 data for non-specific organophosphate metabolites (0.55 µmol/L) and chlorpyrifos metabolite (TCPy) (16.0 µg/L).)
- By 2015, complete endocrine disruptor screening program (EDSP) decisions for 100 percent of chemicals for which complete EDSP information is expected to be available by the end of 2014. (Baseline is no decisions have been completed through 2009 for any of the chemicals for which complete EDSP information is anticipated to be available by the end of 2014. EDSP decisions for a chemical can range from determining potential to interact with the estrogen, androgen, or thyroid hormone systems to otherwise determining whether further endocrine related testing is necessary.)

Protect Ecosystems from Chemical Risks

- By 2015, no watersheds will exceed aquatic life benchmarks for targeted pesticides. (Based on FY 1992–2001 data from the watersheds sampled by the USGS National Water Quality

Assessment (NAWQA) program, urban watersheds that exceed the National Pesticide Program aquatic life benchmarks are 73 percent for diazinon, 37 percent for chlorpyrifos, and 13 percent for carbaryl. Agricultural watersheds that exceed the National Pesticide Program aquatic life benchmarks are 18 percent for azinphos-methyl and 18 percent for chlorpyrifos.)

Ensure Transparency of Chemical Health and Safety Information

- Through 2015, make all health and safety studies available to the public for chemicals in commerce, to the extent allowed by law. (Baseline is 21,994 confidential business information (CBI) cases of Toxic Substances Control Act (TSCA) health and safety studies as defined in TSCA Section 3(6) that were submitted for chemicals potentially in commerce between the enactment of TSCA and January 21, 2010.)

Objective 4.2: Promote Pollution Prevention. Conserve and protect natural resources by promoting pollution prevention and the adoption of other stewardship practices by companies, communities, governmental organizations, and individuals.

Strategic Measures:

Prevent Pollution and Promote Environmental Stewardship

- By 2015, reduce 15 billion pounds of hazardous materials cumulatively through pollution prevention. (Baseline is 4.8 billion pounds reduced through 2008.)
- By 2015, reduce 9 million metric tons of carbon dioxide equivalent ($MMTCO_2Eq.$) cumulatively through pollution prevention. (Baseline is 6.5 $MMTCO_2Eq.$ reduced through 2008. The data from this measure are also calculated into the Agency's overall GHG measure under Goal 1.)
- By 2015, reduce water use by an additional 24 billion gallons cumulatively through pollution prevention. (Baseline is 51 billion gallons reduced through 2008.)
- By 2015, save $1.2 billion through pollution prevention improvements in business, institutional, and government costs cumulatively. (Baseline is $3.1 billion saved through 2008.)
- Through 2015, increase the use of safer chemicals cumulatively by 40 percent. (Baseline: 476 million pounds of safer chemicals used in 2009 as reported to be in commerce by Design for the Environment program.)

End Note:

1 Centers for Disease Control and Prevention's National Health and Nutrition Examination Survey (NHANES) data are collected in 2-year samples and released incrementally with the data typically becoming available 2 to 3 years after the sampling period ends.

Goal 5: Enforcing Environmental Laws. Protect human health and the environment through vigorous and targeted civil and criminal enforcement. Assure compliance with environmental laws.

Objective 5.1: Enforce Environmental Laws. Pursue vigorous civil and criminal enforcement that targets the most serious water, air, and chemical hazards in communities. Assure strong, consistent, and effective enforcement of federal environmental laws nationwide.

Strategic Measures:

Note: The enforcement measures in this *Plan* reflect: (1) the enforcement presence and level-of-effort measures that reflect the Agency's continued and strong investment in enforcement work; and (2) the reductions in pollution achieved through enforcement cases (i.e., case-specific outcome indicators) which are dominated by the very largest cases and will typically vary widely over time depending on the pollution problems being addressed. EPA is also developing enforcement measures for work done to support the strategic outcomes under each of the media-specific goals in this *Plan*; these measures will be described in future *Annual Plans and Budgets* and *Annual Performance Reports*.

Maintain Enforcement Presence

- By 2015, conduct 105,000 federal inspections and evaluations (5-year cumulative). (FY 2005–2009 baseline: 21,000 annually)
- By 2015, initiate 19,500 civil judicial and administrative enforcement cases (5-year cumulative). (FY 2005–2009 baseline: 3,900 annually)
- By 2015, conclude 19,000 civil judicial and administrative enforcement cases (5-year cumulative). (FY 2005–2009 baseline: 3,800 annually)
- By 2015, maintain review of the overall compliance status of 100 percent of the open consent decrees. (Baseline 2009: 100 percent)
- Each year through 2015, support cleanups and save federal dollars for sites where there are no alternatives by: (1) reaching a settlement or taking an enforcement action before the start of a remedial action at 99 percent of Superfund sites having viable responsible parties other than the federal government; and (2) addressing all cost recovery statute of limitation cases with total past costs greater than or equal to $200,000. (Baseline: 99 percent of sites reaching a settlement or EPA taking an enforcement action (FY 2007–2009 annual average); 100 percent cost recovery statute of limitation cases addressed (FY 2009))
- By 2015, increase the percentage of criminal cases with charges filed to 45 percent. (FY 2006–2010 baseline: 36 percent)
- By 2015, maintain an 85 percent conviction rate for criminal defendants. (FY 2006–2010 baseline: 85 percent)

Support Taking Action on Climate Change and Improving Air Quality

- By 2015, reduce, treat, or eliminate 2,400 million estimated pounds of air pollutants as a result of concluded enforcement actions (5-year cumulative). (FY 2005–2008 baseline: 480 million pounds, annual average over the period)

Support Protecting America's Waters

- By 2015, reduce, treat, or eliminate 1,600 million estimated pounds of water pollutants as a result of concluded enforcement actions (5-year cumulative). (FY 2005–2008 baseline: 320 million pounds, annual average over the period)

Support Cleaning Up Communities and Advancing Sustainable Development

- By 2015, reduce, treat, or eliminate 32,000 million estimated pounds of hazardous waste as a result of concluded enforcement actions (5-year cumulative). (FY 2008 baseline: 6,500 million pounds)
- By 2015, obtain commitments to clean up 1,500 million cubic yards of contaminated soil and groundwater media[1] as a result of concluded CERCLA and RCRA corrective action enforcement actions (5-year cumulative). (FY 2007–2009 baseline: 300 million cubic yards of contaminated soil and groundwater media, annual average over the period)

Support Ensuring the Safety of Chemicals and Preventing Pollution

- By 2015, reduce, treat, or eliminate 19.0 million estimated pounds of toxic and pesticide pollutants as a result of concluded enforcement actions (5-year cumulative). (FY 2005–2008 baseline: 3.8 million pounds, annual average over the period)

Enhance Strategic Deterrence through Criminal Enforcement

- By 2015, increase the percentage of criminal cases having the most significant health, environmental, and deterrence impacts to 50 percent. (FY 2010 baseline: 36 percent)[2]
- By 2015, maintain 75 percent of criminal cases with an individual defendant. (FY 2006–2008 baseline: 75 percent)

End Notes:

1 Contaminated groundwater media, as defined for the Superfund and RCRA corrective action programs, is the volume of physical aquifer (both soil and water) that will be addressed by the response action.

2 EPA collects data on a variety of case attributes to describe the range, complexity, and quality of our criminal enforcement national docket. Cases are tiered depending on factors such as the human health (death, injury) and environmental impacts, the nature of the pollutant and the its release into the environment, and the characteristics of the subject(s). This measure reflects the percentage of cases in the upper tiers.

Office of the Chief Financial Officer
Office of Planning, Analysis, and Accountability (2721A)
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
http://www.epa.gov/ocfo/plan/plan.htm
EPA-190-R-10-002
September 2010

01268-EPA-5665

Bob Perciasepe/DC/USEPA/US
04/24/2011 09:13 PM

To Richard Windsor, Bob Sussman
cc Diane Thompson
bcc
Subject Fw: SEAB

This came in a short while ago from Dan Utech. [redacted] Ex.5 - Deliberative

Here is the background on Mark, which I suspect you know:

Mark Brownstein

Deputy Director of the Energy Program

Work

Mark Brownstein is deputy director of Environmental Defense Fund's national energy program. Mark leads EDF's efforts on smart grid deployment, transmission development, wholesale and retail electric market design, and the environmentally sustainable siting of both renewable and conventional utility scale generation.

Mark was one of two EDF staff leads on the United States Climate Action Partnership, a coalition of the nation's leading corporations and environmental groups championing immediate action on federal legislation to cap and substantially reduce greenhouse gas pollution across the U.S. economy. He is co-author of the *Carbon Principles*, a set of enhanced due diligence principles for investment banks considering the financing of coal fired power plants.

Background

Prior to joining EDF, Mark was director of Enterprise Strategy for Public Service Enterprise Group (PSEG), where he worked directly with PSEG's senior leadership in crafting and implementing the corporation's business strategy. Over his nearly 10-year career with PSEG, Mark served the company in a variety of environmental management roles, including director of Environmental Strategy and Policy. Mark was active in numerous environmental legislative and regulatory proceedings including efforts to develop federal legislation limiting emissions of sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide from power plants, and the Environmental Council of States' (ECOS) 37-state Ozone Transport Assessment Group (OTAG) process, which developed specific recommendations to address the persistent problem of ozone transport in the eastern United States. Mark was also an active member of the U.S. EPA's Clean Air Act Advisory Committee and New Jersey's Renewable Energy Task Force.

Bob Perciasepe
Deputy Administrator

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(c) + [redacted] (b) (6) Privacy

-----Forwarded by Bob Perciasepe/DC/USEPA/US on 04/24/2011 08:46PM -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: "Utech, Dan G." <(b) (6)
Date: 04/24/2011 08:20PM
Subject: SEAB

Hi Bob-

Not sure who from epa is attending tomorrow's 830 mtg but wanted to pass along some info and thought you would be the right person.

Ex.5 - Deliberative

01268-EPA-5666

Richard Windsor/DC/USEPA/US
04/24/2011 09:24 PM

To Bob Perciasepe
cc
bcc "David McIntosh"
Subject Re: SEAB

Ex.5 - Deliberative

From: Bob Perciasepe
Sent: 04/24/2011 09:13 PM EDT
To: Richard Windsor; Bob Sussman
Cc: Diane Thompson
Subject: Fw: SEAB

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Deputy Administrator

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From: "Utech, Dan G." < (b) (6)
Date: 04/24/2011 08:20PM
Subject: SEAB

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Ex.5 - Deliberative

01268-EPA-5667

Bob Sussman/DC/USEPA/US
04/24/2011 09:28 PM

To Bob Perciasepe
cc Diane Thompson, Richard Windsor
bcc
Subject Re: Fw: SEAB

Ex.5 - Deliberative

[redacted]

Bob Perciasepe This came in a short while ago from... 04/24/2011 09:13:40 PM

From: Bob Perciasepe/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 04/24/2011 09:13 PM
Subject: Fw: SEAB

This came in a short while ago from Dan Utech. Ex.5 - Deliberative [redacted]

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To: Bob Perciasepe/DC/USEPA/US@EPA
From: "Utech, Dan G." < (b) (6)
Date: 04/24/2011 08:20PM
Subject: SEAB

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Ex.5 - Deliberative

01268-EPA-5668

Richard Windsor/DC/USEPA/US
04/24/2011 09:32 PM

To Bob Perciasepe
cc
bcc "David McIntosh"
Subject Re: SEAB

[redacted] Ex.5 - Deliberative

From: Richard Windsor
Sent: 04/24/2011 09:24 PM EDT
To: Bob Perciasepe
Subject: Re: SEAB

[redacted] Ex.5 - Deliberative

From: Bob Perciasepe
Sent: 04/24/2011 09:13 PM EDT
To: Richard Windsor; Bob Sussman
Cc: Diane Thompson
Subject: Fw: SEAB

This came in a short while ago from Dan Utech. [redacted] Ex.5 - Deliberative

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From: "Utech, Dan G." < (b) (6)
Date: 04/24/2011 08:20PM
Subject: SEAB

Hi Bob-

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Ex.5 - Deliberative

01268-EPA-5669

Bob Perciasepe/DC/USEPA/US
04/24/2011 09:41 PM

To Richard Windsor
cc
bcc
Subject Re: SEAB

Will do; One question

[redacted] Ex.5 - Deliberative

Bob Perciasepe
Deputy Administrator

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(c) + [redacted] (b) (6) Privacy

-----Richard Windsor/DC/USEPA/US wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 04/24/2011 09:32PM
Subject: Re: SEAB

[redacted] Ex.5 - Deliberative

From: Richard Windsor
Sent: 04/24/2011 09:24 PM EDT
To: Bob Perciasepe
Subject: Re: SEAB

[redacted] Ex.5 - Deliberative

From: Bob Perciasepe
Sent: 04/24/2011 09:13 PM EDT
To: Richard Windsor; Bob Sussman
Cc: Diane Thompson

Subject: Fw: SEAB

This came in a short while ago from Dan Utech. [redacted] Ex.5 - Deliberative

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From: "Utech, Dan G." <[redacted] (b) (6)
Date: 04/24/2011 08:20PM

Subject: SEAB

Hi Bob-

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Ex.5 - Deliberative

[redacted]

01268-EPA-5670

Richard Windsor/DC/USEPA/US
04/24/2011 09:51 PM

To Bob Perciasepe
cc
bcc
Subject Re: SEAB

[redacted] Ex.5 - Deliberative [redacted]

From: Bob Perciasepe
Sent: 04/24/2011 09:41 PM EDT
To: Richard Windsor
Subject: Re: SEAB

Will do; One question

[redacted] Ex.5 - Deliberative [redacted]

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) + [redacted] (b) (6) Privacy

-----Richard Windsor/DC/USEPA/US wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 04/24/2011 09:32PM
Subject: Re: SEAB

[redacted] Ex.5 - Deliberative [redacted]

[redacted]

From: Richard Windsor
Sent: 04/24/2011 09:24 PM EDT
To: Bob Perciasepe
Subject: Re: SEAB

[redacted] Ex.5 - Deliberative [redacted]

From: Bob Perciasepe
Sent: 04/24/2011 09:13 PM EDT
To: Richard Windsor; Bob Sussman
Cc: Diane Thompson
Subject: Fw: SEAB

This came in a short while ago from Dan Utech [redacted] Ex.5 - Deliberative

Here is the background on Mark, which I suspect you know:

Mark Brownstein

Deputy Director of the Energy Program

Work

Mark Brownstein is deputy director of Environmental Defense Fund's national energy program. Mark leads EDF's efforts on smart grid deployment, transmission development, wholesale and retail electric market design, and the environmentally sustainable siting of both renewable and conventional utility scale generation.

Mark was one of two EDF staff leads on the United States Climate Action Partnership, a coalition of the nation's leading corporations and environmental groups championing immediate action on federal legislation to cap and substantially reduce greenhouse gas pollution across the U.S. economy. He is co-author of the *Carbon Principles*, a set of enhanced due diligence principles for investment banks considering the financing of coal fired power plants.

Background

Prior to joining EDF, Mark was director of Enterprise Strategy for Public Service Enterprise Group (PSEG), where he worked directly with PSEG's senior leadership in crafting and implementing the corporation's business strategy. Over his nearly 10-year career with PSEG, Mark served the company in a variety of environmental management roles, including director of Environmental Strategy and Policy. Mark was active in numerous environmental legislative and regulatory proceedings including efforts to develop federal legislation limiting emissions of sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide from power plants, and the Environmental Council of States' (ECOS) 37-state Ozone Transport Assessment Group (OTAG) process, which developed specific recommendations to address the persistent problem of ozone transport in the eastern United States. Mark was also an active member of the U.S. EPA's Clean Air Act Advisory Committee and New Jersey's Renewable Energy Task Force.

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) + [redacted] (b) (6) Privacy

-----Forwarded by Bob Perciasepe/DC/USEPA/US on 04/24/2011 08:46PM -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: "Utech, Dan G." <[redacted] (b) (6)
Date: 04/24/2011 08:20PM
Subject: SEAB

Hi Bob-

Not sure who from epa is attending tomorrow's 830 mtg but wanted to pass along some info and thought you would be the right person.

[redacted] Ex.5 - Deliberative

01268-EPA-5671

Bob Perciasepe/DC/USEPA/US
04/24/2011 09:54 PM

To Richard Windsor
cc
bcc
Subject Re: SEAB

Got it

Bob Perciasepe
Deputy Administrator

(o) +1 202 564 4711
(c) + (b) (6) Privacy

-----Richard Windsor/DC/USEPA/US wrote: -----
To: Bob Perciasepe/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 04/24/2011 09:51PM
Subject: Re: SEAB

Ex.5 - Deliberative

From: Bob Perciasepe
Sent: 04/24/2011 09:41 PM EDT
To: Richard Windsor
Subject: Re: SEAB

Will do; One question

Ex.5 - Deliberative

Bob Perciasepe
Deputy Administrator

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(c) + (b) (6) Privacy

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To: Bob Perciasepe/DC/USEPA/US@EPA
From: Richard Windsor/DC/USEPA/US
Date: 04/24/2011 09:32PM
Subject: Re: SEAB

[redacted] Ex.5 - Deliberative

From: Richard Windsor
Sent: 04/24/2011 09:24 PM EDT
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Subject: Re: SEAB

[redacted] Ex.5 - Deliberative

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Sent: 04/24/2011 09:13 PM EDT
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Cc: Diane Thompson
Subject: Fw: SEAB

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Ex.5 - Deliberative

01268-EPA-5672

David McIntosh/DC/USEPA/US
04/26/2011 01:59 PM

To Richard Windsor
cc
bcc
Subject Fw: Fw:

[redacted] Ex.5 - Deliberative

----- Forwarded by David McIntosh/DC/USEPA/US on 04/26/2011 01:58 PM -----

From: "Keohane, Nathaniel" <[redacted] (b) (6)
To: Bob Perciasepe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 04/26/2011 01:41 PM
Subject: Fw:

Hi Bob and David,

[redacted] Ex.5 - Deliberative

Best,
nok

Sent from my Blackberry
[redacted] (b) (6) Privacy (m)

From: Leibenluft, Jacob
To: Buckhout, Scott
Cc: Keohane, Nathaniel; Koronides, Christine
Sent: Tue Apr 26 12:11:23 2011
Subject:

[redacted] Ex.5 - Deliberative

Work off this. GS remarks DRAFT 2011-04-26 1210 am.docx

01268-EPA-5674

David McIntosh/DC/USEPA/US
05/10/2011 07:00 PM

To Richard Windsor
cc
bcc
Subject Fw: Environmental Leaders to AEP: What's Your Number?

----- Forwarded by David McIntosh/DC/USEPA/US on 05/10/2011 07:00 PM -----

From: "Walke, John" <jwalke@nrdc.org>
To: "McConville, Drew" <[redacted] (b) (6) Jonathan Averback/DC/USEPA/US@EPA, Rob Brenner/DC/USEPA/US@EPA, Jeneva Craig/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Eric Ginsburg/RTP/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Joel Beauvais/DC/USEPA/US@EPA, Jim Ketcham-Colwill/DC/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, Adam Kushner/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Sam Napolitano/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA, Peter Tsirigotis/RTP/USEPA/US@EPA, Lorie Schmidt/DC/USEPA/US@EPA, Mike Thrift/DC/USEPA/US@EPA, Lydia Wegman/RTP/USEPA/US@EPA
Date: 05/10/2011 03:37 PM
Subject: Environmental Leaders to AEP: What's Your Number?

See also http://www.edf.org/page.cfm?tagID=64733&link=homepromo and http://www.facebook.com/event.php?eid=201052926603954.

NEWS RELEASE

Contact:
Tony Kreindler, EDF, 202-445-8108, tkreindler@edf.org
Suzanne Struglinski, NRDC, 202-289-2387, sstruglinski@nrdc.org
Maggie Kao, Sierra Club, 202-675-2384, maggie.kao@sierraclub.org

Environmental Leaders to AEP: What's Your Number?

(Washington, D.C. – May 10, 2011) National environmental groups Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club are launching a new campaign today that challenges American Electric Power (AEP) to publicly name the number of lives it wants Congress to sacrifice to give AEP and other polluters delays and rollbacks of national limits on toxic air pollution.

While other utilities are investing in technology and jobs to clean up toxic air pollution from coal-fired power plants and meet new national pollution standards on time, AEP is promoting on Capitol Hill a sweeping, 56-page bill it drafted to weaken and delay federal clean air standards. AEP lobbyists wrote the bill, dubbed it the *Electric Power Regulatory Coordination Act of 2011*

, and then went looking for lawmakers to sponsor it.

Columbus, Ohio-based AEP is one of the largest emitters of toxic air pollution in the country. In 2008, AEP emitted more mercury, nitrogen oxide, and carbon dioxide pollution than any other American utility.

If the AEP bill were to become law, in the first two years alone it would permit the release of mercury, acid gases, and arsenic that would contribute to as many as 34,000 deaths, 220,000 asthma attacks, and 1.5 million missed work days – severe health impacts that would be avoided by implementation of EPA's recently proposed clean air standards for the nation's most toxic pollutants.

Statements of Environmental Leaders:

"Today we are asking AEP a simple question: What's your number? What's the acceptable number of American lives to surrender?" said Environmental Defense Fund President Fred Krupp. "After twenty years of delay, AEP wants America to wait another six years before we limit toxic mercury from some power plants – and they want to delay limits on a host of other dangerous pollutants."

"AEP made $1.2 billion in profits last year -- while America's children suffered asthma hospitalizations and mercury-related developmental delays," said Krupp. "This draft bill represents Washington at its worst: corporate lobbyists writing legislation to block limits on toxic pollution and then shopping around for Members of Congress to sponsor it. We'll see who is willing to put their name on it and put their constituents' health at risk."

"Instead of promoting a big polluters' bill of rights to delay scientists from issuing updates that protect our health, AEP should be cleaning up its deadly pollution and looking for clean energy alternatives," said Frances Beinecke, president of the Natural Resources Defense Council. "Investing in clean energy would not only protect countless American lives but help create jobs and boost the economy."

"Corporate polluters like AEP have stooped to a new low in their efforts to keep their profits flowing at the expense of millions of Americans' health. AEP wants a license to kill and they need to be stopped, said Michael Brune, executive director of the Sierra Club.

"AEP says that 'strong environmental performance is essential to fulfilling our corporate social responsibilities,'" added Krupp. "If that's true, the company should stop trying to sell this dirty air bill, and get back to work."

Background on Draft AEP Legislation

A HEALTH WRECK FOR AMERICA'S CHILDREN

A 56-page discussion draft circulated on April 29, 2011 (dubbed the "Electric Power Regulatory Coordination Act of 2011") would halt implementation of the nation's clean air laws for the

nation's single largest source of air pollution: fossil fueled power plants. The abstruse legal language set out in the 56 page document would rip apart the fabric of our nation's clean air laws. If it became law, the discussion draft would allow harmful air pollution would persist for years longer, imposing a heavy health burden on America's children:

- In the first two years alone, the pollution allowed under the discussion draft is associated with as many as 34,000 deaths, 220,000 asthma attacks, and 1.5 million missed work and sick days,* health-harming impacts that would be prevented by timely implementation of EPA's proposed clean air standards for the nation's most toxic pollutants.
- For over a decade, the discussion draft categorically bars EPA from taking action to (1) limit power plant emissions of arsenic, chromium, and acid gases, (2) protect human health imperiled by interstate air pollution transport discharged by coal-fired power plants, (3) reduce the haze pollution in America's premier national parks, and (4) finalize proposed emission standards to reduce power sector sulfur dioxide pollution, which transforms into lethal particulates.
- The discussion draft would halt the application of clean air protections under two landmark Supreme Court cases, *Massachusetts v. EPA* and *Environmental Defense v. Duke Energy* , to power plant pollution by, for example, prohibiting significant reductions in climate-disrupting pollution from the nation's existing coal plants for over a decade; these facilities are the nation's single largest source of climate pollution, discharging 1.8 billion tons of carbon dioxide annually and 4.9 million tons daily.

While AEP and some other power companies are seeking to erode bedrock clean air protections, other major utilities are supporting healthier air for America:

- Dick Kelly, Chairman of the Edison Electric Institute, Xcel CEO and Chairman: "Pursuing emission reductions for several years positions us to meet future environmental goals, and we have a variety of tools which we can do that with"; "we do have the foundations for a very, very successful future." [Dec. 1, 2010 Investor Meeting]
- William Johnson, President and CEO, Progress Energy on the proposed merger of Duke Power and Progress: "As a result of these combined actions, we believe the new company will be well positioned to meet the new EPA MACT regulations expected later this year and in to 2012. We still have much work to do to comply with these rules, which could require significant additional capital investment and additional announced plant closures. However, we are further down the road on compliance than many other companies with large coal fleets. We should also benefit by combining best practices in our fleet modernization efforts." [Jan. 10, 2011 Investor Meeting]
- Peter Darbee, Chairman, President and CEO, PG&E Corp.; Jack Fusco, President and CEO, Calpine Corp.; Lewis Hay, Chairman and CEO, NextEra Energy, Inc.; Ralph Izzo, Chairman, President and CEO, Public Service Enterprise Group, Inc.; Thomas King, President, National Grid USA; John Rowe, Chairman and CEO, Exelon Corp.; Mayo Shattuck, Chairman, President and CEO, Constellation Energy Group: "The electric sector has known that these rules were coming. Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants. For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost effectively control such emissions, including mercury and acid gases." [Dec. 8, 2010 Wall Street Journal letter to the editor]

The nation's largest power companies are financially well positioned to comply with these

important health protections. In 2010, the top ten power companies by generating capacity [MWh] had a combined $28.4 billion in profits and $7.5 billion in cash balances.

*The proposed AEP legislation would delay and weaken new EPA standards to address the most toxic contaminants at power generation facilities nationwide. EPA has estimated that in 2016 the annual particulate matter-related benefits of the proposed rule for adults will "include approximately 6600 to 17,000 fewer premature mortalities, 4,300 fewer cases of chronic bronchitis, 10,000 fewer non-fatal heart attacks, 12,000 fewer hospitalizations (for respiratory and cardiovascular disease combined), 4.9 million fewer days of restricted activity due to respiratory illness and approximately 830,000 fewer lost work days. We also estimate substantial health improvements for children in the form of 110,000 fewer asthma attacks, 6,700 fewer hospital admissions due to asthma, 10,000 fewer cases of acute bronchitis, and approximately 210,000 fewer cases of upper and lower respiratory illness." 76 Fed. Reg. 24,976, 26,090 (May 3, 2011) If AEP has its way and the rules are blocked, all of those projected annual benefits would be lost for at least two years, with ongoing harm in subsequent years as well.

Section-by-Section Analysis of AEP Legislation

PROVISION	DESCRIPTION	IM
TITLE I		
Sec. 101 "Alternative Compliance Program"	• Authorizes owners of existing coal plants to decline to comply with new clean air and environmental protections by electing one of the alternatives identified below and receiving a permanent exclusion from new clean air and environmental protections. • The owner elects the alternative by January 1, 2014 and identifies whether by December 31, 2020 it will (1) permanently retire the unit or (2) replace/repower the unit with natural gas, biomass, renewable fuel, or advanced coal-fueled technology. The significant term "advanced coal-fueled technology" is not defined in the discussion draft.	This provision cre healthy air protect coal-fired power p otherwise have to pollution, sulfur di health-harming po categorical exclusi compliance for ov January 2012 unde and from January toxics standards).
	• If owners do not elect the alternative in section 101, coal-fired power plants are subject to delineated emission limits for sulfur dioxide, oxides of nitrogen	These provisions v considerably more pollution than wou pending clean air p many as 34,000 de attacks and 1.5 mi

Sec. 102 "Well- Controlled Units"	and mercury that are less protective than pending EPA clean air proposals, and EPA is barred from establishing more protective emission standards that take effect before January 1, 2025. See §104(d)(4). ● The owner submits a plan by January 1, 2014 to meet the alternative prescribed limits for: (1) 60 percent of its coal capacity by December 31, 2016, (2) 80 percent by December 31, 2018, and (3) 100 percent by December 31, 2020.	sick days as a resu of delay effectuate The delineated em and achieved signi provided for under EPA's Transport F II would take effec eastern power plan standards provide January 2015 for c (with a provision f year extension). A under this section exempted from the measures through
Sec. 103 "Regulation of Hazardous Air Pollutants"	● Bars EPA from limiting any hazardous air contaminants other than mercury discharged from coal plants including arsenic, chromium, and acid gases until: o December 31, 2020, o EPA performs a risk assessment of the toxics and determines that regulation is necessary and appropriate, and o EPA submits a report to Congress based on the risk assessment and Congress has failed to enact legislation for these contaminants by a date two years after the report to Congress is submitted. ● Risk-Assessment: o EPA is required to consider the risks to human health from coal plant toxics emissions only on a pollutant-by-pollutant basis and may not evaluate the overall health impacts due to multipollutant discharges. o EPA shall submit its report to Congress based on the risk-assessment by January 1, 2020. ● Emission Standards: o EPA may establish limits on the discharge of these toxic air pollutants only after two years have elapsed after the report to Congress and Congress has failed to enact specific legislation.	For well over a de categorically barre action on recently limits for the toxic acid gases dischar plants.

Sec. 104 Sulfur Dioxide and Nitrogen Oxide Emissions	Provides that the Clean Air Interstate Rule (CAIR) shall remain in effect and that the proposed Transport Rule and other protections for interstate air pollution are restricted.	These provisions v finalizing the prop resulting in one m sulfur dioxide poll than one million to dioxide pollution i pollution is a key c particulates, which and a host of other
TITLE II		
Sec. 201 "Regulation of Coal Combustion Residuals"	Not later than 18 months after enactment of this Act, the Administrator shall establish guidelines for regulation of coal combustion residuals that classify such residuals as non-hazardous waste under subtitle D of RCRA.	Compels EPA to c waste as non-haza scientific findings
Sec. 202 "Performance Standards for Carbon Dioxide"	Prohibits EPA from limiting carbon dioxide pollution from existing coal plants through December 31, 2020 other than to call for an annual boiler efficiency tune up and a periodic energy assessment.	Bars significant re pollution from exi decade regardless impacts.
Sec. 203 "Pollution Control Projects and Efficiency Improvements"	Provides that installation of pollution control technologies and improvements in energy efficiency shall not constitute modifications under the Clean Air Act even if there is an overall increase in the amount of air pollution discharged from the plant.	Exempts coal-fired time-tested require pollution control e plant is revamped emissions.
	Provides that the Department of Energy shall be the lead agency	

Sec. 204 "Expedited Review of Federal Authorizations"	for coordinating all applicable federal authorizations under the Endangered Species Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the National Environmental Policy Act, and the Clean Air Act for replacing, repowering or constructing a new facility at coal-fired electric generating units retired pursuant to section 101 (above). This would encompass federal authorizations for the construction of a new gas plant, biomass plant and "an advanced coal-fueled technology" plant.	Changes long-stan carrying out health protections by mal Energy the lead ag Fish and Wildlife Endangered Speci Clean Water Act a Act and Clean Air Environmental Qu

01268-EPA-5675

Richard Windsor/DC/USEPA/US
05/18/2011 01:57 PM

To nsutley, hzichal
cc Nancy-Ann_M._Deparle, scutter
bcc
Subject Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

FYI

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/18/2011 01:56 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
Date: 05/18/2011 01:36 PM
Subject: Politico Pro: Former Obama aide sees room for CES-EPA deal

Former Obama aide sees room for CES-EPA deal

By Robin Bravender
POLITICO Pro

5/18/11 12:36 PM EDT

A former top Obama administration energy aide sees room for a compromise on energy legislation that would block the EPA from regulating carbon dioxide emissions.

Joe Aldy, who served as a top White House aide on energy and environmental issues, said Wednesday that the left may be willing to stomach pre-emption of EPA climate rules if Congress can reach a compromise on a clean energy standard advocated by President Barack Obama.

“I think one could, from a substantive standpoint, be comfortable substituting this for EPA authority,” Aldy said at a clean energy event hosted by the Brookings Institution. “And then I think there’s eventual political benefit, because we do have this ongoing debate in Congress, what to do about EPA authority.”

Obama has called on Congress to pass a clean energy standard that would force utilities by 2035 to get 80 percent of their electricity from renewable sources like wind and solar, as well as nuclear, natural gas and cleaner uses of coal.

“Just as there was discussion over the last two years that you could effectively substitute a comprehensive policy for EPA regulatory authority for greenhouse gases; I think you could have a tailored exemption for the power sector — a clean energy standard for the power sector that would eliminate the need for EPA authority under the Clean Air Act,” Aldy said.

Congressional Democrats were willing to pre-empt EPA climate rules in cap-and-trade legislation that failed last year in the Senate, and GOP critics of EPA regulations on climate change continue to make their case to block the agency by any means necessary.

Aldy, now an assistant professor of public policy at Harvard's Kennedy School, wrote a report released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

01268-EPA-5676

"DeParle, Nancy-Ann"
(b) (6)
>

05/18/2011 03:42 PM

To Richard Windsor
cc
bcc
Subject RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5)

-----Original Message-----
From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov
]
Sent: Wednesday, May 18, 2011 1:58 PM
To: Sutley, Nancy H.; Zichal, Heather R.
Cc: DeParle, Nancy-Ann; Cutter, Stephanie
Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

FYI

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01268-EPA-5677

Richard Windsor/DC/USEPA/US
05/18/2011 03:48 PM

To "Nancy-Ann M. DeParle"
cc
bcc
Subject Re: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5) [redacted]

----- Original Message -----
From: "DeParle, Nancy-Ann" [(b) (6) redacted]
Sent: 05/18/2011 03:42 PM AST
To: Richard Windsor
Subject: RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5) [redacted]

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Sent: Wednesday, May 18, 2011 1:58 PM
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Cc: DeParle, Nancy-Ann; Cutter, Stephanie
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01268-EPA-5678

"DeParle, Nancy-Ann"
<(b) (6)
>

05/18/2011 03:51 PM

To Richard Windsor
cc
bcc
Subject RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5)

-----Original Message-----
From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov
]
Sent: Wednesday, May 18, 2011 3:49 PM
To: DeParle, Nancy-Ann
Subject: Re: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5)

----- Original Message -----
From: "DeParle, Nancy-Ann" [(b) (6)
Sent: 05/18/2011 03:42 PM AST
To: Richard Windsor
Subject: RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5)

-----Original Message-----
From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov
]
Sent: Wednesday, May 18, 2011 1:58 PM
To: Sutley, Nancy H.; Zichal, Heather R.
Cc: DeParle, Nancy-Ann; Cutter, Stephanie
Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

FYI

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/18/2011 01:56 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
Date: 05/18/2011 01:36 PM
Subject: Politico Pro: Former Obama aide sees room for CES-EPA deal

Former Obama aide sees room for CES-EPA deal

By Robin Bravender
POLITICO Pro

5/18/11 12:36 PM EDT

A former top Obama administration energy aide sees room for a compromise on energy legislation that would block the EPA from regulating carbon dioxide emissions.

Joe Aldy, who served as a top White House aide on energy and environmental issues, said Wednesday that the left may be willing to stomach pre-emption of EPA climate rules if Congress can reach a compromise on a clean energy standard advocated by President Barack Obama.

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01268-EPA-5679

Richard Windsor/DC/USEPA/US
05/18/2011 04:08 PM

To "DeParle, Nancy-Ann"
cc
bcc
Subject RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

[redacted].

"DeParle, Nancy-Ann" Ex.5 - Deliberative -----Original... 05/18/2011 03:51:12 PM

From: "DeParle, Nancy-Ann" <[redacted] (b) (6)
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/18/2011 03:51 PM
Subject: RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5) [redacted]

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]
Sent: Wednesday, May 18, 2011 3:49 PM
To: DeParle, Nancy-Ann
Subject: Re: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5) [redacted]

----- Original Message -----
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Sent: 05/18/2011 03:42 PM AST
To: Richard Windsor
Subject: RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

(b) (5) [redacted]

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]
Sent: Wednesday, May 18, 2011 1:58 PM
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Subject: Fw: Politico Pro: Former Obama aide sees room for CES-EPA deal

FYI

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/18/2011 01:56 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob

Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
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01268-EPA-5680

"Zichal, Heather R."
<(b) (6)
.gov>
05/18/2011 07:57 PM

To Richard Windsor, "Sutley, Nancy H."
cc "DeParle, Nancy-Ann", "Cutter, Stephanie"
bcc
Subject RE: Politico Pro: Former Obama aide sees room for CES-EPA deal

Thanks. Spoke with Joe today [redacted] Ex.5 - Deliberative [redacted]

[redacted]

-----Original Message-----
From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov
]
Sent: Wednesday, May 18, 2011 1:58 PM
To: Sutley, Nancy H.; Zichal, Heather R.
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FYI

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/18/2011 01:56 PM

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To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
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01268-EPA-5681

Richard Windsor/DC/USEPA/US
05/20/2011 01:15 PM

To "Sutley, Nancy H.", "Zichal, Heather R."
cc Seth Oster
bcc
Subject Fw: OIL AND GAS: Frack study's safety findings exaggerated, Bush EPA official says

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/20/2011 01:15 PM -----

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA
Date: 05/20/2011 01:06 PM
Subject: OIL AND GAS: Frack study's safety findings exaggerated, Bush EPA official says

OIL AND GAS: Frack study's safety findings exaggerated, Bush EPA official says (Friday, May 20, 2011)

Mike Soraghan, E&E reporter

The U.S. EPA official who oversaw the George W. Bush administration's 2004 study of hydraulic fracturing says its conclusions about safety have been exaggerated for years.

The study found that in certain circumstances, fracturing presented "little or no threat" to drinking water. But Ben Grumbles, who ran EPA's Office of Water, says the study didn't deem all "fracking" to be safe, and it didn't justify exempting all forms of it from drinking water protections.

"EPA, however never intended for the report to be interpreted as a perpetual clean bill of health for fracking or to justify a broad statutory exemption from any future regulation under the Safe Drinking Water Act," Grumbles wrote in an article this week for the nonprofit he now runs, the Clean Water Action Alliance.

The former assistant EPA administrator also says that after five years and a nationwide surge in drilling, it might be time to take another look at the exemption, which was included in a 2005 energy bill.

"A lot has happened since 2005 and, in my view, it makes sense to review the Safe Drinking Water Act landscape as well as the relevance of Clean Water Act programs," he said.

The surge in drilling made possible by advances in fracturing technology is in shale gas, he said, "which is different from fracking for coal bed methane, the primary subject of EPA's 2004 report."

Grumbles was assistant administrator at EPA from January 2004 until January

2009, when President Bush left office. Before that, he was deputy assistant administrator and acting assistant administrator.

Grumbles became president of the alliance, which includes water utilities and companies that work with them, earlier this year after having served for two years as director of the Arizona Department of Environmental Quality.

His column -- "Drill, Maybe, Drill" -- was posted on the alliance website. But Grumbles stressed that the organization doesn't have a position on fracturing.

"'Drill, maybe, drill' means more review along a more thoughtful path, one that can include fracking, even in large amounts, but in the right place, at the right time, with the right amount of government oversight," he wrote.

It's not the first time that Grumbles expressed reservations about the broad exemption. In September 2003, while at EPA, he told *The Denver Post* the agency should retain some of the control Republicans in Congress were preparing to strip away.

"The members might want to consider a situation that if there were instances of endangerment on a case-by-case basis, we could step in," Grumbles said.

An industry spokesman said Grumbles' remarks simply show that EPA tries to expand regulation whether it's run by a Democratic or Republican administration.

"If the story here is that EPA didn't like that decision, that it wasn't supportive of Congress clearly delineating where its authority ended and the states' authority began, then here's another story for you: The sun rose today," said Chris Tucker, spokesman for Energy in Depth, which was created by the Independent Petroleum Association of America to fend off federal regulation of fracturing.

'Little or no threat'

The previous study began in 2000 and concluded with a report in 2004. The report said fracturing may release potentially hazardous chemicals into sources of drinking water but said there was no reason to study it further.

It found that fracturing posed "little or no threat" because the water is sucked back up out of the ground and the hazardous chemicals would likely be diluted or biodegrade on their own.

The study bolstered the case of gas producers, which asked Congress for a specific exemption from the Underground Injection Control provisions of the Safe Drinking Water Act for fracturing and received it in the 2005 Energy Policy Act.

The exemption has become known as the "Halliburton loophole." Halliburton Co.

had lobbied for the exemption while Dick Cheney ran the company. As vice president, Cheney touted it in the energy plan he shepherded for the Bush administration.

But the study has been criticized, most prominently by Denver-based EPA environmental engineer Weston Wilson, who wrote to Congress that the study's findings were "unsupportable," prominently citing the alleged conflicts of interest of five of the seven peer reviewers. One was an employee of Halliburton.

A year ago, EPA announced a new study of fracturing. Preliminary results from the $12 million research are expected next year, with a final report in 2014 (*E&ENews PM,* , May 11).

EPA officials have said they plan to take a "life cycle" approach to the fracturing study, an approach promoted by environmentalists but opposed by industry. They also say they will study drilling issues that don't involve the specific technique of fracturing, such as shoddy well construction allowing gas to leak into aquifers.

Gas drillers have complained that EPA shouldn't examine parts of the drilling process that don't directly involve fracturing.

EPA is also planning to do case studies of places where critics reported problems with fracturing during "scoping hearings" last summer. The case studies could involve field sampling, modeling and parallel laboratory investigations to determine the potential relationship between complaints and fracturing.

That is broader than the 2004 fracturing study, which relied on a survey of state officials to determine what problems had occurred during fracturing operations rather than EPA testing of drinking water.

01268-EPA-5682

David McIntosh/DC/USEPA/US
05/23/2011 07:34 PM

To "Richard Windsor"
cc
bcc
Subject Fw: Heads up - - (b) (5) .

From: "Zichal, Heather R." [(b) (6)
Sent: 05/23/2011 07:31 PM AST
To: David McIntosh
Cc: "Utech, Dan G." <(b) (6)
Subject: Heads up - - (b) (5) .

Report Finds Obama Policies to Blame for High Energy Prices

By Andrew Stiles
http://global.nationalreview.com/images/icon feed twit 20p.jpg

Posted on May 23, 2011 7:10 PM

A new report from the House Committee on Oversight and Government Reform details a disturbing "pattern of evidence" indicating that not only are the Obama administration's energy policies responsible for higher oil and gas prices, but that the administration's energy policy, in fact, is higher gas prices.

The report's findings are the result of an extensive committee review of public records, policy analysis, statements and e-mails from administration officials, and reveal "a pattern of actions [that] shows the Administration is, in fact, pursuing an agenda to raise the price Americans pay for energy," according to a copy of the report obtained by National Review Online.

"What President Obama failed to accomplish through the so-called 'cap and trade' program, his administration is attempting to accomplish through regulatory roadblocks, energy tax increases, and other targeted efforts to prohibit development of domestic energy resources," the report concludes.

Among the report's key findings:

- Key administration officials, including President Obama and Energy Secretary Steven Chu have gone on record in support of higher energy prices as a means to promote "green" technology by making it more economically viable. The failed "cap and trade" legislation is a prime example of this approach. "The result of this government action is less production, higher costs for producers, and more expensive energy," the reports states.
- The United States currently boasts the largest domestic energy resources on earth — "greater than Saudi Arabia, China and Canada combined." New technology has allowed for greater access to these resources — with the potential to increase domestic production by up to 40 percent — but government regulations threaten to severely limit or restrict development.
- Despite the fact that the United States relies on carbon-based fuels for more than 80 percent of its energy needs, the Obama administration has been "aggressively suppressing" the utilization of these fuels.
- Current administration policies have limited the domestic production of oil by restricting access to resources located along the outer continental shelf. Many of these restrictions were put in place before the disastrous Gulf oil spill.
- Government agencies have stepped up efforts to regulate energy production indirectly through environmental restrictions, for example, by placing on the Endangered Species list certain animals that live in resource rich habitats, or "targeting independent energy producers for environmental concerns not related to their operations."
- President Obama's proposal to increase taxes on the energy industry (and transfer some of the money to "green" energy) will severely impact the independent operators responsible for 95 percent of domestic oil and gas production. The proposed tax hikes would cost these firms a combined $12 billion in the first year alone.
- Independent operators are responsible for 95 percent of domestic oil and gas wells and they currently invest 150% of their domestic cash flow back into future projects development. Tax increases proposed by President Obama, some of which would be transferred to "green" energy producers, would cost energy producing firms a combined $12 billion in the first year.
- Many of the "green" energy sources promoted by the administration "create unintended environmental, security and economic consequences," for example, by increasing the demand for Chinese "rare earth" materials, which subsequently boosts harmful coal production because that's where more than two-thirds of China's energy comes from.

According to the report, the administration's "concerted campaign" to keep energy prices high extends "across government agencies" and constitutes a complete disregard for governmental transparency, much less the pocketbooks of all of those affected by the increased cost of energy. "An effort to intentionally raise the costs of traditional energy sources is a dangerous strategy that will harm economic recovery and job growth," the report asserts. "If past statements of key administration officials are indeed reflections of the policies they are pursuing, this strategy is playing a quiet but significant role in the higher energy prices Americans are currently paying."

The committee is releasing the report in conjunction with a hearing Tuesday morning titled "Pain at the Pump: Policies that Suppress Domestic Production of Oil and Gas." Members will hear testimony from Lisa Jackson, Administrator of the Environmental Protection Agency, and David Hayes, Deputy Secretary at the Department of the Interior. The hearing, designed to examine the harmful effects of government regulation on economic productivity, is part of the House Republican majority's recent efforts to promote the "growth" portion of its "cut and grow" agenda.

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

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could
contain a computer virus which could cause harm to EPA's computers,
network, and data. The attachment has been deleted.

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

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

you can
rename the file extension to its correct name.

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

********** ATTACHMENT NOT DELIVERED
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01268-EPA-5683

David McIntosh/DC/USEPA/US
05/23/2011 07:59 PM

To "Richard Windsor"
cc
bcc
Subject Re: Heads up - -(b) (5) .

The report itself is still not available.

From: David McIntosh
Sent: 05/23/2011 07:34 PM EDT
To: Richard Windsor
Subject: Fw: Heads up - - (b) (5)

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

01268-EPA-5684

Seth Oster/DC/USEPA/US
05/26/2011 09:00 AM

To "Arvin Ganesan", Scott Fulton, Bob Sussman, "Lisa Garcia", "Laura Vaught", David McIntosh, "Diane Thompson", "Bob Perciasepe", "Michael Goo", "Larry Elworth", Adora Andy, "Dan Kanninen", "Jose Lozano", "Bicky Corman", "Lisa Jackson"
cc
bcc
Subject Cass Sunstein Op-Ed in Today's Wall St Journal

From: "Gavin, Tom" [(b) (6)
Sent: 05/26/2011 08:53 AM AST
To: "Gavin, Tom" <(b) (6)
Cc: "Abrevaya, Sandra" <(b) (6) "Reilly, Meg" <(b) (6) "Schulman, Kori S." <(b) (6)
Subject: Final upate/reg reform

All,

Good morning.

We wanted to provide you with the op-ed that Cass had in the WSJ this morning -- 21st-Century Regulation—An Update on the President's Reforms.

Also, attached is a topline q-a document to help you. Again, bigger-picture questions should go to Meg Reilly, copied above, or at 202-395-7254.

Please send the links to your blog posts to this entire group, as well – even if you have sent previously. We've included WH Digital Strategy in the CC.

Thanks, everyone.

Tom

Text of Cass' op-ed

A 21st-century regulatory system must promote economic growth, innovation and job creation while also protecting public health and welfare. Earlier this year, President Obama outlined his plan to create such a system by adopting a simpler, smarter and more cost-effective approach to regulation. As a key part of that plan, he called for an unprecedented government-wide review of regulations already on the books so that we can improve or remove those that are out-of-date, unnecessary, excessively burdensome or in conflict with other rules.

Over the past four months, government agencies and departments have combed through their rules, listened carefully to the public, and developed plans to identify what works and what doesn't. The

results of this review are in. Today, 30 agencies are laying out regulatory reforms that will save private-sector dollars and unlock economic growth by eliminating unjustified regulations, including what the president has called "absurd and unnecessary paperwork requirements that waste time and money."

We are taking immediate steps to save individuals, businesses, and state and local governments hundreds of millions of dollars every year in regulatory burdens. The reforms have the potential to save billions of dollars more over time while maintaining critical health and safety protections for the American people.

For example, the Occupational Safety and Health Administration is announcing today that it is eliminating over 1.9 million annual hours of redundant reporting burdens on employers, saving tens of millions of dollars every year. Businesses will no longer be saddled with the obligation to fill out unnecessary government forms, giving their employees more time to be productive and do real work.

The Departments of Commerce and State are pursuing reforms that will make it easier for all American businesses to export, which will help them to expand and hire. The Department of Health and Human Services will be reconsidering burdensome regulatory requirements, including paperwork burdens, now placed on hospitals and doctors to ask whether those requirements actually benefit patients. And the Department of the Interior will be reviewing cumbersome, outdated regulations under the Endangered Species Act to clarify and expedite procedures for approval of conservation agreements.

Many of the proposed reforms are long overdue. For instance, we will be removing regulations that require the use of outdated technologies (such as film X-rays instead of digital). We are also giving new meaning to the phrase, "Don't cry over spilled milk." Since the 1970s, milk has been defined as an "oil" and subject to costly rules designed to prevent oil spills. In response to feedback from the agriculture community and the president's directive, the Environmental Protection Agency (EPA) recently concluded that the rules placed unjustifiable burdens on dairy farmers and gave them an exemption.

Over the next decade, the exemption will save the milk and dairy industries, including small business in particular, as much as $1.4 billion. The EPA will also propose to eliminate the obligation for many states to require air pollution vapor recovery systems at local gas stations, on the ground that modern vehicles already have effective air pollution control technologies. The projected annual savings are $67 million.

The initial review announced today is just the start of an ongoing process. Our goal is to change the regulatory culture of Washington by constantly asking what's working and what isn't. To achieve that goal, we need to obtain real-world evidence and data. We also need to draw on the experience and wisdom of the American people—which is why the president has put an emphasis on asking the public for their comments, ideas and suggestions. And so, before today's plans are finalized, the public will weigh in.

This insistence on pragmatic, evidence-based, cost-effective rules is what has informed our regulatory approach over the past two and a half years. We have helped to bring highway deaths down to their lowest level in 60 years; promoted airline safety while protecting passengers from tarmac delays, overbooking and hidden charges; sharply reduced the risk of salmonella from eggs; dramatically increased the fuel economy of cars and trucks, promoting energy independence while saving consumers money; and curbed air pollution that kills thousands of people each year. At the same time, we are eliminating unnecessary regulatory burdens and tens of millions of hours in annual red tape.

The reform plans being released today are a defining moment in that effort. They will not only yield significant savings for individuals and businesses, but they will also help us strike the right balance, protecting the public from serious harms even as we eliminate rules that just don't make sense.

Ex.5 - Deliberative

Reg Lookback Q&A FINAL.PDF

01268-EPA-5685

Arvin Ganesan/DC/USEPA/US

05/26/2011 02:21 PM

To Richard Windsor, Bob Perciasepe, Mathy Stanislaus, Diane Thompson, David McIntosh, Laura Vaught, Adora Andy, Lisa Feldt, Seth Oster

cc

bcc

Subject Fw: Senate letter on coal combustion residue regulations

Attached is a letter from 42 Senators to the President advocating for a Subtitle D CCR rule. FYI.

ARVIN R. GANESAN
Deputy Associate Administrator
Office of the Administrator
United States Environmental Protection Agency
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----- Forwarded by Arvin Ganesan/DC/USEPA/US on 05/26/2011 02:20 PM -----

From: "McGarvey, Joe (Conrad)" <Joe_McGarvey@conrad.senate.gov>
To: "(b) (6) <(b) (6)
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/26/2011 02:16 PM
Subject: Senate letter on coal combustion residue regulations

Hello Lisa,

I wanted to send you an copy of a letter to the President that Sen. Conrad, Sen. Enzi and 42 other senators are mailing today regarding regulation of coal combustion residues. Please let me know if you have questions or comments.

Joe

Joe McGarvey
Legislative Assistant for Energy and Environment
Senator Kent Conrad
530 Hart Senate Office Building
Washington, DC 20510
(202) 224-0839 (direct)

Letter to the President on coal combustion residues 5.25.2011.pdf

United States Senate
WASHINGTON, DC 20510

May 26, 2011

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

In November, the public comment period concluded on the Environmental Protection Agency's (EPA's) proposed rulemaking for the regulation of coal combustion residues (CCRs). We write to ask the Administration to rapidly finalize a rule regulating CCRs under subtitle D, the non-hazardous solid waste program of the Resource Conservation and Recovery Act (RCRA).

The release of CCRs from the Tennessee Valley Authority impoundment in December 2008 properly caused the EPA to consider whether CCR impoundments and landfills should meet more stringent standards. All operators should meet appropriate standards, and those who fail to do so should be held responsible. We believe regulation of CCRs under subtitle D will ensure proper design and operations standards in all states where CCRs are disposed.

A swift finalization of regulations under subtitle D offers the best solution for the environment and for the economy. The environmental advantages of the beneficial use of CCRs in products such as concrete and road base are well-established. For example, a study released by the University of Wisconsin and the Electric Power Research Institute in November 2010 found that the beneficial use of CCRs reduced annual greenhouse gas emissions by an equivalent of 11 million tons of carbon dioxide, annual energy consumption by 162 trillion British thermal units, and annual water usage by 32 billion gallons. These numbers equate to removing 2 million cars from our roads, saving the energy consumed by 1.7 million American homes, and conserving 31 percent of the domestic water used in California.

We are concerned that finalizing a rule regulating CCRs under subtitle C of RCRA rule would permanently damage the beneficial use market. Since the EPA first signaled its possible intention to regulate CCRs under subtitle C, financial institutions have withheld financing for projects using CCRs, and some end-users have balked at using CCRs in their products until the outcome of the EPA's proposed rulemaking is known. Already, beneficial use of CCRs has decreased, and landfill disposal has increased. This result is counterproductive but likely to continue as long as the present regulatory uncertainty persists.

State environmental protection agencies have cautioned the EPA that regulating CCRs under subtitle C will overwhelm existing hazardous waste disposal capacity and strain budget and staff resources. Moreover, the bureaucratic and litigation hurdles involved in a subtitle C rule could lead to long delays before storage sites are upgraded or closed, resulting in slower environmental protection.

In two prior reports to Congress, the EPA concluded that disposed CCRs did not warrant regulation under subtitle C of RCRA. Despite this prior conclusion, the EPA's proposed subtitle C option would regulate CCRs more stringently than any other hazardous waste by applying the subtitle C rules to certain inactive and previously closed CCR units. The EPA has never before interpreted RCRA in this manner in over 30 years of administering the federal hazardous waste rules. The subtitle C approach is not supportable given its multiple adverse consequences and the availability of an alternative, less burdensome regulatory option under RCRA's non-hazardous waste rules that, by the EPA's own admission, will provide an equal degree of protection to public health and the environment.

In conclusion, we request that the Administration finalize a subtitle D regulation as soon as possible. The states and the producers of CCRs have raised concerns that should be corrected in a final subtitle D rule, including ensuring that any subtitle D regulations are integrated with and administered by state programs. Subtitle D regulation will improve the standards for CCR disposal, ensure a viable market for the beneficial use of CCRs, and achieve near-term meaningful environmental protection for disposed CCRs.

Thank you very much for your consideration of this important matter. We look forward to your response and to working with you to address this issue in a manner that is both environmentally and economically sound.

Sincerely,

Kent Conrad
United States Senate

Michael B. Enzi
United States Senate

Joe Manchin III
United States Senate

Johnny Isakson
United States Senate

Jerry Moran
United States Senate

John Boozman
United States Senate

Daniel Coats
United States Senate

Roy Blunt
United States Senate

John Hoeven
United States Senate

Roger F. Wicker
United States Senate

Thad Cochran
United States Senate

Claire McCaskill
United States Senate

Jon Tester
United States Senate

Lisa Murkowski
United States Senate

Orrin G. Hatch
United States Senate

Ben Nelson
United States Senate

John Barrasso
United States Senate

Pat Roberts
United States Senate

John Thune
United States Senate

David Vitter
United States Senate

Mary L. Landrieu
United States Senate

Mark R. Warner
United States Senate

Bob Corker
United States Senate

Mike Lee
United States Senate

Mark L. Pryor
United States Senate

Max Baucus
United States Senate

Richard Burr
United States Senate

Richard G. Lugar
United States Senate

Lindsey Graham
United States Senate

Rob Portman
United States Senate

Jim DeMint
United States Senate

Richard C. Shelby
United States Senate

Patrick J. Toomey
United States Senate

John Cornyn
United States Senate

Dean Heller
United States Senate

Lamar Alexander
United States Senate

Mark Begich
United States Senate

Chuck Grassley
United States Senate

Saxby Chambliss
United States Senate

Mark Kirk
United States Senate

Herb Kohl
United States Senate

James E. Risch
United States Senate

John D. Rockefeller IV
United States Senate

Ron Johnson
United States Senate