

01268-EPA-6128

Gina McCarthy/DC/USEPA/US

12/13/2011 09:09 PM

To Laura Vaught

cc "Alcantara.Betsaida@epamail.epa.gov", "Barron.Alex@epamail.epa.gov", "Joel Beauvais", Bob Perciasepe, Brendan Gilfillan, "Dru Ealons", "Ganesan.Arvin@epamail.epa.gov", "Joseph Goffman", "Goo.Michael@epamail.epa.gov", "Kanninen.Daniel@epamail.epa.gov", "Oster.Seth@epamail.epa.gov", "Stephanie Owens", "Thompson.Diane@epamail.epa.gov", "Vaught.Laura@epamail.epa.gov", "Windsor.Richard@epamail.epa.gov", Joseph Goffman, Janet McCabe

bcc

Subject RE: Internal FERC emails show rift with EPA over utility MACT

(b)(5) Deliberative  
[Redacted]

From: Laura Vaught/DC/USEPA/US

To: Bob Perciasepe/DC/USEPA/US

Cc: "Alcantara.Betsaida@epamail.epa.gov" <Alcantara.Betsaida@epamail.epa.gov>, "Barron.Alex@epamail.epa.gov" <Barron.Alex@epamail.epa.gov>, "Joel Beauvais" <Beauvais.Joel@epamail.epa.gov>, Brendan Gilfillan/DC/USEPA/US, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Ganesan.Arvin@epamail.epa.gov" <Ganesan.Arvin@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>, "Goo.Michael@epamail.epa.gov" <Goo.Michael@epamail.epa.gov>, "Kanninen.Daniel@epamail.epa.gov" <Kanninen.Daniel@epamail.epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Oster.Seth@epamail.epa.gov" <Oster.Seth@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Thompson.Diane@epamail.epa.gov" <Thompson.Diane@epamail.epa.gov>, "Vaught.Laura@epamail.epa.gov" <Vaught.Laura@epamail.epa.gov>, "Windsor.Richard@epamail.epa.gov" <Windsor.Richard@epamail.epa.gov>

Date: 12/13/2011 08:50 PM

Subject: RE: Internal FERC emails show rift with EPA over utility MACT

**Attached are some FERC quotes from a hearing that might be helpful.**

**RE: Internal FERC emails show rift with EPA over utility MACT**

**Bob Perciasepe** to: Brendan Gilfillan,  
Windsor.Richard@epamail.epa.gov,

12/13/2011 08:37 PM

Thompson.Diane@epamail.epa.gov,  
Oster.Seth@epamail.epa.gov,  
Alcantara.Betsaida@epamail.epa.gov,  
Ganesan.Arvin@epamail.epa.gov,  
Vaught.Laura@epamail.epa.gov,  
Goo.Michael@epamail.epa.gov,  
Kanninen.Daniel@epamail.epa.gov,  
Barron.Alex@epamail.epa.gov, Joel Beauvais,  
Stephanie Owens, Dru Ealons, Gina McCarthy,  
Joseph Goffman

Hi Brendan

(b) (5)

Bob Perciasepe  
Deputy Administrator  
US EPA  
202 564 4711

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

From : Brendan Gilfillan/DC/USEPA/US  
To : Windsor.Richard@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov,  
Thompson.Diane@epamail.epa.gov, Oster.Seth@epamail.epa.gov,  
Alcantara.Betsaida@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov,  
Vaught.Laura@epamail.epa.gov, Goo.Michael@epamail.epa.gov,  
Kanninen.Daniel@epamail.epa.gov, Barron.Alex@epamail.epa.gov, "Joel Beauvais"  
<Beauvais.Joel@epamail.epa.gov>, "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>,  
"Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Gina McCarthy"  
<McCarthy.Gina@epamail.epa.gov>, "Joseph Goffman" <Goffman.Joseph@epamail.epa.gov>  
Cc :  
Sent on : 12/13/2011 07:39:31 PM  
Subject : Fw: Internal FERC emails show rift with EPA over utility MACT

Please see the below story. (b) (5)

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 12/13/2011 07:33 PM EST  
**To:** Brendan Gilfillan  
**Subject:** Internal FERC emails show rift with EPA over utility MACT

## **Internal FERC emails show rift with EPA over utility MACT**

By Erica Martinson  
12/13/11 7:31 PM EST

Internal emails between FERC and the White House show that the EPA may have discounted Energy Department concerns about how its mercury and air toxics rule for power plants could affect power grid reliability.

FERC officials were also frustrated with EPA's intransigence on the issue during the draft rule phase, according to the emails.

"I don't think there is any value in continuing to engage EPA on the issues," FERC senior economist David Kathan wrote in a March [email](#). "EPA has indicated that these are their assumptions and have made it clear" that they will not change "anything on reliability or gas availability in the proposed rule."

"As it has done in other responses, EPA continues to make a lot of assumptions and does not directly answer anything associated with local reliability," Kathan wrote. "They provide the standard response that there will be enough time and they are confident that regional processes will accommodate any local capacity deficiency problem early in the process, or they do not directly respond to the question."

EPA is expected to issue its utility MACT rule on Friday, per a court agreement.

The requirements of the rule will lead to the closure of many coal-fired power plants, and idling of some coal-fired power generation units. Partisan fervor has risen in recent months over concerns that the pollution-control requirements will have dramatic impacts on electric reliability.

House Oversight and Government Reform Committee leaders cited internal FERC and OMB emails to say that EPA shirked its responsibility to appropriately consider reliability concerns.

Chairman Darrell Issa (R-Calif.) and Regulatory Affairs subpanel Chairman Jim Jordan (R-Ohio) sent a [letter](#) Tuesday to White House Office of Management and Budget regulatory chief Cass Sunstein citing the emails and asking that the rule be returned to EPA to more fully

consider the impact on jobs and electric reliability.

Originally, EPA mentioned concerns about reliability in its draft, requesting comment on the issue. But on March 3, while the draft rule was under review, Ellen Brown of FERC sent an email to OIRA expressing concern that EPA was planning to ask commenters to “opine on the scope of our authority to ensure compliance with our regulations,” according to the [emails](#).

So EPA removed the request from comment before releasing the rule.

Doing so without requesting input from other FERC offices or commissioners, the committee said in the letter to Sunstein, “does a disservice to the rulemaking process.”

During the March interagency review of the proposed rule, the Energy asked EPA to change a notation that it “has worked closely” with FERC and DOE on the potential impacts to reliability to say “will continue to work” with the agencies.

“In light of this new information, we are writing to request that the Office of Information and Regulatory Affairs immediately return the utility MACT rule to EPA and require that EPA and the Federal Energy Regulatory Commission complete a proper assessment of the rule that includes an analysis of its impact on grid reliability,” the House letter says.

EPA has repeatedly said that it will allow flexibility to ensure that FERC’s reliability needs are met, and also notes that independent assessments of the outcome of EPA’s air toxics rules tends to overstate the rules’ requirements.

To read and comment online:

<https://www.politicopro.com/go/?id=7957>

=====

Copyright© 2011 by POLITICO LLC. Reproduction or retransmission in any form, without written permission, is a violation of federal law. To subscribe to POLITICO Pro, please go to <https://www.politicopro.com>.

=====

To change your alerts or unsubscribe:



<https://www.politicopro.com/member/?webaction=viewAlerts> FERC Reliability Quotes.doc

**Wellinghoff:**

But we do not need to stop these rules from going forward. I think these rules are appropriate, these rules in fact do what needs to be done in this country, and that is internalize the external costs that we have with respect to electricity. And once we start internalizing those costs we will start giving the right market signals to consumers and the people who are consuming the energy, and those market signals can make us all more efficient and more prosperous and more economic.

And that's why EPA's doing the right thing and getting the market signals right by internalizing what are now external costs. If we can internalize those costs in the price, and the ultimate price, then we can find the lower cost alternatives to compete and come into the market and make appropriate substitutes economically.

In regards to the CSAPR rule, I believe again, that the planning authority that would encompass Nebraska and the state commissioners in Nebraska as well ultimately would have full authority and ability, with respect to their modeling capabilities and their resource planning capabilities to plan for these contingencies.

Terry: Would it be justified, in your opinions, to delay the implementation of this rule so the states and entities can have a better grasp of its impact? Mr. Wellinghoff?

Wellinghoff: I do not believe it would be appropriate to delay the rule.

**LaFleur:**

Well the point of my comment, I think, was that the only way to really assess reliability is at the local level. My former Massachusetts fellow citizen sitting in the body, Tip O'Neill, said that all politics is local, I would say that all reliability is local. So in order for a plant to decide whether to say open, they can't just look at MACT, they have to look at the transport rule, and they have to look at the cost of retrofitting totally. I think that for a plant to decide whether to say open, they should look at all costs. Whether some kind of macro analysis of all the costs would be meaningful across the whole country, I think you'd get the same kind of modeling issues that we have for all the macro analyses that go from 30-80 of how many retirements there would be, because the cost will depend on what decisions people make with how to comply. So I'm not sure I think a big macro cost number is going to be meaningful, but I think the individual units have to look at the costs.

01268-EPA-6129

**Richard Windsor/DC/USEPA/US**  
12/16/2011 01:46 PM

To Arvin Ganesan  
cc  
bcc  
Subject Re: FYI - Letter

Tx  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 12/16/2011 01:40 PM EST  
**To:** Richard Windsor; Laura Vaught  
**Subject:** Fw: FYI - Letter

just fyi. letter from supportive senators on MATS.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 12/16/2011 01:39 PM -----

From: "Konschnik, Kate (Whitehouse)" <Kate\_Konschnik@whitehouse.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 12/16/2011 01:07 PM  
Subject: FYI - Letter

---

And Senator Whitehouse may be calling the WH as follow up to the letter today. Will let you know if that happens.

Kate Konschnik  
Chief Environmental Counsel  
Senator Sheldon Whitehouse  
717 Hart Senate Office Building  
(p) (202) 224-2921  
(c) (202) 573-1081

Connect with Sheldon Online:

[WHITEHOUSE.SENATE.GOV](http://WHITEHOUSE.SENATE.GOV)



[attachment "2011-12-16 EGU MACT Letter.pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6130

**Richard Windsor/DC/USEPA/US**  
12/17/2011 09:53 AM

To Betsaida Alcantara  
cc  
bcc

Subject Re: Washington Post: EPA finalizes tough new rules on emissions by power plants

**(b)(5) Deliberative**

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/17/2011 09:22 AM EST  
**To:** Richard Windsor  
**Subject:** Re: Washington Post: EPA finalizes tough new rules on emissions

by power plants

**(b)(5) Deliberative**

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 12/17/2011 09:21 AM EST  
**To:** Betsaida Alcantara  
**Subject:** Re: Washington Post: EPA finalizes tough new rules on emissions

by power plants

Tx

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/17/2011 09:20 AM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan; Scott Fulton; Gina McCarthy; Arvin Ganesan

**Subject:** Washington Post: EPA finalizes tough new rules on emissions by power plants

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

The Obama administration finished crafting tough new rules Friday curbing mercury and other poisons emitted by coal-fired utilities, according to several people briefed on the decision, culminating more than two decades of work to clean up the nation's dirtiest power plants.

As part of last-minute negotiations between the White House and the Environmental Protection Agency, the regulations give some flexibility to power plant operators who argued they could not meet the three-year deadline for compliance outlined by the EPA. Several individuals familiar with the details declined to be identified because the agency will not announce the rules until next week.

140

Comments  
Weigh In/Corrections?  
More On This Story

Read more on PostPolitics.com

GOP wary of Romney's rhetoric on immigrants

Perry drawing pension on top of governor's salary

S.C. Gov. Haley endorses Romney

View all Items in this Story

The new rules will cost utilities \$10.6 billion by 2016 for the installation of control equipment known as scrubbers, according to EPA estimates. But the EPA said those costs would be far offset by health benefits. The agency estimates that as of 2016, lowering emissions would save \$59 billion to \$140 billion in annual health costs, preventing 17,000 premature deaths a year along with illnesses and lost workdays.

The Obama administration is attempting to deliver on some key priorities for environmentalists without alienating the business community. President Obama angered environmentalists in September by pulling back stricter smog standards the EPA had proposed, and he had to make several environmental concessions to congressional Republicans late Friday as part of a deal to extend the payroll tax cut. Senate leaders agreed Friday night on a provision that would accelerate the Keystone XL pipeline permitting decision as part of a deal to extend cuts in the Social Security tax.

The administration was also making deals Friday on another environmental front: Alaska. As part of the spending bill negotiations, the administration agreed to transfer the authority to issue air permits for offshore Arctic drilling rigs from the EPA to the Interior Department, which many industry executives think would have more lax standards. Separately, the Interior Department gave conditional approval Friday to Shell Oil's exploration plan for Alaska's Chukchi Sea, where the oil giant hopes to drill several wells in the summer.

Several experts said the new controls on mercury, acid gas and other pollutants represent one of the most significant public health and environmental measures in years. The rules will prevent 91 percent of the mercury in coal from entering the air and much of the soot as well: According to EPA estimates, they will prevent 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"I think this will prove to be the signature environmental accomplishment of the Obama administration," said Frank O'Donnell, who heads the advocacy group Clean Air Watch. "It will soon mean the end of the smoke-spewing coal power plant as we know it today. At the same time, the administration is trying to add a bit of flexibility to extinguish the bogus claim that these standards could mean lights out."

The debate over the rules has also split the nation's utility sector. Some companies, such as New Jersey-based Public Service Enterprise Group and Illinois-based Exelon, say they could meet the new standards easily and have already spent hundreds of millions of dollars to do so. PSEG has also switched from coal to natural gas.

01268-EPA-6131

Noah Dubin/DC/USEPA/US

To

01/05/2012 06:36 PM

cc

bcc Richard Windsor

Subject 01/09/2012 thru 01/22/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

01/05/2012 06:34:00 PM

**Monday, 1/9/2012**

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

**08:25 AM-10:12 AM En Route to Detroit, MI**  
US Airways flight #3637

Departs DC (DCA) at 8:25 AM EST

Arrives in Detroit (DTW) at 10:12 AM EST

Location: En Route to Detroit, MI

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

**10:30 AM-11:00 AM Depart for Detroit Auto Show**  
Location: DTW

**12:15 PM-01:00 PM HOLD for Meet and Greet with CEO's of Chrysler , GM, Ford**

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

**01:30 PM-02:00 PM HOLD Pull Aside with Auto Suppliers /Manufactures**  
Location: Detroit Auto Show

**02:00 PM-03:00 PM HOLD Visit Auto Show "EcoExperience" sponsored by MI Economic Development Corporation**  
Location: Detroit Auto Show

**04:00 PM-04:30 PM Depart for DTW**  
Location: Detroit Auto Show

**05:40 PM-07:17 PM En Route to DC**  
Delta flight #2144

Departs Detroit (DTW) at 5:40 PM EST

Arrives in DC (DCA) at 7:17 PM EST

Location: En Route to DC

Tuesday, 1/10/2012

**09:00 AM-04:00 PM HOLD**

See EA or Jose

Location: Mellon Auditorium

**09:30 AM-10:00 AM Meeting on the US-Canada Great Lakes Water Quality Agreement**

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Perciasepe,  
Nancy Stoner, Ken Kopsis (OW)  
Michelle DePass (OITA)  
Michael Goo, Joel Scheraga,  
Susan Hedman, Chris Korleski (R5)  
Judith Enck (R2)  
Shawn Garvin (R3)

\*\*Video conference will be needed for this call

Location: Bullet Room

**10:00 AM-10:30 AM RESCHEDULE One on One with Scott Fulton**

Ct: Carla Veney - 202-564-1619 (OGC)

Staff:

Scott Fulton (OGC)

Optional:

Diane Thompson (OA)  
Location: Administrator's Office

**10:15 AM-10:45 AM HOLD Personnel Discussion**

Ct: Noah Dubin - 202-564-7314

Staff:

Diane Thompson, Jose Lozano, Dan Kanninen (OA)

Location: Administrator's Office

**11:00 AM-11:45 AM Meeting to Discuss Deep Water Horizon**

Ct: Linda Huffman - 202-564-3139

Staff:

Bob Perciasepe  
Cynthia Giles, Lawrence Starfield, John Fogarty (OECA)  
Mary Kay Lynch (OGC)  
John Hankinson (GCTF)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:30 PM RESCHEDULE One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:  
John Hankinson (GCTF)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**01:00 PM-01:30 PM HOLD**  
Location: Administrator's Office  
-----

**01:45 PM-02:15 PM Briefing on the National Ocean Council**  
Ct: Janet Wooda - 202-564-7362

Staff:  
Bob Perciasepe, Janet Woodka (OA)  
Nancy Stoner (OW)

Location: Administrator's Office  
-----

**03:15 PM-03:45 PM One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass (OITA)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**Wednesday, 1/11/2012**

**01:00 PM-02:25 PM En Route to NYC**  
US Airways flight #2172

Departs DC (DCA) at 1:00 PM EST

Arrives in NYC (LGA) at 2:25 PM EST

Location: En Route to NYC  
-----

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

**04:00 PM-04:20 PM Depart for Americas Society /Council of the Americas**  
Location: Hotel  
-----

**04:30 PM-06:00 PM Joint Initiative on Urban Sustainability Panel Discussion**  
Press: Open

Run of Show:

-4:30 - 4:35 PM: Susan Segal welcomes participants, introduces the speakers/moderator and explains the program format, inviting Israel Klabin to take his role as moderator

-4:35 - 5:05 PM: Israel Klabin presents his introductory remarks and invites Minister Izabella Teixeira and Administrator Lisa Jackson to present their initial remarks (10-12 minutes each)

-5:05 - 5:40 PM: Dr. Klabin moderates a conversation with panelists

-5:40 - 5:55 PM: Q&A session with the audience

-6:00 PM: Susan Segal thanks everyone and closes the meeting

Location: Mexican Room, 2nd Floor,  
Americas Society/Council of the Americas,  
680 Park Avenue, NY, NY

-----  
**06:00 PM-06:30 PM JIUS Press Conference**

Location: Mexican Room, 2nd Floor,  
Americas Society/Council of the Americas

-----  
**06:30 PM-07:30 PM Dinner**

Location: TBD

-----  
**Thursday, 1/12/2012**

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

Location: Administrator's Office

-----  
**09:00 AM-12:00 PM HOLD: Work from Regional Office**

-----  
**10:00 AM-10:30 AM RESCHEDULE One on One with Mathy Stanislaus**

Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**12:00 PM-05:00 PM HOLD: Travel from NYC to Philadelphia**

-----  
**02:00 PM-02:30 PM RESCHEDULE One on One with Lisa Garcia**

Ct: Andrea Dickerson - 202-564-2349 (OA)

Lisa Garcia (OA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**05:00 PM-09:00 PM HOLD: JIUS Activities and Reception**

Ct: Erica Jeffries 202-564-3303

TBD event w/ Philadelphia Mayor Nutter

5-7pm: Evening cocktail reception--end of Day 1 (working group sessions) for the JIUS conference

TBD pm Dinner

Location: Navy Yard, 1413 Langley Avenue, Philadelphia, Pennsylvania 19112

-----  
**09:00 PM-11:59 PM    RON: Philadelphia, PA**

Location: Hotel Palomar Philadelphia, 117 S 17th St, Philadelphia, PA 19103

-----

**Friday, 1/13/2012**

**05:00 AM-08:00 PM    HOLD: JIUS Meeting with Brazilian Minister Texiera**

Ct: Erica Jeffries 202-564-3303

8-9am: Breakfast reception at the Academy of Natural Sciences

9-10:30 am: Public event with Administrator, Min Teixeira, and senior leaders

11am-3pm: Closed JIUS sessions at the Navy Yard,

3:30-4:00pm: Tour of the Navy Yard/other Philadelphia site

Location: Philadelphia, Pennsylvania

-----

**Saturday, 1/14/2012**

**Sunday, 1/15/2012**

**Monday, 1/16/2012**

**09:00 AM-06:00 PM    MLK Jr. Day**

-----

**Tuesday, 1/17/2012**

**08:00 AM-08:00 PM    HOLD: Travel to Minneapolis, MN**

Location: Minneapolis, MN

-----  
**10:00 AM-10:30 AM    One on One with Jim Jones**

Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM No Meetings**

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM One on One with Peter Grevatt**

Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:

Peter Grevatt (OCHP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**Wednesday, 1/18/2012**  
-----

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

Location: Administrator's Office

-----  
**10:00 AM-10:30 AM Title VI Roundtable Pre-Brief**

Ct: Lisa Garcia - 202-564-1259

Staff:

Diane Thompson, Lisa Garcia (OA)

Scott Fulton, Tseming Yang (OGC)

Rafael DeLeon (OCR)

Cynthia Giles (OECA)

Location: Administrator's Office

-----  
**10:45 AM-11:30 AM Meeting on Dominion Proposal**

Ct: Linda Huffman - 202-564-2440

Staff:

Bob Perciasepe, Bob Sussman, Lisa Garcia (calling in) (OA)

Scott Fulton, Joel Beauvais (OGC)

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

Michael Goo (OP)

Cynthia Giles, Pam Mazakas, Phillip Brooks, Larry Starfield, Steven Chester (OECA)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM Title VI Roundtable**

Ct: Dorris Riddick - 202-565-0035

\*\*The Administrator will be present for 30 minutes of this hour long meeting

Staff:

Bob Perciasepe, Lisa Garcia, Diane Thompson (OA)  
Rafael Deleon (OCR)  
Scott Fulton (OGC)  
Cynthia Giles (OECA)

Location: Bullet Room

-----  
**02:15 PM-02:45 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202-564-3139 (OSWER)

Staff:

Cynthia Giles (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

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

-----  
**04:30 PM-07:00 PM HOLD -White House Reception for US Conference of Mayors**  
Location: White House

**Thursday, 1/19/2012**

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

-----  
**10:30 AM-11:45 AM EPA's Dr. Martin Luther King's Observance Event**  
Ct: Jerome King: 202-564-7429  
Location: Department of Commerce Auditorium

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

-----  
**01:30 PM-02:00 PM One on One with Gina McCarthy**  
Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**02:30 PM-03:00 PM One on One with Barbara Bennett**  
Ct: Rhonda Robinson 0 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:15 PM-03:45 PM Pre-Brief for Options Selection : Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**  
Ct: Nelly Torres (OSWER) 202-564-5767

Staff:

Bob Perciasepe, Bob Sussman (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Straus, Suzanne Rodzinski,  
Sandra Connors, Betsy Devlin, Ross Elliott, Lee Hofmann, MarkJ Huff, Richard  
Robinson, Richard Kinch, Betsy Smidinger, Richard Mattick, Gerain Perry, Amy  
Newman, Elaine Eby, Frank Behan, James Kohler, Mark Eads, Mary Jackson, Richard  
Benware, Barbara Hostage (OSWER)  
Laurel Celeste ( OGC)

Optional:

Diane Thompson (OA)

Location: Bullet Room

-----  
**04:00 PM-04:30 PM HOLD for Mtg w/ Brundtland**  
-----

---

**Friday, 1/20/2012**

**10:30 AM-11:00 AM One on One with Mathy Stanislaus**  
Ct: NelidaTorres - 202-564-5767 (OSWER)

Staff:

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**12:00 PM-12:10 PM Depart for Reagan Building**  
Location: Ariel Rios

-----  
**12:10 PM-12:30 PM Remarks at NCSE's 12th National Conference : Environment and Security**  
Location: RRB

-----  
**12:30 PM-12:40 PM Depart for Ariel Rios**  
Location: RRB

-----  
**12:45 PM-01:45 PM No Meetings**  
Location: Administrator's Office

---

**Saturday, 1/21/2012**

---

---

**Sunday, 1/22/2012**

---

\*\*\* END \*\*\*

01268-EPA-6132

Noah Dubin/DC/USEPA/US

To

01/06/2012 06:27 PM

cc

bcc Richard Windsor

Subject 01/10/2012 thru 01/23/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

01/06/2012 06:26:00 PM

**Tuesday, 1/10/2012**

**09:30 AM-10:00 AM Meeting on the US-Canada Great Lakes Water Quality Agreement**

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Perciasepe,  
Nancy Stoner, Ken Kopoulos (OW)  
Michelle DePass (OITA)  
Michael Goo, Joel Scheraga,  
Susan Hedman, Chris Korleski (R5)  
Judith Enck (R2)  
Shawn Garvin (R3)

\*\*Video conference will be needed for this call

Location: Bullet Room

**10:15 AM-10:45 AM Personnel Discussion**

Ct: Noah Dubin - 202-564-7314

Staff:

Diane Thompson, Jose Lozano, Dan Kanninen (OA)

Location: Administrator's Office

**10:50 AM-11:35 AM Meeting to Discuss Deep Water Horizon**

Ct: Linda Huffman - 202-564-3139

Staff:

Bob Perciasepe  
Cynthia Giles, Lawrence Starfield, John Fogarty (OECA)  
Mary Kay Lynch (OGC)  
John Hankinson (GCTF)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

**11:40 AM-12:00 PM HOLD for Prep with Comms**

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:30 PM Meeting on Buffalo Mountain Mining**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Bob Sussman (OA)  
Nancy Stoner (OW)  
Cynthia Giles (OECA)  
Shawn Garvin, Bill Earley, Jon Capacasa (R3)

Optional:  
Diane Thompson (OA)

Location: Administrator's Office

-----  
**01:45 PM-02:15 PM Briefing on the National Ocean Council**  
Ct: Janet Wooda - 202-564-7362

Staff:  
Bob Perciasepe, Janet Woodka (OA)  
Nancy Stoner (OW)

Location: Administrator's Office

-----  
**02:15 PM-03:30 PM EPA Town Hall**  
Ct: Ryan Robison - 202-564-2856

Location: Mellon Auditorium

-----  
**03:45 PM-04:15 PM One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass (OITA)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**04:30 PM-05:00 PM One on One with Scott Fulton**  
Ct: Carla Veney - 202-564-1619 (OGC)

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)  
Location: Administrator's Office

-----  
**Wednesday, 1/11/2012**

**10:00 AM-10:30 AM One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:

John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**01:00 PM-02:25 PM En Route to NYC**

US Airways flight #2172

Departs DC (DCA) at 1:00 PM EST

Arrives in NYC (LGA) at 2:25 PM EST

Location: En Route to NYC

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

Location: Bullet Room

-----  
**04:00 PM-04:20 PM Depart for Americas Society/Council of the Americas**

Location: Hotel

-----  
**04:30 PM-06:00 PM Joint Initiative on Urban Sustainability Panel Discussion**

Press: Open

Run of Show:

-4:30 - 4:35 PM: Susan Segal welcomes participants, introduces the speakers/moderator and explains the program format, inviting Israel Klabin to take his role as moderator

-4:35 - 5:05 PM: Israel Klabin presents his introductory remarks and invites Minister Izabella Teixeira and Administrator Lisa Jackson to present their initial remarks (10-12 minutes each)

-5:05 - 5:40 PM: Dr. Klabin moderates a conversation with panelists

-5:40 - 5:55 PM: Q&A session with the audience

-6:00 PM: Susan Segal thanks everyone and closes the meeting

Location: Mexican Room, 2nd Floor,  
Americas Society/Council of the Americas,  
680 Park Avenue, NY, NY

-----  
**06:00 PM-06:30 PM JIUS Press Conference**

Location: Mexican Room, 2nd Floor,  
Americas Society/Council of the Americas

-----  
**06:30 PM-07:30 PM Dinner**

Location: TBD

-----  
**Thursday, 1/12/2012**

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

Location: Administrator's Office

-----  
**09:00 AM-12:00 PM**    **HOLD: Work from Regional Office**

-----  
**12:00 PM-05:00 PM**    **HOLD: Travel from NYC to Philadelphia**

-----  
**05:30 PM-07:30 PM**    **Joint Initiative on Urban Sustainability Opening Reception**

Location: Hotel Palomar,  
117 S 17th Street, Philadelphia, PA 19103

-----  
**07:30 PM-11:59 PM**    **RON: Philadelphia, PA**

Location: Hotel Palomar Philadelphia, 117 S 17th St, Philadelphia, PA 19103

-----

---

**Friday, 1/13/2012**

---

**08:15 AM-08:30 AM**    **Depart for Academy of Natural Sciences**

Location: Hotel Palomar

-----  
**08:30 AM-09:15 AM**    **Joint Initiative on Urban Sustainability (JIUS) Breakfast Reception**

Press: Closed

Location: Academy of Natural Sciences Library,  
1900 Benjamin Franklin Parkway, Philadelphia, PA

-----  
**09:15 AM-09:25 AM**    **Press Avail**

Location: Room TBD, Academy of Natural Sciences

-----  
**09:30 AM-11:00 AM**    **JIUS Town Hall**

Press: Open

Run of Show:

-9:30-9:35: Intro by Drexel President, John Fry

-9:35-9:40: Judith Rodin opening remarks and intro 3 panelists

-9:40-10:05: Panelists give formal remarks (8 mins each)

-10:05 - 10:35: Discussion amongst Panelists,

-10:35- 10:55: Q&A Session using pre-collected audience questions, moderated by  
Judith Rodin

-10:55: Closing Remarks

Location: Academy of Natural Sciences

-----  
**11:15 AM-11:35 AM**    **Depart for Navy Yard**

Location: Academy of Natural Sciences

-----  
**12:00 PM-12:30 PM**    **JIUS Portfolio Development Process Briefings**

Press: Closed

Run of Show:

- Presentation on Navy Yard/GPIC and Fundao followed by Q&A (30 min)
- Presentation on Sepetiba Bay and stormwater management followed by Q&A (30 min)
- Presentation on Novo Gramacho and waste to energy followed by Q&A (30 min)

Location: Navy Yard Urban Outfitters, Room TBD, 5000 South Broad Street, Philadelphia, PA

-----  
**12:30 PM-01:25 PM Lunch**  
 Press: Closed

Location: Navy Yard Urban Outfitters, Room TBD

-----  
**01:30 PM-02:00 PM Brazilian-American Bilateral Meeting**  
 Location: Navy Yard Building 101, 4747 S Broad St, Philadelphia, PA

-----  
**02:00 PM-03:00 PM "The JIUS Cookbook"**  
 Press: Closed

Run of Show: Moderated by Branca Americana, FBDS and Shalini Vajjhala, EPA

- Presentation on potential look and contents of Cookbook (15 min)
- Discussion on look and contents of the Cookbook (30 min)
- Discussion on framing the Cookbook - focused on metrics, finance and policy (45 min)

Location: Upstairs, Building 101, Navy Yard

-----  
**03:00 PM-03:15 PM JIUS Concluding Remarks**  
 Location: Building 101, Navy Yard

-----  
**03:25 PM-03:45 PM Depart for Energy Coordinating Agency of Philadelphia**  
 Location: Navy Yard

-----  
**03:55 PM-04:30 PM Meet and Greet/Tour of Energy Coordinating Agency of Philadelphia , Inc.**  
 Location: Energy Coordinating Agency of Philadelphia, Green Job Training Center,  
 106 West Clearfield Street, Philadelphia, PA

-----  
**Saturday, 1/14/2012**

-----  
**Sunday, 1/15/2012**

-----  
**Monday, 1/16/2012**

**09:00 AM-06:00 PM MLK Jr. Day**  
-----

-----

**Tuesday, 1/17/2012**

**08:00 AM-08:00 PM HOLD: Travel to Minneapolis, MN**

Location: Minneapolis, MN

**10:00 AM-10:30 AM One on One with Jim Jones**

Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**01:00 PM-02:00 PM No Meetings**

Location: Administrator's Office

**02:00 PM-02:30 PM One on One with Peter Grevatt**

Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:

Peter Grevatt (OCHP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**Wednesday, 1/18/2012**

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

Location: Administrator's Office

**10:00 AM-10:30 AM Title VI Roundtable Pre-Brief**

Ct: Lisa Garcia - 202-564-1259

Staff:

Diane Thompson, Lisa Garcia (OA)

Scott Fulton, Tseming Yang (OGC)

Rafael DeLeon (OCR)

Cynthia Giles (OECA)

Location: Administrator's Office

**10:45 AM-11:30 AM Meeting on Dominion Proposal**

Ct: Linda Huffman - 202-564-2440

Staff:

Bob Perciasepe, Bob Sussman, Lisa Garcia (calling in) (OA)

Scott Fulton, Joel Beauvais (OGC)

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

Michael Goo (OP)

Cynthia Giles, Pam Mazakas, Phillip Brooks, Larry Starfield, Steven Chester (OECA)

**\*\*Teleconferencing is required for this meeting**

Location: Bullet Room

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM Title VI Roundtable**

Ct: Dorris Riddick - 202-565-0035

**\*\*The Administrator will be present for 30 minutes of this hour long meeting**

Staff:

Bob Perciasepe, Lisa Garcia, Diane Thompson (OA)

Rafael Deleon (OCR)

Scott Fulton (OGC)

Cynthia Giles (OECA)

Location: Bullet Room

-----  
**02:15 PM-02:45 PM One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OSWER)

Staff:

Cynthia Giles (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Bullet Room

-----  
**04:30 PM-07:00 PM HOLD -White House Reception for US Conference of Mayors**

Location: White House

-----  
**Thursday, 1/19/2012**

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

Location: Administrator's Office

-----  
**10:30 AM-11:45 AM EPA's Dr. Martin Luther King's Observance Event**

Ct: Jerome King: 202-564-7429

Location: Department of Commerce Auditorium

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

Location: Administrator's Office

-----  
**01:30 PM-02:00 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**02:30 PM-03:00 PM One on One with Barbara Bennett**  
Ct: Rhonda Robinson 0 202-564-0126 (OCFO)

Staff:  
Barbara Bennett (OCFO)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:15 PM-03:45 PM Pre-Brief for Options Selection : Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**  
Ct: Nelly Torres (OSWER) 202-564-5767

Staff:  
Bob Perciasepe, Bob Sussman (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Straus, Suzanne Rodzinski, Sandra Connors, Betsy Devlin, Ross Elliott, Lee Hofmann, MarkJ Huff, Richard Robinson, Richard Kinch, Betsy Smidinger, Richard Mattick, Gerain Perry, Amy Newman, Elaine Eby, Frank Behan, James Kohler, Mark Eads, Mary Jackson, Richard Benware, Barbara Hostage (OSWER)  
Laurel Celeste ( OGC)

Optional:  
Diane Thompson (OA)

Location: Bullet Room  
-----

**Friday, 1/20/2012**

**10:00 AM-10:30 AM Meeting with Dr. Gro Harlem Brundtland , Former PM of Norway**  
Ct: Alan Hecht - 202-564-4772

Staff:  
Bicky Corman, Liz Blackburn (OP)  
TBD

Location: Administrator's Office  
-----

**10:45 AM-11:15 AM One on One with Mathy Stanislaus**  
Ct: NelidaTorres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**12:00 PM-12:10 PM Depart for Reagan Building**  
Location: Ariel Rios

-----  
**12:10 PM-12:30 PM**    **Remarks at NCSE's 12th National Conference: Environment and Security**  
Location: RRB

-----  
**12:30 PM-12:40 PM**    **Depart for Ariel Rios**  
Location: RRB

-----  
**12:45 PM-01:45 PM**    **No Meetings**  
Location: Administrator's Office  
-----

---

**Saturday, 1/21/2012**

---

---

**Sunday, 1/22/2012**

---

---

**Monday, 1/23/2012**

---

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

-----  
**09:00 AM-06:00 PM**    **Do Not Travel**

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

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

---

\*\*\* END \*\*\*

---

01268-EPA-6133

**Richard Windsor/DC/USEPA/US**  
01/10/2012 04:54 PM

To "Ignacia Moreno"  
cc  
bcc

Subject Re: Remarks by the President to EPA staff

Tx!

---

**From:** "Moreno, Ignacia (ENRD)" [Ignacia.Moreno@usdoj.gov]  
**Sent:** 01/10/2012 09:52 PM GMT  
**To:** Richard Windsor  
**Subject:** FW: Remarks by the President to EPA staff

Wonderful!

THE WHITE HOUSE  
Office of the Press Secretary  
For Immediate Release January 10, 2012

REMARKS BY THE PRESIDENT  
TO ENVIRONMENTAL PROTECTION AGENCY STAFF

Andrew W. Mellon Auditorium  
Washington, D.C.

2:51 P.M. EST

THE PRESIDENT: Thank you! Thank you, EPA! (Applause.) Thank you, everybody. Thank you so much. It is wonderful to see you. It is great to see you. Thank you, thank you.

Now, everybody can have a seat. I know Lisa is making you guys all stand up. (Laughter.) But you can all relax.

It is wonderful to be here with all of you. Thank you so much for all the great work you do. I want to first acknowledge your outstanding Administrator, Lisa Jackson. (Applause.) She has done an extraordinary job leading this agency. But here's what I want all of you to know: Not only is she good on policy, not only is she tough and able to present the EPA's mission so effectively to the public, but she also has your back. (Applause.) She is an advocate on behalf of all the people who work so hard here at the EPA. And so you should know that your boss loves you, even if she doesn't always show it, I don't know. (Laughter.)

The main reason I'm here is simple: I just want to say thank you. I want to say thank you to each and every one of you, because the EPA touches on the lives of every single American every single day. You help make sure that the air we breathe, the water we drink, the foods we eat are safe. You protect the environment not just for our children but their children. And you keep us moving towards energy independence.

And it is a vital mission. Over the past three years, because of your hard work, we've made historic progress on all these fronts. Just a few weeks ago, thanks to the hard work of so many of you, Lisa and I was able to announce new common-sense standards to better protect the air we breathe from mercury and other harmful air pollution. And that was a big deal. (Applause.) And part of the reason it was a big deal was because, for over 20 years, special interest groups had successfully delayed implementing these standards when it came to our nation's power plants. And what we said was: "Enough." It's time to get this done.

And because we acted, we're going to prevent thousands of premature deaths, thousands of heart attacks and cases of childhood asthma.

There are families that are going to be directly impacted in a positive way because of the work that you do. Because you kept fighting -- and some of you have been fighting this fight for a long time, long before I was here and long before Lisa was here. And so your tenacity and stick-to-itness is making a difference.

Because of you, across the board, we're cutting down on acid rain and air pollution. We're making our drinking water cleaner and safer. We're creating healthier communities. But that's not all. Safeguarding our environment is also about strengthening our economy. I do not buy the notion that we have to make a choice between having clean air and clean water and growing this economy in a robust way. I think that is a false debate. (Applause.)

Think about it: We established new fuel economy standards, a historic accomplishment that is going to slash oil consumption by about 12 billion barrels, dramatically reduces pollution that contributes to climate change, and saves consumers thousands of dollars at the pump, which they can then go spend on something else.

As part of the Recovery Act, you cleaned up contaminated sites across the country, which helped to rid neighborhoods of environmental blight while putting Americans back to work.

We don't have to choose between dirty air and dirty water or a growing economy. We can make sure that we are doing right by our environment and, in fact, putting people back to work all across America. That's part of our mission.

When we put in place new common-sense rules to reduce air pollution, we create new jobs building and installing all sorts of pollution-control technology. When we put in place new emissions standards for our vehicles, we make sure that the cars of tomorrow are going to be built right here in the United States of America, that we're going to win that race.

When we clean up our nation's waterways, we generate more tourists for our local communities. So what's good for the environment can also be good for our economy.

Now, that doesn't mean that there aren't going to be some tensions. That doesn't mean that there aren't going to be legitimate debates that take place. That doesn't mean that it's not important for every single one of us to think about how can we make sure that we are achieving our goals in the smartest way possible, in the most efficient ways possible, in the least bureaucratic ways possible, in the clearest ways possible. That's also part of our mission.

There's not a federal agency that can't get better and be smarter in accomplishing our mission, and we have an obligation every single day to think about how can we do our business a little bit better. How can we make sure the taxpayers are getting every dime's worth that they're paying in order to achieve these important common goals that we have?

But I believe we can do it, and you've shown me that we can do it over these last three years. So I could not be prouder of the work that you all do every single day as federal employees. I know the hours can be long. I know that sometimes spending time getting these policies right means less time at home than you'd like, and you're missing birthday parties, or you're missing a soccer game, and the spouse is not happy with you. I know a little bit about that sometimes. (Laughter.) I know these jobs are demanding.

But I also know what compelled you to enter public service in the first place -- and that's the idea that you could make a difference; that you could leave behind a planet that is a little cleaner, a little safer than the one we inherited.

And I have to tell you that part of why I get excited when I see some of the work that you're doing is because our next generation is so much more attuned to these issues than I was when I was

growing up. I can tell you when I sit down and I talk to my kids, probably the area where they have the most sophisticated understanding of policy is when it comes to the environment. They understand that the decisions we make now are going to have an impact on their lives for many years to come. And their instincts are right. So your mission is vital.

And just think of what this agency has been able to do over the last four decades. There's so many things we now take for granted. When I hear folks grumbling about environmental policy, you almost want to do a Back to the Future -- (laughter) -- kind of reminder of folks of what happens when we didn't have a strong EPA. The year before President Nixon created the EPA, the Cuyahoga River was so dirty from industrial pollution and oil slicks that it literally caught on fire. In my hometown, the Chicago River -- you probably could not find anything alive in there -- (laughter) -- four decades ago. Now it's thriving -- to the benefit of the city. Today, because of your work, 92 percent of Americans have access to clean water that meets our national health standards.

Before the EPA was created, our cars were spewing harmful lead pollution into the air, with all sorts of impacts, especially on children. Today, because of your work, air pollution is down by more than half, and lead pollution is down more than 90 percent from a generation ago.

So all of you, and all of those who served before you, have made a difference. Our environment is safer because of you. Our country is stronger because of you. Our future is brighter because of you. And I want you to know that you've got a President who is grateful for your work and will stand with you every inch of the way as you carry out your mission to make sure that we've got a cleaner world. (Applause.)

So, thank you. God bless you. God bless the United States of America. Thank you. (Applause.)

END

3:02 P.M. EST

01268-EPA-6134

Noah Dubin/DC/USEPA/US

To

01/10/2012 06:57 PM

cc

bcc Richard Windsor

Subject 01/12/2012 thru 01/25/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator**

**Lisa P. Jackson**

**Schedule**

01/10/2012 06:56:07 PM

**Thursday, 1/12/2012**

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

Location: Administrator's Office

**09:00 AM-03:30 PM HOLD: Work from Regional Office**

**04:00 PM-05:05 PM En Route to Philadelphia, PA**

Acela #2165

Departs NYC Union Station at 4:00 PM

Arrives in Philadelphia (30th St Station) at 5:05 PM

Location: En Route to Philadelphia, PA

**05:10 PM-05:20 PM Depart for Hotel Palomar**

Location: 30th St. Station

**05:30 PM-07:30 PM Joint Initiative on Urban Sustainability Opening Reception**

Location: Hotel Palomar,  
117 S 17th Street, Philadelphia, PA 19103

**07:30 PM-11:59 PM RON: Philadelphia, PA**

Location: Hotel Palomar Philadelphia, 117 S 17th St, Philadelphia, PA 19103

**Friday, 1/13/2012**

**08:15 AM-08:30 AM Depart for Academy of Natural Sciences**

Location: Hotel Palomar

**08:30 AM-09:15 AM Joint Initiative on Urban Sustainability (JIUS) Breakfast Reception**

Press: Closed

Location: Academy of Natural Sciences Library,  
1900 Benjamin Franklin Parkway, Philadelphia, PA

**09:15 AM-09:25 AM Press Avail**

Location: Room TBD, Academy of Natural Sciences

**09:30 AM-11:00 AM JIUS Town Hall**

Press: Open

Run of Show:

-9:30-9:35: Intro by Drexel President, John Fry

-9:35-9:40: Judith Rodin opening remarks and intro 3 panelists

-9:40-10:05: Panelists give formal remarks (8 mins each)

-10:05 - 10:35: Discussion amongst Panelists,

-10:35- 10:55: Q&A Session using pre-collected audience questions, moderated by Judith Rodin

-10:55: Closing Remarks

Location: Academy of Natural Sciences

-----  
**11:15 AM-11:35 AM Depart for Navy Yard**

Location: Academy of Natural Sciences

-----  
**12:00 PM-12:30 PM JIUS Portfolio Development Process Briefings**

Press: Closed

Run of Show:

-Presentation on Navy Yard/GPIC and Fundao followed by Q&A (30 min)

-Presentation on Sepetiba Bay and stormwater management followed by Q&A (30 min)

-Presentation on Novo Gramacho and waste to energy followed by Q&A (30 min)

Location: Navy Yard Urban Outfitters, Room TBD, 5000 South Broad Street, Philadelphia, PA

-----  
**12:30 PM-01:25 PM Lunch**

Press: Closed

Location: Navy Yard Urban Outfitters, Room TBD

-----  
**01:30 PM-02:00 PM Brazilian-American Bilateral Meeting**

Location: Navy Yard Building 101, 4747 S Broad St, Philadelphia, PA

-----  
**02:00 PM-03:00 PM "The JIUS Cookbook"**

Press: Closed

Run of Show: Moderated by Branca Americana, FBDS and Shalini Vajjhala, EPA

-Presentation on potential look and contents of Cookbook (15 min)

-Discussion on look and contents of the Cookbook (30 min)

-Discussion on framing the Cookbook - focused on metrics, finance and policy (45 min)

Location: Upstairs, Building 101, Navy Yard

-----  
**03:00 PM-03:15 PM**    **JIUS Concluding Remarks**  
Location: Building 101, Navy Yard

-----  
**03:25 PM-03:45 PM**    **Depart for Energy Coordinating Agency of Philadelphia**  
Location: Navy Yard

-----  
**03:55 PM-04:30 PM**    **Meet and Greet/Tour of Energy Coordinating Agency of Philadelphia , Inc.**  
Location: Energy Coordinating Agency of Philadelphia, Green Job Training Center,  
106 West Clearfield Street, Philadelphia, PA

-----  
**04:30 PM-04:45 PM**    **Depart for 30th St Station**  
Location: Energy Coordinating Agency of Philadelphia, Green Job Training Center

-----  
**05:07 PM-06:49 PM**    **En Route to DC**  
Acela #2165

Departs Philadelphia (30th St. Station) at 5:07 PM

Arrives in DC (Union Station) at 6:49 PM

Location: En Route to DC  
-----

**Saturday, 1/14/2012**

**Sunday, 1/15/2012**

**Monday, 1/16/2012**

**09:00 AM-06:00 PM**    **MLK Jr. Day**  
-----

**Tuesday, 1/17/2012**

**08:00 AM-08:00 PM**    **HOLD: Travel to Minneapolis, MN**  
Location: Minneapolis, MN

-----  
**10:00 AM-10:30 AM**    **One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:  
Jim Jones (OCSPP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**01:00 PM-02:00 PM**    **No Meetings**  
Location: Administrator's Office  
-----

**02:00 PM-02:30 PM**    **One on One with Peter Grevatt**  
Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:  
Peter Grevatt (OCHP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Wednesday, 1/18/2012**

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

**10:00 AM-10:30 AM Title VI Roundtable Pre-Brief**  
Ct: Lisa Garcia - 202-564-1259

Staff:  
Diane Thompson, Lisa Garcia (OA)  
Scott Fulton, Tseming Yang (OGC)  
Rafael DeLeon (OCR)  
Cynthia Giles (OECA)

Location: Administrator's Office  
-----

**10:45 AM-11:30 AM Meeting on Dominion Proposal**  
Ct: Linda Huffman - 202-564-2440

Staff:  
Bob Perciasepe, Bob Sussman, Lisa Garcia (calling in) (OA)  
Scott Fulton, Joel Beauvais (OGC)  
Gina McCarthy, Janet McCabe, Joe Goffman (OAR)  
Michael Goo (OP)  
Cynthia Giles, Pam Mazakas, Phillip Brooks, Larry Starfield, Steven Chester (OECA)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room  
-----

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

**01:00 PM-02:00 PM Title VI Roundtable**  
Ct: Dorris Riddick - 202-565-0035

\*\*The Administrator will be present for 30 minutes of this hour long meeting

Attendees:

-Vernice Miller-Travis, DBA Miller-Travis & Associates

-Michele Roberts, Campaign & Policy Coordinator, Advocates for Environmental Human Rights

-Leslie G. Fields, Esq., Director, Environmental Justice and Community Partnerships, Sierra Club

-Brent Newell, General Counsel, Center for Race, Poverty and the Environment

-Omega Wilson, President, West End Revitalization Association,

-Steve Fischbach, Community Lawyer, Rhode Island Legal Services

-Marc Brennan, Esq., Retired Civil Rights Activist

-Robert Garcia,, Director and General Counsel, The City Project

-Al Huang, Senior Attorney, NRDC

-Marianne Engelman Lado, Senior Counsel, Earthjustice

-Nicky Sheats, Esq., Ph.D., Director, Center for the Urban Environment, John S. Watson Institute for Public Policy of Thomas Edison State College and representing the New Jersey Environmental Justice Alliance

-Elizabeth Yeampierre, Executive Director of UPROSE

-Joe Rich from Lawyers Committee for Civil Rights Under Law

Staff:

Bob Perciasepe, Lisa Garcia, Diane Thompson (OA)  
Rafael Deleon (OCR)  
Scott Fulton (OGC)  
Cynthia Giles (OECA)

Location: Bullet Room

-----  
**02:15 PM-02:45 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202-564-3139 (OSWER)

Staff:

Cynthia Giles (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

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

-----  
**04:30 PM-07:00 PM HOLD -White House Reception for US Conference of Mayors**  
Location: White House  
-----

**Thursday, 1/19/2012**

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

-----  
**09:45 AM-10:15 AM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:  
John Hankinson (GCTF)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**10:30 AM-11:45 AM EPA's Dr. Martin Luther King's Observance Event**

Ct: Jerome King: 202-564-7429  
Location: Department of Commerce Auditorium

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM HOLD for Meeting on Buffalo Mountain Mining**

Ct: Ryan Robison - 202-564-2856

\*\*Teleconferencing is required for this meeting

Staff:  
Bob Sussman (OA)  
Nancy Stoner (OW)  
Cynthia Giles (OECA)  
Shawn Garvin, Bill Earley, Jon Capacasa (R3)

Optional:  
Diane Thompson (OA)

-----  
**01:45 PM-02:15 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**02:30 PM-03:00 PM One on One with Barbara Bennett**

Ct: Rhonda Robinson 0 202-564-0126 (OCFO)

Staff:  
Barbara Bennett (OCFO)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:15 PM-03:45 PM Pre-Brief for Options Selection : Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**

Ct: Nelly Torres (OSWER) 202-564-5767

Staff:

Bob Perciasepe, Bob Sussman (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Straus, Suzanne Rodzinski,  
Sandra Connors, Betsy Devlin, Ross Elliott, Lee Hofmann, MarkJ Huff, Richard  
Robinson, Richard Kinch, Betsy Smidinger, Richard Mattick, Gerain Perry, Amy  
Newman, Elaine Eby, Frank Behan, James Kohler, Mark Eads, Mary Jackson, Richard  
Benware, Barbara Hostage (OSWER)  
Laurel Celeste ( OGC)

Optional:  
Diane Thompson (OA)

Location: Bullet Room  
-----

---

**Friday, 1/20/2012**

---

**10:00 AM-10:30 AM Meeting with Dr. Gro Harlem Brundtland , Former PM of Norway**  
Ct: Alan Hecht - 202-564-4772

Staff:  
Bicky Corman, Liz Blackburn (OP)  
Walker Smith (OITA)

Location: Administrator's Office  
-----

**10:45 AM-11:15 AM One on One with Mathy Stanislaus**  
Ct: NelidaTorres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**11:30 AM-12:00 PM One on One with Malcolm Jackson**  
Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
Malcolm Jackson (OEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**12:00 PM-12:10 PM Depart for Reagan Building**  
Location: Ariel Rios  
-----

**12:10 PM-12:30 PM Remarks at NCSE's 12th National Conference : Environment and Security**  
Location: RRB  
-----

**12:30 PM-12:40 PM Depart for Ariel Rios**  
Location: RRB  
-----

**12:45 PM-01:45 PM No Meetings**

Location: Administrator's Office  
-----

**02:00 PM-02:45 PM Briefing on Federal Labor Standards Act**

Staff:

Diane Thompson, Bob Perciasepe (OA)

Craig Hooks, Nanci Gelb, Kim Lewis, Susan Kantrowitz (OARM)

Scott Fulton, Joanna DeLucia, Brenda Mallory, Ken White, David Guerrero (OGC)

Location: Bullet Room  
-----

**03:00 PM-03:30 PM One on One with Lisa Garcia**

Ct: Andrea Dickerson - 202-564-2349 (EJ)

Staff:

Lisa Garcia (Sr. Adv., EJ)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office  
-----

**Saturday, 1/21/2012**

**Sunday, 1/22/2012**

**Monday, 1/23/2012**

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

Location: Administrator's Office  
-----

**09:00 AM-06:00 PM Do Not Travel**

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

Location: Administrator's Office  
-----

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room  
-----

**Tuesday, 1/24/2012**

**09:00 AM-06:00 PM Do Not Travel**

**10:00 AM-10:30 AM One on One with Scott Fulton**

Ct: Carla Veney - 202-564-1619 (OGC)

Staff:

Scott Fulton (OGC)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:30 PM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff: John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:00 PM-03:30 PM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**08:00 PM-10:30 PM State of the Union Speech**

Ct: Ted Daniel, Office of the Sergeant at Arms

(b) (6) Privacy

No later than 8:30pm, Arrive Room H-10

9:00 SOTU Begins

Location: US Capitol Room H-19, Capitol Hill

-----  
**Wednesday, 1/25/2012**

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

Location: Administrator's Office

-----  
**10:30 AM-12:00 PM HOLD - Great Lakes Inter-Agency Task Force (IATF) meeting**

Ct: Cam Davis

Location: Bullet Room

-----  
**12:00 PM-09:00 PM HOLD: Possible SOTU Amplification Travel**

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

Location: Administrator's Office

-----  
**01:30 PM-03:00 PM HOLD: Meeting w/ Natural Gas Industry CEOs**

Ct: Bob Sussman

Location: Bullet Room

-----  
**03:30 PM-04:30 PM Senior Policy**

Location: Bullet Room

\*\*\* END \*\*\*

01268-EPA-6135

Noah Dubin/DC/USEPA/US

To

01/11/2012 05:25 PM

cc

bcc Richard Windsor

Subject 01/13/2012 thru 01/26/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

01/11/2012 05:19:43 PM

**Friday, 1/13/2012**

**08:15 AM-08:30 AM** Depart for Academy of Natural Sciences  
Location: Hotel Palomar

**08:30 AM-09:15 AM** Joint Initiative on Urban Sustainability (JIUS) Breakfast Reception  
Press: Closed

Location: Academy of Natural Sciences Library,  
1900 Benjamin Franklin Parkway, Philadelphia, PA

**09:15 AM-09:25 AM** Press Avail  
Location: Room TBD, Academy of Natural Sciences

**09:30 AM-11:00 AM** JIUS Town Hall  
Press: Open

Run of Show:

-9:30-9:35: Intro by Drexel President, John Fry

-9:35-9:40: Judith Rodin opening remarks and intro 3 panelists

-9:40-10:05: Panelists give formal remarks (8 mins each)

-10:05 - 10:35: Discussion amongst Panelists,

-10:35- 10:55: Q&A Session using pre-collected audience questions, moderated by  
Judith Rodin

-10:55: Closing Remarks

Location: Academy of Natural Sciences

**11:15 AM-11:30 AM** Depart for Energy Coordinating Agency of Philadelphia  
Location: Academy of Natural Sciences

**11:30 AM-12:15 PM** Meet and Greet/Tour of Energy Coordinating Agency of Philadelphia , Inc.  
Location: Energy Coordinating Agency of Philadelphia, Green Job Training Center,  
106 West Clearfield Street, Philadelphia, PA

**12:15 PM-12:30 PM** Depart for Navy Yard  
Location: Energy Coordinating Agency of Philadelphia, Inc

**12:30 PM-01:25 PM Lunch**

Press: Closed

Location: Navy Yard Urban Outfitters, Room TBD

**01:25 PM-01:35 PM Driving Tour of Navy Yard**

Press: Closed

Location: By Car

**01:40 PM-02:10 PM Brazilian-American Bilateral Meeting**

Location: First Fl, Navy Yard Building 101, 4747 S Broad St  
Philadelphia, PA

**02:10 PM-03:00 PM JIUS Portfolio Development Process Briefings**

Press: Closed

Run of Show:

- Presentation on Navy Yard/GPIC and Fundao followed by Q&A (30 min)
- Presentation on Sepetiba Bay and stormwater management followed by Q&A (30 min)
- Presentation on Novo Gramacho and waste to energy followed by Q&A (30 min)

Location: Upstairs, Navy Yard Building 101

**03:00 PM-03:45 PM "The JIUS Cookbook"**

Press: Closed

Run of Show: Moderated by Branca Americana, FBDS and Shalini Vajjhala, EPA

- Presentation on potential look and contents of Cookbook (15 min)
- Discussion on look and contents of the Cookbook (30 min)
- Discussion on framing the Cookbook - focused on metrics, finance and policy (45 min)

Location: Upstairs, Building 101, Navy Yard

**03:00 PM-03:15 PM FYI -Dimock Update Briefing**

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Sussman (OA)  
Betsaida Alcantara (OEAE)  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:

Bob Perciasepe, Diane Thompson (OA)  
Brendan Gilfillan (OEAE)

\*\*Conference Line will need to be opened.

Location: By Phone

**03:45 PM-04:00 PM**    **JIUS Concluding Remarks**

Location: Upstairs, Building 101, Navy Yard  
-----

**04:30 PM-04:45 PM**    **Depart for 30th St Station**

Location: Energy Coordinating Agency of Philadelphia, Green Job Training Center  
-----

**05:07 PM-06:49 PM**    **En Route to DC**

Acela #2165

Departs Philadelphia (30th St. Station) at 5:07 PM

Arrives in DC (Union Station) at 6:49 PM

Location: En Route to DC  
-----

**Saturday, 1/14/2012**

**Sunday, 1/15/2012**

**Monday, 1/16/2012**

**09:00 AM-06:00 PM**    **MLK Jr. Day**  
-----

**Tuesday, 1/17/2012**

**06:30 AM-07:00 AM**    **Depart for DCA**

Location: Residence  
-----

**08:00 AM-09:51 AM**    **En Route to Minneapolis, MN**

Delta Flight # 2063

Departs DC (DCA) at 7:59 AM EST

Arrives in Minnesota, MN at 9:51 AM CST

Location: En Route to MSP  
-----

**10:00 AM-10:30 AM**    **Depart for Coffman Memorial Union Theatre**

Location: MSP  
-----

**10:45 AM-11:00 AM**    **Meet and Greet with Univ. Of Minnesota President Eric Kaler**

Location: 300 Washington Avenue South, Minneapolis, MN 55415 -Campus Club, 4th Floor, Coffman Memorial Union  
-----

**11:00 AM-11:50 AM**    **Speech and Moderated Q&A**

Location: 300 Washington Avenue South, Minneapolis, MN 55415 -Campus Club, 4th Floor, Coffman Memorial Union  
-----

**11:55 AM-12:30 PM**    **Depart for Minnesota Capitol/ Lunch En Route**

Location: 300 Washington Avenue South, Minneapolis, MN 55415  
-----

**12:30 PM-01:00 PM Meet and Greet with Governor Dayton and Secretary Vilsack**

Location: Office of the Governor  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

-----  
**01:00 PM-02:00 PM FYI Senior Staff**

Location: Bullet Room

-----  
**01:00 PM-01:30 PM MOU Signing at Minnesota State Capitol**

Location: 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

-----  
**01:30 PM-02:00 PM Depart for MSP Airport**

Location: Office of the Governor  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

-----  
**02:00 PM-02:30 PM RESCHEDULE One on One with Peter Grevatt**

Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:

Peter Grevatt (OCHP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:00 PM-02:15 PM Dimock Update Briefing**

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Sussman (OA)

Betsaida Alcantara (OEAE)

Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)

Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:

Bob Perciasepe, Diane Thompson (OA)

Brendan Gilfillan (OEAE)

\*\*Conference Line will need to be opened.

Location: By Phone

-----  
**03:00 PM-06:28 PM En Route to Washington , DC**

Delta Flight # 1664

Departs Minnestoa, MN at 3:05 PM CST

Arrives in Washington, DC at 6:28 PM EST

Location: En Route to Washington, DC

-----

Wednesday, 1/18/2012

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

Location: Administrator's Office

**10:00 AM-10:30 AM Title VI Roundtable Pre-Brief**

Ct: Lisa Garcia - 202-564-1259

Staff:

Diane Thompson, Lisa Garcia (OA)  
Scott Fulton, Tseming Yang (OGC)  
Rafael DeLeon (OCR)  
Cynthia Giles (OECA)

Location: Administrator's Office

**10:45 AM-11:30 AM Meeting on Dominion Proposal**

Ct: Linda Huffman - 202-564-2440

Staff:

Bob Perciasepe, Bob Sussman, Lisa Garcia (calling in) (OA)  
Scott Fulton, Joel Beauvais (OGC)  
Gina McCarthy, Janet McCabe, Joe Goffman (OAR)  
Michael Goo (OP)  
Cynthia Giles, Pam Mazakas, Phillip Brooks, Larry Starfield, Steven Chester (OECA)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

**11:45 AM-12:00 PM HOLD for Meeting with Japanese Environment Minister**

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

Location: Administrator's Office

**01:00 PM-02:00 PM Title VI Roundtable**

Ct: Dorris Riddick - 202-565-0035

\*\*The Administrator will be present for 30 minutes of this hour long meeting

Attendees:

- Vernice Miller-Travis, DBA Miller-Travis & Associates
- Michele Roberts, Campaign & Policy Coordinator, Advocates for Environmental Human Rights
- Leslie G. Fields, Esq., Director, Environmental Justice and Community Partnerships, Sierra Club
- Brent Newell, General Counsel, Center for Race, Poverty and the Environment
- Omega Wilson, President, West End Revitalization Association,
- Steve Fischbach, Community Lawyer, Rhode Island Legal Services

-Marc Brennan, Esq., Retired Civil Rights Activist

-Robert Garcia,, Director and General Counsel, The City Project

-Al Huang, Senor Attorney, NRDC

-Marianne Engelman Lado, Senior Counsel, Earthjustice

-Nicky Sheats, Esq., Ph.D., Director, Center for the Urban Environment, John S. Watson Institute for Public Policy of Thomas Edison State College and representing the New Jersey Environmental Justice Alliance

-Elizabeth Yeampierre, Executive Director of UPROSE

-Joe Rich from Lawyers Committee for Civil Rights Under Law

Staff:

Bob Perciasepe, Lisa Garcia, Diane Thompson (OA)  
Rafael Deleon (OCR)  
Scott Fulton (OGC)  
Cynthia Giles (OECA)

Location: Bullet Room

-----  
**02:15 PM-02:45 PM One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OSWER)

Staff:

Cynthia Giles (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:00 PM-03:15 PM Dimock Update Briefing**

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Sussman (OA)  
Betsaida Alcantara (OEAE)E  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:

Bob Perciasepe, Diane Thompson (OA)  
Brendan Gilfillan (OEAE)E  
Location: Administrator's Office

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

Location: Bullet Room

-----  
**04:30 PM-07:00 PM HOLD -White House Reception for US Conference of Mayors**

Location: White House

-----

**Thursday, 1/19/2012**

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

Location: Administrator's Office

**09:45 AM-10:15 AM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:

John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**10:30 AM-11:45 AM EPA's Dr. Martin Luther King's Observance Event**

Ct: Jerome King: 202-564-7429

Location: Department of Commerce Auditorium

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

Location: Administrator's Office

**01:00 PM-01:30 PM Meeting on Buffalo Mountain Mining**

Ct: Ryan Robison - 202-564-2856

\*\*Teleconferencing is required for this meeting

Staff:

Bob Sussman (OA)

Nancy Stoner (OW)

Cynthia Giles (OECA)

Shawn Garvin, Bill Earley, Jon Capacasa (R3)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

**01:45 PM-02:15 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**02:30 PM-03:00 PM One on One with Barbara Bennett**

Ct: Rhonda Robinson 0 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:00 PM-03:15 PM Dimock Update Briefing**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Bob Sussman (OA)  
Betsaida Alcantara (OEAE)E)  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:  
Bob Perciasepe, Diane Thompson (OA)  
Brendan Gilfillan (OEAE)E)  
Location: Administrator's Office

-----  
**03:15 PM-03:45 PM Pre-Brief for Options Selection : Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**  
Ct: Nelly Torres (OSWER) 202-564-5767

Staff:  
Bob Perciasepe, Bob Sussman (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Straus, Suzanne Rodzinski,  
Sandra Connors, Betsy Devlin, Ross Elliott, Lee Hofmann, MarkJ Huff, Richard  
Robinson, Richard Kinch, Betsy Smidinger, Richard Mattick, Gerain Perry, Amy  
Newman, Elaine Eby, Frank Behan, James Kohler, Mark Eads, Mary Jackson, Richard  
Benware, Barbara Hostage (OSWER)  
Laurel Celeste ( OGC)  
Michael Goo, Bicky Corman (OP)

Optional:  
Diane Thompson (OA)

Location: Bullet Room  
-----

**Friday, 1/20/2012**

**08:00 AM-09:00 AM HOLD: Breakfast w/ Valerie Jarrett**  
Location: WH Mess

-----  
**10:00 AM-10:15 AM Meeting with Dr. Gro Harlem Brundtland , Former PM of Norway**  
Ct: SHamir Shahi, UN Foundation

Staff:  
Bicky Corman, Liz Blackburn (OP)  
Walker Smith (OITA)

Location: Administrator's Office  
-----

**10:15 AM-11:00 AM Dr. Brundtland Guest Lecture**  
Location: Green Room

-----  
**11:30 AM-12:00 PM One on One with Malcolm Jackson**  
Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
Malcolm Jackson (OEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**12:00 PM-12:10 PM**    **Depart for Reagan Building**  
Location: Ariel Rios

-----  
**12:10 PM-12:30 PM**    **Remarks at NCSE's 12th National Conference: Environment and Security**  
Location: RRB

-----  
**12:30 PM-12:40 PM**    **Depart for Ariel Rios**  
Location: RRB

-----  
**12:45 PM-01:45 PM**    **No Meetings**  
Location: Administrator's Office

-----  
**02:00 PM-02:45 PM**    **Briefing on Federal Labor Standards Act**  
Staff:  
Diane Thompson, Bob Perciasepe (OA)  
Craig Hooks, Nanci Gelb, Kim Lewis, Susan Kantrowitz (OARM)  
Scott Fulton, Joanna DeLucia, Brenda Mallory, Ken White, David Guerrero, Kevin Minoli (OGC)

Location: Bullet Room

-----  
**03:00 PM-03:30 PM**    **One on One with Lisa Garcia**  
Ct: Andrea Dickerson - 202-564-2349 (EJ)

Staff:  
Lisa Garcia (Sr. Adv., EJ)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

-----  
**03:45 PM-04:00 PM**    **Dimock Update Briefing**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Bob Sussman (OA)  
Betsaida Alcantara (OEAE)E)  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:  
Bob Perciasepe, Diane Thompson (OA)  
Brendan Gilfillan (OEAE)E)  
Location: Administrator's Office

-----  
**04:15 PM-04:45 PM**    **One on One with Mathy Stanislaus**  
Ct: NelidaTorres - 202-564-5767 (OSWER)

Staff:

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Saturday, 1/21/2012**

**Sunday, 1/22/2012**

**Monday, 1/23/2012**

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

Location: Administrator's Office  
-----

**09:00 AM-06:00 PM Do Not Travel**

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

Location: Administrator's Office  
-----

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room  
-----

**Tuesday, 1/24/2012**

**09:00 AM-06:00 PM Do Not Travel**

**10:00 AM-10:30 AM One on One with Scott Fulton**

Ct: Carla Veney - 202-564-1619 (OGC)

Staff:

Scott Fulton (OGC)

Optional:

Diane Thompson (OA)

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**01:00 PM-01:30 PM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff: John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM Briefing on Equal Employment Opportunity Commission Report MD -715**  
Ct: Sheryl Mason - 202-564-1746

Staff:

Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes (OGC)  
Craig Hooks, Raul Soto (OARM)

Optional:

Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at 9(b) (6)

Location: Bullet Room

-----  
**03:00 PM-03:30 PM One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:45 PM-04:15 PM One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**08:00 PM-10:30 PM State of the Union Speech**  
Ct: Ted Daniel, Office of the Sergeant at Arms  
**(b) (6) Privacy**

No later than 8:30pm, Arrive Room H-10  
9:00 SOTU Begins

Location: US Capitol Room H-19, Capitol Hill

-----  
**Wednesday, 1/25/2012**  
-----

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

-----  
**10:30 AM-12:00 PM HOLD - Great Lakes Inter-Agency Task Force (IATF) meeting**  
Ct: Cam Davis  
Location: Bullet Room  
-----

**12:00 PM-09:00 PM**    **HOLD: Possible SOTU Amplification Travel**

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

-----  
**01:30 PM-03:00 PM**    **HOLD: Meeting w/ Natural Gas Industry CEOs**  
Ct: Bob Sussman  
Location: Bullet Room

-----  
**03:30 PM-04:30 PM**    **Senior Policy**  
Location: Bullet Room

---

**Thursday, 1/26/2012**

---

**05:00 AM-08:00 PM**    **HOLD: Possible SOTU Amplification Travel**

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

-----  
**10:00 AM-10:30 AM**    **One on One with Mathy Stanislaus**  
Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

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

---

\*\*\* END \*\*\*

01268-EPA-6136

Noah Dubin/DC/USEPA/US

To

01/12/2012 06:41 PM

cc

bcc Richard Windsor

Subject 01/16/2012 thru 01/29/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator**

**Lisa P. Jackson**

**Schedule**

01/12/2012 06:25:17 PM

**Monday, 1/16/2012**

**07:30 AM-11:00 AM MLK Jr. National Action Network Prayer Breakfast**  
Location: Grand Hyatt 1000 H Street NW Washington D.C.

-----

**Tuesday, 1/17/2012**

**06:30 AM-07:00 AM Depart for DCA**  
Location: Residence

**07:59 AM-10:51 AM En Route to Minneapolis, MN**  
Delta Flight # 2063

Departs DC (DCA) at 7:59 AM EST

Arrives in Minnesota, MN at 8:51 AM CST/9:51 AM EST

Location: En Route to MSP

**11:00 AM-11:30 AM Depart for Coffman Memorial Union Theatre**  
Location: MSP

**11:45 AM-12:00 PM Meet and Greet with Univ. Of Minnesota President Eric Kaler**  
Location: 300 Washington Avenue South, Minneapolis, MN 55415 -Campus Club, 4th Floor, Coffman Memorial Union

**12:00 PM-12:50 PM Speech and Moderated Q&A**  
Location: 300 Washington Avenue South, Minneapolis, MN 55415 -Campus Club, 4th Floor, Coffman Memorial Union

**12:45 PM-01:00 PM Dimock Update Briefing**  
Ct: Ryan Robison - 202-564-2856

Staff:

- Bob Sussman (OA)
- Betsaida Alcantara (OEAE)
- Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)
- Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:

- Bob Perciasepe, Diane Thompson (OA)
- Brendan Gilfillan (OEAE)

\*\*Conference Line will need to be opened.  
Location: By Phone

-----  
**12:55 PM-01:30 PM Depart for Minnesota Capitol / Lunch En Route**  
Location: 300 Washington Avenue South, Minneapolis, MN 55415

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

-----  
**01:30 PM-01:55 PM Meet and Greet with Governor Dayton and Secretary Vilsack**  
Location: Office of the Governor  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

-----  
**02:00 PM-02:30 PM RESCHEDULE One on One with Peter Grevatt**  
Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:  
Peter Grevatt (OCHP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM MOU Signing at Minnesota State Capitol**  
Location: 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

-----  
**02:30 PM-03:00 PM Depart for MSP Airport**  
Delta# 1664

Location: Office of the Governor  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

-----  
**03:00 PM-03:15 PM Phone Call re: North Dakota Regional Haze**  
Ct: Shirley Kelley - 303-312-6532

Staff:  
Jim Martin (R8)  
Gina McCarthy, Janet McCabe (OAR)  
Avi Garbow (OGC)  
Arvin Ganesan (OCIR)

Location: By Phone

-----  
**04:05 PM-06:28 PM En Route to Washington , DC**  
Delta Flight # 1664

Departs Minnestoa (MSP) at 3:05 PM CST/4:05 EST

Arrives in DC (DCA)at 6:28 PM EST

Location: En Route to Washington, DC  
-----

**Wednesday, 1/18/2012**

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

Location: Administrator's Office  
-----

**10:00 AM-10:30 AM Title VI Roundtable Pre-Brief**

Ct: Lisa Garcia - 202-564-1259

Staff:

Diane Thompson, Lisa Garcia (OA)

Scott Fulton, Tseming Yang (OGC)

Rafael DeLeon (OCR)

Cynthia Giles (OECA)

Location: Administrator's Office  
-----

**10:45 AM-11:30 AM Meeting on Dominion Proposal**

Ct: Linda Huffman - 202-564-2440

Staff:

Bob Perciasepe, Bob Sussman, Lisa Garcia (calling in) (OA)

Scott Fulton, Joel Beauvais (OGC)

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

Michael Goo (OP)

Cynthia Giles, Pam Mazakas, Phillip Brooks, Larry Starfield, Steven Chester (OECA)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room  
-----

**11:45 AM-12:00 PM HOLD for Meeting with Japanese Environment Minister**

Ct: Gary Waxmonsky - 202-564-6428

Staff:

Jane Nishida, Mark Kasman, Joshua Novikoff (OITA)

Mathy Stanislaus, Dana Tulis, John Cardarelli, Erica Canzler, Larry Stanton (OSWER)

Gina McCarthy, Mike Flynn, Maurice LeFranc (OAR)

Debbie Dietrich (OHS)

Paul Anastas (ORD)

Location: Bullet Room  
-----

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

Location: Administrator's Office  
-----

**01:00 PM-02:00 PM Title VI Roundtable**

Ct: Dorris Riddick - 202-565-0035

\*\*The Administrator will be present for 30 minutes of this hour long meeting

Attendees:

- Vernice Miller-Travis, DBA Miller-Travis & Associates
- Michele Roberts, Campaign & Policy Coordinator, Advocates for Environmental Human Rights
- Leslie G. Fields, Esq., Director, Environmental Justice and Community Partnerships, Sierra Club
- Brent Newell, General Counsel, Center for Race, Poverty and the Environment
- Omega Wilson, President, West End Revitalization Association,
- Steve Fischbach, Community Lawyer, Rhode Island Legal Services
- Marc Brennan, Esq., Retired Civil Rights Activist
- Robert Garcia,, Director and General Counsel, The City Project
- Al Huang, Senior Attorney, NRDC
- Marianne Engelman Lado, Senior Counsel, Earthjustice
- Nicky Sheats, Esq., Ph.D., Director, Center for the Urban Environment, John S. Watson Institute for Public Policy of Thomas Edison State College and representing the New Jersey Environmental Justice Alliance
- Elizabeth Yeampierre, Executive Director of UPROSE
- Joe Rich from Lawyers Committee for Civil Rights Under Law

Staff:

Bob Perciasepe, Lisa Garcia, Diane Thompson (OA)  
Rafael Deleon (OCR)  
Scott Fulton (OGC)  
Cynthia Giles (OECA)

Optional:

Mathy Stanislaus (OSWER)

Location: Bullet Room

-----  
**02:15 PM-02:45 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202-564-3139 (OSWER)

Staff:

Cynthia Giles (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:00 PM-03:15 PM Dimock Update Briefing**  
Ct: Ryan Robison - 202-564-2856

Staff:

Bob Sussman (OA)  
Betsaida Alcantara (OEAE)E  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:  
Bob Perciasepe, Diane Thompson (OA)  
Brendan Gilfillan (OEAE)E  
Location: Administrator's Office

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

-----  
**04:30 PM-07:00 PM**    **HOLD -White House Reception for US Conference of Mayors**  
Location: White House  
-----

---

**Thursday, 1/19/2012**

---

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

-----  
**09:45 AM-10:15 AM**    **One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:  
John Hankinson (GCTF)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**10:30 AM-11:45 AM**    **EPA's Dr. Martin Luther King's Observance Event**  
Ct: Jerome King: 202-564-7429

Agenda:  
Master of Ceremonies - Peter Grevatt (OCH)  
Presentation of Colors  
National Anthem  
Intro for the Administrator - Jim Jones (OCSP)P  
Administrator's Remarks  
Intro to Keynote - Cynthia Giles (OECA)  
Keynote - Harry E. Johnson -  
President and CEO, Washington DC MLK Jr. National Memorial Project Foundation,  
Inc.  
Intro to Cultural Performance - Michelle DePass (OITA)  
Cultural Performance - Howard University Choir  
Closing Remarks - Michael Goo (OP)  
Location: Department of Commerce Auditorium

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

-----  
**01:00 PM-01:30 PM**    **Meeting on Buffalo Mountain Mining**  
Ct: Ryan Robison - 202-564-2856

**\*\*Teleconferencing is required for this meeting**

Staff:

Bob Sussman (OA)  
Nancy Stoner (OW)  
Cynthia Giles (OECA)  
Shawn Garvin, Bill Earley, Jon Capacasa (R3)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

-----  
**01:45 PM-02:15 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:30 PM-03:00 PM One on One with Barbara Bennett**

Ct: Rhonda Robinson 0 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:00 PM-03:15 PM Dimock Update Briefing**

Ct: Ryan Robison - 202-564-2856

Staff:

Bob Sussman (OA)  
Betsaida Alcantara (OEAE)E  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:

Bob Perciasepe, Diane Thompson (OA)

Brendan Gilfillan (OEAE)E

Location: Administrator's Office

-----  
**03:15 PM-03:45 PM Pre-Brief for Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**

Ct: Nelly Torres (OSWER) 202-564-5767

Staff:

Bob Perciasepe, Bob Sussman (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Matt Straus, Suzanne Rodzinski,  
Sandra Connors, Betsy Devlin, Ross Elliott, Lee Hofmann, MarkJ Huff, Richard  
Robinson, Richard Kinch, Betsy Smidinger, Richard Mattick, Gerain Perry, Amy

Newman, Elaine Eby, Frank Behan, James Kohler, Mark Eads, Mary Jackson, Richard Benware, Barbara Hostage (OSWER)  
 Scott Fulton, Laurel Celeste ( OGC)  
 Michael Goo, Bicky Corman (OP)

Optional:  
 Diane Thompson (OA)

Location: Bullet Room  
 -----

**Friday, 1/20/2012**

**08:00 AM-09:00 AM**    **HOLD: Breakfast w/ Valerie Jarrett**  
 Location: WH Mess  
 -----

**10:00 AM-10:15 AM**    **Meeting with Dr. Gro Harlem Brundtland , Former PM of Norway**  
 Ct: Shamir Shahi - 202-778-3559

Staff:  
 Bicky Corman, Liz Blackburn (OP)  
 Walker Smith (OITA)

Location: Administrator's Office  
 -----

**10:15 AM-11:00 AM**    **Dr. Brundtland Guest Lecture**  
 Location: Green Room  
 -----

**11:30 AM-12:00 PM**    **One on One with Malcolm Jackson**  
 Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
 Malcolm Jackson (OEI)

Optional:  
 Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
 Location: Administrator's Office  
 -----

**12:00 PM-12:10 PM**    **Depart for Reagan Building**  
 Location: Ariel Rios  
 -----

**12:10 PM-12:30 PM**    **Remarks at NCSE's 12th National Conference : Environment and Security**  
 Location: RRB  
 -----

**12:30 PM-12:40 PM**    **Depart for Ariel Rios**  
 Location: RRB  
 -----

**12:45 PM-01:45 PM**    **No Meetings**  
 Location: Administrator's Office  
 -----

**02:00 PM-02:45 PM**    **Briefing on Federal Labor Standards Act**  
 Staff:

Diane Thompson, Bob Perciasepe (OA)  
 Craig Hooks, Nanci Gelb, Kim Lewis, Susan Kantrowitz (OARM)  
 Scott Fulton, Joanna DeLucia, Brenda Mallory, Ken White, David Guerrero, Kevin Minoli (OGC)

Location: Bullet Room  
-----

**03:00 PM-03:30 PM One on One with Lisa Garcia**  
Ct: Andrea Dickerson - 202-564-2349 (EJ)

Staff:  
Lisa Garcia (Sr. Adv., EJ)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office  
-----

**03:45 PM-04:00 PM Dimock Update Briefing**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Bob Sussman (OA)  
Betsaida Alcantara (OEAE)E  
Mathy Stanislaus, Lisa Feldt, Larry Stanton, Dana Tulis (OSWER)  
Shawn Garvin, Bill Earley, Ron Borsellino (R3)

Optional:  
Bob Perciasepe, Diane Thompson (OA)  
Brendan Gilfillan (OEAE)E  
Location: Administrator's Office  
-----

**04:15 PM-04:45 PM One on One with Mathy Stanislaus**  
Ct: NelidaTorres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Saturday, 1/21/2012**

**Sunday, 1/22/2012**

**Monday, 1/23/2012**

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

**09:00 AM-06:00 PM Do Not Travel**  
-----

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

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

**Tuesday, 1/24/2012**

**09:00 AM-06:00 PM Do Not Travel**  
-----

**10:00 AM-10:30 AM One on One with Scott Fulton**  
Ct: Carla Veney - 202-564-1619 (OGC)

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)  
Location: Administrator's Office  
-----

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

**01:00 PM-01:30 PM One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff: John Hankinson (GCTF)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**02:00 PM-02:30 PM Briefing on Equal Employment Opportunity Commission Report MD -715**  
Ct: Sheryl Mason - 202-564-1746

Staff:  
Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes (OGC)  
Craig Hooks, Raul Soto (OARM)

Optional:  
Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room  
-----

**03:00 PM-03:30 PM One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:45 PM-04:15 PM One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:  
Jim Jones (OCSPP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**08:00 PM-10:30 PM State of the Union Speech**  
Ct: Ted Daniel, Office of the Sergeant at Arms

**(b) (6) Privacy**

No later than 8:30pm, Arrive Room H-10  
9:00 SOTU Begins

Location: US Capitol Room H-19, Capitol Hill  
-----

**Wednesday, 1/25/2012**

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

-----  
**10:30 AM-12:00 PM HOLD - Great Lakes Inter-Agency Task Force (IATF) meeting**  
Ct: Cam Davis  
Location: Bullet Room

-----  
**12:00 PM-09:00 PM HOLD: Possible SOTU Amplification Travel**  
Ct: Brendan Gilfillan 564.1692  
Portland/ Seattle

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

-----  
**01:30 PM-03:00 PM HOLD: Meeting w/ Natural Gas Industry CEOs**  
Ct: Bob Sussman  
Location: Bullet Room

-----  
**03:30 PM-04:30 PM Senior Policy**  
Location: Bullet Room  
-----

**Thursday, 1/26/2012**

**05:00 AM-08:00 PM HOLD: Possible SOTU Amplification Travel**  
Ct: Brendan Gilfillan 564.1692  
Portland/ Seattle

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

-----  
**10:00 AM-10:30 AM One on One with Mathy Stanislaus**

Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office  
-----

**Friday, 1/27/2012**

**05:00 AM-08:00 PM    HOLD: Possible SOTU Amplification Travel**

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

Location: Administrator's Office  
-----

**Saturday, 1/28/2012**

**Sunday, 1/29/2012**

-----  
**\*\*\* END \*\*\***  
-----

01268-EPA-6138

**Bob  
Perciasepe/DC/USEPA/US**  
01/17/2012 06:48 PM

To Charles Imohiosen, Richard Windsor  
cc Barbara Bennett, Bicky Corman, Michael Goo  
bcc  
Subject RE: (No Subject)

**(b)(5) Deliberative**



Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) **(b)(5) Deliberative**

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

From : Charles Imohiosen/DC/USEPA/US  
To : Richard Windsor/DC/USEPA/US@EPA  
Cc : Barbara Bennett/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Sent on : 01/17/2012 06:44:44 PM  
Subject :

Administrator,

**(b)(5) Deliberative**



(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

Regards,  
Charles

## **WHITE HOUSE: President's jobs council recommends 'all in' strategy for energy**

Phil Taylor, E&E reporter

Published: Tuesday, January 17, 2012

The Obama administration should open more federal lands to energy development and speed permitting of new pipelines and transmission projects to create jobs and strengthen energy security, according to a panel of business leaders advising the president.

In a [report](#) delivered today, President Obama's Council on Jobs and Competitiveness also recommends sustained investments in research and development, the extension of clean energy

tax credits and increased energy efficiency.

The recommendations -- part of a broader package that includes corporate tax reform, regulatory overhauls and workforce education -- come during an election year in which Obama is unlikely to get much cooperation from Congress.

The report urges continued expansion of renewable energy but warns of a rising global demand for fossil fuels as billions of people in developing countries rise to middle-class lifestyles.

Until then, the administration must do all it can to reduce the country's current imports of more than 300 million barrels of oil a month, which cost \$1 billion per day, the report said.

"Over the long term, we expect that innovation and technological advancements will greatly reduce America's reliance on fossil fuels," the report says. "Until then, however, we need to be all in."

The Obama administration has faced intense criticism from Republicans and the oil and gas industry, which say it has barred future development in the Atlantic and Pacific oceans and slow-walked development of oil-rich waters north of Alaska. The administration must make a final decision over whether to allow new drilling in the Arctic Ocean, a choice likely to come as gas prices rise in the run-up to Memorial Day.

In addition, business leaders and lawmakers of both political stripes have launched aggressive campaigns urging the president to approve the Keystone XL pipeline, which would ferry crude from Canadian oil sands to refineries in the Gulf Coast, creating thousands of new jobs. The project is strongly opposed by the president's environmental base.

Supporters of the president note that total domestic oil production was higher in 2010 than in any year since 2003. The Interior Department last month held its first lease in the Gulf of Mexico since the Deepwater Horizon oil spill in April 2010, yielding more than \$300 million in revenues.

In addition, oil production from onshore public lands increased from 109 million barrels in 2009 to 114 million barrels in 2010, a 5 percent bump, according to the White House. While the nation's economic recovery continues to sputter, imports of foreign oil have decreased.

"I'm proud that we've taken action on a majority of the council's recommendations on issues ranging from insourcing to permitting to clean energy," Obama said in a statement. "But we also know there's a lot more work to do, which is why we're committed to continuing to invest in strategies that support job growth."

House Speaker John Boehner (R-Ohio) said the report supports an approach to job creation and energy development his party has been pursuing for more than a year. He urged the Senate to take up some 30 bills his chamber has passed, many of which advance the council's recommendations.

Robert Dillon, a spokesman for Senate Energy and Natural Resources Committee ranking member Lisa Murkowski (R-Alaska), said that on first blush, the report reflects proposals the senator has pushed for several years.

"We certainly hope the president can rise to the occasion," Dillon said. "It's an election year, and the president has shown that he is more concerned with his left flank than the jobs issue. Is he going to listen to this report? The devil is in the details."

Environmentalists said they were disappointed that the report paid so much attention to fossil fuels.

"They got it half right," said Athan Manuel, director of lands protection at the Sierra Club. "We understand the practicality of fossil fuels being with us for a while, but we think they should be doing more to encourage renewables."

Other environmentalists said proposals to increase fossil fuel production should be expected from a council of business executives. The president's 27-member jobs council is chaired by General Electric Co. CEO Jeffrey Immelt and includes the executives of a power company, a major railroad and labor union.

"It would be nice if sometime these self-appointed 'blue ribbon' type groups were to study and apprise themselves of the actual facts that are relevant to their recommendations," said Dave Alberswerth, a senior policy adviser for the Wilderness Society who worked for Interior during the Clinton administration. "For instance, that the oil and gas industry already controls tens of millions of acres of offshore and onshore federal lands; that the industry is sitting on thousands of onshore drilling permits that they haven't used; or that almost half of the coal produced in this country already comes from federal lands, and that the coal industry has commitments from the federal government to lease to them over a billion tons of coal in Wyoming alone."

In addition to allowing more oil, gas and coal to be developed on federal lands, the report suggests opening new areas to renewable energy and streamlining the approval process as it has done for solar projects in Southern California and Arizona.

It also recommends the president encourage production on leases the oil and gas industry already owns, a possible endorsement of the administration's controversial "use it or lose it" proposal for federal leases.

In addition, it lauds the administration for increasing its fuel efficiency standards for automobiles, a move expected to significantly reduce oil imports and save consumers thousands of dollars a year.

While many of the report's recommendations -- particularly clean energy tax extensions and corporate tax reform -- will need the approval of Congress, Interior already has the authority to expand and accelerate drilling and mining.

What new steps the Obama administration might take in an election year remains to be seen.

The president last May introduced a plan to offer more leases in an Alaskan petroleum reserve and establish an interagency team to expedite permitting of conventional and renewable energy in the region.

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

01268-EPA-6139

Noah Dubin/DC/USEPA/US

To

01/18/2012 06:49 PM

cc

bcc Richard Windsor

Subject 01/20/2012 thru 02/02/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator**

**Lisa P. Jackson**

**Schedule**

01/18/2012 06:45:37 PM

**Friday, 1/20/2012**

**08:00 AM-09:00 AM HOLD: Breakfast w/ Valerie Jarrett**

Location: WH Mess

**10:00 AM-10:15 AM Meeting with Dr. Gro Harlem Brundtland , Former PM of Norway**

Ct: Shamir Shahi - 202-778-3559

Attendees:

-Dr. Gro Harlem Brundtland, Former Prime Minister of Norway

-Mari Sæther, Counselor for Environmental affairs, Norwegian Embassy

-Arne Olav Brundtland, Dr. Brundtland's husband

Staff:

Bicky Corman (OP)

Walker Smith, Shalini Vajjhala (OITA)

Paul Anastas, Ramona Trovato, Alan Hecht (ORD)

\*\*The Administrator, other EPA attendees, and Dr. Brundtland will walk over to the Green Room after this meet and greet

Location: Administrator's Office

**10:15 AM-11:00 AM Dr. Gro Harlem Brundtland Guest Lecture**

Ct: Noah Dubin - 202-564-7314

Run of Show:

-Administrator gives a brief introduction of Dr. Brundtland (5 minutes)

-Dr. Brundtland gives informal remarks (25 minutes)

-Q and A (15 minutes)

Location: Green Room

**11:05 AM-11:15 AM HOLD: Drop by Roundtable with Detroit Mayor Bing**

Ct: Sarah Pallone: 564.9601

Location: Rm 6530, ARN

**11:30 AM-12:00 PM One on One with Malcolm Jackson**

Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
Malcolm Jackson (OEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**12:00 PM-12:10 PM**     **Depart for Reagan Building**  
Location: Ariel Rios

-----  
**12:10 PM-12:30 PM**     **Remarks at National Council for Science and the Environment 's 12th National Conference: Environment and Security**  
Location: RRB

-----  
**12:30 PM-12:40 PM**     **Depart for Ariel Rios**  
Location: RRB

-----  
**12:45 PM-01:45 PM**     **No Meetings**  
Location: Administrator's Office

-----  
**01:30 PM-01:45 PM**     **HOLD: Meeting w/ Mayor Emanuel**  
Ct: Melissa Green 202-783-0911 or melissa.green@cityofchicago.org  
Location: Administrator's Office

-----  
**02:00 PM-02:45 PM**     **Briefing on Federal Labor Standards Act**  
Staff:  
Diane Thompson, Bob Perciasepe (OA)  
Craig Hooks, Nanci Gelb, Kim Lewis, Susan Kantrowitz (OARM)  
Scott Fulton, Joanna DeLucia, Brenda Mallory, Ken White, David Guerrero, Kevin Minoli (OGC)

Location: Bullet Room

-----  
**03:00 PM-03:30 PM**     **One on One with Cynthia Giles**  
Ct: Linda Huffman - 202-564-3139 (OSWER)

Staff:  
Cynthia Giles (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----

-----  
**Saturday, 1/21/2012**

-----  
**Sunday, 1/22/2012**

-----  
**Monday, 1/23/2012**

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

-----  
**09:00 AM-06:00 PM    Do Not Travel**

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

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

-----  
**02:30 PM-03:00 PM    One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:  
John Hankinson (GCTF) - By Phone

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:15 PM-03:45 PM    One on One with Mathy Stanislaus**  
Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**Tuesday, 1/24/2012**  
-----

**10:00 AM-10:30 AM    One on One with Scott Fulton**  
Ct: Carla Veney - 202-564-1619 (OGC)

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)  
Location: Administrator's Office

-----  
**10:45 AM-11:15 AM    Briefing on Gulf Coast Implementation Plans**  
Ct: Caroline Whitehead - 202-566-2907

Staff:  
Diane Thompson (OA)  
Mary Kay (OGC)  
John Hankinson, Bryon Griffith (Gulf Coast)

Location: Administrator's Office

-----  
**11:30 AM-12:00 PM    One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:30 PM One on One with Cam Davis**

Ct: Cameron Davis - 312-886-4957

Staff:

Cameron Davis (Sr. Adv. Great Lakes)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM Briefing on Equal Employment Opportunity Commission Report MD -715**

Ct: Sheryl Mason - 202-564-1746

Staff:

Bob Perciasepe, John Reeder (OA)

Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)

Steve Pressman, Julia Rhodes (OGC)

Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:

Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room

-----  
**02:45 PM-03:15 PM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:15 PM-06:00 PM HOLD Out of Office**

Location: Out of Office

-----  
**08:00 PM-10:30 PM State of the Union Speech**

Ct: Ted Daniel, Office of the Sergeant at Arms

(b) (6) Privacy

No later than 8:30pm, Arrive Room H-10

9:00 SOTU Begins

Location: US Capitol Room H-19, Capitol Hill  
-----

**Wednesday, 1/25/2012**

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

**10:30 AM-12:00 PM Great Lakes Inter-Agency Task Force (IATF) meeting**  
Ct: Cam Davis  
Location: Bullet Room  
-----

**12:00 PM-09:00 PM HOLD: Possible SOTU Amplification Travel**  
Ct: Brendan Gilfillan 564.1692  
Portland/ Seattle  
-----

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

**01:30 PM-03:00 PM HOLD: Meeting w/ Natural Gas Industry CEOs**  
Ct: Bob Sussman  
Location: Bullet Room  
-----

**03:30 PM-04:30 PM Senior Policy**  
Location: Bullet Room  
-----

**Thursday, 1/26/2012**

**05:00 AM-08:00 PM HOLD: Possible SOTU Amplification Travel**  
Ct: Brendan Gilfillan 564.1692  
Portland/ Seattle  
-----

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

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

**Friday, 1/27/2012**

**05:00 AM-08:00 PM HOLD: Possible SOTU Amplification Travel**  
-----

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

**Saturday, 1/28/2012**

**Sunday, 1/29/2012**

**Monday, 1/30/2012**

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

-----  
**10:00 AM-10:30 AM One on One with Larry Elworth**  
Ct: Cheryl Woodward - 202-564-1274

Staff:  
Larry Elworth (Ag Counsel)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

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

-----  
**02:30 PM-03:00 PM Personnel Discussion**  
Ct:Ryan Robison - 202-564-2856

Staff:  
Diane Thompson, Jose Lozano (OA)  
Paul Anastas (ORD)

Optional:  
Bob Perciasepe (OA)  
Location: Administrator's Office

-----  
**03:15 PM-03:45 PM One on One with Paul Anastas**  
Ct: Nathan Gentry - 202-564-9084

Staff:  
Paul Anastas (ORD)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**Tuesday, 1/31/2012**

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

-----  
**10:45 AM-12:15 PM HOLD: Cabinet Meeting**  
Ct: Liz Ashwell 564.1008  
Full Cabinet Meeting w/ POTUS and VPOTUS  
Location: Cabinet Room, White House

-----  
**11:00 AM-11:30 AM HOLD - Howard University/Bowie State University MOU Signing**  
Location: Administrator's Office

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

-----  
**01:00 PM-02:00 PM No Meetings**  
Location: Administrator's Office

-----  
**03:00 PM-03:45 PM Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**  
Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen (OSWER)  
Nancy Stoner (OW)  
Malcolm Jackson (OEI)  
Gina McCarthy (OAR)  
Cynthia Giles (OECA)  
Paul Anastas (ORD)  
Jim Jones (OCSP)  
Scott Fulton (OGC)  
Michael Goo (OP)  
Shawn Garvin (R3)  
Gwen Keyes Fleming (R4)  
Susan Hedman (R5)  
Karl Brooks (R7)  
James Martin (R8)  
Jared Blumenfeld (R9)

Optional:  
Diane Thompson, Janet Woodka (OA)  
Arvin Ganesan (OCIR)

Location: Bullet Room

-----  
**04:00 PM-04:45 PM Conference Call with American Sustainable Business Council**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Arvin Ganesan (OCIR)  
Michael Goo (OP)  
Janet McCabe (OAR)  
Alisha Johnson or Andra Belknap (OEAE)

Agenda:  
-Introduction from David Levine, Co-Founder and Executive Director of the American Sustainable Business Council  
  
-Administrator Jackson will give brief remarks  
  
-Q&A from prepared questions.

Location: Administrator's Office  
-----

**Wednesday, 2/1/2012**

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

Location: Administrator's Office  
-----

**11:00 AM-11:30 AM One on One with Peter Grevatt**

Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:

Peter Grevatt (OCHP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**01:00 PM-02:00 PM No Meetings**

Location: Administrator's Office  
-----

**02:00 PM-02:30 PM One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OECA)

Staff:

Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

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

Location: Bullet Room  
-----

**Thursday, 2/2/2012**

**07:30 AM-09:00 AM HOLD: National Prayer Breakfast**

Ct: Marcus McClendon 202-564-045

Location: Washington Hilton  
-----

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

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**01:30 PM-02:00 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:15 PM-02:45 PM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass (OITA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----

---

\*\*\* END \*\*\*

01268-EPA-6140

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor, "Michelle DePass"

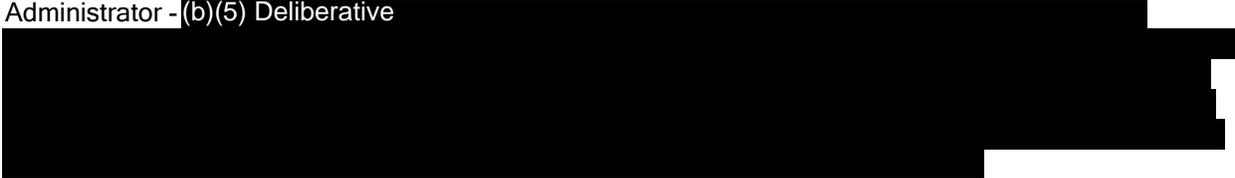
cc

01/18/2012 08:18 PM

bcc

Subject Todd mtg

Administrator - (b)(5) Deliberative



Michele - if you feel differently let me know.

Thanks.

01268-EPA-6141

Noah Dubin/DC/USEPA/US

To

01/19/2012 07:16 PM

cc

bcc Richard Windsor

Subject 01/23/2012 thru 02/05/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

01/19/2012 07:14:04 PM

**Monday, 1/23/2012**

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

Location: Administrator's Office

**09:00 AM-06:00 PM Do Not Travel**

**11:00 AM-11:30 AM One on One with Mathy Stanislaus**

Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

**02:30 PM-03:00 PM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:

John Hankinson (GCTF) - By Phone

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**03:30 PM-03:45 PM Call with Senator Diane Feinstein (CA)**

Ct: Ryan Robison - 202-564-2856

Sen. Feinstein Ct: (b) (6) - Angelo Genasci

\*\*The Administrator will call (b) (6) to be connected.

Location: Administrator's Office

**Tuesday, 1/24/2012**

**10:00 AM-10:30 AM Briefing on Gulf Coast Implementation Plans**

Ct: Caroline Whitehead - 202-566-2907

Staff:

Diane Thompson (OA)

Mary Kay (OGC)

John Hankinson, Bryon Griffith (Gulf Coast)

Location: Administrator's Office

-----  
**10:45 AM-11:15 AM One on One with Scott Fulton**

Ct: Carla Veney - 202-564-1619 (OGC)

Staff:

Scott Fulton (OGC)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

-----  
**11:30 AM-12:00 PM One on One with Jim Jones**

Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:30 PM One on One with Cam Davis**

Ct: Cameron Davis - 312-886-4957

Staff:

Cameron Davis (Sr. Adv. Great Lakes)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM Briefing on Equal Employment Opportunity Commission Report MD -715**

Ct: Sheryl Mason - 202-564-1746

Staff:

Bob Perciasepe, John Reeder (OA)

Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)

Steve Pressman, Julia Rhodes (OGC)

Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:

Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room  
-----

**02:45 PM-03:15 PM One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**03:15 PM-06:00 PM HOLD Out of Office**  
Location: Out of Office  
-----

**08:00 PM-10:30 PM State of the Union Speech**  
Ct: Ted Daniel, Office of the Sergeant at Arms  
**(b) (6) Privacy**

No later than 8:30pm, Arrive Room H-10  
9:00 SOTU Begins

Location: US Capitol Room H-19, Capitol Hill  
-----

**Wednesday, 1/25/2012**

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

**10:30 AM-12:00 PM Great Lakes Inter-Agency Task Force (IATF) meeting**  
Ct: Cameron Davis - 312-886-4040  
Location: Bullet Room  
-----

**12:00 PM-09:00 PM HOLD: Possible SOTU Amplification Travel**  
Ct: Brendan Gilfillan 564.1692  
Portland/ Seattle  
-----

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

**03:30 PM-04:30 PM Senior Policy**  
Location: Bullet Room  
-----

**Thursday, 1/26/2012**

**05:00 AM-08:00 PM HOLD: Possible SOTU Amplification Travel**  
Ct: Brendan Gilfillan 564.1692  
Portland/ Seattle  
-----

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

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**Friday, 1/27/2012**

**05:00 AM-08:00 PM HOLD: Possible SOTU Amplification Travel**

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

Location: Administrator's Office  
-----

**Saturday, 1/28/2012**

**Sunday, 1/29/2012**

**Monday, 1/30/2012**

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

Location: Administrator's Office  
-----

**10:00 AM-10:30 AM One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

Larry Elworth (Ag Counsel)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room  
-----

**02:30 PM-03:00 PM Personnel Discussion**

Ct: Ryan Robison - 202-564-2856

Staff:

Diane Thompson, Jose Lozano (OA)

Paul Anastas (ORD)

Optional:

Bob Perciasepe (OA)

Location: Administrator's Office  
-----

**03:15 PM-03:45 PM One on One with Paul Anastas**

Ct: Nathan Gentry - 202-564-9084

Staff:  
Paul Anastas (ORD)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Tuesday, 1/31/2012**

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

**10:45 AM-12:15 PM**    **Cabinet Meeting**  
Ct: Liz Ashwell 564.1008  
Full Cabinet Meeting w/ POTUS and VPOTUS  
Location: Cabinet Room, White House  
-----

**11:00 AM-11:30 AM**    **RESCHEDULE- Howard University/Bowie State University MOU Signing**  
Location: Administrator's Office  
-----

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

**01:00 PM-02:00 PM**    **No Meetings**  
Location: Administrator's Office  
-----

**03:00 PM-03:45 PM**    **Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**  
Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

- Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)
- Mathy Stanislaus, Lisa Feldt, Barry Breen (OSWER)
- Nancy Stoner (OW)
- Malcolm Jackson (OEI)
- Gina McCarthy (OAR)
- Cynthia Giles (OECA)
- Paul Anastas (ORD)
- Jim Jones (OCSPP)
- Scott Fulton (OGC)
- Michael Goo (OP)
- Shawn Garvin (R3)
- Gwen Keyes Fleming (R4)
- Susan Hedman (R5)
- Karl Brooks (R7)
- James Martin (R8)
- Jared Blumenfeld (R9)

Optional:  
Diane Thompson, Janet Woodka (OA)  
Arvin Ganesan (OCIR)

Location: Bullet Room  
-----

**04:00 PM-04:45 PM Conference Call with American Sustainable Business Council**  
Ct: Ryan Robison - 202-564-2856

Staff:

- Arvin Ganesan (OCIR)
- Michael Goo (OP)
- Janet McCabe (OAR)
- Alisha Johnson or Andra Belknap (OEAE)

Agenda:

- Introduction from David Levine, Co-Founder and Executive Director of the American Sustainable Business Council
- Administrator Jackson will give brief remarks
- Q&A from prepared questions.

Location: Administrator's Office  
-----

**Wednesday, 2/1/2012**

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

**10:00 AM-11:00 AM HOLD for Budget Briefing**  
-----

**11:00 AM-11:30 AM One on One with Peter Grevatt**  
Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:

Peter Grevatt (OCHP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**01:00 PM-02:00 PM No Meetings**  
Location: Administrator's Office  
-----

**02:00 PM-02:30 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202-564-3139 (OECA)

Staff:

Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

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

Location: Bullet Room  
-----

**Thursday, 2/2/2012**

**07:30 AM-09:00 AM HOLD: National Prayer Breakfast**

Ct: Marcus McClendon 202-564-045

Location: Washington Hilton  
-----

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

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**01:30 PM-02:00 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**02:15 PM-02:45 PM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass (OITA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Friday, 2/3/2012**

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

Location: Administrator's Office  
-----

**Saturday, 2/4/2012**

**Sunday, 2/5/2012**

\*\*\* END \*\*\*



01268-EPA-6142

**Richard Windsor/DC/USEPA/US**  
01/22/2012 08:49 PM

To "Aaron Dickerson"  
cc  
bcc

Subject Fw: thank you notes to electeds

Gotta remember to do these. Please remind me. Tx!  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 12/23/2011 11:02 AM EST  
**To:** Richard Windsor  
**Subject:** thank you notes to electeds

Hi Administrator. Here is the list of supportive statements that I have, but I will send an addendum as we get more. Below is a sample note that you can use.

(b)(5)  
Deliberative  
[Redacted]

[Redacted]

[Redacted]

MAYORS:

**New York City Mayor Michael Bloomberg:**

"Today, the President has done the right thing by ignoring the false claims of a narrow special interest and siding with the public health and the public good. The new EPA mercury standards will save countless lives and improve the quality of life for millions. The new rules will also accelerate the country's move away from heavily polluting coal power plants to cleaner energy sources that will continue to stimulate investment and economic activity long into the future."

**Chicago Mayor Rahm Emanuel:**

"I commend the U.S. Environmental Protection Agency (EPA) for introducing new standards to reduce levels of dangerous toxins in our air. Limiting emissions of mercury and other pollutants from coal and oil-fired power plants will save thousands of lives, protect public health, and create jobs for Americans. Our experience in Illinois has shown that mercury emissions can be dramatically reduced without any impact on reliability, cost, or quality of service. We must continue to clean our air and clean up this industry across the country, to create opportunities for Americans and allow all Americans to lead healthier lives."

MEMBERS OF CONGRESS

**Senator Patrick Leahy (Vt.):**

"I commend the Environmental Protection Agency for doing the right thing, under tremendous special interest pressure, in standing up for the public's interest. The Utility Air Toxics Rule to control toxic air

pollutants such as mercury is a health and environmental breakthrough for the American people, and especially for Vermonters. Finally, after 20 years of dodging regulation, coal- and oil-fired electric power plants, the largest contributors of these toxics, will be held accountable for the pollution they emit, just as many other industries are."

**Senator Ben Cardin (Md.):**

"Clean air is essential for the health of every American and it's also good business. It's time for the rest of the country's electricity generation sector to catch up with Maryland and do what our power producers have been doing for years now to protect children from toxic mercury and air toxics pollution...Mercury is an extremely harmful neurotoxin that our country's largest source producers, power plants, must act to address. The doomsday scenarios described by our nation's power companies who irresponsibly continue to operate the nation's oldest and dirtiest power plants are not based in reality. The rule being finalized today is the result of litigation demanding EPA to comply with the Clean Air Act."

**Senator Tom Carper (Del.):**

"With this decision, I believe the Environmental Protection Agency has provided a reasonable and achievable schedule for our dirtiest power plants to reduce harmful air toxic emissions. At the same time, I believe the Environmental Protection Agency has given enough flexibility to industry and states to meet those targets and address any possible local reliability concerns. These clean air investments will be a win-win-win as we save thousands of lives, save billions of dollars in health care costs and work productivity, and create good paying jobs here at home by cleaning up these dirty power plants. In fact, this new rule is expected to produce 46,000 jobs in the near term during the installation of the needed clean air technology, and thousands more for long-term utility jobs."

**Senator Bernie Sanders (Vt.):**

"I strongly support the Clean Air Act standards announced today that will slash toxic air pollution, such as mercury and arsenic, from our nation's power plants. We know from the Centers for Disease Control and Prevention that mercury can cause brain damage and is particularly harmful to infants and young children. We also know that installing the necessary pollution control scrubbers and equipment will create jobs as we update our power plants. This clean air rule is long overdue, and I commend EPA Administrator Lisa Jackson for protecting our families' health and wellbeing."

**Senator Sheldon Whitehouse (R.I.):**

"Today, the EPA has taken an important step to protect public health, particularly the health of children. After years of Rhode Island receiving pollution from out-of-state power plants, the largest sources of toxic air pollution will finally be required to reduce emissions of these dangerous chemicals. I applaud our local utility, National Grid, for its support of these new clean air protections."

**Senator John Kerry (Ma.):**

"The bottom line is, this will mean fewer heart attacks and asthma attacks, fewer kids exposed to mercury, and thousands of good jobs for the American workers who will build, install, and operate the equipment to reduce these toxic pollutants. Smart health and environmental protections go hand in hand with economic growth and reliable, affordable energy."

**Representative Elijah Cummings (Md.):**

"These new standards, which have been twenty years in the making, will safeguard American families and protect our environment from dangerous mercury and toxic air pollution. I commend the EPA for finalizing rules that will prevent thousands of premature deaths and hundreds of thousands of heart attacks and other illnesses. These new national standards will create thousands of American jobs and generate health and economic benefits worth tens of billions of dollars."

**Representative Ed Markey (Mass.):**

"This rule to limit mercury and other dangerous toxics is one of those times when you can truly say 'we're doing it for the kids. While the Obama administration wants to cut mercury pollution to protect kids and pregnant mothers, Republicans want to knife the MACT, stopping these standards from ever going into effect. The 91 percent reduction in mercury in Massachusetts since 1996 shows that these standards are attainable. The standards will reduce mercury by increasing innovation, as entrepreneurs and inventors will discover new and better ways to cut pollution and move to cleaner forms of energy that produce no pollution at all, like wind and solar power. I commend the Obama administration, EPA Administrator Lisa Jackson, and the staff at the EPA for their dedication to the health and well-being of America's kids."

**Senator Barbara Boxer (Calif.):**

"Power plants are not only the nation's largest source of dangerous mercury emissions, but they also pollute the air we breathe with lead, arsenic, chromium, and cyanide. These hazardous air pollutants are known to cause cancer, harm children's development, and damage the brain and nervous system of infants. EPA estimates that this new clean air rule will annually prevent up to 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks and many other health benefits. The science and methodology used to determine these benefits have been extensively peer reviewed by EPA's independent Science Advisory Board and the National Academies of Science. The agency estimates that this clean air rule will also provide up to 46,000 construction jobs and 8,000 long-term jobs in the utility industry. EPA's action today will generate jobs and protect the health and safety of families across the country."

**Senator Olympia Snowe (ME)**

"It is unacceptable that these costs are simply transferred from one region to another and that is why I have long supported reducing mercury pollution with cost-effective technologies," Snowe said in a statement. "I am encouraged that this rule will significantly reduce mercury pollution in Maine and I look forward to reviewing this final rule to ensure it provides Maine families the healthy air they deserve while not overburdening our country's electricity system."

GOVS

**Illinois Governor Pat Quinn:**

"In Illinois, we have seen the benefits of enacting stringent requirements for reducing mercury emissions over the last several years. As a result, thousands of pounds of harmful mercury emissions have been kept out of our air. The President's action will protect millions of Americans from these dangerous emissions just like we have been doing in Illinois."

01268-EPA-6146

**Richard Windsor/DC/USEPA/US**  
01/24/2012 11:36 AM

To Ken Kopocis  
cc  
bcc

Subject Fw: Daily Reading File: January 19, 2012

**(b)(5) Deliberative**

----- Forwarded by Richard Windsor/DC/USEPA/US on 01/24/2012 11:35 AM -----

From: EPAExecSec  
To: Aaron Dickerson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Gladys Stroman/DC/USEPA/US, Heidi Ellis/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Stephanie Washington/DC/USEPA/US@EPA, Christopher Busch/DC/USEPA/US@EPA, Veronica Burley/DC/USEPA/US@EPA, Elizabeth Ashwell/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, briefings@EPA  
Date: 01/19/2012 04:12 PM  
Subject: Daily Reading File: January 19, 2012  
Sent by: (b) (6) Personal Privacy



Daily Reading File.1.19.12.pdf



# Correspondence Management System

Control Number: AX-12-000-0915

Printing Date: January 19, 2012 01:01:09



## Citizen Information

Citizen/Originator: Mull, Stephen D

Organization: United States Department of State  
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

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

## Control Information

Control Number: AX-12-000-0915      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Jan 19, 2012      Received Date: Jan 19, 2012  
 Addressee: OEX-Director - OEX      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File The National Security Affairs Calendar January 14-December 7, 2012  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: Noah Dubin - OEX  
 OEAEE - Office of External Affairs and Environmental Education  
 OHS - Office of Homeland Security

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OITA	Jan 19, 2012

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OITA	Jan 19, 2012

## Comments



201200843

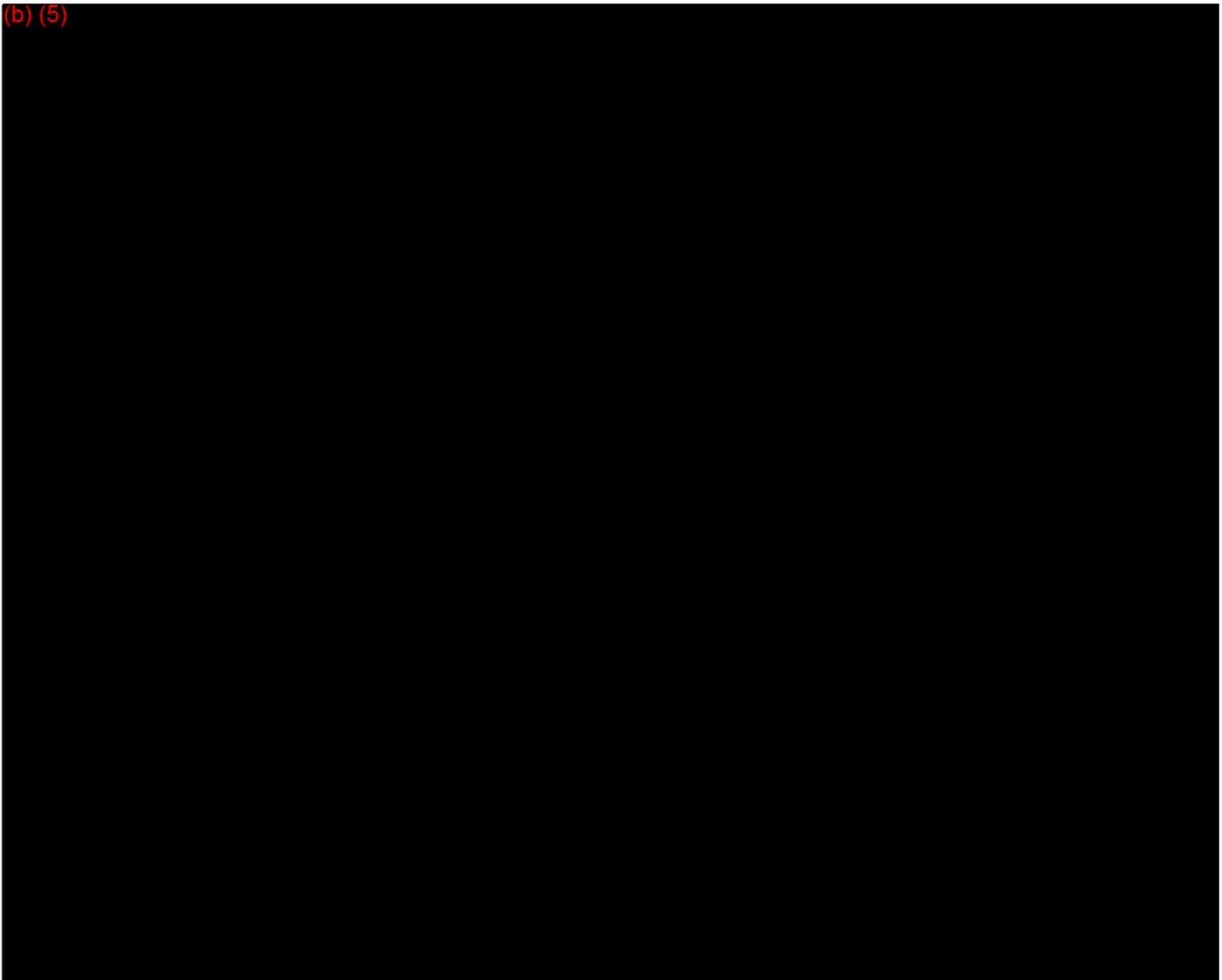
**United States Department of State**

*Washington, D.C. 20520*

January 17, 2012

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

(b) (5)

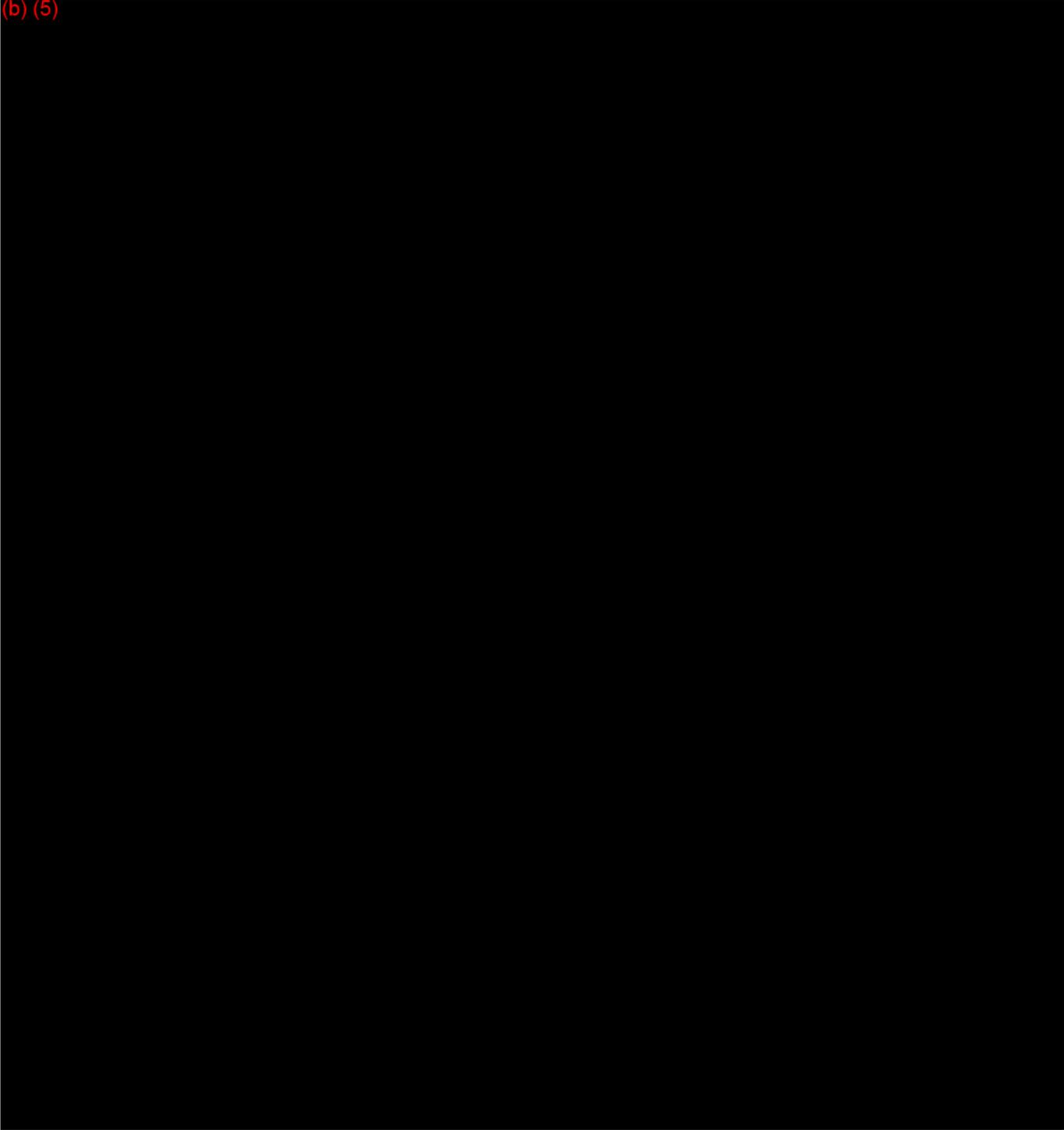


SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

January 17, 2012

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

(b) (5)



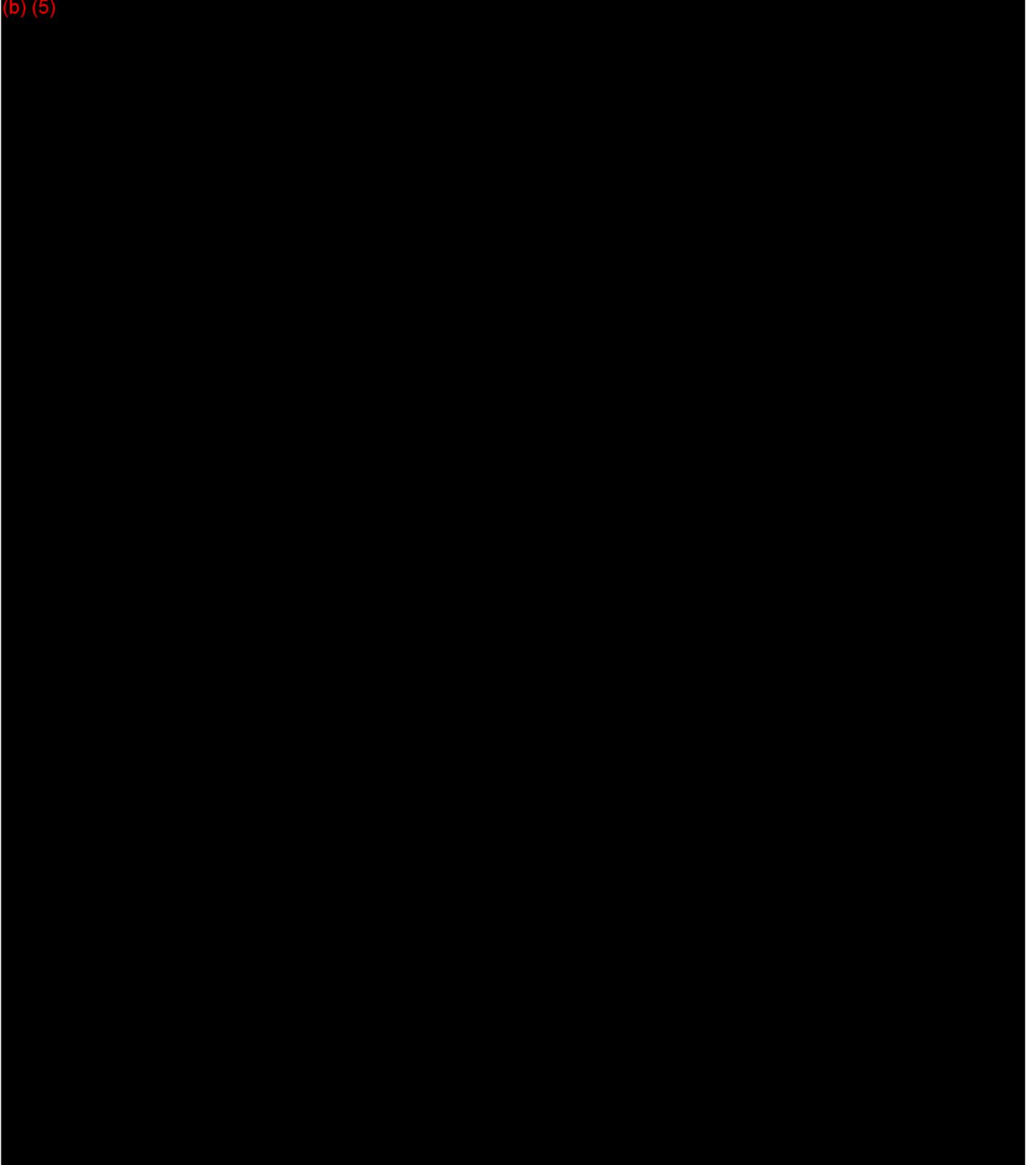
SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

---

SENSITIVE BUT UNCLASSIFIED

2

(b) (5)



SENSITIVE BUT UNCLASSIFIED

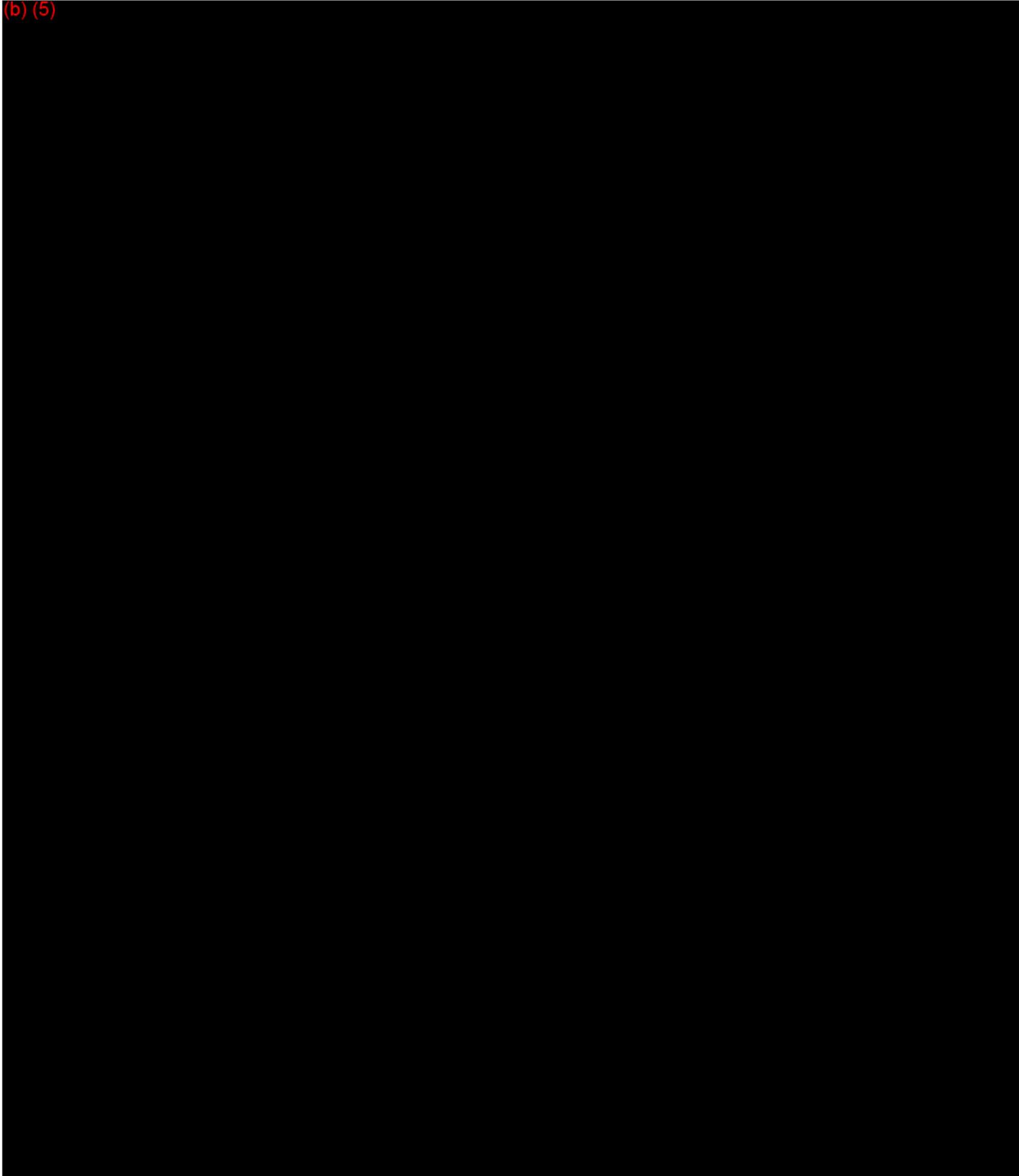
---

---

SENSITIVE BUT UNCLASSIFIED

3

(b) (5)



SENSITIVE BUT UNCLASSIFIED

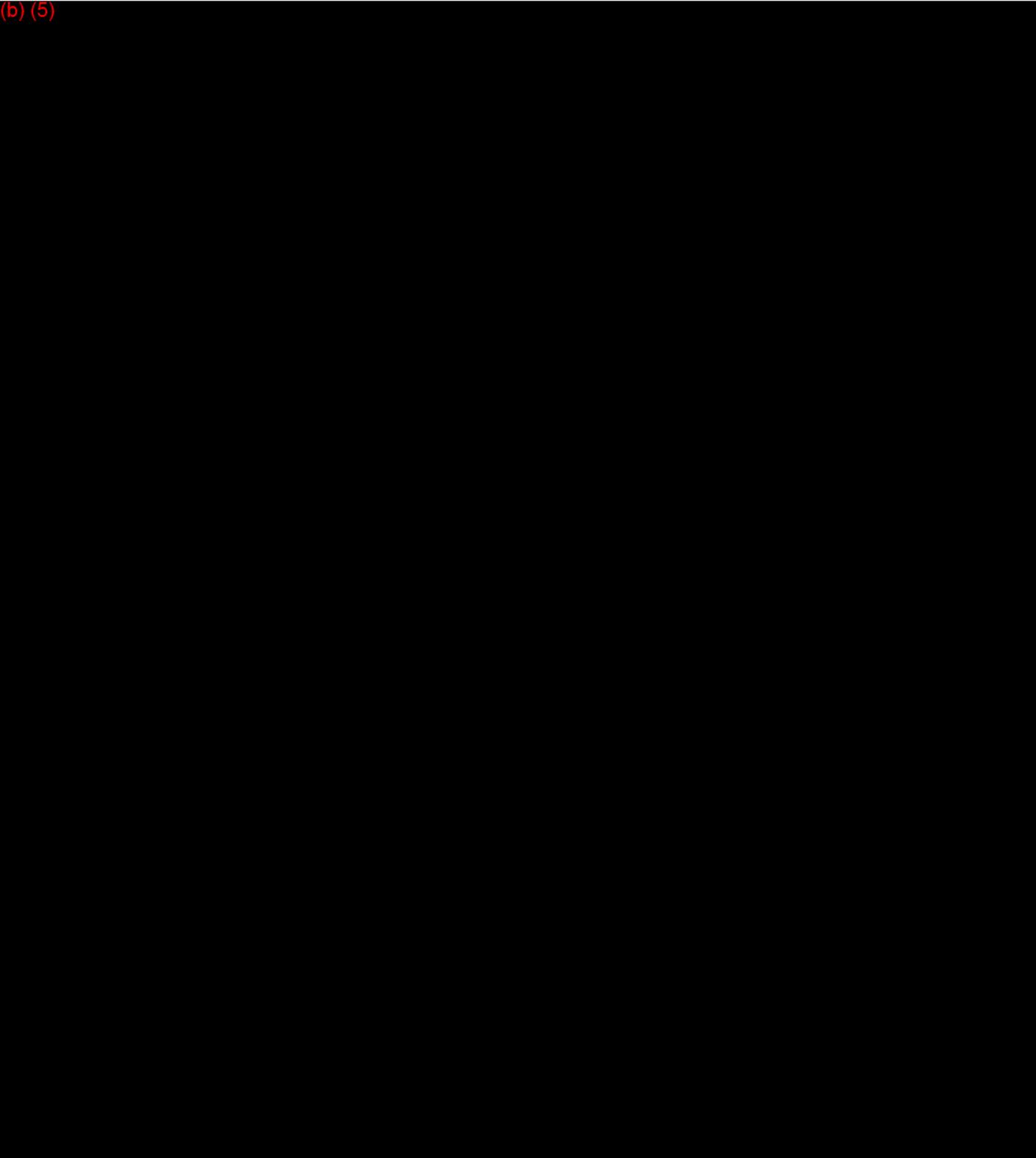
---

---

SENSITIVE BUT UNCLASSIFIED

4

(b) (5)



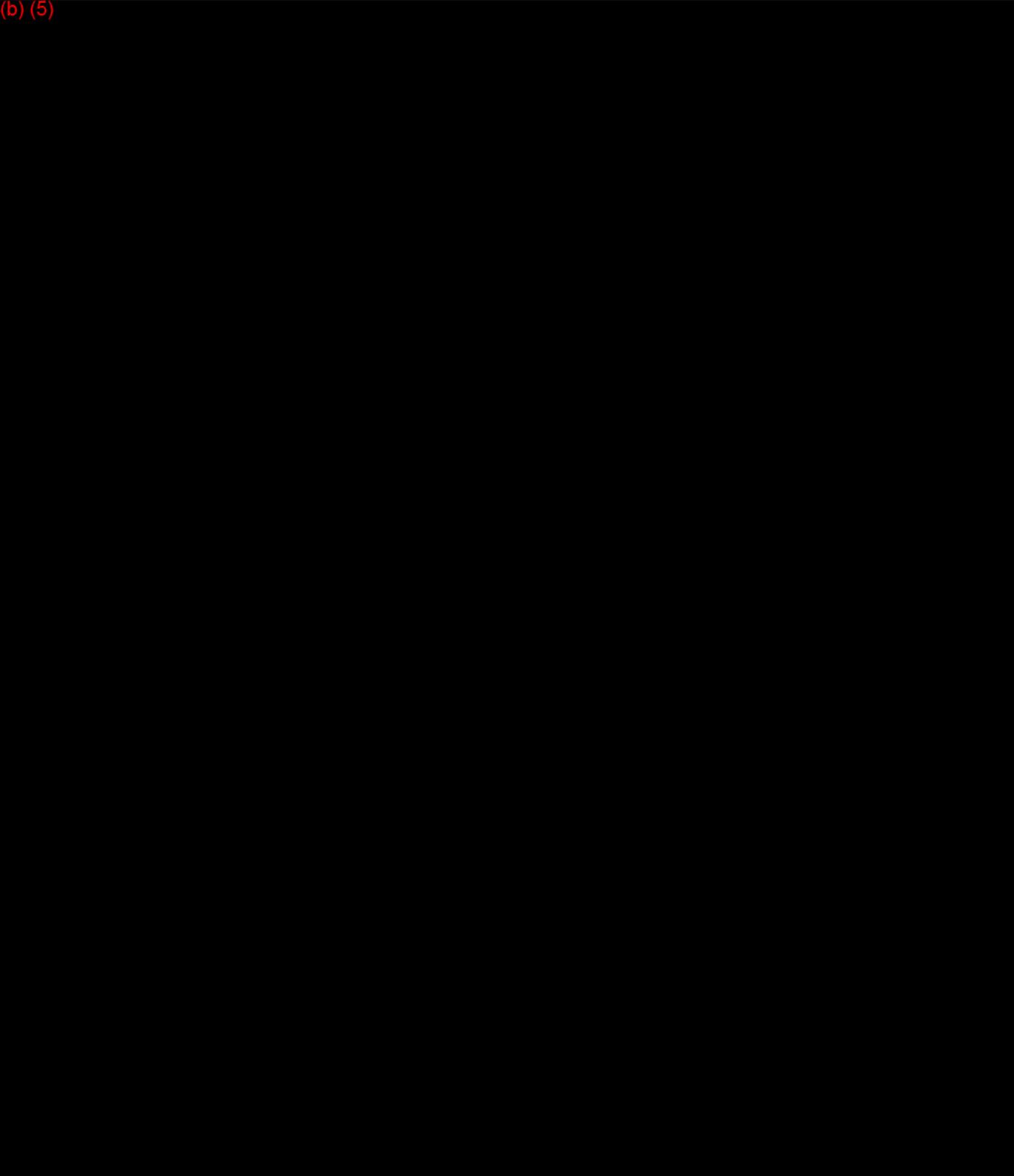
SENSITIVE BUT UNCLASSIFIED

---

---

SENSITIVE BUT UNCLASSIFIED

(b) (5)



SENSITIVE BUT UNCLASSIFIED

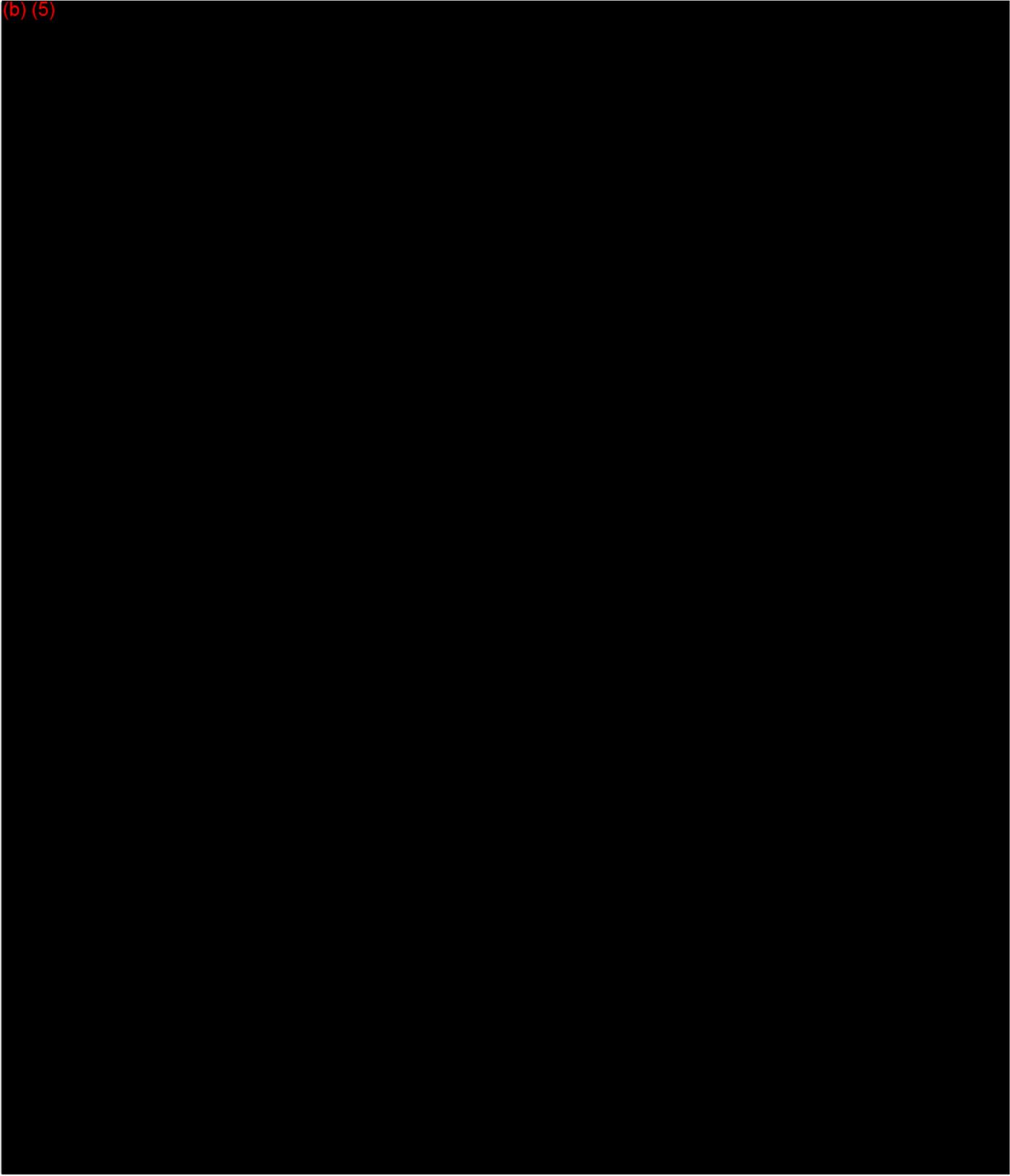
---

---

SENSITIVE BUT UNCLASSIFIED

6

(b) (5)



SENSITIVE BUT UNCLASSIFIED

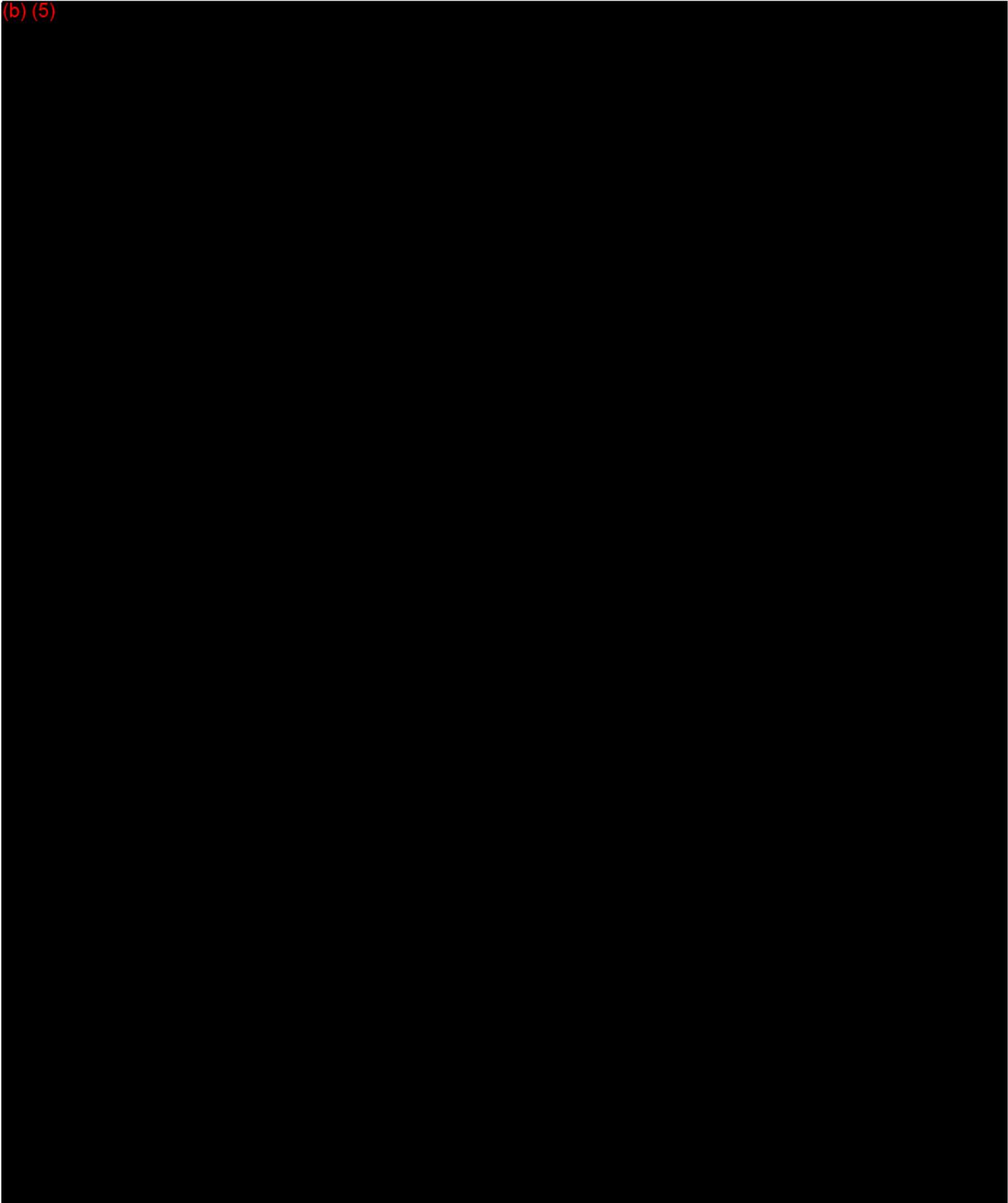
---

---

SENSITIVE BUT UNCLASSIFIED

7

(b) (5)



SENSITIVE BUT UNCLASSIFIED

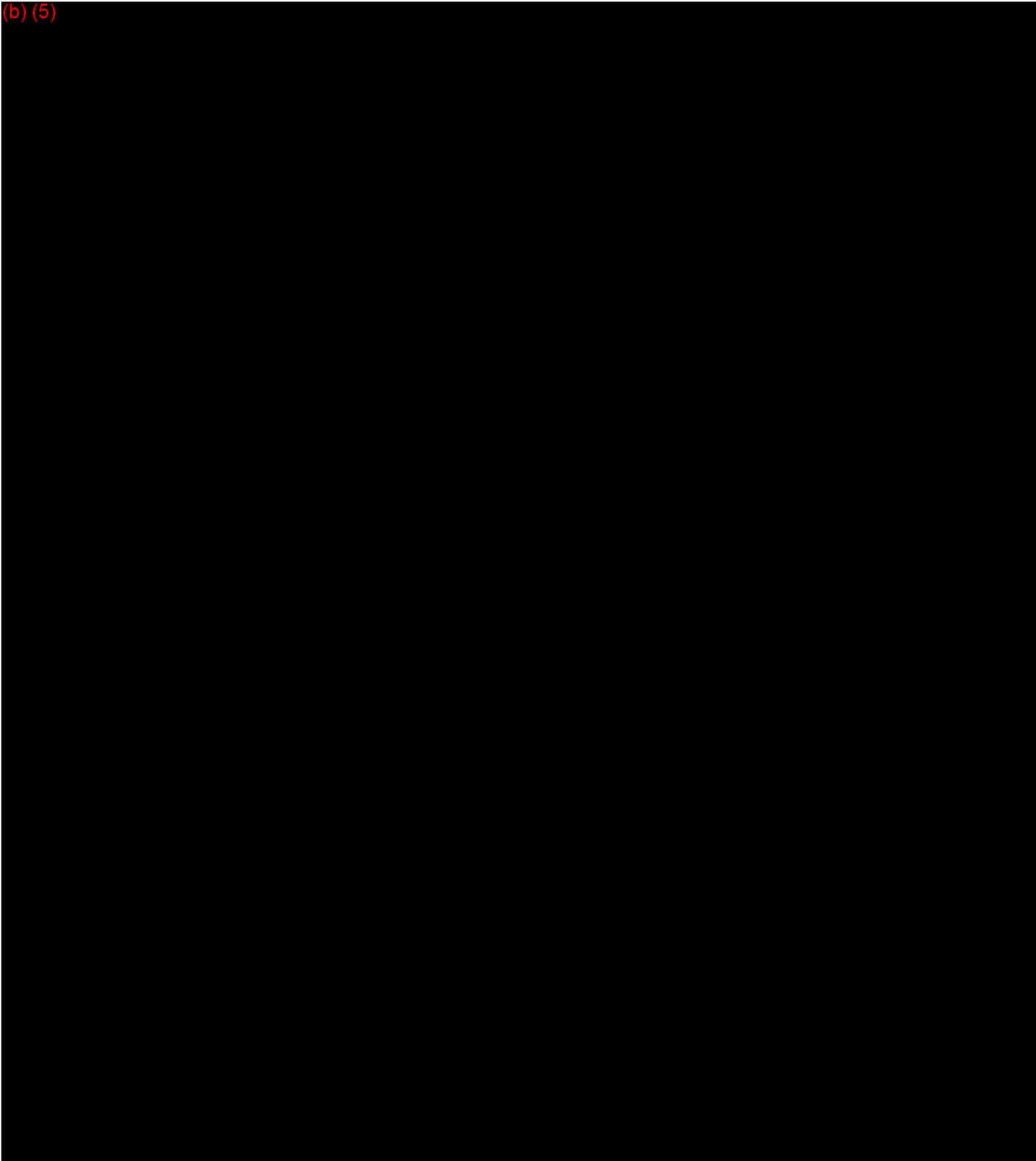
---

---

SENSITIVE BUT UNCLASSIFIED

8

(b) (5)



SENSITIVE BUT UNCLASSIFIED

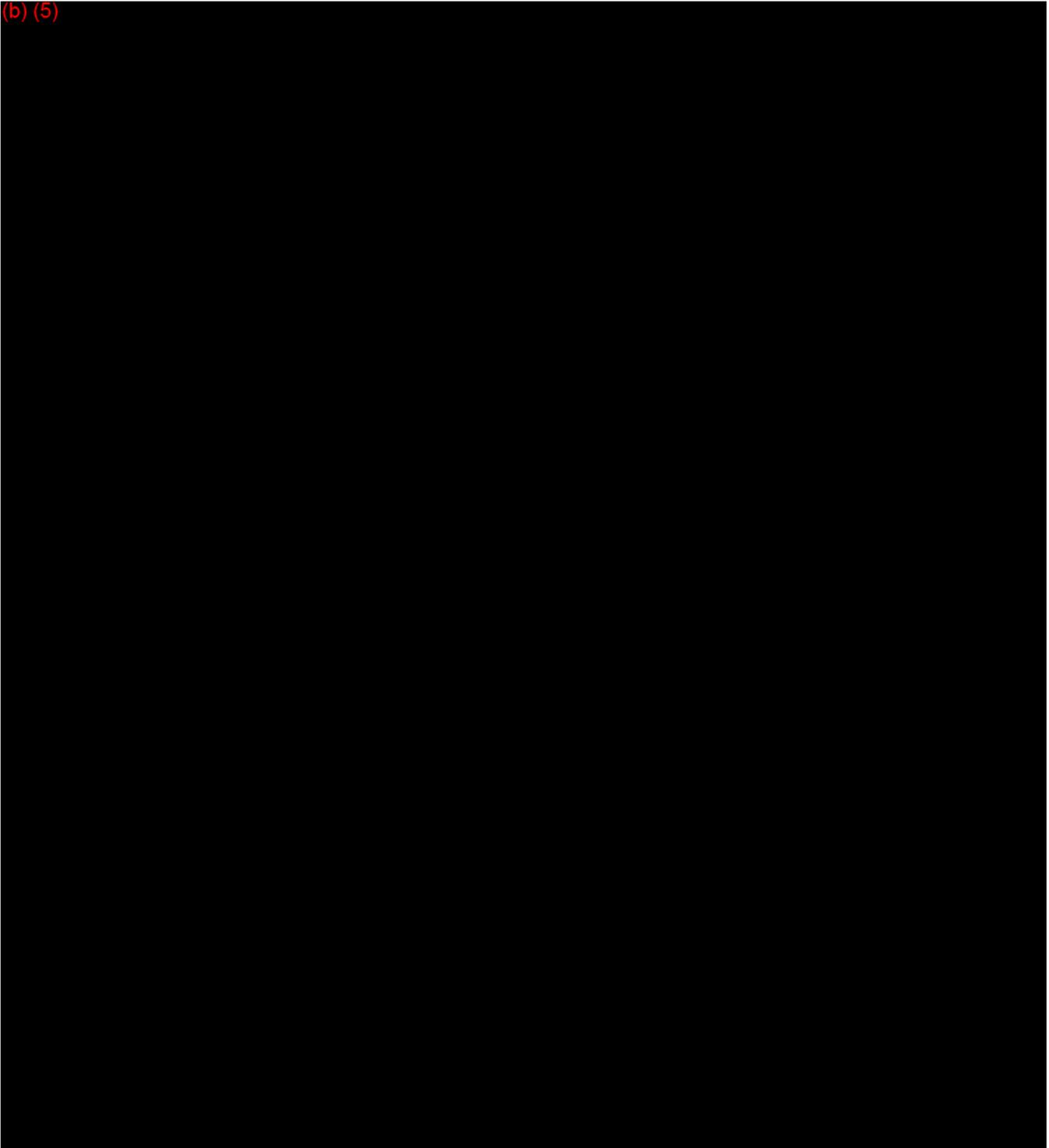
---

---

SENSITIVE BUT UNCLASSIFIED

9

(b) (5)



SENSITIVE BUT UNCLASSIFIED

---

---



# Correspondence Management System

Control Number: AX-12-000-0768

Printing Date: January 19, 2012 01:58:46



## Citizen Information

Citizen/Originator: Hecker, Jennifer

Organization: Conservancy of Southwest Florida  
Address: 1450 Merrihue Drive, Naples, FL 34102

Constituent: N/A

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

## Control Information

Control Number: AX-12-000-0768      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Feb 2, 2012      # of Extensions: 0  
 Letter Date: Jan 11, 2012      Received Date: Jan 18, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: DX-Direct Reply      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_a(1) Controlled and Major Corr. Record copy of of the offices of the EPA Administrator & other senior officials - Nonelectronic

Subject: Daily Reading File-Summary of Environmental Stakeholders Comments on Proposed Revisions to Chapters 62-302 & 62-303 Revisions to Water Quality and Impaired Waters Rule

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

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO  
 OEAE - Office of External Affairs and Environmental Education  
 OW - Office of Water -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R4	Jan 19, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to R4	Jan 19, 2012
(b) (6) Personal Privacy	OEX	Changed Status For Your Information Pending	Jan 19, 2012



RECEIVED

Protecting Southwest Florida's unique natural environment and quality of life **2012 JAN 18 PM 8:52** now and forever.

January 11, 2012

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

Such a pleasure to meet you at the Everglades Coalition conference! We spoke briefly after your speech, when I conveyed that numerous environmental organizations in Florida including my own were urging EPA not approve the Florida Department of Environmental Protection's proposed numeric nutrient standards. I regretfully did not have a business card on hand when you requested, but am enclosing it now along with additional information regarding this issue per our conversation.

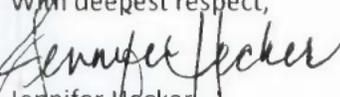
Florida is setting Faux Numeric Nutrient Standards

While the state's standards may look similar to EPA's, they are in reality nothing like them and will create the opposite effect: worsening nutrient pollution problems throughout our state. This is because:

- The vast majority of waterbodies will never have numeric nutrient criteria under the state's proposal - since it does not propose, nor provide any pathway for future numeric criteria for altered and artificial waterbodies (which most of the flowing waters in our state fit this definition), intermittent flowing waters, tidally influenced waters, springs outside the spring vents, etc.
- The few proposed state "thresholds" that do apply can routinely exceeded without any further actions to reduce pollution. So, while the state is proposing to use the same numbers that EPA had used, the state rule makes those numbers essentially meaningless.
- Instead, a waterbody has to routinely exceed the thresholds and then fail biological tests - becoming imbalanced in being covered with algae or dead fish - before site-specific numeric nutrient criteria could potentially be developed for them. This is like having to wait until someone is pronounced dead before being allowed to call an ambulance. It is exactly the opposite of the EPA proposal, which sets true criteria that act as limits to proactively prevent such imbalances (the narrative nutrient standard in Florida).

We understand that this is a politically difficult time to reject a state proposal. However, the state's proposed standards are so detrimental that they truly put public health and safety at great risk. Therefore, we are imploring you to not approve Florida's proposed numeric nutrient proposal. We would be glad to bring a team of scientific, technical and legal experts to provide additional information in person and are enclosing comments from other various groups as well. Thank you so much for your tremendous leadership, and for your time and consideration in this very important matter.

With deepest respect,

  
Jennifer Hecker  
Director of Natural Resource Policy



# Correspondence Management System

Control Number: AX-12-000-0776

Printing Date: January 19, 2012 02:01:02



## Citizen Information

Citizen/Originator: Vincent-Collawn, Patricia

Organization: PNM Resources

Address: Albuquerque Square, Albuquerque, NM 87158-2824

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-0776

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Dec 27, 2011

Received Date: Jan 18, 2012

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File-Thank you for meeting to discuss the U.S. Environmental Protection Agency's regulation of the San Juan Generating Station

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office  
R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	AO-IO-DA	Jan 19, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to AO-IO-DA	Jan 19, 2012

## Comments

PNM Resources  
Alvarado Square  
Albuquerque, NM 87158-2824  
[www.pnmresources.com](http://www.pnmresources.com)  
Phone : 505.241.2802  
Fax : 505.241.4343

Patricia Vincent-Collawn  
President and CEO

RECEIVED

2012 JAN 18 AM 8:52



December 27, 2011

The Hon. Robert Perciasepe  
Deputy Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Deputy Administrator Perciasepe:

On behalf of PNM Resources, I wish to thank you for meeting with me to discuss the U.S. Environmental Protection Agency's regulation of the San Juan Generating Station under the Regional Haze section of the Clean Air Act.

I particularly appreciate your interest in the technical aspects and cost estimates associated with the Federal Implementation Plan that would require selective catalytic reduction (SCR) technology on all four units of the plant.

PNM Resources has a longstanding history of supporting key national environmental objectives associated with coal-fired power plants. We are also sensitive to costs borne by consumers, especially in New Mexico where the poverty rate is the second highest in the nation.

Currently, the cost estimates relied upon by EPA for SCRs for the SJGS are \$345 million, compared to the estimate of at least \$750 million provided by engineering firms with significant experience in installing SCRs on coal fired units. As we discussed, this disparity is of great interest both to EPA and my company.

We deeply appreciate EPA's interest in engaging in an open dialogue on the cost issues. As a follow up to our meeting with you, we met with Janet McCabe and others to discuss how to proceed. We developed a better understanding of how to engage with EPA on the cost issue, together with other stakeholders in an open and transparent manner through the public process to review the New Mexico State Implementation Plan.

Thank you for your time and attention. If you or your staff have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Vincent-Collawn".

Patricia Vincent-Collawn



# Correspondence Management System

**Control Number: AX-12-000-0835**

**Printing Date: January 19, 2012 10:02:08**



---

## Citizen Information

**Citizen/Originator: Halladay, Alycia**

Organization: Rutgers University  
Address: 212 Irving Place, Basking Ridge, NJ 07920

**Skogstrom, Tiffany**

Organization: Boston Public Health Commission  
Address: 88 East Newton Street, Boston, MA 02118-2308

**Wells, Ellen M.**

Organization: Case Western Reserve University  
Address: 10900 Euclid Avenue, Cleveland, OH 44106

**Warrick, Cynthia**

Organization: Howard University School of Pharmacy  
Address: 7 Inagua Court, Elizabeth City, NC 27909

**Katz, Susan**

Organization: Oregon Physicians for Social Responsibility  
Address: 812 SW Washington Street, Portland, OR 97205

**Ramos, Diana**

Organization: University of Southern California, Keck School of Medicine  
Address: Health Sciences Campus, Los Angeles, CA 90089

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

---

## Control Information

<b>Control Number:</b>	AX-12-000-0835	<b>Alternate Number:</b>	N/A
<b>Status:</b>	Pending	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	Feb 3, 2012	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Jan 9, 2012	<b>Received Date:</b>	Jan 19, 2012
<b>Addressee:</b>	AD-Administrator	<b>Addressee Org:</b>	EPA
<b>Contact Type:</b>	MEM (Memo)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	DX-Direct Reply	<b>Signature Date:</b>	N/A
<b>File Code:</b>	404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.		
<b>Subject:</b>	Daily Reading File - Extend EPA's environmental justice policy protections to include reproductive and developmental health		
<b>Instructions:</b>	DX-Respond directly to this citizen's questions, statements, or concerns		
<b>Instruction Note:</b>	N/A		
<b>General Notes:</b>	N/A		
<b>CC:</b>	OCHP - Office of Children's Health Protection OCSPP - OCSPP - Immediate Office OEAE - Office of External Affairs and Environmental Education OP - Office of Policy		

---

## Lead Information

**Lead Author:** N/A

## Extend EPA's environmental justice policy protections to include reproductive and developmental health

---

To: Lisa P. Jackson,  
Administrator, United States Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

From: Alycia Halladay, PhD; Rutgers University  
Tiffany Skogstrom; Boston Public Health Commission  
Ellen M. Wells, PhD; Case Western Reserve University  
Cynthia Warrick, PhD, RPH; Howard University School of Pharmacy  
Susan Katz, MD; Oregon Physicians for Social Responsibility  
Diana Ramos, MD; University of Southern California, Keck School of Medicine

Subject: **Extend EPA's environmental justice policy protections to include reproductive and developmental health**

Date: January 9, 2012

Cc: Kelly Maguire, Office of Policy, US EPA  
Lisa Garcia, Office of Environmental Justice, US EPA  
Heather Case, Office of Environmental Justice, US EPA  
Jim Jones, Office of Chemical Safety and Pollution Prevention, US EPA  
Peter Grevatt, Office of Children's Health Protection, US EPA

Enclosures: Specific recommendations for the *Interim Guidance Document on Considering Environmental Justice during the Development of an Action*  
Annotated Bibliography

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2012 JAN 18 PM 1:01

RECEIVED

Dear Administrator Jackson:

The United States Environmental Protection Agency (EPA) has a strong history of incorporating environmental justice into environmental health policy and activities and demonstrates a willingness to continue seeking environmental justice.<sup>1</sup> These actions have resulted in substantial success towards the goal to protect everyone against environmental hazards regardless of race or income.<sup>2</sup> However, more can be achieved. As environmentalists, children's health advocates, researchers and physicians, we understand the substantial impact environmental hazards can have on reproductive and developmental health.<sup>3</sup>

**Accordingly, we urge EPA to expand the scope of environmental justice concerns to include reproductive and developmental health outcomes within EPA's environmental justice policy.**

---

<sup>1</sup> Nweke OC et al. *Am J Public Health* 2011;101(Supp 1):S19-S26.

<sup>2</sup> Brulle RJ and Pellow DN. *Ann Rev Pub Health* 2006. 27:103-24.

<sup>3</sup> Woodruff TJ et al. *Fertil Steril* 2008. 89:281-300.

We propose three mechanisms by which EPA should act:

- 1. Recognize reproductive-aged women and developing offspring as vulnerable populations.** EPA should explicitly recognize reproductive aged and pregnant women, as well as their developing offspring, as vulnerable populations within the EPA's *Action Development Process Interim Guidance Document on Considering Environmental Justice during the Development of an Action*.
- 2. Support incorporation of reproductive and developmental health in EPA activities.** EPA should encourage Federal Advisory Committees (such as the National Environmental Justice Advisory Council, Children's Health Protection Advisory Council, etc.) to collaborate and incorporate reproductive and developmental health outcomes into their individual activities and common goals.
- 3. Cooperate with a public/private partnership to promote reproductive and developmental health.** EPA should collaborate with a developing coalition of stakeholders, community groups, advocacy organizations and the public. This group would help EPA implement strategies related to reproductive and developmental health, and environmental justice issues.

As noted above, exposure to environmental contaminants is recognized to harm reproductive and developmental health. In addition to direct impacts to fertility and reproduction, children are particularly vulnerable to the effects of chemicals for several reasons. To begin with, children have greater exposure to environmental chemicals per pound of body weight in comparison with adults, and in many cases they are less capable of breaking down toxic chemicals because their metabolic pathways are still immature. Furthermore, children's hand-to-mouth behavior, as well as their proximity to the floor, results in more environmental exposures. As children are undergoing rapid development, environmental insults may disrupt this process with potentially lifelong impacts.<sup>4</sup>

Many environmental contaminants linked with reproductive and developmental health outcomes are also recognized as components of environmental justice concerns, including exposures to air pollution, lead, and pesticides.<sup>5</sup> This means that in addition to the concerns above, there is cause for concern due to the likelihood of disproportionate exposure of these environmental hazards among reproductive-aged women within low-income and minority populations. The accumulation of increased environmental exposures in addition to other health determinants, such as stress, can lead to substantially increased reproductive and developmental health risk for these populations.<sup>6</sup> For these reasons, the EPA must include reproductive and developmental health in the agency's environmental justice policy in a clear and explicit manner.

EPA has already established programs and policy around environmental justice. Our suggestions will bolster these programs and policies as well as promote reproductive and developmental health, thereby supporting some of our most vulnerable populations. These suggestions are discussed in more detail on the next page.

---

<sup>4</sup> Landrigan PJ and Goldman LR. *Health Aff* 2011. 30:842-850.

<sup>5</sup> For example: Landrigan PJ et al. *Mt Sinai J Med* 2010 77:178-187 and Payne-Sturges D and Gee CG. *Environ Res* 2006. 102:154-171. Also see the bibliography submitted with this document.

<sup>6</sup> Morello-Frosch R and Shenassa ED. *Environ Health Perspect* 2006. 114: 1150-1153.

### **1. Recognize reproductive-aged women and developing offspring as vulnerable populations**

The document "*EPA's Action Development Process: Interim Guidance Document on Considering Environmental Justice During the Development of an Action*"<sup>7</sup> is currently in preparation. EPA should specifically include language to name reproductive aged and pregnant women, as well as their developing offspring, as vulnerable populations. Specific language is suggested in an attached document.

### **2. Support incorporation of reproductive and developmental health in EPA activities**

EPA established various advisory councils after the passage of the Federal Advisory Council Act (FACA) in 1972. We appreciate the fact that the National Environmental Justice Advisory Council (NEJAC) advises the Office of Environmental Justice and the Children's Health Protection Advisory Committee (CHPAC) advises the Office of Children's Health Protection, giving independent advice and recommendations from many stakeholders involved in the environmental justice dialogue and the children's health protection community.

Both NEJAC and CHPAC, as well as other relevant groups within EPA, should develop activities to incorporate reproductive and developmental health into environmental justice. For example, NEJAC could develop a workgroup on reproductive and developmental health issues within environmental justice, or take steps to explicitly include these issues within their current work on cumulative risks. CHPAC's prenatal work group recently made recommendations for incorporating research on social determinants of prenatal and early developmental health disparities into environmental justice programs and policies. We ask the EPA to request dialogue between those two advisory councils in coordination with this recent letter. This could include incorporation of prenatal and developmental health into the NEJAC's current work on cumulative risks and vulnerable populations as well as including reproductive aged and pregnant women in specifically in their work on healthy sustainable communities.

### **3. Cooperate with a public/private partnership to support reproductive and developmental health**

We ask that the EPA actively cooperate with activities of an independent coalition of advocacy and scientific groups that can advance EPA's policies and projects through various mechanisms such as scientific initiatives and agendas which may intersect with EPA's goals.

In order to help EPA implement these strategies, we believe an independent coalition of stakeholders, community groups, advocacy organizations, and public members should be developed and sustained as a public/private partnership. Planning and exploration of the short term and long-term goals and objectives of such a group is currently being perused. Over a dozen independent organizations or individuals have expressed interest in coming together to work collaboratively with each other and the EPA to advance common scientific agendas. Such a group could be called "Friends of EPA" and work similarly to existing group such as "Friends of CDC", "Friends of NICHD" and "Friends of NIEHS". The name and structure are yet to be determined but would be open to the public for membership.

These coalitions are dedicated to supporting the mission of the agency, advocating on behalf of the agency, disseminating scientific findings and programmatic initiatives, and promoting activities through briefings and meetings, and providing information about policies. Member organizations of the coalition are comprised of scientists, physicians, health care providers, patients, and parents concerned with the health and welfare of women, children, families, and people with disabilities. Coalitions have the capacity to provide an active, broad reaching membership base that can disseminate an active and effective communication strategy through

<sup>7</sup> <http://www.epa.gov/compliance/ej/resources/policy/considering-ej-in-rulemaking-guide-07-2010.pdf>

electronic and written means as well as community outreach. Currently, there is no outside coalition supporting EPA which collectively represents stakeholder citizens, advocacy organizations, and public interest groups. Of importance, this representative private/partner coalition would represent a wide array of interests, and would act as an independent liaison to specific offices and projects. Therefore, the specific interests of the EPA may also be addressed through subgroups of this coalition, whose focus is to promote the activities of each EPA office. The coalition would act independently and without EPA involvement in issues relating to advocacy, legislation, and budgeting requests.

Potential partner organizations could include the Collaborative on Children's Health and the Environment, the Endocrine Society, Autism Speaks, the American Pregnancy Association, DES Action USA, Physicians for Social Responsibility, and the American Academy of Pediatrics. We would be interested in helping EPA implement strategies related to reproductive health outcomes through organization of such an outside coalition. EPA could lend its collective expertise to the activities of this coalition by providing scientific and programmatic updates on upcoming policy changes, funding opportunities, and research discoveries, allowing for the coalition members to work more collaboratively with EPA staff on science based initiatives. Such a partnership was recently endorsed by the Children's Health Protection Advisory Committee.

A bibliography reviewing recent scientific literature on this topic has been submitted with this memo for your review. Based on the arguments presented, we strongly urge EPA to consider these recommendations to close gaps in reproductive and developmental health outcomes as part of environmental justice policy.

Thank you for your time and consideration of this important matter.

Respectfully submitted,<sup>8</sup>

*Alycia Halladay, PhD*  
Adjunct Professor  
Department of Pharmacology and Toxicology, Rutgers  
University  
[Halladay@rci.rutgers.edu](mailto:Halladay@rci.rutgers.edu)  
908-963-5345

*Cynthia Warrick, PhD, RPh*  
Senior Fellow, Center for Minority Health Services  
Research  
Howard University School of Pharmacy  
[cwarrickphd@gmail.com](mailto:cwarrickphd@gmail.com)  
301-526-1730

*Tiffany Skogstrom*  
Senior Project Coordinator  
Boston Public Health Commission  
Boston, Massachusetts  
[tskogstrom@bphc.org](mailto:tskogstrom@bphc.org)  
617-534-2667

*Susan Katz, MD*  
Head of Environmental Health and Member, Board of  
Directors  
Oregon Physicians for Social Responsibility  
Portland, Oregon  
[susanfkatz@gmail.com](mailto:susanfkatz@gmail.com)  
503-764-9870

*Ellen M. Wells, PhD*  
Postdoctoral Scholar  
Case Western University School of Medicine  
Cleveland, Ohio  
[ellen.wells@case.edu](mailto:ellen.wells@case.edu)  
216-368-0734

*Diana Ramos, MD*  
Assistant Professor, Obstetrics & Gynecology  
University of Southern California, Keck School of  
Medicine  
Los Angeles, California  
[drdramos@hotmail.com](mailto:drdramos@hotmail.com)

<sup>8</sup> Affiliations are provided for reference only. The content and views of this work are those of the authors and do not necessarily represent those of the authors' affiliations.



# Correspondence Management System

Control Number: AX-12-000-0850

Printing Date: January 19, 2012 09:44:21



## Citizen Information

Citizen/Originator: Staples, Todd

Organization: Texas Department of Agriculture  
Address: Post Office Box 12847, Austin, TX 78711

Constituent: N/A

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

## Control Information

Control Number: AX-12-000-0850      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Feb 3, 2012      # of Extensions: 0  
 Letter Date: Jan 12, 2012      Received Date: Jan 19, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: DX-Direct Reply      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Comment on the proposed National Pollutant Discharge Elimination System Concentrated Animal Feeding Operations Reporting Rule

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

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO  
 OCIR - Office of Congressional and Intergovernmental Relations  
 OEAE - Office of External Affairs and Environmental Education  
 OGC - Office of General Counsel -- Immediate Office  
 OP - Office of Policy  
 R6 - Region 6 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OW	Jan 19, 2012	Feb 3, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES  
COMMISSIONER

January 12, 2012

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20460

OFFICE OF THE  
EXECUTIVE SECRETARIAL

2012 JAN 18 PM 1:09

RECEIVED

Dear Administrator Jackson:

Thank you for the opportunity to comment on the proposed National Pollutant Discharge Elimination System (NPDES) concentrated animal feeding operations (CAFO) reporting rule, which would unnecessarily extend EPA's regulatory power at the expense of our nation's domestic food producers.

First, the proposed rules and the rulemaking process are fundamentally flawed. The Clean Water Act (CWA) rightfully provides EPA the authority to regulate harmful and controlable pollution discharges to protect our nation's waterways. In the proposed rule, EPA is clearly extending its regulatory authority beyond the intent of the CWA, instituting a structure that focuses on regulating facilities because they may meet a broad administrative definition, not because they operate in a manner that poses a danger to human health or the environment.

Section 308(a) of the CWA states "the Administrator shall require the owner or operator of any *point source* to" provide information to EPA. Section 308 *does not* call for reporting by sources that do not discharge into waterways. Being defined as a CAFO does not automatically mean an operation is a source of pollution, and the federal courts have repeatedly and consistently ruled that EPA does not have authority over facilities that do not actually discharge into waters of the United States. Furthermore, your agency's current rules already require that an owner or operator of a CAFO that actually discharges into streams, lakes and other waters must apply for a NPDES permit under the CWA.

As recently as March 2011, the United States Court of Appeals for the Fifth Circuit affirmed in *National Pork Producers Council, et al v. EPA* that the agency does not have authority over CAFOs where no discharge occurs. Additionally, over the past few years, members of Congress have proposed extending regulatory authority to EPA; however, these efforts have failed, further proving the lack of desire or need to extend this regulatory power to EPA.



The Honorable Lisa Jackson  
January 12, 2012  
Page 2

Even if EPA were acting within its legal authority by regulating non-polluting CAFOs, the two proposed reporting options under which the operations would be required to submit information to the agency are unnecessarily burdensome. Under the first option, individual CAFOs would be required to report to EPA, unless states with authorized NPDES programs choose to provide the information. Where a state provides all the information to EPA, individual CAFOs would not be required to submit information. The Texas Commission on Environmental Quality (TCEQ) has delegated NPDES authority and may make the information available to EPA. TDA recommends EPA, when acting within its authority, gather necessary reports through state regulatory agencies rather than burdening individual entities with unnecessary costs and duplicative reporting rules.

Under the second reporting option, only CAFOs in EPA designated focus watersheds that have water quality concerns associated with feeding operations would be required to report the requested information to EPA. Proposed EPA criteria for identifying focus watersheds include "high priority watersheds, patterns of vulnerable soils, high densities of animals, and other relevant information such as proximity to environmental justice communities."

My concern with this option is that it enables EPA to make a unilateral decision in classifying focus watersheds. The agency would not have to consult with either state NPDES regulatory officials, river authorities or affected stakeholders prior to designation. Again, the fundamental issue that EPA does not have the regulatory authority to require non-discharging CAFOs to report additional information is clear and compounded by this second option, which could be used to eliminate external and stakeholder input.

I appreciate the opportunity to share my concerns about this rule with you. It is imperative EPA curb efforts to unilaterally expand its regulatory authority. To continue this rulemaking would demonstrate a clear disregard for sound science, the public's will and established law; it will lead to costly regulation and, at best, obscure benefits.

Sincerely yours,



Todd Staples

TS/RE/re



# Correspondence Management System

Control Number: AX-12-000-0852

Printing Date: January 19, 2012 09:27:28



## Citizen Information

Citizen/Originator: Johnson, Jerry N.

Organization: Washington Suburban Sanitary Commission  
Address: 14501 Sweitzer Lane, Laurel, MD 20707-5902

Constituent: N/A

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

## Control Information

Control Number: AX-12-000-0852      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Jan 6, 2012      Received Date: Jan 18, 2012  
 Addressee: DA-Deputy Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File- Thank you for spending time meeting my staff and colleagues from NACWA on December 20, 2011.  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 R3 - Region 3 - Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

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

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OW	Jan 19, 2012

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OW	Jan 19, 2012

## Comments



# Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

COMMISSIONERS  
Dr. Roscoe M. Moore, Jr., Chair  
Chris Lawson, Vice Chair  
Gene W. Counihan  
Melanie Hartwig-Davis  
Antonio L. Jones  
Hon. Adrienne A. Mandel

GENERAL MANAGER

Jerry N. Johnson

OFFICE OF THE  
EXECUTIVE SECRETARY

JAN 18 PM 1:08

January 6, 2012

Mr. Robert Perciasepe  
Deputy Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101A  
Washington, DC 20460

Dear Deputy Administrator Perciasepe:

On behalf of the Washington Suburban Sanitary Commission (WSSC) and the 1.8 million residents we serve in Prince George's and Montgomery Counties in Maryland, I am writing to thank you for spending your valuable time meeting with my staff and their colleagues from NACWA on December 20, 2011. I had hoped to attend the meeting myself but had a family engagement out of town that could not be avoided. The Sewage Sludge Incineration (SSI) Rule published earlier this year is of great importance to the WSSC and I hope the information provided at the meeting was helpful to you. I would like to provide you with additional information from the WSSC to consider as you review the SSI final rule. WSSC and EPA are partners in providing essential water and wastewater services to the public and we take our role very seriously.

WSSC, like many of our colleagues throughout the nation, cannot consider SSI or any other challenge we face in isolation. Incineration is part of an overall biosolids management program that considers many factors including environmental impact, costs, budgetary constraints, and regulatory burdens. During a period of time when municipalities are facing enormous economic challenges in an ever-expanding regulatory landscape, it is critical for EPA to ensure its policies are environmentally and economically sound, and ensure those policies allow utilities to manage their limited resources wisely and engage in practices that can maximize their resources while limiting their carbon footprint. The 2011 EPA SSI Rule does not, in our opinion, strike that balance. As a not-for-profit combined water/wastewater utility facing billions of dollars in infrastructure investments with no identified revenue stream beyond the shoulders of our ratepayers that includes the federal government, every

Mr. Robert Perciasepe  
January 12, 2012  
Page 2

regulatory decision that costs additional dollars must be weighed and scrutinized along with our other burgeoning priorities.

The WSSC generates over 250,000 wet tons of sewage sludge annually. Approximately 165,000 tons are produced at the Blue Plains WWTP in Washington, DC. The remainder is produced at WSSC facilities located within Prince George's and Montgomery Counties in Maryland. At the present time the vast majority of this sludge is treated with lime, creating biosolids for land application. The one exception is the approximately 25,000 wet tons annually produced at the Western Branch WWTP where disposal occurs mainly through incineration using two multiple hearth incinerators. These incinerators were constructed in 1977 using Clean Water Act Construction Grant Funds and are wholly integrated into the solids handling and treatment processes at the POTW.

The ability to dispose of biosolids within Maryland is diminishing with fewer allowable sites for land application. The Maryland General Assembly continues to debate further restrictions on the land application of biosolids, which can be both costly and problematic to wastewater utilities providing a critical public service. Currently about 85% of WSSC biosolids are transported over one hundred miles into the Commonwealth of Virginia. Should Maryland succeed pushing land application options further and further from the generating plants, utilities will face enormous investment costs to deal with the necessary storage and trucking requirements over long distances. Coupled with the new EPA SSI Rule utilities utilizing incineration as part of their overall biosolids management program could be forced to abandon incineration as early as 2016. Loss of incineration as a viable management option will have major economic consequences, eliminate a major green energy source, and result in a transfer of emissions from SSIs to the tens of thousands of trucks that will be needed to haul the nation's sludge to landfills or other disposal sites across the county. This could expose the public to increasing risks, potential adverse environmental impacts and rising costs as the transportation mileage increases.

WSSC is serious about our environmental stewardship responsibilities and recently spent \$6.5 million on a project to lessen emissions from our two incinerators and reduce natural gas consumption by 75%. Preliminary estimates indicate that compliance with the new SSI rule will cost WSSC ratepayers approximately \$12 million in capital costs and an additional \$100,000 annually in added operational and maintenance costs. These costs will adversely affect the investment recently made and make it more difficult to justify continuance of this option in the face of any present-day negative economic argument. I cannot imagine a bleaker point in time when EPA could impose additional costs on local communities already faced with substantial Consent Decree investments,

Mr. Robert Perciasepe  
January 12, 2012  
Page 3

infrastructure renewal programs, and escalating operational expenses to simply maintain the services we currently provide. In the last nine years including the proposed budget for our next fiscal year, WSSC ratepayers have experienced a cumulative 73% rate increase. Our proposed annual operating budget is \$1.2 billion with an associated six-year capital budget of \$3.2 billion. While the numbers associated with our incinerators may seem small in comparison, every \$5 million represents an approximately 1% rate increase to our ratepayers also facing foreclosure, unemployment, and other fiscal constraints. With little to no federal funding assistance available to assist ratepayers in shouldering these unfunded mandates, the pile on effect is bearing down upon our everyday citizens.

The WSSC believes that utilities must have environmentally and economically sound biosolids management programs with decisions made at the local level to set priorities. We are committed to working with our federal partners including the EPA to ensure we are protecting the public we serve in the most fiscally responsible manner possible.

Again, we encourage you and your staff to call upon us if we can provide any additional information to you. We also invite you to visit our facilities to "kick the tires" yourself to better understand the real world impacts of the decisions made in Washington.

Thank you for your dedication and attention to water quality and our industry as a whole. I know that you have long ties to Maryland and the WSSC. Please know that we always stand ready to serve as a resource to our federal partners on this or any other issue. If you need any additional information in the meantime, please feel free to contact me at 301-206-8777 or my e-mail at [GMCEO@wsscwater.com](mailto:GMCEO@wsscwater.com).

Sincerely,



Jerry N. Johnson  
General Manager/CEO



# Correspondence Management System

Control Number: AX-12-000-0942

Printing Date: January 19, 2012 01:43:52



## Citizen Information

**Citizen/Originator: White, Arnette C**

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

**Sunstein, Cass R**

Organization: Office of Management and Budget  
Address: 725 17th Street, NW, Washington, DC 20503

**Sapiro, Miriam**

Organization: United States Trade Representative  
Address: 600 17th Street, NW, Washington, DC 20508

**Chopra, Aneesh**

Organization: Office of Science and Technology Policy  
Address: 725 17th Street, NW, Washington, DC 20502

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

<b>Control Number:</b>	AX-12-000-0942	<b>Alternate Number:</b>	N/A
<b>Status:</b>	For Your Information	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	N/A	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Jan 17, 2012	<b>Received Date:</b>	Jan 19, 2012
<b>Addressee:</b>	AD-Administrator	<b>Addressee Org:</b>	EPA
<b>Contact Type:</b>	EML (E-Mail)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	SNR-Signature Not Required	<b>Signature Date:</b>	N/A
<b>File Code:</b>	401_127_a General Correspondence Files Record copy		
<b>Subject:</b>	Daily Reading File - Principles for Federal Engagement in Standards Activities to Address National Priorities		
<b>Instructions:</b>	For Your Information -- No action required		
<b>Instruction Note:</b>	N/A		
<b>General Notes:</b>	N/A		
<b>CC:</b>	OARM - OARM -- Immediate Office OCFO - OCFO -- Immediate Office OEAE - Office of External Affairs and Environmental Education OEI - Office of Environmental Information - Immediate Office OITA - Office of International and Tribal Affairs ORD - Office of Research and Development -- Immediate Office		

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

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



Executive Office of the President  
Office of Management and Budget



Executive Office of the President  
United States Trade Representative



Executive Office of the President  
Office of Science and Technology Policy

January 17, 2012

M-12-08

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Aneesh Chopra   
U.S. Chief Technology Officer  
Office of Science and Technology Policy

Miriam Sapiro   
Deputy  
United States Trade Representative

Cass R. Sunstein   
Administrator, Office of Information and Regulatory Affairs  
Office of Management and Budget

SUBJECT: Principles for Federal Engagement in Standards Activities to Address National Priorities

On February 4, 2011, the President released "*A Strategy for American Innovation: Securing Our Economic Growth and Prosperity*"<sup>1</sup> and directed Federal agencies to increase their efforts to catalyze technology breakthroughs to advance national priorities. Pursuant to the *Strategy for American Innovation*, the Office of Science and Technology Policy (OSTP), the Office of Management and Budget (OMB), and the Office of the United States Trade Representative (USTR) are issuing this Memorandum to clarify principles guiding Federal Government engagement in standards activities<sup>2</sup> that can help address national priorities.

The vibrancy and effectiveness of the U.S. standards system in enabling innovation depend on continued private sector leadership and engagement. Most standards developed and used in U.S. markets are created with little or no government involvement. This approach – reliance on private sector leadership, supplemented by Federal Government contributions to discrete standardization processes as outlined in OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities"<sup>3</sup> – remains the primary strategy for government

<sup>1</sup> <http://www.whitehouse.gov/innovation-strategy>.

<sup>2</sup> [http://www.whitehouse.gov/omb/circulars\\_a119/](http://www.whitehouse.gov/omb/circulars_a119/).

<sup>3</sup> [http://www.whitehouse.gov/omb/circulars\\_a119/](http://www.whitehouse.gov/omb/circulars_a119/).

engagement in standards development. Consistent with the Administration's commitment to openness, transparency, and multi-stakeholder engagement, all standards activities should involve the private sector.

In limited policy areas, however, where a national priority has been identified in statute, regulation, or Administration policy, active engagement or a convening role by the Federal Government may be needed to accelerate standards development and implementation to help spur technological advances and broaden technology adoption. In these instances, the Federal Government can help catalyze advances, promote market-based innovation, and encourage more competitive market outcomes. The Federal Government should clearly define its role, and then work with private sector standardization organizations in the exercise of that role.

For example, the *Strategy for American Innovation* describes national priorities with respect to achieving breakthroughs in health care technology and promoting clean energy. In both of these areas, the Federal Government is making substantial technology investments – electronic health record systems and smart grid technologies – to produce productivity gains and improve outcomes. And in both of these technology markets, interoperability standards are needed to decrease the risk that sizable public and private investments will become obsolete prematurely. To accomplish these objectives, the Federal Government, as directed by Congress, is taking a convening role to accelerate standards development, by working closely with domestic and international private sector standards organizations.

The principles and related directions to agencies outlined in this Memorandum are intended to be followed in those limited instances in which the Federal Government engages in a convening or active engagement role together with private sector standardization organizations to address a national priority. Such engagement should be undertaken pursuant to existing legal and policy obligations and the principles identified in the Appendix.

#### Federal Government Objectives for Standards Engagement to Address National Priorities

Once a national priority has been identified, it is important for the Federal Government to engage private sector stakeholders early in the process of identifying technology, regulatory, and/or procurement objectives. The Federal Government's engagement should be broad-based, and it should rely on open and transparent processes. Broad-based engagement provides public officials with the opportunity to obtain information that often is widely dispersed across the economy.<sup>4</sup>

At the outset of engagement, the Federal Government should:

- Clearly identify the standards-based challenges it is encountering in addressing a national priority;
- Define its goals as precisely as possible;
- Provide a reasoned analysis of what has led to the perceived standards gap and what needs to be done to close it (including any relevant and appropriate science-based data); and,

---

<sup>4</sup> [http://www.whitehouse.gov/the\\_press\\_office/TransparencyandOpenGovernment/](http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment/).

- Commit, to the extent feasible and appropriate, to support the technical work necessary to achieve the defined goals.

Federal Government engagement in standards activities should be guided by five fundamental strategic objectives:

- Produce timely, effective standards and efficient conformity assessment schemes that are essential to addressing an identified need;
- Achieve cost-efficient, timely, and effective solutions to legitimate regulatory, procurement, and policy objectives;
- Promote standards and standardization systems that promote and sustain innovation and foster competition;
- Enhance U.S. growth and competitiveness and ensure non-discrimination, consistent with international obligations; and
- Facilitate international trade and avoid the creation of unnecessary obstacles to trade.

To realize these objectives, the Federal Government works with the private sector to address common standards-related needs, taking on a convening and/or active-engagement role where necessary to ensure a rapid, coherent response to national challenges. In undertaking such work, the Federal Government may play various roles in the standardization system – user, specifier, participant, facilitator, advocate, technical advisor/leader, convener, or source of funding – to assure that key public policy goals are achieved in a timely and effective manner. Successful achievement of these goals also requires an active effort to promote information sharing and coordination across the Federal Government.

When addressing national priorities, standardization activities should recognize the global nature of many markets. In the context of communications technologies, for example, both users and vendors realize enormous economies of scale when standards are globally developed and deployed. Users benefit from lower prices offered by vendors able to realize the economies of scale of a globally sized market. When diverse national standards are imposed, however, products must conform to diverse requirements for each national market, raising costs for government and private sector users, limiting the flexibility needed for efficiency and innovation, and reducing profitability.

#### Agency Responsibilities

Agencies considering a convening or active engagement role in private sector standards developing organizations in order to address a national priority area should state their reasons plainly (including why private sector leadership alone is insufficient). Further, agencies should accept and act on feedback on their rationales before assuming this convening or active-engagement role in a private sector standards developing organization. In all cases, agencies should ensure effective intra- and inter-agency coordination of engagement in standards development activities. When an agency commits to a cooperative standards development effort with industry, that commitment should be maintained, as resources permit, and the resulting standards should be used where feasible.

Agencies should use existing processes and, where necessary, establish new processes for open, transparent, and effective two-way communication with private sector interests, ensuring that concerns from private sector entities are given thorough and objective consideration. To the extent feasible and appropriate, agencies should also provide continuous support for their technical experts' participation and leadership activities in mission-critical standards-setting activities and standards organizations, including standards organization-specific training and mentoring. Agencies should periodically review their standards activities to identify gaps in representation for mission-critical areas as part of their long-range planning and adopt policies that value and reward participation in standardization activities.

Agencies should explicitly include consideration of conformity assessment approaches that take account of elements from international systems, to encourage private sector support and minimize duplicative testing. Agencies should evaluate whether their objectives necessitate creating government-unique conformity assessment schemes, which may be expensive to develop and maintain, may impose additional costs on the private sector, and may not be recognized beyond national boundaries. In doing so, agencies should use existing best practices and leverage available resources in the private sector as well as within the Federal Government. Such expertise is available at the National Institute of Standards and Technology (NIST), which has statutory authority to coordinate conformity assessment activities of Federal, State and local governments, and the private sector.<sup>5</sup>

Both in national priority areas and more generally, agencies should take into account the impact of their standards-related choices on innovation and the global competitiveness of U.S. enterprises,<sup>6</sup> including the impact of intellectual property incorporated in standards, consistent with international obligations. On these matters, agencies should consult with USTR, which has statutory authority on international trade issues arising from standards and conformity assessment procedures.

OSTP, OMB, and USTR look forward to working cooperatively with you and your staff to promote engagement in standards activities that support national priorities.

---

<sup>5</sup> [http://standards.gov/standards\\_gov/ntaa.cfm](http://standards.gov/standards_gov/ntaa.cfm).

<sup>6</sup> Agencies should review OMB Circular A-119, section 6(f) for considerations regarding the use of a standard.

01268-EPA-6147

**Richard Windsor/DC/USEPA/US**  
01/24/2012 10:33 PM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Re: EMBARGOED: President Barack Obama's State of the Union Address -- As Prepared for Delivery

Tx

---

**From:** Brendan Gilfillan  
**Sent:** 01/24/2012 08:58 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; "Stephanie Owens" <owens.stephanie@epa.gov>; Daniel Kanninen; Michael Moats; Michael Goo; Arvin Ganesan; Bob Sussman; "Jose Lozano" <lozano.jose@epa.gov>; Scott Fulton; Barbara Bennett; Lawrence Elworth; Bicky Corman; Lisa Garcia; Eric Wachter; Elizabeth Ashwell; Laura Vaught  
**Subject:** Fw: EMBARGOED: President Barack Obama's State of the Union Address -- As Prepared for Delivery

Final speech below.

---

**From:** White House Press Office [noreply@messages.whitehouse.gov]  
**Sent:** 01/24/2012 07:47 PM CST  
**To:** Brendan Gilfillan  
**Subject:** EMBARGOED: President Barack Obama's State of the Union Address -- As Prepared for Delivery

THE WHITE HOUSE  
Office of the Press Secretary

---

**EMBARGOED UNTIL DELIVERY**

January 24, 2012

**Remarks of President Barack Obama - As Prepared for Delivery**  
**State of the Union Address**  
**"An America Built to Last"**  
**Tuesday, January 24<sup>th</sup>, 2012**  
**Washington, DC**

*As Prepared for Delivery -*

Mr. Speaker, Mr. Vice President, members of Congress, distinguished guests, and fellow Americans:

Last month, I went to Andrews Air Force Base and welcomed home some of our last troops to serve in Iraq. Together, we offered a final, proud salute to the colors under which more than a million of our fellow citizens fought - and several thousand gave

their lives.

We gather tonight knowing that this generation of heroes has made the United States safer and more respected around the world. For the first time in nine years, there are no Americans fighting in Iraq. For the first time in two decades, Osama bin Laden is not a threat to this country. Most of al Qaeda's top lieutenants have been defeated. The Taliban's momentum has been broken, and some troops in Afghanistan have begun to come home.

These achievements are a testament to the courage, selflessness, and teamwork of America's Armed Forces. At a time when too many of our institutions have let us down, they exceed all expectations. They're not consumed with personal ambition. They don't obsess over their differences. They focus on the mission at hand. They work together.

Imagine what we could accomplish if we followed their example. Think about the America within our reach: A country that leads the world in educating its people. An America that attracts a new generation of high-tech manufacturing and high-paying jobs. A future where we're in control of our own energy, and our security and prosperity aren't so tied to unstable parts of the world. An economy built to last, where hard work pays off, and responsibility is rewarded.

We can do this. I know we can, because we've done it before. At the end of World War II, when another generation of heroes returned home from combat, they built the strongest economy and middle class the world has ever known. My grandfather, a veteran of Patton's Army, got the chance to go to college on the GI Bill. My grandmother, who worked on a bomber assembly line, was part of a workforce that turned out the best products on Earth.

The two of them shared the optimism of a Nation that had triumphed over a depression and fascism. They understood they were part of something larger; that they were contributing to a story of success that every American had a chance to share - the basic American promise that if you worked hard, you could do well enough to raise a family, own a home, send your kids to college, and put a little away for retirement.

The defining issue of our time is how to keep that promise alive. No challenge is more urgent. No debate is more important. We can either settle for a country where a shrinking number of people do really well, while a growing number of Americans barely get by. Or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules. What's at stake are not Democratic values or Republican values, but American values. We have to reclaim them.

Let's remember how we got here. Long before the recession, jobs and manufacturing began leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. Folks at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that weren't, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who couldn't afford or understand them. Banks had made huge bets and

bonuses with other people's money. Regulators had looked the other way, or didn't have the authority to stop the bad behavior.

It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hard-working Americans holding the bag. In the six months before I took office, we lost nearly four million jobs. And we lost another four million before our policies were in full effect. Those are the facts. But so are these. In the last 22 months, businesses have created more than three million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. Together, we've agreed to cut the deficit by more than \$2 trillion. And we've put in place new rules to hold Wall Street accountable, so a crisis like that never happens again.

The state of our Union is getting stronger. And we've come too far to turn back now. As long as I'm President, I will work with anyone in this chamber to build on this momentum. But I intend to fight obstruction with action, and I will oppose any effort to return to the very same policies that brought on this economic crisis in the first place. No, we will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits. Tonight, I want to speak about how we move forward, and lay out a blueprint for an economy that's built to last – an economy built on American manufacturing, American energy, skills for American workers, and a renewal of American values.

This blueprint begins with American manufacturing.

On the day I took office, our auto industry was on the verge of collapse. Some even said we should let it die. With a million jobs at stake, I refused to let that happen. In exchange for help, we demanded responsibility. We got workers and automakers to settle their differences. We got the industry to retool and restructure. Today, General Motors is back on top as the world's number one automaker. Chrysler has grown faster in the U.S. than any major car company. Ford is investing billions in U.S. plants and factories. And together, the entire industry added nearly 160,000 jobs.

We bet on American workers. We bet on American ingenuity. And tonight, the American auto industry is back.

What's happening in Detroit can happen in other industries. It can happen in Cleveland and Pittsburgh and Raleigh. We can't bring back every job that's left our shores. But right now, it's getting more expensive to do business in places like China. Meanwhile, America is more productive. A few weeks ago, the CEO of Master Lock told me that it now makes business sense for him to bring jobs back home. Today, for the first time in fifteen years, Master Lock's unionized plant in Milwaukee is running at full capacity.

So we have a huge opportunity, at this moment, to bring manufacturing back. But we have to seize it. Tonight, my message to business leaders is simple: Ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed.

We should start with our tax code. Right now, companies get tax breaks for moving

jobs and profits overseas. Meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it.

So let's change it. First, if you're a business that wants to outsource jobs, you shouldn't get a tax deduction for doing it. That money should be used to cover moving expenses for companies like Master Lock that decide to bring jobs home.

Second, no American company should be able to avoid paying its fair share of taxes by moving jobs and profits overseas. From now on, every multinational company should have to pay a basic minimum tax. And every penny should go towards lowering taxes for companies that choose to stay here and hire here.

Third, if you're an American manufacturer, you should get a bigger tax cut. If you're a high-tech manufacturer, we should double the tax deduction you get for making products here. And if you want to relocate in a community that was hit hard when a factory left town, you should get help financing a new plant, equipment, or training for new workers.

My message is simple. It's time to stop rewarding businesses that ship jobs overseas, and start rewarding companies that create jobs right here in America. Send me these tax reforms, and I'll sign them right away.

We're also making it easier for American businesses to sell products all over the world. Two years ago, I set a goal of doubling U.S. exports over five years. With the bipartisan trade agreements I signed into law, we are on track to meet that goal - ahead of schedule. Soon, there will be millions of new customers for American goods in Panama, Colombia, and South Korea. Soon, there will be new cars on the streets of Seoul imported from Detroit, and Toledo, and Chicago.

I will go anywhere in the world to open new markets for American products. And I will not stand by when our competitors don't play by the rules. We've brought trade cases against China at nearly twice the rate as the last administration - and it's made a difference. Over a thousand Americans are working today because we stopped a surge in Chinese tires. But we need to do more. It's not right when another country lets our movies, music, and software be pirated. It's not fair when foreign manufacturers have a leg up on ours only because they're heavily subsidized.

Tonight, I'm announcing the creation of a Trade Enforcement Unit that will be charged with investigating unfair trade practices in countries like China. There will be more inspections to prevent counterfeit or unsafe goods from crossing our borders. And this Congress should make sure that no foreign company has an advantage over American manufacturing when it comes to accessing finance or new markets like Russia. Our workers are the most productive on Earth, and if the playing field is level, I promise you - America will always win.

I also hear from many business leaders who want to hire in the United States but can't find workers with the right skills. Growing industries in science and technology have twice as many openings as we have workers who can do the job. Think about that - openings at a time when millions of Americans are looking for work.

That's inexcusable. And we know how to fix it.

Jackie Bray is a single mom from North Carolina who was laid off from her job as a mechanic. Then Siemens opened a gas turbine factory in Charlotte, and formed a partnership with Central Piedmont Community College. The company helped the college design courses in laser and robotics training. It paid Jackie's tuition, then hired her to help operate their plant.

I want every American looking for work to have the same opportunity as Jackie did. Join me in a national commitment to train two million Americans with skills that will lead directly to a job. My Administration has already lined up more companies that want to help. Model partnerships between businesses like Siemens and community colleges in places like Charlotte, Orlando, and Louisville are up and running. Now you need to give more community colleges the resources they need to become community career centers – places that teach people skills that local businesses are looking for right now, from data management to high-tech manufacturing.

And I want to cut through the maze of confusing training programs, so that from now on, people like Jackie have one program, one website, and one place to go for all the information and help they need. It's time to turn our unemployment system into a reemployment system that puts people to work.

These reforms will help people get jobs that are open today. But to prepare for the jobs of tomorrow, our commitment to skills and education has to start earlier.

For less than one percent of what our Nation spends on education each year, we've convinced nearly every State in the country to raise their standards for teaching and learning – the first time that's happened in a generation.

But challenges remain. And we know how to solve them.

At a time when other countries are doubling down on education, tight budgets have forced States to lay off thousands of teachers. We know a good teacher can increase the lifetime income of a classroom by over \$250,000. A great teacher can offer an escape from poverty to the child who dreams beyond his circumstance. Every person in this chamber can point to a teacher who changed the trajectory of their lives. Most teachers work tirelessly, with modest pay, sometimes digging into their own pocket for school supplies – just to make a difference.

Teachers matter. So instead of bashing them, or defending the status quo, let's offer schools a deal. Give them the resources to keep good teachers on the job, and reward the best ones. In return, grant schools flexibility: To teach with creativity and passion; to stop teaching to the test; and to replace teachers who just aren't helping kids learn. We also know that when students aren't allowed to walk away from their education, more of them walk the stage to get their diploma. So tonight, I call on every State to require that all students stay in high school until they graduate or turn eighteen.

When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July. Extend the tuition tax credit we started that saves middle-class families thousands of dollars. And give more young people the chance to earn their way through college by doubling the number of work-study jobs in the next five years.

Of course, it's not enough for us to increase student aid. We can't just keep subsidizing skyrocketing tuition; we'll run out of money. States also need to do their part, by making higher education a higher priority in their budgets. And colleges and universities have to do their part by working to keep costs down. Recently, I spoke with a group of college presidents who've done just that. Some schools re-design courses to help students finish more quickly. Some use better technology. The point is, it's possible. So let me put colleges and universities on notice: If you can't stop tuition from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury - it's an economic imperative that every family in America should be able to afford.

Let's also remember that hundreds of thousands of talented, hardworking students in this country face another challenge: The fact that they aren't yet American citizens. Many were brought here as small children, are American through and through, yet they live every day with the threat of deportation. Others came more recently, to study business and science and engineering, but as soon as they get their degree, we send them home to invent new products and create new jobs somewhere else.

That doesn't make sense.

I believe as strongly as ever that we should take on illegal immigration. That's why my Administration has put more boots on the border than ever before. That's why there are fewer illegal crossings than when I took office.

The opponents of action are out of excuses. We should be working on comprehensive immigration reform right now. But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, and defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

You see, an economy built to last is one where we encourage the talent and ingenuity of every person in this country. That means women should earn equal pay for equal work. It means we should support everyone who's willing to work; and every risk-taker and entrepreneur who aspires to become the next Steve Jobs.

After all, innovation is what America has always been about. Most new jobs are created in start-ups and small businesses. So let's pass an agenda that helps them succeed.

Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow. Expand tax relief to small businesses that are raising wages and creating good jobs. Both parties agree on these ideas. So put them in a bill, and get it on my desk this year.

Innovation also demands basic research. Today, the discoveries taking place in our federally-financed labs and universities could lead to new treatments that kill cancer cells but leave healthy ones untouched. New lightweight vests for cops and soldiers that can stop any bullet. Don't gut these investments in our budget. Don't let other countries win the race for the future. Support the same kind of research and innovation that led to the computer chip and the Internet; to new American jobs and new American industries.

Nowhere is the promise of innovation greater than in American-made energy. Over the

last three years, we've opened millions of new acres for oil and gas exploration, and tonight, I'm directing my Administration to open more than 75 percent of our potential offshore oil and gas resources. Right now, American oil production is the highest that it's been in eight years. That's right - eight years. Not only that - last year, we relied less on foreign oil than in any of the past sixteen years.

But with only 2 percent of the world's oil reserves, oil isn't enough. This country needs an all-out, all-of-the-above strategy that develops every available source of American energy - a strategy that's cleaner, cheaper, and full of new jobs.

We have a supply of natural gas that can last America nearly one hundred years, and my Administration will take every possible action to safely develop this energy.

Experts believe this will support more than 600,000 jobs by the end of the decade. And I'm requiring all companies that drill for gas on public lands to disclose the chemicals they use. America will develop this resource without putting the health and safety of our citizens at risk.

The development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don't have to choose between our environment and our economy. And by the way, it was public research dollars, over the course of thirty years, that helped develop the technologies to extract all this natural gas out of shale rock - reminding us that Government support is critical in helping businesses get new energy ideas off the ground.

What's true for natural gas is true for clean energy. In three years, our partnership with the private sector has already positioned America to be the world's leading manufacturer of high-tech batteries. Because of federal investments, renewable energy use has nearly doubled. And thousands of Americans have jobs because of it.

When Bryan Ritterby was laid off from his job making furniture, he said he worried that at 55, no one would give him a second chance. But he found work at Energetx, a wind turbine manufacturer in Michigan. Before the recession, the factory only made luxury yachts. Today, it's hiring workers like Bryan, who said, "I'm proud to be working in the industry of the future."

Our experience with shale gas shows us that the payoffs on these public investments don't always come right away. Some technologies don't pan out; some companies fail. But I will not walk away from the promise of clean energy. I will not walk away from workers like Bryan. I will not cede the wind or solar or battery industry to China or Germany because we refuse to make the same commitment here. We have subsidized oil companies for a century. That's long enough. It's time to end the taxpayer giveaways to an industry that's rarely been more profitable, and double-down on a clean energy industry that's never been more promising. Pass clean energy tax credits and create these jobs.

We can also spur energy innovation with new incentives. The differences in this

chamber may be too deep right now to pass a comprehensive plan to fight climate change. But there's no reason why Congress shouldn't at least set a clean energy standard that creates a market for innovation. So far, you haven't acted. Well tonight, I will. I'm directing my Administration to allow the development of clean energy on enough public land to power three million homes. And I'm proud to announce that the Department of Defense, the world's largest consumer of energy, will make one of the largest commitments to clean energy in history - with the Navy purchasing enough capacity to power a quarter of a million homes a year.

Of course, the easiest way to save money is to waste less energy. So here's another proposal: Help manufacturers eliminate energy waste in their factories and give businesses incentives to upgrade their buildings. Their energy bills will be \$100 billion lower over the next decade, and America will have less pollution, more manufacturing, and more jobs for construction workers who need them. Send me a bill that creates these jobs.

Building this new energy future should be just one part of a broader agenda to repair America's infrastructure. So much of America needs to be rebuilt. We've got crumbling roads and bridges. A power grid that wastes too much energy. An incomplete high-speed broadband network that prevents a small business owner in rural America from selling her products all over the world.

During the Great Depression, America built the Hoover Dam and the Golden Gate Bridge. After World War II, we connected our States with a system of highways. Democratic and Republican administrations invested in great projects that benefited everybody, from the workers who built them to the businesses that still use them today.

In the next few weeks, I will sign an Executive Order clearing away the red tape that slows down too many construction projects. But you need to fund these projects. Take the money we're no longer spending at war, use half of it to pay down our debt, and use the rest to do some nation-building right here at home.

There's never been a better time to build, especially since the construction industry was one of the hardest-hit when the housing bubble burst. Of course, construction workers weren't the only ones hurt. So were millions of innocent Americans who've seen their home values decline. And while Government can't fix the problem on its own, responsible homeowners shouldn't have to sit and wait for the housing market to hit bottom to get some relief.

That's why I'm sending this Congress a plan that gives every responsible homeowner the chance to save about \$3,000 a year on their mortgage, by refinancing at historically low interest rates. No more red tape. No more runaround from the banks. A small fee on the largest financial institutions will ensure that it won't add to the deficit, and will

give banks that were rescued by taxpayers a chance to repay a deficit of trust.

Let's never forget: Millions of Americans who work hard and play by the rules every day deserve a Government and a financial system that do the same. It's time to apply the same rules from top to bottom: No bailouts, no handouts, and no copouts. An America built to last insists on responsibility from everybody.

We've all paid the price for lenders who sold mortgages to people who couldn't afford them, and buyers who knew they couldn't afford them. That's why we need smart regulations to prevent irresponsible behavior. Rules to prevent financial fraud, or toxic dumping, or faulty medical devices, don't destroy the free market. They make the free market work better.

There is no question that some regulations are outdated, unnecessary, or too costly. In fact, I've approved fewer regulations in the first three years of my presidency than my Republican predecessor did in his. I've ordered every federal agency to eliminate rules that don't make sense. We've already announced over 500 reforms, and just a fraction of them will save business and citizens more than \$10 billion over the next five years. We got rid of one rule from 40 years ago that could have forced some dairy farmers to spend \$10,000 a year proving that they could contain a spill – because milk was somehow classified as an oil. With a rule like that, I guess it was worth crying over spilled milk.

I'm confident a farmer can contain a milk spill without a federal agency looking over his shoulder. But I will not back down from making sure an oil company can contain the kind of oil spill we saw in the Gulf two years ago. I will not back down from protecting our kids from mercury pollution, or making sure that our food is safe and our water is clean. I will not go back to the days when health insurance companies had unchecked power to cancel your policy, deny you coverage, or charge women differently from men.

And I will not go back to the days when Wall Street was allowed to play by its own set of rules. The new rules we passed restore what should be any financial system's core purpose: Getting funding to entrepreneurs with the best ideas, and getting loans to responsible families who want to buy a home, start a business, or send a kid to college.

So if you're a big bank or financial institution, you are no longer allowed to make risky bets with your customers' deposits. You're required to write out a "living will" that details exactly how you'll pay the bills if you fail – because the rest of us aren't bailing you out ever again. And if you're a mortgage lender or a payday lender or a credit card company, the days of signing people up for products they can't afford with confusing forms and deceptive practices are over. Today, American consumers finally have a watchdog in Richard Cordray with one job: To look out for them.

We will also establish a Financial Crimes Unit of highly trained investigators to crack down on large-scale fraud and protect people's investments. Some financial firms violate major anti-fraud laws because there's no real penalty for being a repeat offender. That's bad for consumers, and it's bad for the vast majority of bankers and financial service professionals who do the right thing. So pass legislation that makes the penalties for fraud count.

And tonight, I am asking my Attorney General to create a special unit of federal prosecutors and leading state attorneys general to expand our investigations into the abusive lending and packaging of risky mortgages that led to the housing crisis. This new unit will hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.

A return to the American values of fair play and shared responsibility will help us protect our people and our economy. But it should also guide us as we look to pay down our debt and invest in our future.

Right now, our most immediate priority is stopping a tax hike on 160 million working Americans while the recovery is still fragile. People cannot afford losing \$40 out of each paycheck this year. There are plenty of ways to get this done. So let's agree right here, right now: No side issues. No drama. Pass the payroll tax cut without delay.

When it comes to the deficit, we've already agreed to more than \$2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we're poised to spend nearly \$1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. Right now, Warren Buffett pays a lower tax rate than his secretary.

Do we want to keep these tax cuts for the wealthiest Americans? Or do we want to keep our investments in everything else - like education and medical research; a strong military and care for our veterans? Because if we're serious about paying down our debt, we can't do both.

The American people know what the right choice is. So do I. As I told the Speaker this summer, I'm prepared to make more reforms that rein in the long term costs of Medicare and Medicaid, and strengthen Social Security, so long as those programs remain a guarantee of security for seniors.

But in return, we need to change our tax code so that people like me, and an awful lot of

Members of Congress, pay our fair share of taxes. Tax reform should follow the Buffett rule: If you make more than \$1 million a year, you should not pay less than 30 percent in taxes. And my Republican friend Tom Coburn is right: Washington should stop subsidizing millionaires. In fact, if you're earning a million dollars a year, you shouldn't get special tax subsidies or deductions. On the other hand, if you make under \$250,000 a year, like 98 percent of American families, your taxes shouldn't go up. You're the ones struggling with rising costs and stagnant wages. You're the ones who need relief.

Now, you can call this class warfare all you want. But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense.

We don't begrudge financial success in this country. We admire it. When Americans talk about folks like me paying my fair share of taxes, it's not because they envy the rich. It's because they understand that when I get tax breaks I don't need and the country can't afford, it either adds to the deficit, or somebody else has to make up the difference – like a senior on a fixed income; or a student trying to get through school; or a family trying to make ends meet. That's not right. Americans know it's not right. They know that this generation's success is only possible because past generations felt a responsibility to each other, and to their country's future, and they know our way of life will only endure if we feel that same sense of shared responsibility. That's how we'll reduce our deficit. That's an America built to last.

I recognize that people watching tonight have differing views about taxes and debt; energy and health care. But no matter what party they belong to, I bet most Americans are thinking the same thing right now: Nothing will get done this year, or next year, or maybe even the year after that, because Washington is broken.

Can you blame them for feeling a little cynical?

The greatest blow to confidence in our economy last year didn't come from events beyond our control. It came from a debate in Washington over whether the United States would pay its bills or not. Who benefited from that fiasco?

I've talked tonight about the deficit of trust between Main Street and Wall Street. But the divide between this city and the rest of the country is at least as bad – and it seems to get worse every year.

Some of this has to do with the corrosive influence of money in politics. So together, let's take some steps to fix that. Send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow. Let's limit any elected official from owning stocks in industries they impact. Let's make sure people who bundle campaign contributions for Congress can't lobby Congress, and vice versa – an idea that has

bipartisan support, at least outside of Washington.

Some of what's broken has to do with the way Congress does its business these days. A simple majority is no longer enough to get anything - even routine business - passed through the Senate. Neither party has been blameless in these tactics. Now both parties should put an end to it. For starters, I ask the Senate to pass a rule that all judicial and public service nominations receive a simple up or down vote within 90 days.

The executive branch also needs to change. Too often, it's inefficient, outdated and remote. That's why I've asked this Congress to grant me the authority to consolidate the federal bureaucracy so that our Government is leaner, quicker, and more responsive to the needs of the American people.

Finally, none of these reforms can happen unless we also lower the temperature in this town. We need to end the notion that the two parties must be locked in a perpetual campaign of mutual destruction; that politics is about clinging to rigid ideologies instead of building consensus around common sense ideas.

I'm a Democrat. But I believe what Republican Abraham Lincoln believed: That Government should do for people only what they cannot do better by themselves, and no more. That's why my education reform offers more competition, and more control for schools and States. That's why we're getting rid of regulations that don't work. That's why our health care law relies on a reformed private market, not a Government program.

On the other hand, even my Republican friends who complain the most about Government spending have supported federally-financed roads, and clean energy projects, and federal offices for the folks back home.

The point is, we should all want a smarter, more effective Government. And while we may not be able to bridge our biggest philosophical differences this year, we can make real progress. With or without this Congress, I will keep taking actions that help the economy grow. But I can do a whole lot more with your help. Because when we act together, there is nothing the United States of America can't achieve.

That is the lesson we've learned from our actions abroad over the last few years.

Ending the Iraq war has allowed us to strike decisive blows against our enemies. From Pakistan to Yemen, the al Qaeda operatives who remain are scrambling, knowing that they can't escape the reach of the United States of America.

From this position of strength, we've begun to wind down the war in Afghanistan. Ten thousand of our troops have come home. Twenty-three thousand more will leave by

the end of this summer. This transition to Afghan lead will continue, and we will build an enduring partnership with Afghanistan, so that it is never again a source of attacks against America.

As the tide of war recedes, a wave of change has washed across the Middle East and North Africa, from Tunis to Cairo; from Sana'a to Tripoli. A year ago, Qadhafi was one of the world's longest-serving dictators – a murderer with American blood on his hands. Today, he is gone. And in Syria, I have no doubt that the Assad regime will soon discover that the forces of change can't be reversed, and that human dignity can't be denied.

How this incredible transformation will end remains uncertain. But we have a huge stake in the outcome. And while it is ultimately up to the people of the region to decide their fate, we will advocate for those values that have served our own country so well. We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings – men and women; Christians, Muslims, and Jews. We will support policies that lead to strong and stable democracies and open markets, because tyranny is no match for liberty.

And we will safeguard America's own security against those who threaten our citizens, our friends, and our interests. Look at Iran. Through the power of our diplomacy, a world that was once divided about how to deal with Iran's nuclear program now stands as one. The regime is more isolated than ever before; its leaders are faced with crippling sanctions, and as long as they shirk their responsibilities, this pressure will not relent. Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal. But a peaceful resolution of this issue is still possible, and far better, and if Iran changes course and meets its obligations, it can rejoin the community of nations.

The renewal of American leadership can be felt across the globe. Our oldest alliances in Europe and Asia are stronger than ever. Our ties to the Americas are deeper. Our iron-clad commitment to Israel's security has meant the closest military cooperation between our two countries in history. We've made it clear that America is a Pacific power, and a new beginning in Burma has lit a new hope. From the coalitions we've built to secure nuclear materials, to the missions we've led against hunger and disease; from the blows we've dealt to our enemies; to the enduring power of our moral example, America is back.

Anyone who tells you otherwise, anyone who tells you that America is in decline or that our influence has waned, doesn't know what they're talking about. That's not the message we get from leaders around the world, all of whom are eager to work with us. That's not how people feel from Tokyo to Berlin; from Cape Town to Rio; where opinions of America are higher than they've been in years. Yes, the world is changing;

no, we can't control every event. But America remains the one indispensable nation in world affairs – and as long as I'm President, I intend to keep it that way.

That's why, working with our military leaders, I have proposed a new defense strategy that ensures we maintain the finest military in the world, while saving nearly half a trillion dollars in our budget. To stay one step ahead of our adversaries, I have already sent this Congress legislation that will secure our country from the growing danger of cyber-threats.

Above all, our freedom endures because of the men and women in uniform who defend it. As they come home, we must serve them as well as they served us. That includes giving them the care and benefits they have earned – which is why we've increased annual VA spending every year I've been President. And it means enlisting our veterans in the work of rebuilding our Nation.

With the bipartisan support of this Congress, we are providing new tax credits to companies that hire vets. Michelle and Jill Biden have worked with American businesses to secure a pledge of 135,000 jobs for veterans and their families. And tonight, I'm proposing a Veterans Job Corps that will help our communities hire veterans as cops and firefighters, so that America is as strong as those who defend her.

Which brings me back to where I began. Those of us who've been sent here to serve can learn from the service of our troops. When you put on that uniform, it doesn't matter if you're black or white; Asian or Latino; conservative or liberal; rich or poor; gay or straight. When you're marching into battle, you look out for the person next to you, or the mission fails. When you're in the thick of the fight, you rise or fall as one unit, serving one Nation, leaving no one behind.

One of my proudest possessions is the flag that the SEAL Team took with them on the mission to get bin Laden. On it are each of their names. Some may be Democrats. Some may be Republicans. But that doesn't matter. Just like it didn't matter that day in the Situation Room, when I sat next to Bob Gates – a man who was George Bush's defense secretary; and Hillary Clinton, a woman who ran against me for president.

All that mattered that day was the mission. No one thought about politics. No one thought about themselves. One of the young men involved in the raid later told me that he didn't deserve credit for the mission. It only succeeded, he said, because every single member of that unit did their job – the pilot who landed the helicopter that spun out of control; the translator who kept others from entering the compound; the troops who separated the women and children from the fight; the SEALs who charged up the stairs. More than that, the mission only succeeded because every member of that unit trusted each other – because you can't charge up those stairs, into darkness and danger, unless you know that there's someone behind you, watching your back.

So it is with America. Each time I look at that flag, I'm reminded that our destiny is stitched together like those fifty stars and those thirteen stripes. No one built this country on their own. This Nation is great because we built it together. This Nation is great because we worked as a team. This Nation is great because we get each other's backs. And if we hold fast to that truth, in this moment of trial, there is no challenge too great; no mission too hard. As long as we're joined in common purpose, as long as we maintain our common resolve, our journey moves forward, our future is hopeful, and the state of our Union will always be strong.

Thank you, God bless you, and may God bless the United States of America.

###

-----

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

01268-EPA-6148

**Bob Perciasepe/DC/USEPA/US**  
01/25/2012 02:54 PM

To Richard Windsor  
cc Diane Thompson, Jose Lozano  
bcc  
Subject Re: Outline For "Outlook" Meeting Tomorrow

Thanks, we have a few edits but this is good

Bob Perciasepe  
Deputy Administrator

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

Richard Windsor Looks great. Tx. ----- Original Mess... 01/25/2012 02:32:53 PM

From: Richard Windsor/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Diane Thompson/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA  
Date: 01/25/2012 02:32 PM  
Subject: Re: Outline For "Outlook" Meeting Tomorrow

Looks great. Tx.

Bob Perciasepe

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

**From:** Bob Perciasepe  
**Sent:** 01/25/2012 08:05 AM EST  
**To:** Richard Windsor  
**Cc:** Diane Thompson; Jose Lozano  
**Subject:** Outline For "Outlook" Meeting Tomorrow

Administrator:

Here is the current draft of a two page "outlook" document for tomorrow. (b)(5) Deliberative

[Redacted]

I am attaching but also slicing in here. Feed back when you talk with Diane later today. Thanks

-----

DRAFT - INTERNAL - DO NOT CITE

(b)(5) Deliberative

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

- [Redacted]

(b)(5) Deliberative [Redacted]

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

| [Redacted]

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

(b)(5) Deliberative [Redacted]

[attachment "OUTLOOK MEETING 1-26-12.docx" deleted by Richard Windsor/DC/USEPA/US]

Bob Perciasepe  
Deputy Administrator

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

01268-EPA-6149

Gina McCarthy/DC/USEPA/US

To Richard Windsor

01/29/2012 11:31 PM

cc Michelle DePass

bcc

Subject Short-lived Climate Forcers Initiative

Administrator, (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-6151

**Richard Windsor/DC/USEPA/US**  
01/30/2012 07:45 AM

To Gina McCarthy  
cc  
bcc

Subject Re: Short-lived Climate Forcers Initiative

K

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 01/29/2012 11:31 PM EST  
**To:** Richard Windsor  
**Cc:** Michelle DePass  
**Subject:** Short-lived Climate Forcers Initiative

Administrator, (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-6154

Noah Dubin/DC/USEPA/US

To

01/31/2012 06:36 PM

cc

bcc Richard Windsor

Subject 02/02/2012 thru 02/15/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

01/31/2012 06:19:17 PM

**Thursday, 2/2/2012**

**\*\*Times are presented in Eastern Standard Time (EST) unless otherwise noted**

**07:30 AM-09:00 AM** FYI: National Prayer Breakfast  
Ct: Marcus McClendon 202-564-045

Location: Washington Hilton

**08:25 AM-02:21 PM** En route to San Francisco  
United Flight #846

Departs DC (IAD) at 8:25 AM EST

Arrives in San Francisco (SFO) at 2:21 PM EST/11:21 AM PST

Location: En route to San Francisco

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

**02:35 PM-03:00 PM** Depart for Lunch  
Location: SFO

**03:00 PM-04:00 PM** Lunch  
Location: Villa Taverna,  
27 Hotaling Place, San Francisco, CA

**04:30 PM-05:30 PM** Mission Motors Green Jobs Event  
Press: Open

Run of Show:

-Meet and Greet with Mission Motors

-Tour of facility

-Press Availability

Participants:

-Christopher Moe, Chief Financial Officer, Mission Motors

-Jon Wagner, Chief Technology Officer

-David Salguero, Marketing Manager

-Jared Blumenfeld, EPA R9

Location: Mission Motors,  
1177 Harrison Street San Francisco, CA

-----  
**05:45 PM-06:30 PM Depart for Stanford University Graduate School of Business**

Location: Mission Motors

-----  
**06:30 PM-07:00 PM Walking Tour of Demo Room**

Location: Oberndorf Event Center, 3rd Floor, North Building,  
18 Memorial Way, Stanford University, Stanford, CA

-----  
**07:05 PM-07:15 PM Depart for Hotel**

Location: Oberndorf Event Center

-----  
**07:15 PM-10:00 PM Downtime**

Location: Hotel

-----  
**10:00 PM-11:30 PM Stanford University Graduate School of Business Rio + 20 Conference Dinner**

Location: Vidalakis Dining Room, Schwab Residential Center, 680 Serra Street, Stanford, CA

-----  
**11:40 PM-11:50 PM Depart for Hotel**

Location: Schwab Residential Center, Stanford University

-----  
**Friday, 2/3/2012**

**\*\*Times are presented in Eastern Standard Time (EST) unless otherwise noted**

**11:00 AM-11:15 AM Depart for Stanford University Graduate School of Business**

Location: Hotel

-----  
**11:35 AM-12:15 PM Opening Keynote Address : Stanford University Graduate School of Business Rio + 20 Conference**

Press: Open

Run of Show:

-11:35 AM- 11:45 AM: Introduction by Dr. Kerri-Ann Jones, Assistant Secretary of State (from podium)

-11:45 AM- 12:00 PM: Administrator Jackson remarks (from podium)

-12:00 PM-12:14 PM: Assistant Secretary Jones will ask Administrator Jackson questions that have been collected from audience and twitter (living room style seating on stage)

-12:14 PM-12:15 PM: Assistant Secretary Jones thanks Administrator Jackson and wraps up session (seated on stage)

-----  
Location: Cemex Auditorium, 1st floor, Zambrano Hall, Stanford University, 641 Knight Way, Stanford, CA

**12:20 PM-12:40 PM Press Avail**  
Location: Holding Room, Zambrano Hall

-----  
**01:00 PM-01:35 PM Coffee**  
Location: TBD

-----  
**01:35 PM-02:10 PM Depart for SFO**  
Location: TBD

-----  
**03:06 PM-08:09 PM En Route to Washington, DC**  
United Flight #744

Departs San Francisco (SFO) at 3:06 PM EST/12:06 PM PST

Arrives in DC (IAD) 8:09 PM EST  
Location: En route to Washington, DC

-----  
**Saturday, 2/4/2012**

-----  
**Sunday, 2/5/2012**

-----  
**Monday, 2/6/2012**

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

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

-----  
**10:00 AM-10:30 AM One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:  
Jim Jones (OCSPP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**11:00 AM-12:00 PM HOLD: WH POST-SOTU**  
Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office

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

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

-----  
**02:45 PM-03:30 PM Joint Initiative on Urban Sustainability Update**  
Ct: Elle Beard - 202-564-7723

Staff:

Erica Jeffries, Shalini Vajjhala (OA)  
Michelle DePass, Elle Beard (OITA)  
Barbara Bennett (OCFO)  
Bicky Corman (OP)  
Tseming Yang (OGC)  
Lisa Feldt (OSWER)  
Sarah Pallone (OCIR)

Location: Administrator's Office  
-----

**04:00 PM-04:30 PM One on One with Gina McCarthy**  
Ct: Cindy Huang - 202-564-7404

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Tuesday, 2/7/2012**

**10:00 AM-10:30 AM One on One with Scott Fulton**  
Ct: Carla Veney - 202-564-1619 (OGC)

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)  
Location: Administrator's Office  
-----

**10:45 AM-11:15 AM Briefing on Equal Employment Opportunity Commission Report MD -715**  
Ct: Sheryl Mason - 202-564-1746

Staff:  
Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes, Marna McDermott (OGC)  
Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:  
Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room  
-----

**11:00 AM-12:30 PM HOLD - White House Science Fair**  
Ct: Ryan Robison - 202-564-2856  
WH Ct: Lauren Andersen - (b) (6) Privacy

Location: White House - East Room

-----  
**11:30 AM-02:00 PM FYI - CFC Appreciation Carnival**  
Ct: Michael Moats - 202-564-1687

Location: EPA East Room 1153

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

-----  
**01:00 PM-01:30 PM One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:  
John Hankinson (GCTF)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:15 PM-04:15 PM Briefing on President's 2013 Budget**  
Ct: Rhonda Robinson - 202-564-1151

Staff:  
Bob Perciasepe, Diane Thompson (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris, Maria Williams,  
Kathy O'Brien (OCFO)  
Arvin Ganesan (OCIR)

Location: Administrator's Office

-----  
**04:45 PM-05:00 PM General Discussion**  
Ct: Erica Jeffries - 202-564-3303  
Location: Administrator's Office

**Wednesday, 2/8/2012**

**08:45 AM-10:00 AM Daily Briefing**  
Location: Administrator's Office

-----  
**10:45 AM-11:00 AM Depart for DOJ**  
Location: Ariel Rios

-----  
**11:00 AM-12:30 PM Deepwater Principals Meeting**  
Ct: Linda Long (DOJ) - 202-514-7281

Attendees:  
  
-Department of Justice, Attorney General Eric Holder, Deputy Attorney General Cole, Associate Attorney General Perrelli, Gary Grindler, Helaine Greenfeld, Sam Hirsch, AAG Moreno, AAG West  
  
-Coast Guard, Admiral Papp, and RDML Frederick Kenney, Cal Lederer

-Department of Interior Secretary Ken Salazar, Acting Assistant Secretary for Fish and Wildlife, Rachel Jacobson, Acting Principal Deputy Solicitor and Deputy Solicitor for Energy and Mineral Resources Jack Haugrud

-Department of Commerce Secretary John Bryson, General Counsel Cam Kerry

-Department of Homeland & Security, General Counsel Ivan Fong and Associate General Counsel for General Law Theodore Chuang

-EPA Administrator Lisa Jackson, Assistant Administrator for Office of Enforcement and Compliance, Cynthia Giles, Principal Deputy Assistant Administrator, Larry Starfield and Executive Director Gulf Coast Ecosystem Task Force, John Hankinson

-NOAA, Administrator Dr. Jane Lubchenco, Principal Deputy Under Secretary Monica Medina, General Counsel, Lois Schiffer

-Department of Agriculture Secretary Tom Vilsack and Undersecretary for Natural Resources and the Environment Harris Sherman

-Department of the Army, Principal Deputy Assistant Secretary of the Army Rock Salt and Deputy General Counsel Craig Schmauler

Staff:

Cynthia Giles, Larry Starfield (OECA)  
John Hankinson (GCTF)

Location: DOJ -950 Penn. Ave. NW - AG Conference Rm 5111

-----  
**12:30 PM-12:45 PM**     **Depart for Ariel Rios**

Location: DOJ

-----  
**12:45 PM-01:45 PM**     **No Meetings**

Location: Administrator's Office

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

Location: Bullet Room

-----  
**05:00 PM-06:00 PM**     **Out of Office**

See Jose or EA

Location: Out of Office  
-----

**Thursday, 2/9/2012**

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

Location: Administrator's Office

-----  
**08:45 AM-11:00 AM**     **Hold: Speech at Gonzaga for Black History Month**

Ct: Jose Lozano/ Keith Beckett kbeckett@gonzaga.org

Location: Gonzaga HS  
-----

**11:30 AM-12:30 PM**     **FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-11:30 - 12:00: OAR

-12:00 - 12:30: OW

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Gina McCarthy + 2 (OAR)  
Nancy Stoner + 2 (OW)

Location: Bullet Room

-----  
**12:45 PM-01:45 PM**    **HOLD for Lunch w/ Barb Bennett**  
Location: Central

-----  
**02:00 PM-02:30 PM**    **One on One with Lisa Garcia**  
Ct: Andrea Dickerson - 202-564-2349 (OA)

Staff:

Lisa Garcia (OA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:00 PM-04:00 PM**    **HOLD: Conference Call with Energy Action's 35 National Coalition Leaders**  
Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office

-----  
**04:00 PM-04:45 PM**    **FYI Bullet Room in Use**  
Location: Bullet Room

-----  
**04:45 PM-05:00 PM**    **Drop-By Meeting with Louisiana Seafood Association**  
Ct: Margaret B. Henderson, (b)(6) Privacy 305-322-9811  
EPA Ct: Janet Woodka - 202-564-7362

\*\*The Administrator will drop by the end of this hour-long meeting for 15 minutes

Topic: Testing Products

Staff:

Janet Woodka (OA)  
Bicky Corman (OP)  
Lek Kadeli (ORD)  
Ellen Gillinsky (OW)

Optional:

Stephanie Owens (OEAE)

Location: Bullet Room

-----  
**05:00 PM-07:00 PM**    **Hold: Washington Mardi Gras**  
Ct: Janet Woodka 564.7362

Location: Washington Hilton, 1919 Connecticut Ave NW  
-----

**Friday, 2/10/2012**

**09:30 AM-10:30 AM    HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**10:30 AM-11:30 AM    FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-10:30 - 11:00: OSWER

-11:00 - 11:30: OECA

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Mathy Stanislaus + 2 (OSWER)  
Cynthia Giles, David Swack, Lawrence Starfield (OECA)

Location: Bullet Room  
-----

**12:00 PM-01:00 PM    No Meetings**

Location: Administrator's Office  
-----

**01:45 PM-02:00 PM    HOLD: Pre Meeting with USUN Amb . Susan Rice**

Location: Administrator's Office  
-----

**02:00 PM-03:00 PM    HOLD: EPA Black History Month Event with USUN Ambassador Susan Rice**

Liz Ashwell 564.1008

Amb Rice Scheduler: Alexandra Hughes: HughesAS2@state.gov

Location: Green Room  
-----

**03:15 PM-04:00 PM    Everglades Update**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman (OA)  
Mike Shapiro (OW)  
Avi Garbow (OGC)  
Gwen Keyes-Fleming, Stan Meiburg, Jim Giattina, Gail Mitchell, Phil Mancusi-Ungaro, Dan Scheidt (R4)

Optional:

Bob Perciasepe, Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

Location: Administrator's Office  
-----

**04:15 PM-05:00 PM Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**  
Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

Staff:

- Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)
- Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)
- Nancy Stoner (OW)
- Malcolm Jackson (OEI)
- Gina McCarthy (OAR)
- Cynthia Giles (OECA)
- Paul Anastas (ORD)
- Jim Jones (OCSP)
- Scott Fulton (OGC)
- Michael Goo (OP)
- Shawn Garvin (R3)
- Gwen Keyes Fleming (R4)
- Susan Hedman (R5)
- Karl Brooks (R7)
- James Martin (R8)
- Jared Blumenfeld (R9)

Optional:

- Diane Thompson, Janet Woodka (OA)
- Arvin Ganesan (OCIR)

Location: Bullet Room

-----  
**Saturday, 2/11/2012**

**Sunday, 2/12/2012**

**Monday, 2/13/2012**

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

Location: Administrator's Office

**10:00 AM-10:30 AM One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

- Larry Elworth (Ag Counsel)

Optional:

- Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**11:00 AM-11:30 AM Meeting on Ramazzini Testing Facility**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman, Bob Perciasepe (OA)  
Arvin Ganesan (OCIR)  
Brendan Gilfillan (OEAE)E  
Paul Anastas (ORD)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

-----  
**03:00 PM-04:00 PM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

-----  
**07:00 PM-08:00 PM HOLD: American Lung Association Tele-Town Hall**

Ct: Brendan Gilfillan or Jose Lozano

Location: Via Phone

-----  
**Tuesday, 2/14/2012**  
-----

**10:00 AM-10:30 AM One on One with Steve Owens**

Ct: Gloria Milhouse - 202-564-4206 (OCSP)

Staff:

Steve Owens (OCSP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**10:50 AM-11:00 AM Photo with Venu Ghanta**

Ct: Ryan Robison - 202-564-2856

Staff:

Venu Ghanta (OAR)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:45 PM Early Guidance Briefing on Perchlorate**

Ct: Crystal Penman - 202-564-3318

Staff:

Robert Sussman (OA)

Nancy Stoner, Ken Kopocis, Michael Shapiro, Cynthia Dougherty, Pamela Barr,

Betsy Behl, Eric Burneson, Elizabeth Doyle, Senthini Ramasamy, Daniel Olson,

Stephanie Flaherty (OW)

Scott Fulton (OGC)

Cynthia Giles (OECA)

Michael Goo (OP)  
Paul Anastas (ORD)  
Mathy Stanislaus (OSWER)  
Peter Grevatt (OHCP)  
Shawn Garvin (R3)  
Jared Blumenfeld (R9)  
Dennis McLerran (R10)

Optional:  
Diane Thompson, Bob Perciasepe, Janet Woodka (OA)  
Arvin Ganesan (OCIR)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

-----  
**02:00 PM-03:00 PM**     **HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office

-----  
**03:15 PM-03:30 PM**     **Depart for Russell**

Location: Ariel Rios

-----  
**03:30 PM-04:15 PM**     **Meeting with Members of the Mississippi Delegation**

Ct: Hall\_Carter@wicker.senate.gov, 202-224-6253

Attendees:

-Sen. Roger Wicker

-Sen. Thad Cochran

-Rep. Nunnelee

Staff:

Arvin Ganesan (OCIR)  
Janet McCabe (OAR)  
Gwen Keyes-Fleming (R4)

Location: 555 Dirksen

-----  
**04:00 PM-05:00 PM**     **Paul Anastas' Farewell Gathering**

Location: TBD

-----  
**04:15 PM-04:30 PM**     **Depart for Ariel Rios**

Location: Russell

-----  
**Wednesday, 2/15/2012**  
-----

**05:00 AM-08:00 PM**     **HOLD: Possible Travel to Orlando, FL**

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

Location: Administrator's Office

-----  
**09:30 AM-10:30 AM**     **HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM    One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OECA)

Staff: Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Bullet Room

---

\*\*\* END \*\*\*

01268-EPA-6155

Noah Dubin/DC/USEPA/US

To

02/01/2012 05:51 PM

cc

bcc Richard Windsor

Subject 02/03/2012 thru 02/16/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

02/01/2012 05:48:34 PM

**Friday, 2/3/2012**

**\*\*Times are shown in EST**

**11:00 AM-11:15 AM Depart for Stanford University Graduate School of Business**

Location: Hotel

**11:35 AM-12:15 PM Opening Keynote Address: Stanford University Graduate School of Business Rio + 20 Conference**

Press: Open

Run of Show:

-11:35 AM- 11:45 AM: Introduction by Dr. Kerri-Ann Jones, Assistant Secretary of State (from podium)

-11:45 AM- 12:00 PM: Administrator Jackson remarks (from podium)

-12:00 PM-12:14 PM: Assistant Secretary Jones will ask Administrator Jackson questions that have been collected from audience and twitter (living room style seating on stage)

-12:14 PM-12:15 PM: Assistant Secretary Jones thanks Administrator Jackson and wraps up session (seated on stage)

Location: Cemex Auditorium, 1st floor, Zambrano Hall, Stanford University, 641 Knight Way, Stanford, CA

**12:20 PM-12:40 PM Press Avail**

Location: Holding Room, Zambrano Hall

**01:00 PM-01:35 PM Coffee**

Location: Alumni Café, Arrillaga Alumni Center, 326 Galvez Street, Stanford, CA

**01:35 PM-02:10 PM Depart for SFO**

Location: Alumni Cafe

**01:45 PM-02:00 PM Phone Call with Chief of Staff**

\*\*The Administrator will call Diane

Location: By Phone

**03:06 PM-08:09 PM En Route to Washington, DC**

United Flight #744

Departs San Francisco (SFO) at 3:06 PM EST/12:06 PM PST

Arrives in DC (IAD) 8:09 PM EST  
Location: En route to Washington, DC  
-----

**Saturday, 2/4/2012**

**Sunday, 2/5/2012**

**Monday, 2/6/2012**

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

**08:00 AM-09:00 AM HOLD: Coffee w/ Ignacia Moreno**  
-----

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

**10:00 AM-10:30 AM One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:  
Jim Jones (OCSPP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**11:00 AM-12:00 PM HOLD: WH POST-SOTU**  
Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office  
-----

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

**12:30 PM-12:40 PM Phone Call with Senator Debbie Stabenow (MI)**  
Ct: Ryan Robison - 202-564-2856  
Sen. Ct: Ann Stanski - (b) (6)

Staff:  
Arvin Ganesan (OCIR)

\*\*The Administrator will call (b) (6) to be connected to the Senator.  
Location: Administrator's Office  
-----

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

**02:45 PM-03:30 PM Joint Initiative on Urban Sustainability Update**  
Ct: Elle Beard - 202-564-7723

Staff:

Erica Jeffries, Shalini Vajjhala (OA)  
Michelle DePass, Elle Beard (OITA)  
Barbara Bennett (OCFO)  
Bicky Corman (OP)  
Tseming Yang (OGC)  
Lisa Feldt (OSWER)  
Sarah Pallone (OCIR)

Location: Administrator's Office  
-----

**04:00 PM-04:30 PM One on One with Gina McCarthy**  
Ct: Cindy Huang - 202-564-7404

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Tuesday, 2/7/2012**

**08:00 AM-09:00 AM HOLD: Coffee w/ Ignacia Moreno**  
-----

**09:00 AM-09:45 AM Meeting with Secretaries Salazar and Bryson on Deepwater Horizon**  
Ct: Ryan Robison - 202-564-2856

Location: DOI - Exact Location TBD  
-----

**10:00 AM-10:30 AM One on One with Scott Fulton**  
Ct: Carla Veney - 202-564-1619 (OGC)

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)  
Location: Administrator's Office  
-----

**10:45 AM-11:15 AM Briefing on Equal Employment Opportunity Commission Report MD -715**  
Ct: Sheryl Mason - 202-564-1746

Staff:  
Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes, Marna McDermott, Brenda Mallory (OGC)  
Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:  
Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room

-----  
**11:00 AM-12:30 PM    HOLD - White House Science Fair**  
Ct: Ryan Robison - 202-564-2856  
WH Ct: Lauren Andersen - (b) (6) Privacy

Location: White House - East Room

-----  
**11:30 AM-02:00 PM    FYI - CFC Appreciation Carnival**  
Ct: Michael Moats - 202-564-1687

Location: EPA East Room 1153

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

-----  
**01:00 PM-01:30 PM    One on One with John Hankinson**  
Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:  
John Hankinson (GCTF)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**02:00 PM-03:00 PM    Briefing on President's 2013 Budget**  
Ct: Rhonda Robinson - 202-564-1151

Staff:  
Bob Perciasepe, Diane Thompson (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris, Maria Williams,  
Kathy O'Brien (OCFO)  
Arvin Ganesan (OCIR)

Location: Administrator's Office

-----  
**03:30 PM-04:15 PM    HOLD - Everglades Principals Meeting**  
Ct: Ryan Robison - 202-564-2856  
CEQ Ct: Rebecca Ferdman - (b) (6) Privacy

Staff:  
Bob Perciasepe (OA)  
Location: TBD

-----  
**04:45 PM-05:00 PM    General Discussion**  
Ct: Erica Jeffries - 202-564-3303  
Location: Administrator's Office

-----  
**Wednesday, 2/8/2012**

**08:45 AM-10:00 AM    Daily Briefing**

Location: Administrator's Office

-----  
**10:45 AM-11:00 AM**     **Depart for DOJ**

Location: Ariel Rios

-----  
**11:00 AM-12:30 PM**     **Deepwater Principals Meeting**

Ct: Linda Long (DOJ) - 202-514-7281

Attendees:

-Department of Justice, Attorney General Eric Holder, Deputy Attorney General Cole, Associate Attorney General Perrelli, Gary Grindler, Helaine Greenfeld, Sam Hirsch, AAG Moreno, AAG West

-Coast Guard, Admiral Papp, and RDML Frederick Kenney, Cal Lederer

-Department of Interior Secretary Ken Salazar, Acting Assistant Secretary for Fish and Wildlife, Rachel Jacobson, Acting Principal Deputy Solicitor and Deputy Solicitor for Energy and Mineral Resources Jack Haugrud

-Department of Commerce Secretary John Bryson, General Counsel Cam Kerry

-Department of Homeland & Security, General Counsel Ivan Fong and Associate General Counsel for General Law Theodore Chuang

-EPA Administrator Lisa Jackson, Assistant Administrator for Office of Enforcement and Compliance, Cynthia Giles, Principal Deputy Assistant Administrator, Larry Starfield and Executive Director Gulf Coast Ecosystem Task Force, John Hankinson

-NOAA, Administrator Dr. Jane Lubchenco, Principal Deputy Under Secretary Monica Medina, General Counsel, Lois Schiffer

-Department of Agriculture Secretary Tom Vilsack and Undersecretary for Natural Resources and the Environment Harris Sherman

-Department of the Army, Principal Deputy Assistant Secretary of the Army Rock Salt and Deputy General Counsel Craig Schmauler

Staff:

Cynthia Giles, Larry Starfield (OECA)

John Hankinson (GCTF)

Location: DOJ -950 Penn. Ave. NW - AG Conference Rm 5111

-----  
**12:30 PM-12:45 PM**     **Depart for Ariel Rios**

Location: DOJ

-----  
**12:45 PM-01:45 PM**     **No Meetings**

Location: Administrator's Office

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

Location: Bullet Room

-----  
**05:00 PM-06:00 PM**     **Out of Office**

See Jose or EA

Location: Out of Office

-----

**Thursday, 2/9/2012**

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

**08:45 AM-11:00 AM Hold: Speech at Gonzaga for Black History Month**  
Ct: Jose Lozano/ Keith Beckett kbeckett@gonzaga.org  
Location: Gonzaga HS

**11:30 AM-12:30 PM FY2013 Budget Meeting**  
Ct: Rhonda Robinson - 202-564-1151

Agenda:

-11:30 - 12:00: OAR

-12:00 - 12:30: OW

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Gina McCarthy + 2 (OAR)  
Nancy Stoner, Mike Shaprio, Tim Fontaine (OW)

Location: Bullet Room

**12:45 PM-01:45 PM Lunch with Barb Bennett**  
Location: Central,  
1001 Pennsylvania Ave, Washington, DC

**02:00 PM-02:30 PM One on One with Lisa Garcia**  
Ct: Andrea Dickerson - 202-564-2349 (OA)

Staff:

Lisa Garcia (OA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

**03:00 PM-04:00 PM HOLD: Conference Call with Energy Action 's 35 National Coalition Leaders**  
Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office

**04:00 PM-04:45 PM FYI Bullet Room in Use**  
Location: Bullet Room

**04:45 PM-05:00 PM Drop-By Meeting with Louisiana Seafood Association**  
Ct: Margaret B. Henderson, (b)(6) Privacy 305-322-9811  
EPA Ct: Janet Woodka - 202-564-7362

\*\*The Administrator will drop by the end of this hour-long meeting for 15 minutes

Topic: Testing Products

Staff:

Janet Woodka (OA)  
Bicky Corman (OP)  
Lek Kadeli (ORD)  
Ellen Gillinsky (OW)

Optional:

Stephanie Owens (OEAE)

Location: Bullet Room

-----  
**05:00 PM-07:00 PM    Hold: Washington Mardi Gras**

Ct: Janet Woodka 564.7362

Location: Washington Hilton, 1919 Connecticut Ave NW  
-----

**Friday, 2/10/2012**

**09:30 AM-10:30 AM    HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**10:30 AM-11:30 AM    FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-10:30 - 11:00: OSWER

-11:00 - 11:30: OECA

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Mathy Stanislaus + 2 (OSWER)  
Cynthia Giles, David Swack, Lawrence Starfield (OECA)

Location: Bullet Room  
-----

**12:00 PM-01:00 PM    No Meetings**

Location: Administrator's Office  
-----

**01:45 PM-02:00 PM    HOLD: Pre Meeting with USUN Amb . Susan Rice**

Location: Administrator's Office  
-----

**02:00 PM-03:00 PM    HOLD: EPA Black History Month Event with USUN Ambassador Susan Rice**

Liz Ashwell 564.1008

Amb Rice Scheduler: Alexandra Hughes: HughesAS2@state.gov

Location: Green Room  
-----

**03:15 PM-04:00 PM    Everglades Update**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman (OA)  
Mike Shapiro (OW)  
Avi Garbow (OGC)  
Gwen Keyes-Fleming, Stan Meiburg, Jim Giattina, Gail Mitchell, Phil Mancusi-Ungaro, Dan Scheidt (R4)

Optional:

Bob Perciasepe, Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

Location: Administrator's Office

**04:15 PM-05:00 PM Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**

Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

Staff:

Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)  
Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)  
Nancy Stoner (OW)  
Malcolm Jackson (OEI)  
Gina McCarthy (OAR)  
Cynthia Giles (OECA)  
Paul Anastas (ORD)  
Jim Jones (OCSP)  
Scott Fulton (OGC)  
Michael Goo (OP)  
Shawn Garvin (R3)  
Gwen Keyes Fleming (R4)  
Susan Hedman (R5)  
Karl Brooks (R7)  
James Martin (R8)  
Jared Blumenfeld (R9)

Optional:

Diane Thompson, Janet Woodka (OA)  
Arvin Ganesan (OCIR)

Location: Bullet Room

Saturday, 2/11/2012

Sunday, 2/12/2012

Monday, 2/13/2012

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

Location: Administrator's Office

**10:00 AM-10:30 AM One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

Larry Elworth (Ag Counsel)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**11:00 AM-11:30 AM Meeting on Ramazzini Testing Facility**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman, Bob Perciasepe (OA)

Arvin Ganesan (OCIR)

Brendan Gilfillan (OEAE)

Paul Anastas (ORD)

Location: Administrator's Office

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

Location: Administrator's Office

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

**03:00 PM-04:00 PM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

**07:00 PM-08:00 PM HOLD: American Lung Association Tele-Town Hall**

Ct: Brendan Gilfillan or Jose Lozano

Location: Via Phone

Tuesday, 2/14/2012

**10:50 AM-11:00 AM Photo with Venu Ghanta**

Ct: Ryan Robison - 202-564-2856

Staff:

Venu Ghanta (OAR)

Location: Administrator's Office

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

Location: Administrator's Office

**01:00 PM-01:45 PM Early Guidance Briefing on Perchlorate**

Ct: Crystal Penman - 202-564-3318

Staff:

Robert Sussman (OA)  
 Nancy Stoner, Ken Kopocis, Michael Shapiro, Cynthia Dougherty, Pamela Barr,  
 Betsy Behl, Eric Burneson, Elizabeth Doyle, Senthini Ramasamy, Daniel Olson,  
 Stephanie Flaherty (OW)  
 Scott Fulton (OGC)  
 Cynthia Giles (OECA)  
 Michael Goo (OP)  
 Paul Anastas (ORD)  
 Mathy Stanislaus (OSWER)  
 Peter Grevatt (OHCP)  
 Shawn Garvin (R3)  
 Jared Blumenfeld (R9)  
 Dennis McLerran (R10)

Optional:  
 Diane Thompson, Bob Perciasepe, Janet Woodka (OA)  
 Arvin Ganesan (OCIR)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

-----  
**02:00 PM-03:00 PM     HOLD: WH POST-SOTU**  
 Ct: Ryan Robison - 202-564-2856  
 Location: Administrator's Office

-----  
**03:15 PM-03:30 PM     Depart for Russell**  
 Location: Ariel Rios

-----  
**03:30 PM-04:15 PM     Meeting with Members of the Mississippi Delegation**  
 Ct: Hall\_Carter@wicker.senate.gov, 202-224-6253

Attendees:

- Sen. Roger Wicker
- Sen. Thad Cochran
- Rep. Nunnelee

Staff:  
 Arvin Ganesan (OCIR)  
 Janet McCabe (OAR)  
 Gwen Keyes-Fleming (R4)

Location: 555 Dirksen

-----  
**04:00 PM-05:00 PM     Paul Anastas' Farewell Gathering**  
 Location: TBD

-----  
**04:15 PM-04:30 PM     Depart for Ariel Rios**  
 Location: Russell

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

Location: Administrator's Office

**09:30 AM-10:30 AM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

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

Location: Administrator's Office

**02:00 PM-02:30 PM One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OECA)

Staff: Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**02:00 PM-03:00 PM Bilateral Meeting with Swedish Minister for the Environment Lena Ek**

Swedish Ct: eva.hunnius-ohlin@foreign.ministry.se

EPA Ct: Anna Phillips - 202-564-6419

\*\*The Administrator will be present for 30 mins

Location: Bullet Room

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

Location: Bullet Room

---

**Thursday, 2/16/2012**

---

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

Location: Administrator's Office

**09:00 AM-10:20 AM HOLD: Commission for Environmental Cooperation (CEC) Ministerial Meeting**

Ct: Elle Beard - 202-564-7723

Location: EPA

**10:30 AM-12:30 PM HOLD: Short-lived Climate Forcers Launch w/ Secretary Clinton**

Maurice N. LeFranc, Jr., Senior Advisor on International Climate Change (OAR)

564.1813

Location: Treaty Room, State Dept

**11:00 AM-11:30 AM One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

---

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

Location: Administrator's Office  
-----

**01:00 PM-04:00 PM HOLD: EPA to Host Moms Summit w/ WH OPE**

Ct: Dru Ealons  
-----

**01:30 PM-02:00 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**02:15 PM-02:45 PM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass (OITA)

Optional:

Diane Thompson, Bob Perciasepe Bob Sussman (OA)

Location: Administrator's Office  
-----

---

\*\*\* END \*\*\*

01268-EPA-6156

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor

02/01/2012 11:34 PM

cc "Michelle DePass"

bcc

Subject SLCF

(b)(5) Deliberative



01268-EPA-6157

**Michelle  
DePass/DC/USEPA/US**  
02/02/2012 12:26 AM

To Gina McCarthy, Richard Windsor  
cc "Michelle DePass"  
bcc

Subject Re: SLCF

(b)(5) Deliberative

Michelle

Gina McCarthy

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

**From:** Gina McCarthy

**Sent:** 02/01/2012 11:34 PM EST

**To:** Richard Windsor

**Cc:** "Michelle DePass" <Depass.Michelle@EPA.GOV>

**Subject:** SLCF

(b)(5) Deliberative

01268-EPA-6158

**Richard Windsor/DC/USEPA/US**  
02/02/2012 06:17 AM

To: Gina McCarthy  
cc  
bcc  
Subject: Re: SLCF

K. Tx.  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 02/01/2012 11:34 PM EST  
**To:** Richard Windsor  
**Cc:** "Michelle DePass" <Depass.Michelle@EPA.GOV>  
**Subject:** SLCF

(b)(5) Deliberative



01268-EPA-6159

Noah Dubin/DC/USEPA/US

To

02/02/2012 05:42 PM

cc

bcc Richard Windsor

Subject 02/06/2012 thru 02/19/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

02/02/2012 05:38:17 PM

**Monday, 2/6/2012**

**08:00 AM-06:00 PM AA In-House Day**

Location: Green Room

**08:00 AM-09:00 AM HOLD: Coffee w/ Ignacia Moreno**

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

Location: Administrator's Office

**10:00 AM-10:30 AM One on One with Jim Jones**

Ct: Gloria Milhouse - 202-564-4206 (OCSPP)

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office

**12:30 PM-12:40 PM Phone Call with Senator Debbie Stabenow (MI)**

Ct: Ryan Robison - 202-564-2856

Sen. Ct: Ann Stanski - (b) (6)

Staff:

Arvin Ganesan (OCIR)

\*\*The Administrator will call (b) (6) to be connected to the Senator.

Location: Administrator's Office

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

**02:45 PM-03:30 PM Joint Initiative on Urban Sustainability Update**

Ct: Elle Beard - 202-564-7723

Staff:

Erica Jeffries, Shalini Vajjhala (OA)

Michelle DePass, Elle Beard (OITA)

Barbara Bennett (OCFO)

Bicky Corman (OP)

Tseming Yang (OGC)  
Lisa Feldt (OSWER)  
Sarah Pallone (OCIR)

Location: Administrator's Office  
-----

**04:00 PM-04:30 PM One on One with Gina McCarthy**  
Ct: Cindy Huang - 202-564-7404

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**Tuesday, 2/7/2012**

**08:00 AM-08:50 AM Coffee with Ignacia Moreno**  
Ct: Shanedda.Bogan@usdoj.gov or (b) (6) Privacy  
Location: PAUL Bakery, 801 Penn Ave NW  
-----

**08:50 AM-09:00 AM Depart for DOI**  
Location: Paul Bakery  
-----

**09:00 AM-09:45 AM Meeting with Secretaries Salazar and Bryson on Deepwater Horizon**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Diane Thompson (OA)  
Cynthia Giles (OECA)

Location: DOI - 1849 C St. NW  
-----

**10:00 AM-10:30 AM One on One with Scott Fulton**  
Ct: Carla Veney - 202-564-1619 (OGC)

Staff:  
Scott Fulton (OGC)

Optional:  
Diane Thompson (OA)  
Location: Administrator's Office  
-----

**10:45 AM-11:15 AM Briefing on Equal Employment Opportunity Commission Report MD -715**  
Ct: Sheryl Mason - 202-564-1746

Staff:  
Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes, Marna McDermott, Brenda Mallory (OGC)  
Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:

Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room

-----  
**11:00 AM-12:30 PM HOLD - White House Science Fair**

Ct: Ryan Robison - 202-564-2856

WH Ct: Lauren Andersen - (b) (6) Privacy

Location: White House - East Room

-----  
**11:30 AM-02:00 PM FYI - CFC Appreciation Carnival**

Ct: Michael Moats - 202-564-1687

Location: EPA East Room 1153

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

Location: Administrator's Office

-----  
**01:00 PM-01:30 PM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:

John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:00 PM-03:00 PM Briefing on President's 2013 Budget**

Ct: Rhonda Robinson - 202-564-1151

Staff:

Bob Perciasepe, Diane Thompson (OA)

Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris, Maria Williams,

Kathy O'Brien (OCFO)

Arvin Ganesan (OCIR)

Location: Administrator's Office

-----  
**03:15 PM-03:30 PM Depart for CEQ**

Location: Ariel Rios

-----  
**03:30 PM-04:15 PM HOLD for Everglades Principals Meeting**

Ct: Ryan Robison - 202-564-2856

CEQ Ct: Rebecca Ferdman - (b) (6) Privacy

CEQ

Chair Nancy Sutley

Deputy Director and General Counsel Gary Guzy

Associate Director for Land and Water Ecosystems Jay Jensen

Army Corps of Engineers  
 Assistant Secretary Jo-Ellen Darcy  
 Principle Deputy Assistant Secretary Rock Salt  
 Deputy Secretary Letmon Lee  
 DOJ  
 Assistant Attorney General Ignacia Moreno  
 Deputy Assistant Attorney General Ethan Shenkman  
 DOI  
 Secretary Salazar  
 USDA  
 Secretary Vilsack

Staff:  
 Bob Perciasepe (OA)  
 Location: CEQ,  
 722 Jackson Pl, 1st floor conference room

-----  
**04:15 PM-04:30 PM**    **Depart for Ariel Rios**  
 Location: CEQ

-----  
**04:30 PM-04:50 PM**    **General Discussion**  
 Ct: Nathan Gentry - 202-564-9084

Staff:  
 Diane Thompson, Bob Perciasepe (OA)  
 Lek Kadeli (ORD)

Location: Administrator's Office

-----  
**05:00 PM-05:15 PM**    **General Discussion**  
 Ct: Erica Jeffries - 202-564-3303  
 Location: Administrator's Office

---

**Wednesday, 2/8/2012**

---

**08:00 AM-09:00 AM**    **Personal Hold**

-----  
**08:45 AM-10:00 AM**    **Daily Briefing**  
 Location: Administrator's Office

-----  
**10:45 AM-11:00 AM**    **Depart for DOJ**  
 Location: Ariel Rios

-----  
**11:00 AM-12:30 PM**    **Deepwater Principals Meeting**  
 Ct: Linda Long (DOJ) - 202-514-7281

Attendees:

-Department of Justice, Attorney General Eric Holder, Deputy Attorney General Cole, Associate Attorney General Perrelli, Gary Grindler, Helaine Greenfeld, Sam Hirsch, AAG Moreno, AAG West

-Coast Guard, Admiral Papp, and RDML Frederick Kenney, Cal Lederer

-Department of Interior Secretary Ken Salazar, Acting Assistant Secretary for

Fish and Wildlife, Rachel Jacobson, Acting Principal Deputy Solicitor and Deputy Solicitor for Energy and Mineral Resources Jack Haugrud

-Department of Commerce Secretary John Bryson, General Counsel Cam Kerry

-Department of Homeland & Security, General Counsel Ivan Fong and Associate General Counsel for General Law Theodore Chuang

-EPA Administrator Lisa Jackson, Assistant Administrator for Office of Enforcement and Compliance, Cynthia Giles, Principal Deputy Assistant Administrator, Larry Starfield and Executive Director Gulf Coast Ecosystem Task Force, John Hankinson

-NOAA, Administrator Dr. Jane Lubchenco, Principal Deputy Under Secretary Monica Medina, General Counsel, Lois Schiffer

-Department of Agriculture Secretary Tom Vilsack and Undersecretary for Natural Resources and the Environment Harris Sherman

-Department of the Army, Principal Deputy Assistant Secretary of the Army Rock Salt and Deputy General Counsel Craig Schmauler

Staff:  
Cynthia Giles, Larry Starfield (OECA)  
John Hankinson (GCTF)

Location: DOJ -950 Penn. Ave. NW - AG Conference Rm 5111

-----  
**12:30 PM-12:45 PM**    **Depart for Ariel Rios**  
Location: DOJ

-----  
**12:45 PM-01:45 PM**    **No Meetings**  
Location: Administrator's Office

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

-----  
**05:00 PM-06:00 PM**    **Out of Office**  
See Jose or EA  
Location: Out of Office  
-----

**Thursday, 2/9/2012**

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

-----  
**08:45 AM-11:00 AM**    **Hold: Speech at Gonzaga for Black History Month**  
Ct: Jose Lozano/ Keith Beckett kbeckett@gonzaga.org  
Location: St. Aloysius Church,  
19 I St NW Washington, DC 20001

-----  
**11:30 AM-12:30 PM**    **FY2013 Budget Meeting**  
Ct: Rhonda Robinson - 202-564-1151

Agenda:

-11:30 - 12:00: OAR

-12:00 - 12:30: OW

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Gina McCarthy + 2 (OAR)  
Nancy Stoner, Mike Shaprio, Tim Fontaine (OW)

Location: Bullet Room

-----  
**12:45 PM-01:45 PM Lunch with Barb Bennett**

Location: Central,  
1001 Pennsylvania Ave, Washington, DC

-----  
**02:00 PM-02:30 PM One on One with Lisa Garcia**

Ct: Andrea Dickerson - 202-564-2349 (OA)

Staff:

Lisa Garcia (OA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:00 PM-04:00 PM HOLD: Conference Call with Energy Action 's 35 National Coalition Leaders**

Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office

-----  
**04:00 PM-04:45 PM FYI Bullet Room in Use**

Location: Bullet Room

-----  
**04:45 PM-05:00 PM Drop-By Meeting with Louisiana Seafood Association**

Ct: Margaret B. Henderson, (b)(6) Privacy 305-322-9811  
EPA Ct: Janet Woodka - 202-564-7362

\*\*The Administrator will drop by the end of this hour-long meeting for 15 minutes

Topic: Testing Products

Staff:

Janet Woodka (OA)  
Bicky Corman (OP)  
Lek Kadeli (ORD)  
Ellen Gillinsky (OW)

Optional:

Stephanie Owens (OEAE)

Location: Bullet Room

-----  
**05:00 PM-07:00 PM Hold: Washington Mardi Gras**

Ct: Janet Woodka 564.7362  
Location: Washington Hilton, 1919 Connecticut Ave NW  
-----

**Friday, 2/10/2012**

**09:30 AM-10:30 AM    HOLD: WH POST-SOTU**  
Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**10:30 AM-11:30 AM    FY2013 Budget Meeting**  
Ct: Rhonda Robinson - 202-564-1151

Agenda:

-10:30 - 11:00: OSWER

-11:00 - 11:30: OECA

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE) + 2 (OSWER)  
Cynthia Giles, David Swack, Lawrence Starfield (OECA)

Location: Bullet Room  
-----

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

**03:15 PM-03:30 PM    HOLD: Pre Meeting with USUN Amb . Susan Rice**  
Location: Administrator's Office  
-----

**03:15 PM-04:00 PM    HOLD: Everglades Update**  
Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman (OA)  
Mike Shapiro (OW)  
Avi Garbow (OGC)  
Gwen Keyes-Fleming, Stan Meiburg, Jim Giattina, Gail Mitchell, Phil Mancusi-Ungaro, Dan Scheidt (R4)  
Michael Goo (OP)

Optional:

Bob Perciasepe, Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

Location: Administrator's Office  
-----

**03:30 PM-04:30 PM    HOLD: EPA Black History Month Event with USUN Ambassador Susan Rice**  
Liz Ashwell 564.1008  
Amb Rice Scheduler: Alexandra Hughes: HughesAS2@state.gov

Location: Green Room  
-----

**04:15 PM-05:00 PM Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**

Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

Staff:

- Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)
- Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)
- Nancy Stoner (OW)
- Malcolm Jackson (OEI)
- Gina McCarthy (OAR)
- Cynthia Giles (OECA)
- Paul Anastas (ORD)
- Jim Jones (OCSPP)
- Scott Fulton (OGC)
- Michael Goo (OP)
- Shawn Garvin (R3)
- Gwen Keyes Fleming (R4)
- Susan Hedman (R5)
- Karl Brooks (R7)
- James Martin (R8)
- Jared Blumenfeld (R9)

Optional:

- Diane Thompson, Janet Woodka (OA)
- Arvin Ganesan (OCIR)

Location: Bullet Room  
-----

**Saturday, 2/11/2012**

**Sunday, 2/12/2012**

**Monday, 2/13/2012**

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

Location: Administrator's Office  
-----

**10:00 AM-10:30 AM One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

- Larry Elworth (Ag Counsel)

Optional:

- Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**11:00 AM-11:30 AM Meeting on Ramazzini Testing Facility**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman, Bob Perciasepe (OA)  
Arvin Ganesan (OCIR)  
Brendan Gilfillan (OEAE)E  
Paul Anastas (ORD)

Location: Administrator's Office

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

Location: Administrator's Office

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

**03:00 PM-04:00 PM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

**05:30 PM-06:30 PM Hold: Informal Meeting w/ SBA Chair Karen Mills**

**07:00 PM-08:00 PM HOLD: American Lung Association Tele-Town Hall**

Ct: Brendan Gilfillan or Jose Lozano

Location: Via Phone

Tuesday, 2/14/2012

**10:50 AM-11:00 AM Photo with Venu Ghanta**

Ct: Ryan Robison - 202-564-2856

Staff:

Venu Ghanta (OAR)  
Location: Administrator's Office

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

Location: Administrator's Office

**01:00 PM-01:45 PM Early Guidance Briefing on Perchlorate**

Ct: Crystal Penman - 202-564-3318

Staff:

Robert Sussman (OA)  
Nancy Stoner, Ken Kopocis, Michael Shapiro, Cynthia Dougherty, Pamela Barr,  
Betsy Behl, Eric Burneson, Elizabeth Doyle, Senthini Ramasamy, Daniel Olson,  
Stephanie Flaherty (OW)  
Scott Fulton (OGC)  
Cynthia Giles (OECA)  
Michael Goo (OP)  
Paul Anastas (ORD)  
Mathy Stanislaus (OSWER)  
Peter Grevatt (OHCP)  
Shawn Garvin (R3)  
Jared Blumenfeld (R9)

Dennis McLerran (R10)

Optional:

Diane Thompson, Bob Perciasepe, Janet Woodka (OA)  
Arvin Ganesan (OCIR)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

-----  
**02:00 PM-03:00 PM    HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

-----  
**03:15 PM-03:30 PM    Depart for Russell**

Location: Ariel Rios

-----  
**03:30 PM-04:15 PM    Meeting with Members of the Mississippi Delegation**

Ct: Hall\_Carter@wicker.senate.gov, 202-224-6253

Attendees:

-Sen. Roger Wicker

-Sen. Thad Cochran

-Rep. Nunnelee

Staff:

Arvin Ganesan (OCIR)

Janet McCabe (OAR)

Gwen Keyes-Fleming (R4)

Location: 555 Dirksen

-----  
**04:00 PM-05:00 PM    Paul Anastas' Farewell Gathering**

Location: TBD

-----  
**04:15 PM-04:30 PM    Depart for Ariel Rios**

Location: Russell

-----  
**Wednesday, 2/15/2012**  
-----

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

Location: Administrator's Office

-----  
**09:30 AM-10:30 AM    HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**02:00 PM-02:30 PM    One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OECA)

Staff: Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**02:00 PM-03:00 PM Bilateral Meeting with Swedish Minister for the Environment Lena Ek**

Swedish Ct: eva.hunnius-ohlin@foreign.ministry.se

EPA Ct: Anna Phillips - 202-564-6419

\*\*The Administrator will be present for 30 mins

Location: Bullet Room

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

Location: Bullet Room

**Thursday, 2/16/2012**

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

Location: Administrator's Office

**09:00 AM-10:20 AM HOLD: Commission for Environmental Cooperation (CEC) Ministerial Meeting**

Ct: Elle Beard - 202-564-7723

Location: EPA

**10:30 AM-12:30 PM HOLD: Short-lived Climate Forcers Launch w/ Secretary Clinton**

Maurice N. LeFranc, Jr., Senior Advisor on International Climate Change (OAR)

564.1813

Location: Treaty Room, State Dept

**11:00 AM-11:30 AM One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office

**12:30 PM-01:15 PM HOLD for Post-SLCF Conf. Mtg**

Location: State

**01:00 PM-04:00 PM HOLD: EPA to Host Moms Summit w/ WH OPE**

Ct: Dru Ealons

**01:30 PM-02:00 PM One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:15 PM-02:45 PM One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass (OITA)

Optional:  
Diane Thompson, Bob Perciasepe Bob Sussman (OA)  
Location: Administrator's Office

-----

---

**Friday, 2/17/2012**

---

**05:00 AM-08:00 PM HOLD: Possible Travel to Orlando, FL**

-----  
**11:30 AM-12:00 PM One on One with Malcolm Jackson**  
Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
Malcolm Jackson (OEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

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

-----

---

**Saturday, 2/18/2012**

---

---

**Sunday, 2/19/2012**

---

---

\*\*\* END \*\*\*

01268-EPA-6160

Noah Dubin/DC/USEPA/US

To

02/03/2012 05:23 PM

cc

bcc Richard Windsor

Subject 02/07/2012 thru 02/20/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

02/03/2012 05:18:50 PM

**Tuesday, 2/7/2012**

**08:00 AM-08:50 AM Coffee with Ignacia Moreno**

Ct: Shanedda.Bogan@usdoj.gov or 202-514-2701

Location: PAUL Bakery, 801 Penn Ave NW

**08:50 AM-09:00 AM Depart for DOI**

Location: Paul Bakery

**09:00 AM-09:45 AM Meeting with Secretaries Salazar and Bryson on Deepwater Horizon**

Ct: Ryan Robison - 202-564-2856

Staff:

Diane Thompson (OA)

Cynthia Giles (OECA)

Location: DOI - 1849 C St. NW

**09:45 AM-10:00 AM Depart for Ariel Rios**

Location: DOI

**10:00 AM-10:30 AM One on One with Scott Fulton**

Ct: Carla Veney - 202-564-1619 (OGC)

Staff:

Scott Fulton (OGC)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

**10:45 AM-11:00 AM Depart for White House**

Location: Ariel Rios

**11:00 AM-12:30 PM White House Science Fair**

Ct: Ryan Robison - 202-564-2856

WH Ct: Lauren Andersen - (b) (6) Privacy

Location: White House - West Exec.

**11:30 AM-02:00 PM FYI - CFC Appreciation Carnival**

Ct: Michael Moats - 202-564-1687

\*\*The Administrator will drop-by if her schedule permits.

Location: EPA East Room 1153

-----  
**12:30 PM-12:45 PM**    **Depart for Ariel Rios**

Location: White House

-----  
**12:45 PM-01:45 PM**    **No Meetings**

Location: Administrator's Office

-----  
**02:00 PM-03:00 PM**    **Briefing on President's 2013 Budget**

Ct: Rhonda Robinson - 202-564-1151

Staff:

Bob Perciasepe, Diane Thompson (OA)

Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris, Maria Williams,

Kathy O'Brien (OCFO)

Arvin Ganesan (OCIR)

Location: Administrator's Office

-----  
**03:15 PM-03:45 PM**    **One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:

John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**04:30 PM-04:50 PM**    **General Discussion**

Ct: Nathan Gentry - 202-564-9084

Staff:

Diane Thompson, Bob Perciasepe (OA)

Lek Kadeli (ORD)

Location: Administrator's Office

-----  
**05:00 PM-05:15 PM**    **General Discussion**

Ct: Erica Jeffries - 202-564-3303

Location: Administrator's Office

-----  
**Wednesday, 2/8/2012**

**08:00 AM-09:00 AM**    **Personal Hold**

-----  
**08:45 AM-10:00 AM**    **Daily Briefing**

Location: Administrator's Office

-----  
**10:45 AM-11:00 AM**    **Depart for DOJ**

Location: Ariel Rios

**11:00 AM-12:30 PM Deepwater Principals Meeting**

Ct: Linda Long (DOJ) - 202-514-7281

Attendees:

-Department of Justice, Attorney General Eric Holder, Deputy Attorney General Cole, Associate Attorney General Perrelli, Gary Grindler, Helaine Greenfeld, Sam Hirsch, AAG Moreno, AAG West

-Coast Guard, Admiral Papp, and RDML Frederick Kenney, Cal Lederer

-Department of Interior Secretary Ken Salazar, Acting Assistant Secretary for Fish and Wildlife, Rachel Jacobson, Acting Principal Deputy Solicitor and Deputy Solicitor for Energy and Mineral Resources Jack Haugrud

-Department of Commerce Secretary John Bryson, General Counsel Cam Kerry

-Department of Homeland & Security, General Counsel Ivan Fong and Associate General Counsel for General Law Theodore Chuang

-EPA Administrator Lisa Jackson, Assistant Administrator for Office of Enforcement and Compliance, Cynthia Giles, Principal Deputy Assistant Administrator, Larry Starfield and Executive Director Gulf Coast Ecosystem Task Force, John Hankinson

-NOAA, Administrator Dr. Jane Lubchenco, Principal Deputy Under Secretary Monica Medina, General Counsel, Lois Schiffer

-Department of Agriculture Secretary Tom Vilsack and Undersecretary for Natural Resources and the Environment Harris Sherman

-Department of the Army, Principal Deputy Assistant Secretary of the Army Rock Salt and Deputy General Counsel Craig Schmauler

Staff:

Cynthia Giles, Larry Starfield (OECA)  
John Hankinson (GCTF)

Location: DOJ -950 Penn. Ave. NW - AG Conference Rm 5111

-----  
**12:30 PM-12:45 PM Depart for Ariel Rios**

Location: DOJ

-----  
**12:45 PM-01:45 PM No Meetings**

Location: Administrator's Office

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

Location: Bullet Room

-----  
**05:00 PM-06:00 PM Out of Office**

See Jose or EA

Location: Out of Office  
-----



**Thursday, 2/9/2012**

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

Location: Administrator's Office

**08:45 AM-12:00 PM Hold: Speech at Gonzaga for Black History Month**

Ct: Jose Lozano/ Keith Beckett kbeckett@gonzaga.org

Location: St. Aloysius Church,  
19 I St NW Washington, DC 20001

**11:30 AM-12:30 PM FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-11:30 - 12:00: OAR

-12:00 - 12:30: OW

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Gina McCarthy + 2 (OAR)  
Nancy Stoner, Mike Shaprio, Tim Fontaine (OW)

Location: Bullet Room

**12:30 PM-12:45 PM Depart for Central**

Location: Ariel Rios

**12:45 PM-01:45 PM Lunch with Barb Bennett**

\*\*Reservation under P. Jackson

Location: Central,  
1001 Pennsylvania Ave, Washington, DC

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

Location: Central

**02:00 PM-02:30 PM One on One with Lisa Garcia**

Ct: Andrea Dickerson - 202-564-2349 (OA)

Staff:

Lisa Garcia (OA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**03:00 PM-04:00 PM HOLD: Conference Call with Energy Action 's 35 National Coalition Leaders**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

**04:00 PM-04:45 PM FYI Bullet Room in Use**

Location: Bullet Room

**04:45 PM-05:00 PM Drop-By Meeting with Louisiana Seafood Association**

Ct: Margaret B. Henderson, (b)(6) Privacy 305-322-9811  
EPA Ct: Janet Woodka - 202-564-7362

\*\*The Administrator will drop by the end of this hour-long meeting for 15 minutes

Topic: Testing Products

Staff:

Janet Woodka (OA)  
Bicky Corman (OP)  
Lek Kadeli (ORD)  
Ellen Gillinsky (OW)

Optional:

Stephanie Owens (OEAE)

Location: Bullet Room  
-----

**05:00 PM-07:00 PM Hold: Washington Mardi Gras**

Ct: Janet Woodka 564.7362

Location: Washington Hilton, 1919 Connecticut Ave NW  
-----

**Friday, 2/10/2012**

**09:30 AM-10:30 AM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**10:30 AM-11:30 AM FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-10:30 - 11:00: OSWER

-11:00 - 11:30: OECA

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAE)  
Mathy Stanislaus + 2 (OSWER)  
Cynthia Giles, David Swack, Lawrence Starfield (OECA)

Location: Bullet Room  
-----

**12:00 PM-01:00 PM HOLD - Lunch with Former Secretary Alexis Herman**

Ct: Ryan Robison - 202-564-2856

Scrty Ct: Monique Beidleman - mbeidleman@alexisherman.com

Location: Four Seasons - Georgetown  
-----

**01:15 PM-01:45 PM Briefing on Equal Employment Opportunity Commission Report MD -715**

Ct: Sheryl Mason - 202-564-1746

Staff:

Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes, Marna McDermott, Brenda Mallory (OGC)  
Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:

Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room  
-----

**02:00 PM-02:45 PM Everglades Update**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman (OA)  
Mike Shapiro (OW)  
Avi Garbow (OGC)  
Gwen Keyes-Fleming, Stan Meiburg, Jim Giattina, Gail Mitchell, Phil  
Mancusi-Ungaro, Dan Scheidt (R4)  
Michael Goo (OP)

Optional:

Bob Perciasepe, Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

Location: Administrator's Office  
-----

**03:15 PM-03:30 PM HOLD: Pre Meeting with USUN Amb . Susan Rice**

Location: Administrator's Office  
-----

**03:30 PM-04:30 PM HOLD: EPA Black History Month Event with USUN Ambassador Susan Rice**

Liz Ashwell 564.1008  
Amb Rice Scheduler: Alexandra Hughes: HughesAS2@state.gov  
Location: Green Room  
-----

**Saturday, 2/11/2012**

**Sunday, 2/12/2012**

**Monday, 2/13/2012**

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

Location: Administrator's Office  
-----

**10:00 AM-10:45 AM Options Selection: Standards for the Management of Coal Combustion Residuals Final**

**Rule (SAN 4470; T 1)**

Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

Staff:

- Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)
- Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)
- Nancy Stoner (OW)
- Malcolm Jackson (OEI)
- Gina McCarthy (OAR)
- Cynthia Giles (OECA)
- Paul Anastas (ORD)
- Jim Jones (OCSP)
- Scott Fulton (OGC)
- Michael Goo (OP)
- Shawn Garvin (R3)
- Gwen Keyes Fleming (R4)
- Susan Hedman (R5)
- Karl Brooks (R7)
- James Martin (R8)
- Jared Blumenfeld (R9)

Optional:

- Diane Thompson, Janet Woodka (OA)
- Arvin Ganesan (OCIR)

Location: Bullet Room

**10:00 AM-10:30 AM RESCHEDULE: One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

- Larry Elworth (Ag Counsel)

Optional:

- Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**11:00 AM-11:30 AM Meeting on Ramazzini Testing Facility**

Ct: Don Maddox - 202-564-7207

Staff:

- Bob Sussman, Bob Perciasepe (OA)
- Arvin Ganesan (OCIR)
- Brendan Gilfillan (OEAE)
- Paul Anastas (ORD)

Location: Administrator's Office

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

Location: Administrator's Office

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

-----  
**03:00 PM-04:00 PM     HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**05:30 PM-06:30 PM     Hold: Informal Meeting w/ SBA Chair Karen Mills**

-----  
**07:00 PM-08:00 PM     HOLD: American Lung Association Tele-Town Hall**

Ct: Brendan Gilfillan or Jose Lozano

Location: Via Phone  
-----

**Tuesday, 2/14/2012**

**10:50 AM-11:00 AM     Photo with Venu Ghanta**

Ct: Ryan Robison - 202-564-2856

Staff:

Venu Ghanta (OAR)

Location: Administrator's Office  
-----

**12:00 PM-01:00 PM     No Meetings**

Location: Administrator's Office  
-----

**01:00 PM-01:45 PM     Early Guidance Briefing on Perchlorate**

Ct: Crystal Penman - 202-564-3318

Staff:

Robert Sussman (OA)

Nancy Stoner, Ken Kopocis, Michael Shapiro, Cynthia Dougherty, Pamela Barr,  
Betsy Behl, Eric Burneson, Elizabeth Doyle, Senthini Ramasamy, Daniel Olson,

Stephanie Flaherty (OW)

Scott Fulton (OGC)

Cynthia Giles (OECA)

Michael Goo (OP)

Paul Anastas (ORD)

Mathy Stanislaus (OSWER)

Peter Grevatt (OHCP)

Shawn Garvin (R3)

Jared Blumenfeld (R9)

Dennis McLerran (R10)

Optional:

Diane Thompson, Bob Perciasepe, Janet Woodka (OA)

Arvin Ganesan (OCIR)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room  
-----

**02:00 PM-03:00 PM     HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**03:15 PM-03:30 PM     Depart for Russell**

Location: Ariel Rios

-----  
**03:30 PM-04:15 PM Meeting with Members of the Mississippi Delegation**  
Ct: Hall\_Carter@wicker.senate.gov, 202-224-6253

Attendees:

-Sen. Roger Wicker

-Sen. Thad Cochran

-Rep. Nunnelee

Staff:

Arvin Ganesan (OCIR)

Janet McCabe (OAR)

Gwen Keyes-Fleming (R4)

Location: 555 Dirksen

-----  
**04:00 PM-05:00 PM Paul Anastas' Farewell Gathering**  
Location: TBD

-----  
**04:15 PM-04:30 PM Depart for Ariel Rios**  
Location: Russell

-----  
**Wednesday, 2/15/2012**  
-----

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

-----  
**09:30 AM-10:30 AM HOLD: WH POST-SOTU**  
Ct: Ryan Robison - 202-564-2856  
Location: Administrator's Office

-----  
**10:30 AM-11:30 AM HOLD - Everglades Principals Meeting**  
Ct: Ryan Robison - 202-564-2856  
CEQ Ct: Rebecca Ferdman - 202.456.3620  
Location: CEQ

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

-----  
**01:30 PM-02:30 PM Bilateral Meeting with Swedish Minister for the Environment Lena Ek**  
Swedish Ct: eva.hunnius-ohlin@foreign.ministry.se  
EPA Ct: Anna Phillips - 202-564-6419

\*\*The Administrator will be present for 30 mins

Location: Bullet Room

-----  
**02:00 PM-02:30 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202-564-3139 (OECA)

Staff: Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:30 PM-05:00 PM**    **HOLD for Senior Policy**

Location: Bullet Room

-----  
**04:30 PM-06:00 PM**    **Out of Office**

Location: Out of Office

-----  
**Thursday, 2/16/2012**  
 -----

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

Location: Administrator's Office

-----  
**09:30 AM-11:00 AM**    **HOLD: Short-lived Climate Forcers Launch with Secretary Clinton**

Maurice LeFranc - 202-564-1813

9:30 - 10:00 AM: Remarks from Ministers

Location: Ben Franklin Room, 8th Floor

Attendees: Invited guests, 200-300 ppl.

OPEN PRESS

Speaking order TBD, but Administrator Jackson will likely be second after Secretary Clinton. Administrator Jackson should plan to speak for 3-5 min.

10:15 AM - 11:00 PM: Post Event Meeting of Ministers

Location: Deputy's Conference Room, 7th Floor

Attendees: Special Envoy Todd Stern, Administrator Jackson, Ministers + 2, UNEP  
 ED

CLOSED PRESS

Location: Benjamin Franklin Room

U. S. Department of State

2201 C Street, NW

Washington, DC

-----  
**11:00 AM-11:30 AM**    **RESCHEDULE One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**11:30 AM-12:00 PM**    **HOLD: EPA to Host Moms Summit w/ WH OPE**

Ct: Dru Ealons

-----  
**12:15 PM-01:15 PM**    **No Meetings**

Location: Administrator's Office

-----  
**01:30 PM-02:00 PM**    **One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**01:30 PM-02:30 PM**    **HOLD for Commission for Environmental Cooperation Trilateral Meeting**  
Location: Bullet Room

-----  
**02:15 PM-02:45 PM**    **One on One with Michelle DePass**  
Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass (OITA)

Optional:  
Diane Thompson, Bob Perciasepe Bob Sussman (OA)  
Location: Administrator's Office

-----  
**02:45 PM-03:00 PM**    **HOLD for CEC Canada-US Bilateral Meeting**  
Location: Bullet Room

-----  
**03:00 PM-03:15 PM**    **HOLD for CEC Mexico-US Bilateral Meeting**  
Location: Bullet Room

-----  
**Friday, 2/17/2012**  
-----

**05:00 AM-08:00 PM**    **HOLD: Possible Travel to Orlando, FL**

-----  
**11:30 AM-12:00 PM**    **One on One with Malcolm Jackson**  
Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
Malcolm Jackson (OEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

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

-----  
**Saturday, 2/18/2012**  
-----

-----  
**Sunday, 2/19/2012**  
-----

---

**Monday, 2/20/2012**

**08:00 AM-06:00 PM    President's Day Observed**

Location: Out of Office

-----

---

\*\*\* END \*\*\*

01268-EPA-6161

Noah Dubin/DC/USEPA/US

To

02/06/2012 06:14 PM

cc

bcc Richard Windsor

Subject 02/08/2012 thru 02/21/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

02/06/2012 06:11:51 PM

**Wednesday, 2/8/2012**

**08:00 AM-09:00 AM Personal Hold**

**08:45 AM-10:00 AM Daily Briefing**

Location: Administrator's Office

**10:45 AM-11:00 AM Depart for DOJ**

Location: Ariel Rios

**11:00 AM-12:30 PM Deepwater Principals Meeting**

Ct: Linda Long (DOJ) - 202-514-7281

**Attendees:**

-Department of Justice, Attorney General Eric Holder, Deputy Attorney General Cole, Associate Attorney General Perrelli, Gary Grindler, Helaine Greenfeld, Sam Hirsch, AAG Moreno, AAG West

-Coast Guard, Admiral Papp, and RDML Frederick Kenney, Cal Lederer

-Department of Interior Secretary Ken Salazar, Acting Assistant Secretary for Fish and Wildlife, Rachel Jacobson, Acting Principal Deputy Solicitor and Deputy Solicitor for Energy and Mineral Resources Jack Haugrud

-Department of Commerce Secretary John Bryson, General Counsel Cam Kerry

-Department of Homeland & Security, General Counsel Ivan Fong and Associate General Counsel for General Law Theodore Chuang

-EPA Administrator Lisa Jackson, Assistant Administrator for Office of Enforcement and Compliance, Cynthia Giles, Principal Deputy Assistant Administrator, Larry Starfield and Executive Director Gulf Coast Ecosystem Task Force, John Hankinson

-NOAA, Administrator Dr. Jane Lubchenco, Principal Deputy Under Secretary Monica Medina, General Counsel, Lois Schiffer

-Department of Agriculture Secretary Tom Vilsack and Undersecretary for Natural Resources and the Environment Harris Sherman

-Department of the Army, Principal Deputy Assistant Secretary of the Army Rock Salt and Deputy General Counsel Craig Schmauler

Staff:

Cynthia Giles, Larry Starfield (OECA)  
John Hankinson (GCTF)

Location: DOJ -950 Penn. Ave. NW - AG Conference Rm 5111

-----  
**12:30 PM-12:45 PM**    **Depart for Ariel Rios**

Location: DOJ

-----  
**12:45 PM-02:00 PM**    **HOLD for DT**

Ct: Stephanie Washington - 202-564-1048

Location: Administrator's Office

-----  
**02:15 PM-02:25 PM**    **HOLD for Call w/ Heather Zichal**

Location: Administrator's Office

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

Location: Bullet Room

-----  
**05:00 PM-06:00 PM**    **Out of Office**

See Jose or EA

Location: Out of Office

-----  
**Thursday, 2/9/2012**

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

Location: Administrator's Office

-----  
**08:45 AM-12:00 PM**    **Hold: Speech at Gonzaga for Black History Month**

Ct: Jose Lozano/ Keith Beckett kbeckett@gonzaga.org

Location: St. Aloysius Church,  
19 I St NW Washington, DC 20001

-----  
**12:30 PM-12:45 PM**    **Depart for Central**

Location: Ariel Rios

-----  
**12:45 PM-01:45 PM**    **Lunch with Barb Bennett**

\*\*Reservation under P. Jackson

Location: Central,  
1001 Pennsylvania Ave, Washington, DC

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

Location: Central

-----  
**02:00 PM-03:00 PM**    **FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-2:00 - 2:30: OAR

-2:30 - 3:00: OW

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAAA)  
Gina McCarthy, Jerry Kurtzweg, Mike Flynn (OAR)  
Nancy Stoner, Mike Shaprio, Tim Fontaine (OW)

Location: Bullet Room  
-----

**03:00 PM-04:00 PM HOLD: Conference Call with Energy Action 's 35 National Coalition Leaders**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**04:00 PM-04:45 PM FYI Bullet Room in Use**

Location: Bullet Room  
-----

**04:45 PM-05:00 PM Drop-By Meeting with Louisiana Seafood Association**

Ct: Margaret B. Henderson, (b)(6) Privacy 305-322-9811

EPA Ct: Janet Woodka - 202-564-7362

\*\*The Administrator will drop by the end of this hour-long meeting for 15 minutes

Topic: Testing Products

Staff:

Janet Woodka (OA)

Bicky Corman (OP)

Lek Kadeli (ORD)

Ellen Gillinsky (OW)

Optional:

Stephanie Owens (OEAAA)

Location: Bullet Room  
-----

**05:00 PM-07:00 PM Hold: Washington Mardi Gras**

Ct: Janet Woodka 564.7362

Location: Washington Hilton, 1919 Connecticut Ave NW  
-----

**Friday, 2/10/2012**

**09:30 AM-10:30 AM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**10:30 AM-11:30 AM FY2013 Budget Meeting**

Ct: Rhonda Robinson - 202-564-1151

Agenda:

-10:30 - 11:00: OSWER

-11:00 - 11:30: OECA

Staff:

Bob Perciasepe, Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Maryann Froehlich, David Bloom, Carol Terris (OCFO)  
Brendan Gilfillan (OEAAA)  
Mathy Stanislaus + 2 (OSWER)  
Cynthia Giles, David Swack, Lawrence Starfield (OECA)

Location: Bullet Room  
-----

**12:00 PM-01:00 PM HOLD - Lunch with Former Secretary Alexis Herman**

Ct: Ryan Robison - 202-564-2856

Scrtry Ct: Monique Beidleman - mbeidleman@alexisherman.com

Location: Four Seasons - Georgetown  
-----

**01:15 PM-01:45 PM Briefing on Equal Employment Opportunity Commission Report MD -715**

Ct: Sheryl Mason - 202-564-1746

Staff:

Bob Perciasepe, John Reeder (OA)  
Rafael DeLeon, Vicki Simons, Michael Butkovich\*\*, Don Pettaway (OCR)  
Steve Pressman, Julia Rhodes, Marna McDermott, Brenda Mallory (OGC)  
Craig Hooks, Raul Soto, Nanci Gelb (OARM)

Optional:

Diane Thompson, Lisa Garcia (OA)

\*\*Michael will be dialed in by MOSS at (b) (6) Privacy

Location: Bullet Room  
-----

**02:00 PM-02:45 PM Everglades Update**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman (OA)  
Mike Shapiro (OW)  
Scott Fulton, Avi Garbow (OGC)  
Gwen Keyes-Fleming, Stan Meiburg, Jim Giattina, Gail Mitchell, Phil  
Mancusi-Ungaro, Dan Scheidt (R4)  
Michael Goo (OP)

Optional:

Bob Perciasepe, Diane Thompson (OA)

\*\*Teleconferencing is required for this meeting

Location: Administrator's Office  
-----

**03:15 PM-03:30 PM HOLD: Pre Meeting with USUN Amb . Susan Rice**

Location: Administrator's Office  
-----

**03:30 PM-04:30 PM HOLD: EPA Black History Month Event with USUN Ambassador Susan Rice**

Liz Ashwell 564.1008

Amb Rice Scheduler: Alexandra Hughes: HughesAS2@state.gov

Location: Green Room

-----

**Saturday, 2/11/2012**

**Sunday, 2/12/2012**

**Monday, 2/13/2012**

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

Location: Administrator's Office

-----

**10:00 AM-10:45 AM Options Selection: Standards for the Management of Coal Combustion Residuals Final Rule (SAN 4470; T 1)**

Ct: Nelly Torres: 202-564-5767

\*\*Teleconferencing is required for this briefing

Staff:

- Bob Perciasepe, Bob Sussman, Lisa Garcia (OA)
- Mathy Stanislaus, Lisa Feldt, Barry Breen, Betsy Devlin, Ross Elliott, Mark Huff, Elaine Eby, Lee Hofmann, Richard Mattick (OSWER)
- Nancy Stoner (OW)
- Malcolm Jackson (OEI)
- Gina McCarthy (OAR)
- Cynthia Giles (OECA)
- Paul Anastas (ORD)
- Jim Jones (OCSPP)
- Scott Fulton (OGC)
- Michael Goo (OP)
- Shawn Garvin (R3)
- Gwen Keyes Fleming (R4)
- Susan Hedman (R5)
- Karl Brooks (R7)
- James Martin (R8)
- Jared Blumenfeld (R9)

Optional:

- Diane Thompson, Janet Woodka (OA)
- Arvin Ganesan (OCIR)

Location: Bullet Room

-----

**11:00 AM-11:30 AM Meeting on Ramazzini Testing Facility**

Ct: Don Maddox - 202-564-7207

Staff:

- Bob Sussman, Bob Perciasepe (OA)
- Arvin Ganesan (OCIR)
- Brendan Gilfillan (OEAE)
- Paul Anastas (ORD)

Location: Administrator's Office

-----

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

-----  
**02:15 PM-02:45 PM One on One with Lisa Garcia**

Ct: Andrea Dickerson - 202-564-2349 (OA)

Staff:

Lisa Garcia (OA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:00 PM-04:00 PM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

-----  
**04:15 PM-04:45 PM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:

Michelle DePass (OITA)

Optional:

Diane Thompson, Bob Perciasepe Bob Sussman (OA)

Location: Administrator's Office

-----  
**05:30 PM-06:30 PM Hold: Informal Meeting w/ SBA Chair Karen Mills**

-----  
**07:00 PM-08:00 PM HOLD: American Lung Association Tele-Town Hall**

Ct: Brendan Gilfillan or Jose Lozano

Location: Via Phone

-----  
**Tuesday, 2/14/2012**

**10:00 AM-10:30 AM Personnel Discussion**

Ct: Jose Lozano - 202-564-7433

Location: Administrator's Office

-----  
**10:50 AM-11:00 AM Photo with Venu Ghanta**

Ct: Ryan Robison - 202-564-2856

Staff:

Venu Ghanta (OAR)

Location: Administrator's Office

-----  
**11:30 AM-12:00 PM One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

Larry Elworth (Ag Counsel)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-01:45 PM Early Guidance Briefing on Perchlorate**

Ct: Crystal Penman - 202-564-3318

Staff:

Robert Sussman (OA)

Nancy Stoner, Ken Kopocis, Michael Shapiro, Cynthia Dougherty, Pamela Barr,  
Betsy Behl, Eric Burneson, Elizabeth Doyle, Senthini Ramasamy, Daniel Olson,  
Stephanie Flaherty (OW)

Scott Fulton (OGC)

Cynthia Giles (OECA)

Michael Goo (OP)

Paul Anastas (ORD)

Mathy Stanislaus (OSWER)

Peter Grevatt (OHCP)

Shawn Garvin (R3)

Jared Blumenfeld (R9)

Dennis McLerran (R10)

Optional:

Diane Thompson, Bob Perciasepe, Janet Woodka (OA)

Arvin Ganesan (OCIR)

\*\*Teleconferencing is required for this briefing

Location: Bullet Room

-----  
**02:00 PM-03:00 PM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

-----  
**03:15 PM-03:30 PM Depart for Russell**

Location: Ariel Rios

-----  
**03:30 PM-04:15 PM Meeting with Members of the Mississippi Delegation**

Ct: Hall\_Carter@wicker.senate.gov, 202-224-6253

Attendees:

-Sen. Roger Wicker

-Sen. Thad Cochran

-Rep. Nunnelee

Staff:

Arvin Ganesan (OCIR)

Janet McCabe (OAR)

Gwen Keyes-Fleming (R4)

Location: 555 Dirksen

**04:00 PM-05:00 PM Paul Anastas' Farewell Gathering**

\*\*The Administrator will drop by for 5 minutes

Location: TBD

**04:15 PM-04:30 PM Depart for Ariel Rios**

Location: Russell

---

**Wednesday, 2/15/2012**

---

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

Location: Administrator's Office

**09:30 AM-10:30 AM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office

**10:30 AM-11:30 AM HOLD - Everglades Principals Meeting**

Ct: Ryan Robison - 202-564-2856

CEQ Ct: Rebecca Ferdman - 202.456.3620

Location: CEQ

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

Location: Administrator's Office

**01:30 PM-02:00 PM Bilateral Meeting with Swedish Minister for the Environment Lena Ek**

Swedish Ct: eva.hunnius-ohlin@foreign.ministry.se

EPA Ct: Anna Phillips - 202-564-6419

\*\*The Administrator will be present for 30 mins

Location: Bullet Room

**02:00 PM-02:30 PM Bullet Room in Use**

Location: Bullet Room

**02:15 PM-02:45 PM One on One with Cynthia Giles**

Ct: Linda Huffman - 202-564-3139 (OECA)

Staff: Cynthia Giles (OECA)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Bullet Room

---

**Thursday, 2/16/2012**

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

Location: Administrator's Office

-----  
**09:15 AM-09:30 AM Depart for State Dept.**

Location: Ariel Rios

-----  
**09:30 AM-10:30 AM Short-lived Climate Forcers Launch with Secretary Clinton**

Ct: Maurice LeFranc - 202-564-1813

Press: Open

Participants:

- Secretary Clinton
- Special Envoy Todd Stern
- DAS Dan Reifsnyder
- Minister Ek (Sweden)
- Minister Juan Elvira (Mexico)
- Minster Peter Kent (Canada)
- Minister Hasan Mahmud (Bangladesh)
- Minister Sherry Ayittey (Ghana)
- Dr. G. Achim Steiner (UNEP)

9:31-10:30 AM: Remarks from Ministers

Attendees: Invited guests, 200-300 ppl.

\*\*Speaking order TBD, but Administrator Jackson will likely be second after Secretary Clinton. Administrator Jackson should plan to speak for 3-5 min.

Location: Benjamin Franklin Room  
U. S. Department of State  
2201 C Street, NW  
Washington, DC

-----  
**10:30 AM-11:15 AM Post Event Meeting of Ministers**

Ct: Maurice LeFranc - 202-564-1813

Press: Closed

Participants (all +2):

- Special Envoy Todd Stern
- DAS Dan Reifsnyder

-Minister Ek (Sweden)

-Minister Juan Elvira (Mexico)

-Minster Peter Kent (Canada)

-Minister Hasan Mahmud (Bangladesh)

-Minister Sherry Ayittey (Ghana)

-Dr. G. Achim Steiner (UNEP)

Location: Operations Center, 7th Floor,  
State Department

-----  
**11:15 AM-11:30 AM**    **Depart for White House**

Location: State Dept.

-----  
**11:30 AM-12:00 PM**    **HOLD: EPA to Host Moms Summit w/ WH OPE**

Ct: Dru Ealons - 202-564-7818

Location: White House

-----  
**12:00 PM-12:15 PM**    **Depart for Ariel Rios**

Location: White House

-----  
**12:15 PM-01:15 PM**    **No Meetings**

Location: Administrator's Office

-----  
**01:15 PM-01:45 PM**    **One on One with Gina McCarthy**

Ct: Cindy Huang - 202-564-7404

Staff:

Gina McCarthy (OAR)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:00 PM-03:00 PM**    **Commission for Environmental Cooperation US -Mexico-Canada Trilateral Meeting**

EPA Ct: Elle Beard - 202-564-7723

Staff is TBD

Location: Bullet Room

-----  
**03:00 PM-03:30 PM**    **CEC Mexico-US Bilateral Meeting**

EPA Ct: Elle Beard - 202-564-7723

Staff is TBD

Location: Bullet Room

-----

---

**Friday, 2/17/2012**

**11:30 AM-12:00 PM One on One with Malcolm Jackson**

Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:

Malcolm Jackson (OEI)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

Location: Administrator's Office  
-----

**Saturday, 2/18/2012**

**Sunday, 2/19/2012**

**Monday, 2/20/2012**

**08:00 AM-06:00 PM President's Day Observed**

Location: Out of Office  
-----

**Tuesday, 2/21/2012**

**09:00 AM-10:00 AM HOLD: WH POST-SOTU**

Ct: Ryan Robison - 202-564-2856

Location: Administrator's Office  
-----

**10:00 AM-10:30 AM One on One with Scott Fulton**

Ct: Carla Veney - 202-564-1619 (OGC)

Staff:

Scott Fulton (OGC)

Optional:

Diane Thompson (OA)

Location: Administrator's Office  
-----

**10:45 AM-11:15 AM One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**01:00 PM-01:30 PM One on One with John Hankinson**

Ct: Caroline Whitehead - 202-566-2907 (GCTF)

Staff:

John Hankinson (GCTF)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**03:00 PM-08:00 PM HOLD for Travel**

Location: NJ  
-----

---

\*\*\* END \*\*\*

01268-EPA-6162

**Richard Windsor/DC/USEPA/US**  
02/07/2012 10:06 PM

To: Gina McCarthy  
cc  
bcc  
Subject: Re: SLCF

(b)(5) Deliberative [Redacted]

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 02/07/2012 09:40 PM EST  
**To:** Richard Windsor  
**Subject:** SLCF

Administrator- (b)(5) Deliberative [Redacted]

[Redacted]

01268-EPA-6163

**Gina McCarthy/DC/USEPA/US** To Richard Windsor  
02/07/2012 10:10 PM cc  
bcc  
Subject Re: SLCF

Just laughed out loud and I think I scared taxi driver.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 02/07/2012 10:06 PM EST  
**To:** Gina McCarthy  
**Subject:** Re: SLCF

(b)(5) Deliberative [Redacted]

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 02/07/2012 09:40 PM EST  
**To:** Richard Windsor  
**Subject:** SLCF

Administrator- (b)(5) Deliberative [Redacted]

[Redacted]

01268-EPA-6166

Noah Dubin/DC/USEPA/US

To

02/15/2012 06:17 PM

cc

bcc Richard Windsor

Subject Thursday, February 16, 2012 Schedule for Lisa P. Jackson

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

**Schedule for Lisa P. Jackson EPA Administrator  
Thursday, February 16, 2012**

---

Notes:

Drivers

AM (b) (6) Privacy

Shift Leaders

AM (b) (6) Privacy

Staff Contact

Elizabeth Ashwell  
202-999-8116

---

08:00 AM - 09:00 AM	Cafe du Parc, 1401 Pennsylvania Ave NW, Washington, DC 20004	Personal Breakfast Ct: Wyeth Wiedeman - 512-917-0998  **Reservation under P. Jackson
---------------------	--	---

---

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

---

09:00 AM - 09:15 AM	Cafe du Parc	Depart for State Dept.
---------------------	--------------	------------------------

---

09:15 AM - 09:30 AM	Monroe Room, U. S. Department of State 2201 C Street, NW Washington, DC	Pre-Launch Meet and Greet State Ct: Jeff Miotke - 202-294-2545  Press: Closed  Attendees:  -Secretary Hillary Rodham Clinton  -Administrator Lisa Jackson  -Special Envoy Todd Stern  -Minister Hasan Mahmud (Bangladesh)  -Minister Peter Kent (Canada)  -Minister Juan Elvira (Mexico)  -Minister Juan Elvira (Mexico)  -Minister Lena Ek (Sweden)  -Dr. G. Achim Steiner (UNEP)
---------------------	--	---

---

09:30 AM - 10:15 AM	Benjamin Franklin Room U. S. Department of State	Short-lived Climate Forcers Launch with Secretary Clinton State Ct: Jeff Miotke - 202-294-2545 EPA Ct: Maurice LeFranc - 202-564-1813 Adv. Ct: Jeff Tate - 202-564-8902
		Press: Open
		Run of Show/Participants:
		-Special Envoy Todd Stern welcomes everyone
		-The Administrator gives remarks
		-Minister Hasan Mahmud, Bangladesh, gives remarks
		-Minister Peter Kent, Canada, gives remarks
		-Ambassador Agyekum , Ghana, gives remarks
		-Minister Juan Elvira, Mexico, gives remarks
		-Minister Lena Ek, Sweden, gives remarks
		-Dr. Achim Steiner, UNEP, gives remarks
		-Secretary Clinton gives closing remarks (5-7 minutes in length) from the podium and the program concludes
		Attendees: Invited guests, 200-300 people
10:15 AM - 10:30 AM	State Dept.	Depart for Ariel Rios
10:30 AM - 11:00 AM	Administrator's Office	Office Time
11:00 AM - 11:10 AM	Administrator's Office	Phone Call with Karl Brooks Ct: Aaron Dickerson - 202-564-1783
		**The Administrator will dial (b) (6) to reach Karl
11:15 AM - 11:30 AM	Ariel Rios	Depart for White House
11:30 AM - 12:00 PM	White House, South Court Auditorium	Mocha Moms Summit hosted by WH OPE Ct: Dru Ealons - 202-564-7818
		Press: Closed
		Run of Show:
		11:20-11:30AM: Remarks from Kuae Mattox, National President, Mocha Moms

11:30-12:00AM: Mom Talk ( Interview)

\*\*Dru Ealons will introduce the Administrator

\*\*The Administrator will engage in a discussion moderated by Kuae Mattox

---

12:00 PM - 12:15 PM	White House	Depart for Ariel Rios
12:15 PM - 01:15 PM	Administrator's Office	No Meetings
01:15 PM - 02:00 PM	Bullet Room	<p>Post-Short Lived Climate Forcers Launch Meeting of Ministers            State Ct: Jeff Miotke - 202-294-2545            EPA Ct: Maurice LeFranc - 202-564-1813</p> <p>Press: Closed</p> <p>Attendees (Minister +2):</p> <ul style="list-style-type: none"> <li>-The Administrator</li> <li>-Special Envoy Todd Stern</li> <li>-Minister Hasan Mahmud (Bangladesh)</li> <li>-Minster Peter Kent (Canada)</li> <li>-Ambassador Daniel Ohene Agyekum (Ghana)</li> <li>-Minister Juan Elvira (Mexico)</li> <li>-Minister Lena Ek (Sweden)</li> <li>-Executive Director Mr. G. Achim Steiner (UNEP)</li> </ul>
02:15 PM - 03:15 PM	Bullet Room	<p>Commission for Environmental Cooperation US-Mexico-Canada Trilateral Meeting            EPA Ct: Jane Nishida - 202-564-1531            Canada: stephanie.johnson@ec.gc.ca            Mexico: Alejandro Posadas, alejandro.posadas@semarnat.gob.mx</p> <p>Attendees from Canada:</p> <ul style="list-style-type: none"> <li>-Minister Peter Kent</li> <li>-Daniel McDougall Assistant Deputy Minister, International Affairs, Environment Canada</li> <li>-Mollie Johnson, Director General, America Branch, Environment Canada</li> <li>-Adam William Sweet, Press Secretary to the Minister</li> </ul>

-Catherine Iliouchka Godin, Counsellor/Head of Section, Embassy of Canada

Attendees from Mexico:

-Juan Rafael Elvira Quesada, Environment Secretary

-Mauricio Limón Aguirre, Under Secretary for Environmental Protection

-Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecologia (INE)

-Enrique Lendo Fuentes, Director, International Affairs Coordination Unit (UCAI)

-Alejandro Posadas Urtusuastegui, Environmental Attache

-Laura Aguilar Loredo, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attache/Foreign Affairs

Attendees from CEC Secretariat:

-Nathalie Daoust, Council Secretary

-Evan Lloyd, Executive Director

Staff:

Michelle DePass, Jane Nishida, Sylvia Correa, Gilbert Castellanos (OITA)

Optional:

Diane Thompson (OA)

---

03:15 PM - 03:45 PM    Bullet Room

CEC Mexico-US Bilateral Meeting

EPA Ct: Jane Nishida - 202-564-1531

Mexico Ct: Alejandro Posadas, alejandro.posadas@semarnat.gob.mx

Attendees from Mexico:

-Juan Rafael Elvira Quesada, Environment Secretary

-Mauricio Limón Aguirre, Under Secretary for Environmental Protection

-Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecologia (INE)

-Enrique Lendo Fuentes, Director, International Affairs Coordination Unit (UCAI)

-Alejandro Posadas Urtusuastegui, Environmental Attache

-Laura Aguilar Loredo, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attache/Foreign Affairs

Staff:

Michelle DePass, Jane Nishida, Walker Smith, Angela Bandemehr (OITA)

Eric Vance (OEAAE)

Optional:

Diane Thompson (OA)

---

\*\*\* 02/15/2012 06:14:51 PM \*\*\*

01268-EPA-6167

**Richard Windsor/DC/USEPA/US**  
02/15/2012 10:28 PM

To Bicky Corman  
cc  
bcc

Subject Re: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

**(b) (6) Privacy**

Bicky Corman

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

**From:** Bicky Corman  
**Sent:** 02/15/2012 06:51 PM EST  
**To:** Richard Windsor

**Subject:** Fw: Thursday, February 16, 2012 Schedule for Lisa P. Jackson  
i have a 6:30 a.m flight tomorrow! **(b) (6) Privacy**

Bicky Corman  
Deputy Associate Administrator  
Office of Policy  
U.S. Environmental Protection Agency  
desk: 202-564-2202  
cell: 202-465-5966  
Corman.Bicky@epamail.epa.gov.

----- Forwarded by Bicky Corman/DC/USEPA/US on 02/15/2012 06:51 PM -----

From: Noah Dubin/DC/USEPA/US  
To:  
Date: 02/15/2012 06:17 PM  
Subject: Thursday, February 16, 2012 Schedule for Lisa P. Jackson

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

**Schedule for Lisa P. Jackson EPA Administrator  
Thursday, February 16, 2012**

Notes:

Drivers

AM **(b) (6) Privacy**

Shift Leaders

AM **(b) (6) Privacy**

Staff Contact

Elizabeth Ashwell  
202-999-8116

08:00 AM - 09:15 AM Out of Office Out of Office

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

09:15 AM - 09:30 AM Monroe Room, U. S. Department of State 2201 C Street, NW Washington, DC Pre-Launch Meet and Greet State Ct: Jeff Miotke - 202-294-2545 Press: Closed Attendees:

- Secretary Hillary Rodham Clinton
- Administrator Lisa Jackson
- Special Envoy Todd Stern
- Minister Hasan Mahmud (Bangladesh)
- Minister Peter Kent (Canada)
- Minister Juan Elvira (Mexico)
- Minister Juan Elvira (Mexico)
- Minister Lena Ek (Sweden)
- Dr. G. Achim Steiner (UNEP)

---

09:30 AM - 10:15 AM	Benjamin Franklin Room U. S. Department of State	<p>Short-lived Climate Forcers Launch with Secretary Clinton          State Ct: Jeff Miotke - 202-294-2545          EPA Ct: Maurice LeFranc - 202-564-1813          Adv. Ct: Jeff Tate - 202-564-8902</p> <p>Press: Open</p> <p>Run of Show/Participants:</p> <ul style="list-style-type: none"> <li>-Special Envoy Todd Stern welcomes everyone</li> <li>-The Administrator gives remarks</li> <li>-Minister Hasan Mahmud, Bangladesh, gives remarks</li> <li>-Minister Peter Kent, Canada, gives remarks</li> <li>-Ambassador Agyekum , Ghana, gives remarks</li> <li>-Minister Juan Elvira, Mexico, gives remarks</li> <li>-Minister Lena Ek, Sweden, gives remarks</li> <li>-Dr. Achim Steiner, UNEP, gives remarks</li> <li>-Secretary Clinton gives closing remarks (5-7 minutes in length) from the podium and the program concludes</li> </ul> <p>Attendees: Invited guests, 200-300 people</p>
---------------------	---	---

---

10:15 AM - 10:30 AM	State Dept.	Depart for Ariel Rios
---------------------	-------------	-----------------------

---

10:30 AM - 11:00 AM	Administrator's Office	Office Time
11:00 AM - 11:10 AM	Administrator's Office	Phone Call with Karl Brooks Ct: Aaron Dickerson - 202-564-1783  **The Administrator will dial (b) (6) Privacy to reach Karl
11:15 AM - 11:30 AM	Ariel Rios	Depart for White House
11:30 AM - 12:00 PM	White House, South Court Auditorium	Mocha Moms Summit hosted by WH OPE Ct: Dru Ealons - 202-564-7818  Press: Closed  Run of Show:  11:20-11:30AM: Remarks from Kuae Mattox, National President, Mocha Moms  11:30-12:00AM: Mom Talk ( Interview)  **Dru Ealons will introduce the Administrator  **The Administrator will engage in a discussion moderated by Kuae Mattox
12:00 PM - 12:15 PM	White House	Depart for Ariel Rios
12:15 PM - 01:15 PM	Administrator's Office	No Meetings
01:15 PM - 02:00 PM	Bullet Room	Post-Short Lived Climate Forcers Launch Meeting of Ministers State Ct: Jeff Miotke - 202-294-2545 EPA Ct: Maurice LeFranc - 202-564-1813  Press: Closed  Attendees (Minister +2):  -The Administrator  -Special Envoy Todd Stern  -Minister Hasan Mahmud (Bangladesh)  -Minster Peter Kent (Canada)  -Ambassador Daniel Ohene Agyekum (Ghana)

- Minister Juan Elvira (Mexico)
- Minister Lena Ek (Sweden)
- Executive Director Mr. G. Achim Steiner (UNEP)

---

02:15 PM - 03:15 PM    Bullet Room

Commission for Environmental Cooperation  
US-Mexico-Canada Trilateral Meeting  
EPA Ct: Jane Nishida - 202-564-1531  
Canada: stephanie.johnson@ec.gc.ca  
Mexico: Alejandro Posadas,  
alejandro.posadas@semarnat.gob.mx

Attendees from Canada:

- Minister Peter Kent
- Daniel McDougall Assistant Deputy Minister, International Affairs, Environment Canada
- Mollie Johnson, Director General, America Branch, Environment Canada
- Adam William Sweet, Press Secretary to the Minister
- Catherine Iliouchka Godin, Counsellor/Head of Section, Embassy of Canada

Attendees from Mexico:

- Juan Rafael Elvira Quesada, Environment Secretary
- Mauricio Limón Aguirre, Under Secretary for Environmental Protection
- Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecología (INE)
- Enrique Lendo Fuentes, Director, International Affairs Coordination Unit (UCAI)
- Alejandro Posadas Urtusuastegui, Environmental Attache
- Laura Aguilar Loredó, Director, Information and Social Communications Unit
- Antonio Ortiz-Mena, Economics Officer/Foreign Affairs
- Gerardo Tamayo, Economics Attache/Foreign Affairs

Attendees from CEC Secretariat:

-Nathalie Daoust, Council Secretary

-Evan Lloyd, Executive Director

Staff:

Michelle DePass, Jane Nishida, Sylvia Correa, Gilbert Castellanos (OITA)

Optional:

Diane Thompson (OA)

---

03:15 PM - 03:45 PM    Bullet Room

CEC Mexico-US Bilateral Meeting  
EPA Ct: Jane Nishida - 202-564-1531  
Mexico Ct: Alejandro Posadas,  
alejandro.posadas@semarnat.gob.mx

Attendees from Mexico:

-Juan Rafael Elvira Quesada, Environment Secretary

-Mauricio Limón Aguirre, Under Secretary for Environmental Protection

-Francisco Barnés Regueiro, Presidente Instituto Nacional de Ecología (INE)

-Enrique Lendo Fuentes, Director, International Affairs Coordination Unit (UCAI)

-Alejandro Posadas Urtusuastegui, Environmental Attache

-Laura Aguilar Loredo, Director, Information and Social Communications Unit

-Antonio Ortiz-Mena, Economics Officer/Foreign Affairs

-Gerardo Tamayo, Economics Attache/Foreign Affairs

Staff:

Michelle DePass, Jane Nishida, Walker Smith, Angela Bandemehr (OITA)  
Eric Vance (OEAAE)

Optional:

Diane Thompson (OA)

01268-EPA-6168

Bob Sussman/DC/USEPA/US  
02/20/2012 11:34 AM

To richard windsor, bob perciasepe, arvin ganesan, scott fulton,  
avi garbow, nancy stoner, gwendolyn keyesflemming,  
brendan gilfillan, diane thompson, michael goo  
cc  
bcc

Subject Fw: URGENT: Florida Inland Rule Numeric Nutrient Criteria -  
Order on Summary Judgment Motions

(b) (5) Deliberative, (b) (5) Attorney Client  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 02/20/2012 11:17 AM -----

From: Lee Schroer/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, Bob  
Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Ellen  
Gilinsky/DC/USEPA/US@EPA, Jeff Lape/DC/USEPA/US@EPA, Betsy Behl/DC/USEPA/US@EPA,  
Sara Hisel-McCoy/DC/USEPA/US@EPA, Evelyn Washington/DC/USEPA/US@EPA  
Cc: Peter Ford/DC/USEPA/US@EPA, Carol Baschon/R4/USEPA/US@EPA, Steven  
Neugeboren/DC/USEPA/US@EPA, (b)(6) Privacy [Redacted], Ann Campbell/DC/USEPA/US@EPA  
Date: 02/20/2012 09:55 AM  
Subject: URGENT: Florida Inland Rule Numeric Nutrient Criteria - Order on Summary Judgment Motions

Everyone -- (b) (5) Deliberative, (b) (5) Attorney Client  
[Redacted]

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

(b) (6) Privacy. Lee

Lee C. Schroer  
Office of General Counsel  
U.S. Environmental Protection Agency  
Room 7518C Ariel Rios North (MC2355A)  
1200 Pennsylvania Ave. N.W.  
Washington, D.C. 20460

[schroer.lee@epa.gov](mailto:schroer.lee@epa.gov)  
Phone: (202) 564-5476  
Fax: (202) 564-5477

-----Forwarded by Lee Schroer/DC/USEPA/US on 02/19/2012 03:30PM -----

To: "Rave, Norman (ENRD)" <[Norman.Rave@usdoj.gov](mailto:Norman.Rave@usdoj.gov)>, "Samuels, Stephen (ENRD)" <[Stephen.Samuels@usdoj.gov](mailto:Stephen.Samuels@usdoj.gov)>, Lee Schroer/DC/USEPA/US@EPA, Peter Ford/DC/USEPA/US@EPA, Carol Baschon/R4/USEPA/US@EPA, Heidi Nalven/DC/USEPA/US@EPA, Dana Thomas/DC/USEPA/US@EPA, Lester Yuan/DC/USEPA/US@EPA, Jacques Oliver/DC/USEPA/US@EPA, Danielle Salvaterra/DC/USEPA/US@EPA, (b)(6) Privacy

From: "Mann, Martha (ENRD)" <[Martha.Mann@usdoj.gov](mailto:Martha.Mann@usdoj.gov)>

Date: 02/18/2012 07:49PM

Subject: Florida Numeric Nutrient Criteria - Decision on Summary Judgment Motions

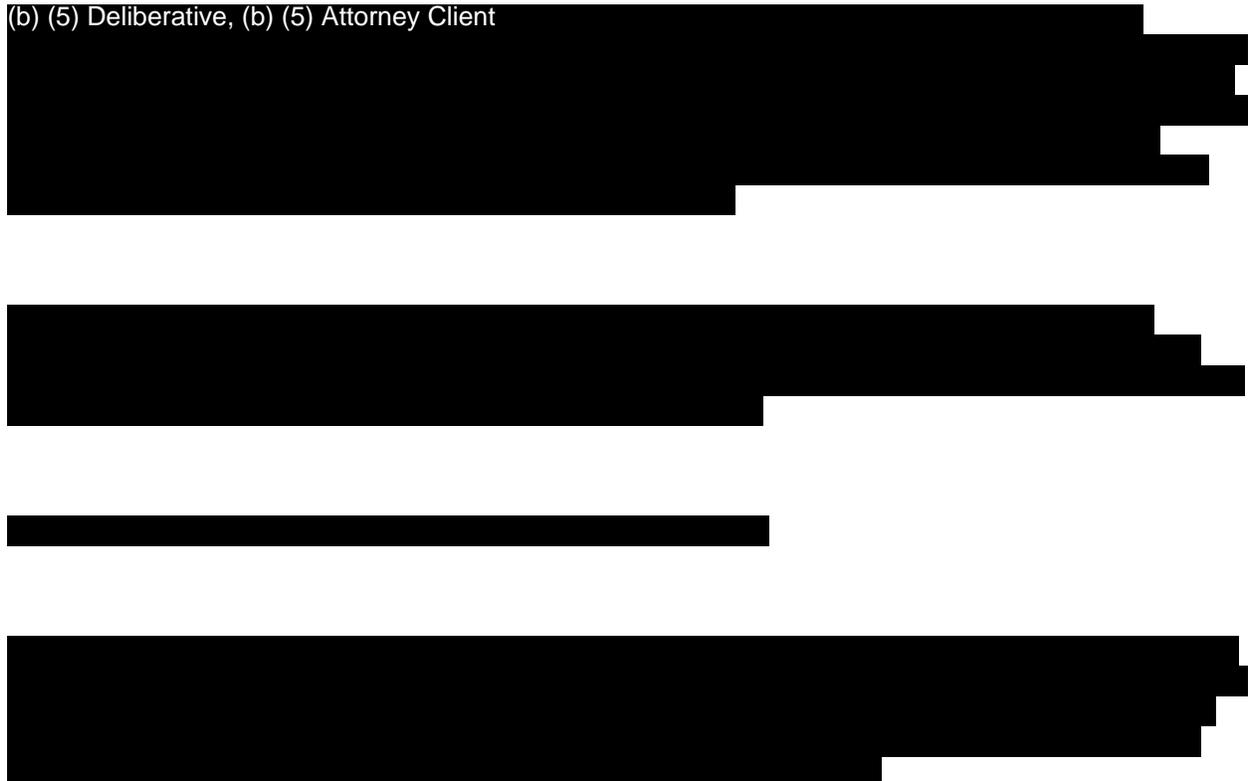
(See attached file:

*ENV\_DEFENSE-#584120-v1-FWF\_-\_challenges\_to\_inland\_rule\_-\_Order\_on\_Motions\_for\_Summary\_Judgment\_2\_18\_2012.PDF*)

Hello Everyone,

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

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



Thanks again for everyone's hard work on the challenges. Hope you all have a nice holiday weekend.

(Steve - I will send you a blurb for the weekly asap.)

Martha

Martha C. Mann

United States Department of Justice

Environmental Defense Section

P.O. Box 23986

Washington, DC 20026-3986

202.514.2664 (tel)

202.514.8865 (fax)

For Delivery:

601 D Street NW

Suite 8000

Washington, DC 20004



ENV\_DEFENSE-#584120-v1-FWF\_-\_challenges\_to\_inland\_rule\_-\_Order\_on\_Motions\_for\_Summary\_Judgment\_2\_18\_2012.PDF

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

FLORIDA WILDLIFE  
FEDERATION, INC. et al.,

Plaintiffs,

v.

CONSOLIDATED CASE  
NO. 4:08cv324-RH/WCS

LISA P. JACKSON, etc., et al.,

Defendants.

---

THE FLORIDA WATER ENVIRONMENTAL  
ASSOCIATION UTILITY COUNCIL, INC.,

v.

CASE NO. 4:09cv428-RH/WCS

LISA P. JACKSON, etc., et al.,

Defendants.

---

THE FLORIDA ELECTRIC POWER  
COORDINATING GROUP, INC.,

Plaintiff,

v.

CASE NO. 4:09cv436-RH/WCS

LISA P. JACKSON, etc., et al.,

Defendants.

---

FLORIDA WILDLIFE  
FEDERATION, INC., et al.,

Plaintiffs,

v.

CASE NO. 4:10cv511-RH/WCS

THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY et al.,

Defendants.

---

THE FERTILIZER INSTITUTE et al.,

Plaintiffs,

v.

CASE NO. 4:11cv51-RH/WCS

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendant.

---

GULF RESTORATION NETWORK et al.,

Plaintiffs,

v.

CASE NO. 4:11cv142-RH/WCS

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY et al.,

Defendants.

---

THE FLORIDA CATTLEMEN'S  
ASSOCIATION et al.,

Plaintiffs,

v.

CASE NO. 4:11cv177-RH/WCS

LISA P. JACKSON et al.,

Defendants.

---

STATE OF FLORIDA, etc., et al.,

Plaintiffs,

v.

CONSOLIDATED  
CASE NO. 4:11cv61-RH/WCS

LISA P. JACKSON, etc., et al.,

Defendants.

FORMER CASES NO.  
3:10cv503-RV/MD;  
3:10cv506-RV/EMT;  
3:10cv513-MCR/MD;  
3:10cv532-MCR/EMT;  
3:11cv11-MCR/MD; and  
3:11cv47-MCR/EMT

## **ORDER ON THE MERITS**

The Administrator of the Environmental Protection Agency has adopted numeric criteria for nutrients—primarily nitrogen and phosphorous—in Florida lakes, springs, and streams (including rivers). These cases, which have been consolidated for case-management purposes, present a series of challenges to the Administrator's actions. Some parties assert the Administrator did too much; some assert she did too little. This order upholds the Administrator's determination that numeric nutrient criteria are necessary for Florida waters to meet the Clean Water Act's requirements, upholds the Administrator's lake and spring criteria, invalidates the stream criteria, upholds the decision to adopt downstream-protection criteria, upholds some but not all of the downstream-protection criteria, and upholds the Administrator's decision to allow—and the procedures for adopting—site-specific alternative criteria.

This order begins with a summary of the ruling (section I). The order then sets out the background, addressing the most relevant Clean Water Act requirements (section II), the designated uses of Florida waters under the Clean Water Act (section III), the problem at issue—nutrient pollution (section IV), Florida's existing *narrative* criterion for nutrients (section V), EPA's call for *numeric* nutrient criteria (section VI), the Florida Department of Environmental Protection's work on numeric nutrient criteria (section VII), the Administrator's

2009 determination that Florida's narrative nutrient criterion is inadequate and that numeric nutrient criteria are necessary to meet the Clean Water Act's requirements (section VIII), and the Administrator's adoption of a rule setting numeric criteria (section IX). The order then summarizes the litigation (section X), the substantive issues (section XI), and the standard of review (section XII), before turning to the merits (section XIII).

### **I. Summary of the Ruling**

The grounds for the decision include these. The Clean Water Act requires a state—or if it fails to act, EPA—to adopt water-quality “criteria” to protect a state’s designated “uses” of its waters. The criteria must be based on sound science. The Florida Department of Environmental Protection adopted long ago a narrative criterion for nutrients: “nutrient concentrations of a body of water [must not] be altered so as to cause an imbalance in natural populations of aquatic flora or fauna.” Fla. Admin. Code r. 62-302.530(47)(b).

The narrative criterion has proved insufficient to control Florida’s widespread nutrient pollution. The Administrator recognized at least as early as 1998 that the narrative criterion is insufficient and that numeric criteria should be adopted. The Florida Department of Environmental Protection agreed at least as early as 2003. In the ensuing years, neither has wavered from that view. FDEP worked toward the adoption of numeric criteria for many years but repeatedly

moved back the projected completion date. In 2009 the Administrator made an explicit “determination” under Clean Water Act § 303(c)(4), 33 U.S.C.

§ 1313(c)(4), that new criteria—numeric criteria—are necessary to meet the Act’s requirements. The determination imposed on the Administrator an explicit statutory duty to promptly propose and adopt new criteria unless Florida did so first. *Id.* Florida did not.

The Administrator’s determination was not “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). This is the standard under which a court reviews an administrative decision of this kind. For convenience, this opinion uses “arbitrary or capricious” as shorthand for the entire standard.

The Administrator adopted lake and spring criteria based on modeling and field studies designed to determine the level at which an increase in nutrients ordinarily causes harmful effects. The criteria are based on sound science and are not arbitrary or capricious.

The Administrator was unable to develop acceptable stream criteria based on modeling and field studies and so adopted stream criteria using a different approach. She identified a representative sample of minimally-disturbed streams for which nutrient data were available, calculated annual geometric means for each stream and in turn for the sample set of streams, and set the criteria at the 90th

percentile. The Administrator apparently concluded only that an increase above this level ordinarily causes a change in flora and fauna—not that it causes a *harmful* change. If there is a basis in sound science for disapproving a nutrient increase that causes *any* increase in flora and fauna, not just a harmful increase, the Administrator did not cite it. And even if the Administrator’s conclusion was that an increase in nutrients to a level above the 90th percentile ordinarily causes a *harmful* change in flora and fauna, the Administrator again did not cite a sound-science basis for the conclusion. Without a further explanation, the stream criteria are arbitrary or capricious.

The Administrator adopted downstream-protection criteria that she referred to as “downstream protection values” or “DPVs.” The goal was to protect a water body—in this case, a lake—from nutrient pollution introduced through upstream waters. The decision to adopt DPVs was not arbitrary or capricious. The Administrator allowed DPVs to be set through modeling or, in the absence of modeling, at one of two “default” levels. For a lake not in compliance with the lake criteria—an impaired lake—the default DPVs are the same as the lake criteria. Neither the provision for DPVs based on modeling nor the default DPVs for an impaired lake are arbitrary or capricious. But the default DPVs for a lake that *is* in compliance with the lake criteria—an unimpaired lake—suffer from a flaw analogous to that in the stream criteria. The default DPVs for an unimpaired lake

are the ambient conditions at the “pour point”—the point at which the stream enters the lake. The Administrator’s theory apparently is that any increase from ambient conditions ordinarily causes a change in flora and fauna—not that it causes a *harmful* change. Here, as with the stream criteria, the Administrator has cited no basis in sound science for disapproving *any* nutrient increase, not just a nutrient increase that causes a *harmful* increase in flora or fauna.

The Administrator authorized—and established a procedure for adopting—site-specific alternative criteria (“SSACs”) that take the place of the otherwise-applicable criteria for a specific water body or set of water bodies (such as a watershed). SSACs must be based on sound science and must protect designated uses. The decision to authorize SSACs—and to establish this procedure for adopting them—was not arbitrary or capricious. Some parties assert that the regulation would allow SSACs for a set of water bodies so extensive that, under the governing law, the SSACs could properly be adopted only through rulemaking, not through the more-abbreviated SSAC procedures. The assertion is not ripe for judicial review at this time, because no such SSAC has been proposed or adopted, and there is no reason to believe one ever will be.

Finally, some parties challenge the Administrator’s actions on other grounds, asserting that Congress unconstitutionally delegated authority to the Administrator, that the Administrator unconstitutionally discriminated against Florida and Florida

residents, and that the Administrator violated the Regulatory Flexibility Act.

These assertions are incorrect.

## II. The Clean Water Act

Congress adopted the Clean Water Act in 1972. The objective was “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a). The Act recognizes the primary responsibility of the states to prevent or reduce pollution. *Id.* § 1251(b). The Act thus allows a state to adopt its own water-quality standards, subject to the EPA Administrator’s approval.

In setting out the roles of the states and the Administrator, the Act employs three terms of art: “uses,” “criteria,” and “standards.” *Id.* § 1313(c)(2)(A). A state designates the “uses” for its navigable waters and sets “water quality criteria” for the waters “based upon such uses.” *Id.* A “standard” consists of the uses and corresponding criteria. *Id.* The standard must “protect the public health or welfare, enhance the quality of water and serve the purposes of” the Act. *Id.* And the standard must “be established taking into consideration [the waters’] use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration [the waters’] use and value for navigation.” *Id.*

If a state standard is not “consistent with” the Act’s requirements, or if the Administrator “determines that a revised or new standard is necessary” to meet the Act’s requirements, the Administrator must “promptly prepare and publish proposed regulations setting forth a revised or new” standard. *Id.* § 1313(c)(4). The Administrator must adopt the revised or new standard within 90 days after publication, unless by that time the state has adopted a revised or new standard that is approved by the Administrator. *Id.* Whether the 90-day limit is judicially enforceable is less than clear. *See Miss. Comm’n on Natural Res. v. Costle*, 625 F.2d 1269, 1278 (5th Cir. 1980).

### **III. The Designated Uses of Florida Waters**

These cases involve waters that Florida has designated as “class I” or “class III.” The numbers run from most protected (class I) to least protected (class V). The designated uses of class III waters are “Fish Consumption; Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife,” and they incorporate the additional uses of waters of a lower class: “Agricultural Water Supplies” and “Navigation, Utility and Industrial Use.” Fla. Admin. Code r. 62-302.400(1); *see also id.* at r. 62-302.400(6). The designated uses of class I waters incorporate all these uses and add “Potable Water Supplies.” *Id.* at r. 62-302.400(1); *see also id.* at r. 62-302.400(6).

#### **IV. The Problem: Nutrient Pollution**

Nutrients occur naturally in surface waters. But nutrient levels often increase, sometimes dramatically, as a result of human activity. Among the industries that may contribute to increases in nutrient levels—and whose trade associations are participating in this litigation—are wastewater treatment, power generation, and cattle ranching.

A nutrient increase ordinarily affects a water body's flora and fauna, that is, aquatic plants and animals. Among the vivid examples are algal blooms. At some point the effects of a nutrient increase become harmful. The effects can include significant changes in the ecosystem, in the health of plants and animals, in the recreational value of waters, and in the safety of drinking water.

The Clean Water Act requires each state to assess its waters at least every three years. In its 2008 report, FDEP recognized, as it had done in earlier reports, that nutrient pollution in Florida waters was widespread. FDEP concluded that nutrient impairment extended to 1,049 miles of rivers and streams, to 349,248 acres of lakes, and to 902 square miles of estuaries. Div. of Env'tl. Assessment & Restoration, Fla. Dep't of Env'tl. Prot., *Integrated Water Quality Assessment for Florida: 2008 305(b) Report and 303(d) List Update* ("2008 FDEP Report") 67

(Oct. 2008) (AR005821).<sup>1</sup> This was 5% of the state's assessed river and stream miles, 23% of the state's assessed lake acreage, and 24% of the assessed estuary surface. Water Quality Standards for the State of Florida's Lakes and Flowing Waters, 75 Fed. Reg. 75,762, 75,769 (Dec. 6, 2010) (AR086773).

Nutrient pollution thus was a major problem in Florida's waters. And it was not getting better. FDEP noted that scientists had documented increasing nutrient levels in surface waters since the 1970s. FDEP said the trend was continuing in Florida:

Freshwater harmful algal blooms (HABs) are increasing in frequency, duration, and magnitude and therefore may be a significant threat to surface drinking water resources and recreational areas. Abundant populations of blue-green algae, some of them potentially toxigenic, have been found statewide in numerous lakes and rivers. In addition, measured concentrations of cyanotoxins—a few of them of above the suggested guideline levels—have been reported in finished water from some drinking water facilities.

2008 FDEP Report at 37 (AR005791). FDEP noted—contrary to the assertion of some parties in this litigation—that phosphorous levels, like other nutrient levels, were increasing. *Id.* at ix (AR005749).

## V. The Florida Narrative Nutrient Criterion

Water-quality criteria can be numeric or narrative. Some of the parties have suggested a useful analogy: a state could adopt a numeric speed limit—70 miles

---

<sup>1</sup> Citations to pages in the administrative record are in this form: (“AR[page number]”).

per hour—or a narrative standard—don’t drive too fast. Or a state could adopt a combination of both—don’t drive over 70, and don’t drive too fast for conditions.

Florida’s longstanding criterion for nutrients is *narrative*: “In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna.” Fla. Admin. Code r. 62-302.530(47)(b). With limited exceptions, Florida does not have *numeric* nutrient criteria.<sup>2</sup>

## **VI. EPA’s Call for *Numeric* Nutrient Criteria**

Florida is not the only state with narrative, not numeric, nutrient criteria. By 1998 there were good grounds to conclude that narrative nutrient criteria were not working—not in Florida, and not in other states. The EPA Administrator and the Secretary of the United States Department of Agriculture reported that about 40%

---

<sup>2</sup> In an earlier appeal in this case, two parties apparently challenged this statement. *See Fla. Wildlife Fed’n, Inc. v. S. Fla. Water Mgmt. Dist.*, 647 F.3d 1296, 1309 (11th Cir. 2011) (Wilson, J., dissenting). FDEP *does* set numeric nutrient limits for a specific water body when FDEP establishes a total maximum daily load for the water body. Recall, though, that under the Clean Water Act, “criteria” is a term of art. So are “standards” and “uses.” Standards consist of the designated uses of a state’s waters and the applicable criteria based on the uses. 33 U.S.C. § 1313(c)(2)(A). Criteria are set in advance for all waters, impaired and unimpaired. One goal is to prevent a water body from becoming impaired in the first place. A TMDL is established for an impaired water body *after* it becomes impaired. A TMDL thus seeks to bring a water body back into compliance with the Act. A TMDL is not a “standard” or “criterion” and is not a substitute for one. Leaving aside the Everglades—for which numeric criteria are in place and will not be affected by this litigation—and a nitrate criterion for class I waters, *see* Fla. Admin. Code r. 62-302.530(45), Florida has only a *narrative* nutrient criterion; it does not have—and has never had—*numeric* criteria.

of assessed waters nationwide did not meet water-quality goals. Letter from Carol Browner, Adm'r, U.S. Env'tl. Prot. Agency and Dan Glickman, Sec'y, U.S. Dep't of Agric., to Albert Gore, Jr., Vice President of the United States (Feb. 14, 1998) (AR000069). The Administrator and the Secretary adopted a Clean Water Action Plan intended to improve the situation. See U.S. Dep't of Env'tl. Prot. & U.S. Dep't of Agric., *Clean Water Action Plan: Restoring and Protecting America's Waters* 58-59 (1998) (AR000142-43).

Later in 1998, as part of the effort to implement the Clean Water Action Plan, the Administrator issued a report entitled, "National Strategy for the Development of Regional Nutrient Criteria" (AR000001). The report recognized that excessive nutrients were a substantial part of the nation's water-quality problem and that narrative criteria were not the solution. The report said that the Administrator expected all states "to adopt and implement *numerical* nutrient criteria" by December 31, 2003. *Id.* at 9 (emphasis added) (AR000015). This gave the states more than five years to adopt numeric criteria.

## **VII. FDEP's Work on Numeric Nutrient Criteria**

By 2001, if not earlier, FDEP was at work developing numeric nutrient criteria. Acting in conjunction with the state's water-management districts, FDEP conducted detailed studies and held meetings. FDEP compiled massive amounts

of data. It spent millions of dollars. But projected completion dates came and went without the adoption of statewide numeric nutrient criteria.

Thus, for example, on December 30, 2003, FDEP submitted its first plan for developing numeric nutrient criteria. *See Water Quality Standards & Special Projects Program & Watershed Assessment Section, Fla. Dep't of Env'tl. Prot., State of Florida Numeric Nutrient Criteria Development Plan* (Dec. 2003) (AR000767). The plan called for numeric-criteria rulemaking to begin in October 2004 and for a draft rule to be submitted to the Environmental Regulation Commission—the state body responsible for approving water-quality criteria—in October 2005. *Id.* at 9-10 (AR000776-77). FDEP said it anticipated that ERC activities could be completed in 12 months, barring major dissent. *Id.* at 4 (AR000771). But FDEP said it had limited control over ERC's schedule, making it difficult for FDEP to establish a firm completion date. *Id.*

On July 7, 2004, EPA responded to FDEP's 2003 plan, reiterating that nutrient over-enrichment was a "serious problem," acknowledging that determining appropriate numeric criteria was "very complex," and concluding that the 2003 FDEP plan described a "reasonable process." Letter from James D. Giattina, Dir., Water Mgmt. Div., U.S. Env'tl. Prot. Agency, to Mimi Drew, Dir., Div. of Water Res. Mgmt., Fla. Dep't of Env'tl. Prot. 1 (July 7, 2004) (AR000784). EPA said that completing the process "by the target dates indicated in the Plan"

would increase the protection of state waters from nutrient over-enrichment. *Id.*

EPA also said that failure to meet these milestones might lead to a formal determination under the Clean Water Act that new or revised standards were necessary—a determination that would require the Administrator to promptly propose and adopt new or revised standards, unless the state did so first. EPA said:

If the State has not met the milestones as scheduled in the plan, EPA will evaluate whether a federal promulgation would be appropriate. At that time, the Administrator may determine that new or revised standards are necessary to meet the Clean Water Act (CWA), and choose to promulgate water quality criteria for nutrients applicable to surface waters within Florida in accordance with Section 303 of the CWA.

*Id.* at 1-2 (AR000784-85).

FDEP missed the October 2004 milestone for initiating rulemaking. In December 2004, FDEP moved the schedule back 18 months, now projecting that rulemaking would begin in April 2006 and that FDEP would submit a draft rule to ERC in April 2007. *See* Letter from Jerry Brooks, Deputy Dir., Div. of Water Res. Mgmt., Fla. Dep't of Env'tl. Prot., to Andrew Bartlett, Water Mgmt. Div., U.S. Env'tl. Prot. Agency (Dec. 14, 2004) (AR000788). FDEP continued to compile data and hold meetings. But still nothing came of the efforts.

FDEP missed the April 2006 revised milestone, too. More than a year later, in September 2007, FDEP submitted a revised plan with yet another revised schedule. *See* Water Quality Standards & Special Projects Program, Water Res.

Div., Fla. Dep't of Env'tl. Prot., *State of Florida Numeric Nutrient Criteria Development Plan* (Sept. 2007) (AR012228). FDEP now projected that rulemaking would begin in January 2010—more than five years later than originally projected—and that FDEP would submit a draft rule to ERC between January 2010 and January 2011. *Id.* at 16 (AR012243). FDEP again said it anticipated that ERC activities could be completed in 12 months, barring major dissent. *Id.* at 6 (AR012233). But FDEP also reiterated that it had limited control over ERC's schedule, making it difficult for FDEP to establish a firm completion date. *Id.*

On September 28, 2007, EPA responded to FDEP's 2007 revised plan, concluding once more than the plan described a "reasonable process." Letter from James D. Giattina, Dir., Water Mgmt. Div., U.S. Env'tl. Prot. Agency, to Jerry Brooks, Dir., Div. of Env'tl. Assessment & Restoration, Fla. Dep't of Env'tl. Prot. 1 (Sept. 28, 2007) (AR000817). EPA also said—again—that a failure to meet the milestones might lead EPA to make a formal determination that new or revised standards were necessary. *Id.* at 2 (AR000818).

On December 31, 2008, FDEP submitted to EPA yet another revised plan. Bureau of Assessment & Restoration Support, Div. of Env'tl. Assessment & Restoration, Fla. Dep't of Env'tl. Prot., *State of Florida Numeric Nutrient Criteria Development Plan* (Dec. 2008) (AR128698). FDEP no longer projected that

rulemaking would start by January 2010. Instead, the 2008 plan projected that rulemaking would start in the period from January 2010 to January 2011. *Id.* at 43 (AR128741). The 2008 plan gave no reason to believe that it would take less time than projected in earlier plans for FDEP to move from the start of rulemaking to a proposed rule; the earlier plans had projected this would take a year. And the 2008 plan gave no reason to believe the ERC process would take less time than earlier projected; the earlier plans had projected that the ERC process could be completed in a year, barring major dissent. The 2008 plan added another qualification: the ERC process could be completed in a year, “barring major dissent *or administrative challenge.*” *Id.* at 4 (emphasis added) (AR128702). And the 2008 plan added this open-ended qualification, missing from earlier plans: “In the event there is an administrative challenge to the proposed criteria, the administrative hearing process would likely take at least another year.” *Id.* If rulemaking started in January 2011 and it took a year to propose a rule, another year for ERC to act, and another year for an administrative challenge, a rule would be in place by January 2014—more than 15 years after EPA first said narrative criteria were not working, and more than 10 years after the December 2003 deadline by which EPA initially said it expected numeric criteria to be in place.

### **VIII. The 2009 Necessity Determination**

On January 14, 2009, the Administrator did what she had been saying since 2004 she might do: she exercised her explicit statutory authority to determine that a new standard—a standard using *numeric* nutrient criteria—was necessary to meet the Clean Water Act’s requirements. This order sometimes refers to this as the “2009 determination” or simply “the determination.” The Administrator set out the basis for the determination in a ten-page letter.

The letter noted that the determination obligated the Administrator to promptly propose and adopt a new standard, unless Florida did so first. This was precisely what the Clean Water Act said. The letter set out the statutory basis for the determination, traced the FDEP’s substantial efforts to control nutrient pollution and to develop numeric criteria, and continued:

Water quality degradation due to nutrient over-enrichment is a significant environmental issue in Florida. Florida’s Department of Environmental Protection has acknowledged and documented the magnitude of over-enrichment. According to Florida’s 2008 Integrated Report, approximately 1,000 miles of rivers and streams, 350,000 acres of lakes, and 900 square miles of estuaries are impaired for nutrients in the State.

. . . With almost 800,000 nutrient-related data points [in an available database], Florida has substantially more data points than any other State or Territory to clearly characterize the magnitude of its nutrient challenges.

. . . .

An analysis of United States Geological Survey (USGS) monitoring data for nutrients in certain locations in Florida shows that levels of nutrient pollution have not significantly improved since 1980 despite strong efforts to control nutrient pollution. Concentrations of Total Phosphorus (TP) and Total Nitrogen (TN) have remained relatively constant at an average of 0.15mg/L and 1.4mg/L, respectively. Additionally, Florida's recurrent harmful algal blooms continue to pose threats to public drinking water supplies and recreational sites. Harmful algal blooms that occur inland and near shore are typically caused by excess nutrients.

Nutrient pollution in Florida has a predictable and widespread impact. The extent of this impact has been well documented and tracked for many years. According to Florida's most recent EPA-approved [list of impaired waters—a list the state must compile under Clean Water Act § 303(d), 33 U.S.C. § 1313(d)], of the 823 waters listed as impaired in Florida, over 60% (over 550 waters) are impaired for nutrients.

.....

Florida's natural physical factors, including flat topography and numerous wetlands, a warm and humid climate, nutrient-rich soils, hydrology, and erosion caused by tropical storms and hurricanes make controlling nutrient pollution particularly challenging because these conditions are especially conducive to nutrient overenrichment. In addition, human caused impacts such as hydrological modifications (i.e., canals), intensive agricultural production, population growth and associated urban and suburban development have had a broad and widespread effect. Effectively addressing current nutrient impairments in the State represents a significant challenge and is compounded by a projected population growth of almost 80 percent in Florida from 2000 to 2030. Further development and urbanization will likely result in increased nutrient runoff and pressure to utilize remaining agricultural lands more intensively.

Within the continental United States, Florida possesses unique and nationally valued aquatic ecosystems, including shallow coral reefs, freshwater and salt marshes, swamps, and mangroves. These

aquatic ecosystems are particularly sensitive to the effects of excessive nutrients which threaten the State's significant biological diversity. The number of species in Florida (3,500 native vascular plants and 1,500 vertebrates) is higher than in all but three other states. Further, Florida also has many endemic species (410 invertebrates, 258 plants and vertebrates) that are not found anywhere else on Earth. Florida has many water-filled caves and sinkholes that serve as hotspots of biological diversity and provide homes to many species of aquatic life, some unique to particular Florida locations. Additionally, Florida is the only state in the continental United States to have extensive shallow coral reef formations near its coasts (i.e. within five miles). A recent study initiated by the United Nations Food and Agriculture Organization found that the single richest concentration of marine life in the Atlantic Ocean lies some 10 miles off the tip of Southern Florida within the Florida Straits. This biological diversity relies on sufficient quality habitat and other natural resources, including clear, transparent waters low in phosphate and nitrogen nutrients. Especially in the case of coral reefs and flora and fauna in natural spring environments, clear water with plenty of light and oxygen available is critical to the protection of the species that inhabit these locations. Nutrient enriched water can have reduced transparency and low dissolved oxygen levels that are not protective of the natural biology in Florida. Effectively managing nutrient levels in Florida's lakes, flowing waters, estuaries and coastal waters through numeric nutrient criteria is important to maintaining the ecosystems in these waters and important ecosystems that are near shore.

The combined impacts of urban and agricultural activities along with Florida's physical features and important and unique aquatic ecosystems make it clear that the current use of the narrative nutrient criterion alone is insufficient to ensure protection of applicable designated uses. Numeric nutrient criteria will strengthen the foundation for identifying impaired waters, preparing TMDLs and developing NPDES permits, as well as support the State's ability to effectively partner to with point and nonpoint sources to control nutrients, thus providing the necessary protection for the State's designated uses.

. . . .

Nutrient pollution in Florida remains a significant and growing challenge. Recognizing this, Florida has invested tens of millions of dollars in the collection of data to establish the cause and effect relationship between nutrients and biological conditions in order to be well positioned to establish what the State, itself, believes are much needed numeric nutrient water quality criteria. As discussed above, despite Florida's considerable data collection and analysis efforts and outreach with stakeholders to date, the State is relying on its narrative nutrient criterion, the application of which is resource intensive, time consuming, and less than effective in implementing programs to protect water quality and prevent impairments of designated uses due to nutrient overenrichment. The very substantial and widespread nature of nutrient challenges faced by the State and the barriers to effective implementation associated with narrative nutrient criteria in Florida, such as the need for numerous, highly technical site-specific analyses prior to the development of water quality-based effluent limitations in NPDES permits and TMDLs, strongly support the need in this case for numeric nutrient criteria to effectively protect designated uses and prevent impairments. In many circumstances, narrative criteria can be an effective tool for protecting designated uses, particularly when the scope and nature of the environmental problem is easily and clearly defined and derivation of appropriate control measures can be effectively and expeditiously accomplished (e.g., toxic pollutants and bioassessments). However, achieving faster and more effective progress in water quality protection with regard to nutrients is critical in Florida due to the significant and far-reaching impacts of nutrient pollution on the unique and highly valued aquatic ecosystems that exist in the State. In this case, numeric nutrient criteria are needed to protect Florida's designated uses.

Letter from Benjamin H. Grumbles, Assistant Adm'r, U.S. Env'tl. Prot. Agency, to Michael Sole, Sec'y, Fla. Dep't of Env'tl. Prot. ("2009 Determination Letter") 6-8 (Jan. 14, 2009) (footnotes omitted) (AR010962-64).

The letter included numerous citations to sources supporting its factual statements. The letter included a single error: after accurately setting out the large

quantity of Florida waters that were impaired by nutrients, the letter gave percentages that were incorrect or at least incorrectly described. There is no reason to believe that the error affected the analysis or that the letter's factual statements and analysis were incorrect in any other respect.

### **IX. The Rule Establishing Numeric Criteria**

On January 14, 2010, the Administrator signed a notice of proposed rulemaking for numeric nutrient criteria for Florida's lakes and flowing waters—waters that this order refers to as lakes, springs, and streams. The notice was published in the Federal Register on January 26, 2010. Water Quality Standards for the State of Florida's Lakes and Flowing Waters, 75 Fed. Reg. 4,174 (proposed Jan. 26, 2010) (AR029960). On August 3, 2010, the Administrator published a supplemental notice and request for comment. The Administrator received some 22,000 comments and conducted 13 public meetings. *See* ECF No. 188.

On November 14, 2010, the Administrator signed the final rule. It was published in the Federal Register on December 6, 2010. *See* Water Quality Standards for the State of Florida's Lakes and Flowing Waters, 75 Fed. Reg. 75,762 (Dec. 6, 2010) (AR086766). The rule is scheduled to take effect on March 6, 2012, but the Administrator has said she may seek to delay the effective date until June. The rule applies to lakes and flowing waters statewide, with regional

differences for flowing waters, but the rule does not apply to flowing waters in the area designated as the South Florida region.

## X. The Litigation

### A. The Demand for a Determination

In July 2008, before the Administrator made the 2009 determination, five environmental organizations—collectively referred to in this order as the Florida Wildlife parties—filed the first of these cases, Case No. 4:08cv324.<sup>3</sup> They named as defendants EPA and its Administrator.<sup>4</sup> Over time, 13 entities—the Florida Department of Agriculture and Consumer Services,<sup>5</sup> the South Florida Water Management District, and 11 trade associations—intervened as additional defendants.<sup>6</sup>

---

<sup>3</sup> The five organizations are The Florida Wildlife Federation, Inc.; Sierra Club, Inc.; Conservancy of Southwest Florida, Inc.; Environmental Confederation of Southwest Florida, Inc.; and St. Johns Riverkeeper, Inc.

<sup>4</sup> For convenience, this order usually refers only to the Administrator, without noting each time that EPA itself is also a defendant.

<sup>5</sup> As set out below, the head of the Department of Agriculture and Consumer Services—the Commissioner of Agriculture—later filed a separate lawsuit. For convenience, this order usually refers only to the Commissioner, without noting each time that the Department is also a party.

<sup>6</sup> The trade associations are Florida Pulp and Paper Association Environmental Affairs, Inc.; the Florida Farm Bureau Federation; Southeast Milk, Inc.; Florida Citrus Mutual, Inc.; Florida Fruit and Vegetable Association; American Farm Bureau Federation; Florida Stormwater Association, Inc.; Florida Cattleman's Association; Florida Engineering Society; the Florida Water

The Florida Wildlife parties sought relief under the Clean Water Act's citizen-suit provision. It allows a citizen to sue the Administrator to compel her to perform a duty that the Act makes nondiscretionary. 33 U.S.C. § 1365(a)(2). The Florida Wildlife parties asserted that the 1998 Clean Water Action Plan, or the 1998 National Strategy report, constituted a "determination" that Florida's narrative nutrient standard was inadequate and a new standard was necessary, thus imposing on the Administrator the nondiscretionary duty to "promptly" publish proposed new standards, and the further nondiscretionary duty to adopt new standards within 90 days after the publication. *See* 33 U.S.C. § 1313(c)(4). The Administrator and intervenors denied that the 1998 documents constituted a "determination."

***B. The Consent Decree***

The 2009 determination did not render moot the Florida Wildlife parties' claim based on the 1998 documents, because the publication of new standards could have been sufficiently prompt after the 2009 determination but not sufficiently prompt after a 1998 determination. The claim that the Administrator made a determination in 1998 thus could have entitled the Florida Wildlife parties to relief they could not have obtained based only on the 2009 determination.

---

Environment Association Utility Council, Inc.; and the Florida Minerals and Chemistry Council, Inc.

Even so, the 2009 determination rendered the 1998 issue less important. The Florida Wildlife parties filed an amended complaint—denominated the “third amended supplemental complaint” because there had been two earlier amendments on other grounds—that added a claim for relief based on the 2009 determination. The Administrator did not deny—and could not plausibly have denied—her nondiscretionary duty to promptly publish revised or new standards based on the 2009 determination; that was the whole point of the determination. But at least some of the intervenors did deny the duty; they asserted that the 2009 determination was invalid.

On August 25, 2009, the Florida Wildlife parties and the Administrator moved for entry of a consent decree. The proposed decree required the Administrator to sign for publication—by January 14, 2010, one year after the 2009 determination—a proposed rule setting numeric nutrient criteria for Florida lakes and flowing waters. The proposed decree required the Administrator to *adopt* such a rule by October 15, 2010. These requirements would not apply, however, if by the same deadlines the state proposed its own numeric criteria and the Administrator approved them. The proposed decree imposed analogous deadlines one year later—on January 14, 2011, and October 15, 2011—for publication and adoption of numeric nutrient criteria for coastal and estuarine waters. The proposed decree allowed an extension of a deadline by agreement

between the Florida Wildlife parties and the Administrator, with notice to the court. The decree allowed an extension on the Administrator's motion, without the Florida Wildlife parties' consent, in the court's discretion.

All parties—including the intervening defendants—were allowed to file briefs, declarations, and other written evidence addressing the motion for entry of the consent decree. Three additional entities filed amicus briefs.<sup>7</sup> The parties presented extensive oral argument. The parties were fully heard.

On December 30, 2009, I entered the proposed consent decree. A separate order explained at some length that the decree met the standards governing consent decrees. And the order continued:

One final point deserves mention. The consent decree obligates the Administrator to do nothing more than she could voluntarily choose to do anyway. The Administrator has already determined that the Florida narrative standard fails to meet the Clean Water Act's requirements. She could publish a revised or new standard for lakes and flowing waters by January 14, 2010, and for coastal or estuarine waters by January 14, 2011—and could do so earlier if she chose. She could adopt a revised or new standard as soon after publication as the administrative process would allow—and thus by October 15, 2010, or October 15, 2011. Any revised or new standard would have to comply with the governing procedural and substantive law and would be subject to judicial review—but the same is true under the consent decree. The intervenors challenge the underlying determination that Florida's narrative standard is inadequate, but with or without the consent decree, that determination will be equally subject to challenge—based on the same standard of review and with an equal level of deference to the Administrator—on judicial review

---

<sup>7</sup> These were the Northwest Florida, Southwest Florida, and Suwannee River Water Management Districts.

of any revised or new standard. The consent decree has compromised the intervenors' rights not at all.

Order Approving Consent Decree, ECF No. 152 at 14-15.

The Administrator has complied with the consent decree. She signed the notice of proposed rulemaking for lakes and flowing waters on January 14, 2010, as scheduled. Citing the large number of comments, the Administrator moved to extend by 30 days the deadline for adopting a rule. I granted the motion, extending the deadline to November 14, 2010. *See* ECF No. 192. The Administrator signed the rule that day.<sup>8</sup>

### **C. The Appeal of the Consent Decree**

Two of the intervenors—the Florida Water Environment Association Utility Council, Inc., and the South Florida Water Management District—appealed the consent decree. In an opinion issued on August 2, 2011, the Eleventh Circuit dismissed the appeal for lack of standing, essentially agreeing with my ruling that the 2009 determination—not the consent decree—was the source of any harm

---

<sup>8</sup> On June 7, 2010, the Administrator and the Florida Wildlife parties filed a notice that they had agreed to extend the deadlines for the Administrator to adopt numeric nutrient criteria for South Florida flowing waters, essentially putting those waters on the same schedule as coastal and estuarine waters. ECF No. 184. The notice also delayed the coastal and estuarine deadlines, now requiring the Administrator to propose a rule by November 14, 2011, and to adopt a rule by August 15, 2012. Work on a rule for South Florida flowing waters and for coastal and estuarine waters is going forward, but a rule has not been adopted and is not now at issue in these consolidated cases.

alleged by the appellants. *Fla. Wildlife Fed'n, Inc. v. S. Fla. Water Mgmt. Dist.*, 647 F.3d 1296 (11th Cir. 2011).

The Eleventh Circuit did not address the validity of the 2009 determination, because the only order that was on appeal—the consent decree—did not address the determination's validity. Indeed, until today, no ruling has been made—in this court or any other—on the validity of the 2009 determination.

**D. Challenges to the Determination and Rule**

Now pending in 13 separately filed but now-consolidated cases are challenges to the 2009 determination and to the rule adopting numeric criteria. The cases include the original action, in which these issues are pending on a crossclaim, two actions that were filed after the determination but before adoption of the rule, and 10 cases filed after adoption of the rule.<sup>9</sup>

A total of 25 parties assert in 11 of the cases that the determination is invalid and that even if valid the rule goes too far. These parties include the State of

---

<sup>9</sup> Seven cases were originally filed in this court's Pensacola division and, in accord with this court's standard practice for handling related cases, were transferred to the Tallahassee division for coordinated proceedings. Without objection, all 13 cases have been consolidated for pretrial purposes. A broader consolidation order was entered for six cases in Pensacola before the transfer. Because of that, the clerk opened only one Tallahassee case corresponding with those six Pensacola cases. Thus there are eight Tallahassee case numbers for the total of 13 cases that were originally filed.

Florida,<sup>10</sup> the Florida Commissioner of Agriculture, the South Florida Water Management District, and 22 others.<sup>11</sup> This order refers to the 25 parties collectively—though somewhat imprecisely—as the “state and industry parties.”<sup>12</sup>

The state and industry parties assert that the 2009 determination is arbitrary or capricious and thus should be set aside under the Administrative Procedures Act. Two of these parties—referred to in this order as the “Power and Utility

---

<sup>10</sup> The state’s chief legal officer—the Attorney General—filed one of the cases in the name of the “State of Florida.” She did not explicitly assert a claim in FDEP’s name. The Agriculture Commissioner, through his own counsel, also is a plaintiff in that case. It makes no difference to the outcome whether the Attorney General intended the plaintiff “State of Florida” to mean, to include, or to omit FDEP. Nor does it make a difference to the outcome whether the State of Florida, separate from FDEP, has standing to assert a claim. No party has challenged the State’s standing in its own name, nor has any party challenged the Commissioner’s standing. I conclude that at least one plaintiff in that case has standing.

<sup>11</sup> The 22 are Florida Electric Power Coordinating Group, Inc.; Florida Water Environment Association Utility Council; Mosaic Company; CF Industries, Inc.; Destin Water Users, Inc.; South Walton Utility Co., Inc.; Emerald Coast Utilities Authority; Okaloosa County Board of County Commissioners; the City of Panama City; Fertilizer Institute; White Springs Agricultural Chemicals, Inc.; American Farm Bureau Federation; Florida Farm Bureau Federation; Florida Fertilizer and Agrichemical Association; Agricultural Retailers Association; Florida League of Cities, Inc.; Florida Stormwater Association, Inc.; Florida Pulp and Paper Association Environmental Affairs, Inc.; Southeast Milk, Inc.; Florida Fruit and Vegetable Association, Inc.; Florida Cattlemen’s Association; and National Cattlemen’s Beef Association.

<sup>12</sup> The National Association of Clean Water Agencies is not a party but filed an amicus brief in support of the state and industry parties.

Associations”<sup>13</sup>—also challenge the determination under the Clean Water Act’s citizen-suit provision and on constitutional grounds. The citizen’s suit asserts that the Administrator made the determination only to settle the original lawsuit rather than on the merits. In response to the Administrator’s contention that the citizen’s suit cannot proceed because these issues are discretionary with the Administrator, the Power and Utility Associations assert that Congress’s delegation of that discretion is unconstitutional. The Power and Utility Associations also assert that treating Florida and its residents differently from other states and their residents violates the equal-protection component of the Fifth Amendment. Five parties—imprecisely referred to in this order as the “Destin group”<sup>14</sup>—assert that the Administrator violated the Regulatory Flexibility Act.

A total of seven parties—all environmental organizations—assert in two of the cases that the rule is valid but does not go far enough and thus, to that extent, is arbitrary or capricious. These seven parties are the five original plaintiffs, who have filed a new action and are referred to in this order as the Florida Wildlife parties, and two plaintiffs in another new action, collectively referred to in this

---

<sup>13</sup> The two parties are the Florida Electric Power Coordinating Group, Inc., and Florida Water Environment Association Utility Council.

<sup>14</sup> The five are Destin Water Users, Inc.; South Walton Utility Co., Inc.; the City of Panama City; Florida League of Cities, Inc.; and Florida Stormwater Association, Inc.

order as the “Gulf Restoration parties.”<sup>15</sup> This order refers to these seven parties collectively as the “environmental parties.”

The parties have filed cross-motions for summary judgment that collectively address all the claims in all the cases. In addition, the Administrator has moved for judgment on the pleadings on the citizen’s-suit claim and constitutional claims. The parties have filed multiple briefs and have presented extensive oral argument. The case is ready for a decision.

## **XI. The Issues**

The state and industry parties first challenge the determination that a revised or new standard is necessary to meet the requirements of the Clean Water Act. Success on that claim would invalidate the entire rule; the Administrator cannot promulgate a criterion for a state unless a revised or new standard is necessary. Further, the state and industry parties say that even if the determination is valid, the lake and stream criteria and the default DPVs are not. One of the assertions is that the Administrator aimed at the wrong target—that a criterion must be tied to a designated use, but the Administrator adopted criteria without establishing a connection between the criteria and a designated use. A related assertion is that the Administrator’s criteria are not supported by sound science. The state and industry

---

<sup>15</sup> These parties are Gulf Restoration Network and Natural Resources Defense Council.

parties do not separately challenge the spring criterion or the provisions on site-specific alternative criteria.

The environmental parties support the determination that a revised or new standard is necessary. They assert the new criteria are uniformly better than the preexisting narrative criterion and should go into effect as scheduled. But they say there are substantive and procedural flaws in the lake and stream criteria and substantive flaws in the spring criterion. And they challenge the SSAC provisions. The environmental parties say the Administrator should be required to correct the errors. The environmental parties do not separately challenge the DPVs.

Finally, some of the state and industry parties say the rule is unconstitutional or that the Administrator violated the Regulatory Flexibility Act.

## **XII. The Standard of Review**

Under the Administrative Procedures Act, a court must set aside agency action of this kind if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). As noted above, this order uses “arbitrary or capricious” as a shorthand reference to the entire standard. The applicability of the standard to the APA challenges in this case is not subject to doubt. Indeed, at least one binding circuit decision applied the standard to the Administrator’s disapproval of a state water-quality criterion and the

Administrator's adoption of a replacement criterion. *See Miss. Comm'n on Natural Res.*, 625 F.2d at 1274-75.

The Eleventh Circuit has called this standard "exceedingly deferential." *Fund for Animals, Inc. v. Rice*, 85 F.3d 535, 541 (11th Cir. 1996). The court has explained:

To determine whether an agency decision was arbitrary and capricious, the reviewing court "must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment." This inquiry must be "searching and careful," but "the ultimate standard of review is a narrow one." Along the standard of review continuum, the arbitrary and capricious standard gives [a reviewing] court the *least* latitude in finding grounds for reversal; "[a]dministrative decisions should be set aside in this context . . . only for substantial procedural or substantive reasons as mandated by statute, . . . not simply because the court is unhappy with the result reached." The agency must use its best judgment in balancing the substantive issues. The reviewing court is not authorized to substitute its judgment for that of the agency concerning the wisdom or prudence of the proposed action.

*Id.* at 541-42 (emphasis, omissions, and second brackets by the Eleventh Circuit) (quoting *N. Buckhead Civic Ass'n v. Skinner*, 903 F.2d 1533, 1538-40 (11th Cir. 1990) and citing *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360 (1989)).

More recently, the Eleventh Circuit explained it this way:

We "may not set aside an agency rule that is rational, based on consideration of the relevant factors, and within the scope of the authority delegated to the agency by the statute." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42, 103 S.Ct. 2856, 2866, 77 L.Ed.2d 443 (1983). Under this "narrow" form of review, we may find a rule arbitrary and capricious where "the agency has relied on factors which Congress has not intended it

to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Id.* at 43, 103 S.Ct. at 2867. The reviewing court may not make up for these deficiencies, which is to say that “we may not supply a reasoned basis for the agency’s action that the agency itself has not given.” *Bowman Transp., Inc. v. Ark.-Best Freight Sys., Inc.*, 419 U.S. 281, 285, 95 S.Ct. 438, 442, 42 L.Ed.2d 447 (1974).

*Ala.-Tombigbee Rivers Coal. v. Kempthorne*, 477 F.3d 1250, 1254 (11th Cir. 2007).

The deferential nature of the review is especially important on some of the issues in this case. When an issue calls for scientific judgment, “a reviewing court must generally be at its most deferential.” *Baltimore Gas & Elec. Co. v. Natural Res. Def. Council, Inc.*, 462 U.S. 87, 103 (1983). “When specialists express conflicting views, an agency must have discretion to rely on the reasonable opinions of its own qualified experts even if, as an original matter, the court might find contrary views more persuasive.” *Marsh*, 490 U.S. at 378.

In short, my obligation is to make a searching and careful review of the Administrator’s action but to be “exceedingly deferential,” especially on matters calling for scientific judgment.

The same level of deference is not appropriate on the constitutional and Regulatory Flexibility Act claims. On those, the familiar summary-judgment standard applies: when the record is viewed in the light most favorable to the state

and industry parties asserting the claims, is the Administrator entitled to judgment as a matter of law?

### **XIII. The Merits**

#### **A. The Necessity Determination**

The Clean Water Act gives a state the primary role in setting its water-quality standards. But the Act gives the Administrator a role as well. The state must submit its standards to the Administrator for approval. And the Administrator's approval of a state standard does not end the Administrator's involvement. Under § 303(c)(4) of the Act, the Administrator must "promptly" propose and adopt "a revised or new" standard "in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of" the Act. 33 U.S.C. § 1313(c)(4).

The question for the Administrator thus was whether a revised or new standard—specifically a numeric nutrient standard—was necessary to meet the Act's requirements, or whether, instead, the existing narrative criterion was adequate. The Act's "requirements" include water-quality criteria that are "such as to protect the public health or welfare, enhance the quality of water and serve the purposes of [the Act]." *Id.* § 1313(c)(2)(A). The Administrator has explained that to "serve the purposes of the Act,"

water quality standards should, wherever attainable, provide water quality for the protection and propagation of fish, shellfish and

wildlife and for recreation in and on the water and take into consideration their use and value [for] public water supplies, propagation of fish, shellfish and wildlife, recreation in and on the water, and agricultural, industrial, and other purposes including navigation.

40 C.F.R. § 131.2.

The Administrator concluded that the narrative criterion was not getting the job done. The evidence supporting the conclusion was substantial, indeed overwhelming. A significant portion of the state's waters was impaired by nutrient pollution. The situation had persisted for many years. That, without more, would support the conclusion that something needed to be done. And the Administrator noted that the projected increase in Florida's population was likely to compound the problem still further.

The Clean Water Act allows the Administrator to conclude that when this level of pollution has endured, a new water-quality criterion is needed. That is what the Administrator concluded. The question for the court is not whether the Administrator's conclusion was correct, but only whether the conclusion was arbitrary or capricious. It was not.

The contrary contention of the State of Florida and its Commissioner of Agriculture is especially curious. The state agency with primary responsibility in this field, FDEP, concluded long ago that the narrative nutrient criterion was inadequate and that numeric nutrient criteria were needed. *See, e.g.*, Letter from

Jerry Brooks, Deputy Dir., Div. of Water Res. Mgmt., Fla. Dep't of Env'tl. Prot., to James D. Giattina, Dir., Water Mgmt. Div., U.S. Env'tl. Prot. Agency (Dec. 30, 2003) (AR000767) ("FDEP is committed to a timely establishment of numeric nutrient criteria" and believes they "will lead to further protection of water quality for Florida.") At least as shown by this record, in the years from 2003 to 2009 and indeed right up to today, FDEP never wavered from that position. FDEP spent millions of dollars studying not whether numeric criteria were needed, but what the numeric criteria should be. FDEP's work produced not a hint that the narrative criterion was working and should be retained.

The analysis to this point should end the matter. But the determination's opponents mount additional attacks that deal not with whether numeric criteria were and are needed—the only question under the Clean Water Act—but instead with other issues. Six of their contentions deserve mention.

First, the opponents say the Administrator made the determination in just two or three weeks and that this was not long enough to consider the issue fully. It is true that an EPA Assistant Administrator formally asked the Administrator to delegate the authority to make a determination on December 22, 2008; the Administrator made the delegation on December 29, 2008; and the determination was made on January 14, 2009. But the suggestion that the Administrator first began work on this in December 2008 could not be further from the truth. The

Administrator issued formal reports in 1998 addressing the need for numeric nutrient criteria and directing states to have them in place by the end of 2003. EPA and FDEP worked on numeric nutrient criteria unabated from at least as early as 2001. EPA said repeatedly that it would make a formal § 303(c)(4) determination if it became appropriate. In short, the 2009 determination was many years in the making—long enough by any measure.

Second, the opponents say the Administrator did not need to act because FDEP was itself working toward numeric nutrient criteria. I assume that the Administrator had discretion under the statute to consider the state's progress as a factor in the decision whether to make a determination.<sup>16</sup> The Administrator plainly considered the state's efforts, noting in the determination letter the work FDEP had done. But FDEP had been working on numeric criteria since 2001 and

---

<sup>16</sup> This may not be completely clear. By its terms, the Clean Water Act calls for the Administrator to determine only whether a revised or new standard is "necessary" to meet the requirements of the Act, not whether it is "necessary" for the Administrator, rather than the state, to adopt the new standard. If a new standard is "necessary" to restore or maintain water quality, the Act does not call on the Administrator to decide who should adopt it. Instead, the Act makes that decision: the Administrator must adopt the new standard, unless the state does so first. When the Administrator determined that the narrative nutrient criterion was inadequate, the Administrator followed the statute to the letter, proceeding to propose and adopt new criteria, but saying all along that the Administrator's criteria would yield if the state adopted its own criteria and, as required by the Act, the Administrator approved them. Still, I assume that in deciding whether to make a "determination" at all, the Administrator may properly take into account the likelihood that a state will correct the problem itself.

had repeatedly moved back the schedule. FDEP originally said it would begin rulemaking in October 2004. In the plan submitted on December 31, 2008, FDEP said rulemaking would begin by January 2011. There was no end in sight. Had the question been who should act to address the necessity, a rational conclusion would have been that the Administrator needed to step up.<sup>17</sup>

The opponents' third contention that warrants discussion is that the Administrator changed positions without an adequate explanation. The first answer is that the Administrator did not change positions at all. The view that numeric nutrient criteria should be adopted dated to 1998. The Administrator had been saying since at least as early as July 2004 that if the state did not act, the Administrator would make a § 303(c)(4)(B) determination. When the Administrator finally did what she had long said she would do, it was not a change of position. Moreover, the Administrator was free to adopt a new position if she chose, so long as she explained the decision and it was not arbitrary or capricious. *See FCC v. Fox*, 556 U.S. 502 (2009) (holding that an agency action that is a change of position is subject to review under the same arbitrary-or-capricious

---

<sup>17</sup> More recent events fully support—and certainly do not undermine—this conclusion. FDEP missed even the milestones in its 2008 plan. And other state agencies—as shown by their position in this litigation—have dug in with vigor to oppose even the rather obvious proposition that the narrative criterion was falling short. Had the Administrator not acted, there are good grounds to doubt that FDEP would have been able to accomplish what FDEP has long said needs to be done.

standard as an original action). The Administrator explained her decision at some length in the determination letter. And finally, the assertion that a change of position somehow undermines a § 303(c)(4)(B) determination is flatly at odds with the statute. A § 303(c)(4)(B) determination that a revised or new standard is necessary is *by definition* a change from the Administrator's original decision to approve the standard that is being superseded. As a binding circuit decision noted, "[i]f EPA were bound by its prior approvals, this power [to make a § 303(c)(4)(B) determination] would be meaningless." *Miss. Comm'n on Natural Res.*, 625 F.2d at 1277.

The opponents' fourth contention is that the Administrator acted from a bad motive, seeking not to apply the Clean Water Act on the merits but instead only to settle the original lawsuit. The contention fails on the law and on the facts. The contention fails on the law because a reviewing court's mission is not to divine an agency's "true purpose" but instead to decide whether, in light of the administrative record and the agency's explanation, the agency's action was arbitrary or capricious. The contention fails on the facts because the record is devoid of any indication that the Administrator's true purpose was anything other than to apply the Clean Water Act on the merits. The Administrator had been asserting for more than 10 years that numeric nutrient criteria were needed. If my role were to divine the Administrator's true purpose—it is not—my conclusion

would be that the Administrator's purpose was to apply the Clean Water Act on the merits based on the agency's long and sincerely held belief that numeric nutrient criteria were necessary to restore and maintain Florida's waters.<sup>18</sup>

The opponents' fifth contention is that the Administrator improperly singled Florida out from all the other states. This contention too fails on the law and on the facts. The law is that in deciding to take on a major and complicated task—the establishment of numeric nutrient criteria—the Administrator was not obligated to address the problem in every state or none. The Administrator was free instead to take on the problem a little at a time, so long as her action was not arbitrary or capricious. *Cf. FCC v. Beach Commc'ns, Inc.*, 508 U.S. 307, 316 (1993) (noting

---

<sup>18</sup> If anything, the opponents' assertion that the Administrator was just trying to end the litigation and fend off a precedent that might require numeric nutrient criteria in other states as well as in Florida seems to have it backwards. First, the risk of such a ruling was not high, and the 2009 determination did not end the risk. A person could have filed a new lawsuit in another state at any time—and still could—asserting that the 1998 documents were a determination. This would present again precisely the same risk of an adverse precedent as existed in this case before the 2009 determination. Indeed, if the 2009 determination affected the risk of litigation in another state at all, it almost surely *increased* the risk; a prospective plaintiff would surely view the 2009 determination as a successful resolution of the Florida case. Second, the overall thrust of the opponents' position on the merits is not that the Administrator was impermissibly lax in her efforts to protect the environment; their assertion instead is that she was overly zealous and adopted a rule that goes too far. This seems inconsistent with the assertion that the Administrator did not really believe numeric criteria were needed at all. Third, if, as the opponents contend, the Administrator's goal was to avoid litigation, issuing the determination was especially obtuse; it should have been obvious that the determination would expand, not end, the litigation, precisely as has occurred. A person whose goal is to avoid snakes does not walk headfirst into a swamp.

that “the legislature must be allowed leeway to approach a perceived problem incrementally”); *Williamson v. Lee Optical of Okla.*, 348 U.S. 483, 489 (1955) (noting that a legislature may take on a problem “one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind,” and “may select one phase of one field and apply a remedy there, neglecting the others”). The contention that the Administrator improperly singled Florida out fails on the facts because, as the Administrator spelled out in some detail in the determination letter, Florida’s climate, geography, waters, and demographics make the nutrient-pollution issue different in Florida than in any other state. *See* 2009 Determination Letter at 7 (AR010963). Florida has some 668 endemic species found nowhere else on Earth, has unique water-filled caves and sinkholes and an abundance of springs, has the only near-coast shallow coral-reef formations in the continental United States, and has—10 miles off its coast—the single richest concentration of marine life in the Atlantic Ocean. *Id.* The hot, sunny, and damp climate promotes such undesirable outcomes as algal growth, and the demographics, including rapid population growth, risk further nutrient pollution. *Id.* Finally, the quantity of data available in Florida for developing numeric nutrient criteria far exceeded that in any other state, making it reasonable for the Administrator to take on Florida first, even if—contrary to fact—there were no other reasons to do so. *Id.* at 6 (AR010962); *see also* Fla. Dep’t of Env’tl. Prot.,

Nutrient Samples per State in STORET (indicating that Florida has more than four times as many nutrient data as the next highest state) (AR128687).

The opponents' sixth contention is that numeric nutrient criteria are not necessary because FDEP has already established a total maximum daily load ("TMDL") for many water bodies. The contention misconceives the structure put in place by the Clean Water Act. Criteria are set in advance for all waters, impaired and unimpaired. One goal is to prevent a water body from becoming impaired in the first place. A TMDL, on the other hand, is established for an impaired water body *after* it becomes impaired. That Florida has many TMDLs is evidence that it has many impaired waters—and thus that it needs new criteria to avoid impairment in the first place. Moreover, Florida has many impaired waters that do not yet have TMDLs. Establishing a TMDL is a resource-intensive process that takes time. As the Administrator explicitly recognized in the determination letter, numeric nutrient criteria will make it much easier for FDEP to develop TMDLs for impaired water bodies. 2009 Determination Letter at 4 (AR010960). In short, the existence of a substantial number of TMDLs does not mean numeric nutrient criteria are unnecessary.

The 2009 determination was not arbitrary or capricious.

***B. The Rule***

The Administrator published notice of her proposed rulemaking, received thousands of comments, responded to them, and adopted a rule. The state and industry parties challenge the procedure, asserting, for example, that the Administrator did not adequately respond to all the comments and made changes in the final rule without adequate notice. The challenge is insubstantial. The Administrator followed the rulemaking requirements without fail. The substantial issue is only whether the rule's provisions as adopted survive review on the merits under the arbitrary-or-capricious standard.

The Administrator explained the rule as an effort to translate Florida's existing narrative nutrient criterion into numeric criteria. Under the narrative criterion, "nutrient concentrations of a body of water [must not] be altered so as to cause an imbalance in natural populations of aquatic flora or fauna." Fla. Admin. Code r. 62-302.530(47)(b).

Florida interprets the narrative criterion to prohibit not *any* change in natural populations of flora and fauna, but only a *harmful* change—an "imbalance" in the pejorative sense of the word. Thus, for example, in one of FDEP's plans for adopting numeric nutrient criteria, FDEP said: "The State of Florida intends to adopt quantitative nutrient water quality standards . . . to provide a means to protect state waters from the *adverse effects* of nutrient over-enrichment." Water

Quality Standards & Special Projects Program, Water Res. Div., Fla. Dep't of Env'tl. Prot., *State of Florida Numeric Nutrient Criteria Development Plan 2* (Sept. 2007) (emphasis added) (AR012229). Similarly, in addressing a permit application, a Florida administrative law judge said:

[Petitioners] also contend that [the NPDES permit applicant's] effluent would permanently change the hydroperiod of the wetlands within the effluent distribution system, but they cite no law that prohibits such a change. Pollutant discharges made in compliance with all applicable regulations usually change the receiving waters. The relevant permitting question, therefore, is not whether the receiving waters are changed, but whether the changes are permissible under the law.

*Lane v. Int'l Paper Co.*, Cases No. 08-3922, 08-3923, 2010 WL 333011, at \*14 (DOAH Jan. 27, 2010), *modified in part on other grounds by*, Cases No. 08-1964, 08-2074 (DEP March 10, 2010). In another permit case, the administrative law judge said:

Even though petitioner's evidence established that, eventually, several tons of nutrients would enter surface waters annually, petitioner did not prove that algal populations would in fact change as a result, and did not rebut, therefore, in any material way, . . . sworn testimony that this tonnage would not adversely affect the receiving waters.

*Westerman v. Escambia Cnty. Utilities Auth.*, Case No. 89-0035, 1990 WL 128579, at \*12 (DOAH Feb. 2, 1990), *modified in part on other grounds by*, Case No. 88-1151 (DEP March 19, 1990). As these authorities show, Florida's narrative nutrient criterion addresses *harmful* effects, not *all* effects.

At least when the narrative criterion is so understood, no party has challenged its validity or has asserted that it is inconsistent with, or exceeds the scope of, the Clean Water Act. By definition, numeric criteria that accurately translate an admittedly valid narrative criterion are themselves valid.

The challenges extend to the separate criteria for lakes, springs, and streams; to downstream-protection values or "DPVs"; and to the provisions authorizing, and establishing the procedures for adopting, site-specific alternative criteria. This order addresses the challenges in this order.

### **1. Lake Criteria**

The Administrator established numeric criteria for lakes based on models and field studies designed to determine the point at which an increase in nutrients can be expected to cause harmful effects to flora and fauna. The rule sets numeric criteria for chlorophyll-a, total nitrogen, and total phosphorus. The state and industry parties assert in effect that the Administrator botched the science, adopting criteria that are too exacting. The environmental parties also assert that the Administrator botched the science, though in different respects; they say the Administrator adopted criteria that are not exacting enough. They also say the Administrator adopted criteria that are inadequate to protect recreational and drinking-water uses. These are all issues of scientific judgment on which, as set out above, the standard of review is at its "most deferential." Having made the

required “searching and careful review,” I conclude that the Administrator’s decisions were based on sound science and are not arbitrary or capricious. This section of this order addresses the principal challenges.

***a. The Classification Scheme: Color and Alkalinity***

The rule classifies lakes according to their color and alkalinity. The Administrator chose these characteristics based on substantial data showing that they influence a lake’s response to increased nutrients. The rule establishes three classes: (1) colored lakes, that is, lakes with true color greater than 40 Platinum Cobalt Units; (2) clear lakes with high alkalinity, that is, lakes with color less than or equal to 40 Platinum Cobalt Units and alkalinity of more than 20 mg/L CaCO<sub>3</sub>; and (3) clear lakes with low alkalinity, that is, lakes with color less than or equal to 40 Platinum Cobalt Units and alkalinity of less than or equal to 20 mg/L CaCO<sub>3</sub>.

The state and industry parties challenge the Administrator’s classification scheme, asserting that the Administrator ignored relevant characteristics beyond color and alkalinity.

The Administrator acknowledged that other characteristics—including temperature—may influence biological response to nutrients in lakes. *See* U.S. Env’tl. Prot. Agency, *Technical Support Document for U.S. EPA’s Final Rule for Numeric Criteria for Nitrogen/Phosphorus Pollution in Florida’s Inland Surface Fresh Waters* (“Technical Support Document”) 68 (AR087827). But the

Administrator chose a classification scheme based on color and alkalinity. The decision was based in part on prior studies that classified Florida lakes based on these two characteristics. *See id.* The Administrator performed her own analyses and “found strong associations of TN, TP, and chl-*a* with color and alkalinity.” *See id.* at 81 (AR087840). The Administrator also evaluated alternative classification systems and presented a rational explanation for her selection of this one. *See id.* at 81-83 (AR087840-42). The decision was not arbitrary or capricious.

The state and industry parties also challenge the criteria’s applicability to highly colored lakes. They say total-nitrogen and total-phosphorus concentrations in those lakes do not matter because the lake color inhibits algal growth. And they note the weak relationship in highly colored lakes between chlorophyll-*a* and nutrients. *See id.* at 75 (AR087834) (indicating that the association between color, on the one hand, and nutrients or chlorophyll-*a*, on the other, weakens as color increases). The state and industry parties conclude that highly colored lakes should be exempt from the criteria.

The Administrator originally considered establishing a separate class for highly colored lakes, but the Administrator ultimately chose to include highly colored lakes in the same class with intermediately colored lakes. *See id.* at 83 (AR087842). The Administrator concluded that while algal growth in colored

lakes is limited, it does occur. And the Administrator concluded that even without algal growth, nutrient criteria are needed to protect colored lakes' designated uses. The Administrator also cited evidence that highly colored lakes have expected nutrient concentrations that are statistically similar to other colored lakes. *See id.* at 103-04 (AR087862-63); Chapter 2 Issue Category: Proposed Numeric Nutrient Criteria for the State of Florida's Lakes, Response to Public Comments ("Response to Public Comments - Lakes") 2-2681 (Nov. 14, 2010) (AR092027). The decision to apply to highly colored lakes the same criteria that apply to other colored lakes was not arbitrary or capricious.

The state and industry parties also complain that the classification scheme fails to account for the naturally high phosphorous levels in West Central Region lakes and the naturally high chlorophyll-a levels in reclaimed mining lakes. The state and industry parties say these levels naturally exceed the rule's criteria but that the lakes support their designated uses. And the state and industry parties note that the Administrator cannot properly require an alteration of natural conditions. *See, e.g., Sierra Club, Inc. v. Leavitt*, 488 F.3d 904, 920-21 (11th Cir. 2007) ("The phrase 'restore and maintain' [in 33 U.S.C. § 1251(a)] indicates that Congress sought to return waterbodies to their natural conditions, not modify waterbodies' natural conditions."); *see also* Fla. Stat. § 403.021(11) (directing FDEP to "recognize that some deviations from water quality standards occur as the result of

natural background conditions” and thus directing FDEP not to “consider deviations from water quality standards to be violations when the discharger can demonstrate that the deviations would occur in the absence of any human-induced discharges or alterations to the water body”).

The Administrator considered classifying lakes by region but decided not to do so. The Administrator concluded that a rule with regional classifications would not differ significantly from the rule with classifications based on color and alkalinity. *See* Technical Support Document at 82-83 (AR087841-42). For example, alkalinity responds to carbonate rocks, such as limestone, associated “with natural elevated phosphorus levels.” *Id.* at 79-80 (AR087838-39). Regional differences thus correlate with alkalinity differences that the rule takes into account. *See id.* at 68 (AR087827).

Further, the Administrator found that chlorophyll-a correlates with total phosphorus and total nitrogen in West Central Region lakes, supporting the decision to apply the same criteria to West Central Region lakes as to others. U.S. Env'tl. Prot. Agency, *Technical Support Document for EPA's Proposed Numeric Nutrient Criteria for FL Inland Surface Fresh Waters* 1-24 to 1-25 (AR006454-55) (noting a positive relationship between chlorophyll-a and nitrogen and between chlorophyll-a and phosphorus in the Bone Valley Region—the earlier name for the West Central Region). The West Central Region may have a “unique geology,”

but the Administrator's decision to apply the same criteria to its lakes was not arbitrary or capricious.

That reclaimed mining lakes may be meeting their designated uses does not mean that the rule must carve out for them a separate classification or an express exemption. The authority to adopt water-quality criteria does not depend on a showing that a water body or group of water bodies is not meeting the designated uses. Indeed, under the Clean Water Act, a state could and properly would adopt criteria even if all its waters were meeting their designated uses; the point is not just to identify existing impairment but also to measure for and thus help prevent future impairment. And a criterion is not rendered invalid just because an example can be found of a water body that exceeds the criterion but still meets its designated uses. If, as the state and industry parties assert, there is a reclaimed mining lake with natural levels in excess of the criteria, the answer is not to change the criteria, but to apply to the lake the settled principle that the Clean Water Act does not require a change from natural conditions. That can be done through site-specific alternative criteria or through the TMDL process; it need not be done as part of the rule. The Administrator's decision not to include in the rule a separate classification or express exemption for reclaimed mining lakes was not arbitrary or capricious.

**b. Three Criteria, Not Just One or Two**

For each class the rule sets numeric criteria for three parameters: chlorophyll-a, total nitrogen, and total phosphorus. Chlorophyll-a is a response variable that measures algal growth and serves as an indicator of a lake's biological health. In setting the chlorophyll-a criterion, the Administrator's stated goal was to maintain the trophic state of the lake. A lake's trophic state reflects its nutrient conditions and algal productivity. The Administrator decided that colored lakes and clear, high-alkalinity lakes should maintain a mesotrophic state, as these lakes receive natural nitrogen and phosphorus input but still support a healthy diversity of aquatic life. For these two classes, then, the rule sets the allowable chlorophyll-a concentration at 0.020 mg/L. In contrast, clear, low-alkalinity lakes do not receive natural nitrogen and phosphorus input from underlying geological formations, support less algal growth, and have lower chlorophyll-a levels than the other two lake classes. The rule sets the chlorophyll-a criterion for these lakes at 0.006 mg/L.

The Administrator developed the criteria for total nitrogen and total phosphorus by examining predictive relationships between these nutrients and the chlorophyll-a response. The Administrator quantitatively estimated chlorophyll-a responses with linear regressions. The Administrator used the regressions to establish baseline total-nitrogen and total-phosphorus criteria at the 75th percentile

of the predicted distribution of chlorophyll-a concentrations, given a total-nitrogen or total-phosphorus concentration. The Administrator concluded that the resulting total-nitrogen or total-phosphorus criterion should maintain a lake's chlorophyll-a concentration at a level supporting designated uses.

The state and industry parties challenge the rule's requirement that to be deemed unimpaired, a lake must meet all three criteria—that a lake must meet the nitrogen and phosphorous criteria even if it meets the chlorophyll-a criterion. Chlorophyll-a measures algal growth. Excess algal growth is associated with degradation in aquatic life. The Administrator adopted the chlorophyll-a criterion as an indicator of whether a lake is supporting a balanced population of flora and fauna. *See* Technical Support Document at 85 (AR087844). The state and industry parties say that this is enough—that if a lake meets the chlorophyll-a criterion, it does not matter whether it also meets the nitrogen and phosphorous criteria.

The Administrator disagreed, explaining that while chlorophyll-a is one indicator of a lake's biological health, it is not the only indicator. And chlorophyll-a is sometimes a *lagging* indicator. Gale-force winds, heavy rain, and a storm surge are reliable indicators of bad weather, but a prudent sailor checks the barometer in advance. Just so with nutrient levels: a prudent regulator checks them in advance of an algal bloom or spike in chlorophyll-a levels. *See* Response to

Public Comments – Lakes at 2-2693 (AR092039). Also, criteria are useful not just to identify impaired lakes but to assess how to bring them back into compliance; the chlorophyll-a criterion, standing alone, does not serve that purpose as reliably as separate criteria for nitrogen and phosphorous. *See id.*

The Administrator's decision to adopt all three criteria and to make them independently applicable, so that to be deemed unimpaired a lake must meet them all, was not arbitrary or capricious.

***c. Modified Criteria***

In addition to the baseline criteria, the rule provides that the state may derive a modified total-nitrogen or total-phosphorus criterion for a lake if, in each of the three immediately preceding years, the lake's properly-monitored annual geometric-mean chlorophyll-a concentration was less than the baseline criterion. The rule allows the state to do this for a given lake only once. A modified criterion must be the lower of ambient conditions, on the one hand, or an upper limit specified in the rule, on the other hand.

The Gulf Restoration parties challenge the provision for modified criteria, contending that it will allow the state to adopt new water-quality criteria without the Administrator's oversight or approval, and that in any event the rule does not adequately spell out how the state must determine annual geometric-mean chlorophyll-a concentrations.

The challenge is unfounded. The rule sets out specific conditions that must be met before modified criteria can be adopted, and the rule sets out an objective basis for calculating the modified criteria. The Administrator adopted this approach to provide appropriate flexibility. Indeed, the availability of modified criteria blunts the force of some of the state and industry parties' complaints about the rule.

The Administrator may adopt a rule with conditions—a rule that applies if a lake is 10 feet deep or its alkalinity is at a specified level or if a spill at a gas station exceeds a specified amount or, as here, if a lake meets chlorophyll-a limits for three successive years. And the Administrator may adopt a rule that will be applied based on a site-specific analysis, even without setting out every detail of how the site-specific analysis will be conducted. That is all the Administrator did here. Nothing in the Clean Water Act or Administrative Procedures Act prohibits the practice.

The modified-criteria provision survives arbitrary-or-capricious review.

***d. Duration and Frequency***

The lake criteria include duration and frequency components: a lake is deemed impaired only if the annual geometric mean of a parameter exceeds the limit in more than one year out of any consecutive three. The Gulf Restoration parties argue with considerable force that this does not sufficiently protect at least

one designated use—recreation—if not also the designated use of class I waters for drinking water.

The Administrator says that under her preexisting rule, criteria for a water body with multiple uses must be set to “support the most sensitive use.” *See* 40 C.F.R. § 131.11(a). The Administrator says the most-sensitive use for a Florida lake is aquatic life, not recreation. But almost by definition, if a criterion is sufficient to protect one use (aquatic life) but not another (recreation), the latter is the more-sensitive use, at least for purposes of that criterion. What else could “more sensitive” mean? In any event, this view comports with the most natural reading of § 131.11(a): criteria must be set to support all uses, including the most sensitive.

The question, then, is whether the Administrator considered all uses, including recreation, and reasonably decided that these criteria are sufficient to support the uses. While the issue is not free of doubt, I resolve the question in the Administrator’s favor, giving substantial weight to the standard of review.

Three considerations support the duration and frequency provisions. First, the Administrator cited a lake’s ability to recover from nutrient spikes without lasting harm to flora or fauna and noted that harmful effects usually result from chronic exposure to elevated nutrient levels, not from isolated elevations. *See, e.g.*, Technical Support Document at 109 (AR087868). Second, the provisions have a

practical component; the Administrator said “the 3-year evaluation period provides a sufficient representation of average lake characteristics in the majority of cases, because it balances both short-term and long-term variation, while not imposing undue monitoring expectations.” Response to Public Comments – Lakes at 2-2935 (AR092281). Third, the Administrator noted that the criteria were developed from underlying data compiled into annual geometric means. An observed relationship between a nutrient’s annual mean level and a resulting harm may say little about whether the same nutrient level, maintained only for a shorter period, would cause the same harm. This of course means only that the Administrator could not use the unadjusted annual data to determine criteria for a shorter period; it does not mean the Administrator could not make appropriate adjustments or develop other data addressing shorter periods.

It is clear that the Administrator *did* consider recreational use, citing and analyzing the same study on which the Gulf Restoration parties now rely. The study is anything but compelling, sometimes relying on as little as a single user’s subjective assessment of the effect of lake conditions on recreation. *See* Mark V. Hoyer, et al., *Relations Between Water Chemistry and Water Quality as Defined by Lake Users in Florida*, 20 *Lake & Reservoir Mgmt.* 240, 248 (2004) (AR116592). The Administrator concluded that nutrient and chlorophyll-a levels that are not high enough for long enough to adversely affect aquatic life also are not high

enough for long enough to have a substantial adverse effect on recreation. The conclusion survives arbitrary-or-capricious review.

A word also is in order about another use. The criteria apply not only to class III waters but also to class I waters. A designated use of class I waters is for drinking water. It is by no means obvious that criteria that are sufficient to protect aquatic life are sufficient to protect use for drinking water. Still, the Gulf Restoration parties mention this issue only in passing. And the Administrator offers two explanations. First, she says the criteria are indeed sufficient to protect the use of class I waters for drinking water. Second, she notes that the state has adopted an additional nitrate limit for class I waters in order to protect drinking-water uses. *See Fla. Admin. Code r. 62-302.530(45)*. This criterion will continue to apply. *See 75 Fed. Reg. at 75,807* (to be codified at 40 C.F.R. § 131.43(d)(1)(i)) (stating that the federal criteria will apply except when state water-quality standards “contain criteria that are more stringent for a particular parameter and use”) (AR086811). The Administrator adequately considered the protection of the drinking-water use of class I waters.

In sum, the rule’s lake criteria are based on sound science and are not arbitrary or capricious.

## 2. Spring Criterion

The spring criterion addresses nitrate nitrogen (NO<sub>3</sub>) and nitrite nitrogen (NO<sub>2</sub>), often expressed as nitrate+nitrite. Nitrate+nitrite is the predominant form of nutrient pollution in springs. It stimulates the growth of excess algae, particularly the most common types of nuisance algae in springs, *Lyngbya wollei* and *Vaucheria*. In deriving the nitrate+nitrite criterion, the Administrator reviewed multiple lines of evidence, including stressor-response analyses from controlled laboratory experiments and field studies.

### a. The Nitrate+Nitrite Level

The rule sets the nitrate+nitrite criterion at 0.35 mg/L. The Gulf Restoration parties say this is too high. It is higher than laboratory experiments suggested was necessary to prevent excess algal growth, but lower than field studies suggested. The Administrator said the 0.35 level balanced the uncertainty inherent in translating controlled laboratory conditions to the field, on the one hand, with the uncertainty inherent in estimating stressor-response relationships from field data, on the other hand. Technical Support Document at 137 (AR087896).

The Gulf Restoration parties disagree. They say the 0.35 level might protect against *Vaucheria*, but they point to a laboratory study indicating that the maximum growth rates of *Lyngbya wollei*—a toxic cyanobacterium—occur at nitrate+nitrite levels below 0.35 mg/L. *See id.* at 132 (AR087891). They also say

the field studies relied on by the Administrator provided no reliable data on the nitrate+nitrite level necessary to control *Lyngbya wollei*. They say the Administrator just split the difference between the laboratory and field-study results and that this does not adequately protect against *Lyngbya wollei*.

This is a classic issue for scientific judgment of the kind Congress entrusted to the Administrator and to which a reviewing court should defer. The evidence is not so one-sided as the Gulf Restoration parties suggest. The Administrator reasonably considered field data showing a spring's response to nutrients outside a highly-controlled laboratory. The field data addressed not only *Lyngbya wollei* but 22 other macroalgal taxa. *See id.* at 133 (AR087892). Based on all the evidence, the Administrator concluded that 0.23 to 0.26 mg/L was a lower boundary for a spring criterion, as supported by laboratory studies, and 0.45 mg/L was a higher boundary, as supported by field studies and change-point analyses. *Id.* at 137 (AR087896). The Administrator noted the uncertainties inherent in both types of data and selected a criterion of 0.35 mg/L. This scientific judgment was not arbitrary or capricious.

***b. Duration and Frequency***

The spring criterion includes the same duration and frequency components as the stream and lake criteria: a spring is impaired only if the annual geometric mean for nitrate+nitrite exceeds the limit in more than one of any three consecutive

years. The Gulf Restoration parties mount the same challenge. The analysis set out above for the lake criteria applies here as well. The Administrator reviewed the data and concluded that intra-annual variability was not necessarily associated with impairment in designated uses. *See* 75 Fed. Reg. at 75,785 (AR086789). The Administrator's scientific judgment was not arbitrary or capricious.

### **3. Stream Criteria**

The Administrator started her work on streams by trying to develop criteria based on models and field studies. But the effort did not succeed. The observed correlation between nutrients and results did not produce a consistent pattern. The Administrator came to doubt that this approach would yield reliable criteria.

So the Administrator took a different approach. The Administrator divided the state into five regions based on geography and, for each region, identified a representative sample of minimally-disturbed streams for which nitrogen and phosphorous data were available. She calculated annual geometric means for each nutrient for each stream and in turn for the sample set of streams. The rule sets nitrogen and phosphorous criteria at the 90th percentile for four of the regions and at the 75th percentile for the last; the difference turns on the parameters used to select the sample streams. The criteria include duration and frequency components: a stream is impaired only if the annual geometric mean for a nutrient exceeds the limit in more than one of any three consecutive years.

Each side criticizes the Administrator's implementation of this approach. Thus, for example, each side criticizes the Administrator's selection of sample streams. The environmental parties criticize the duration and frequency components. These are matters of scientific judgment on which the rule would survive arbitrary-or-capricious review.

But the state and industry parties point to a more fundamental problem—one that turns not on scientific judgment but on the substantive law and the requirement for an agency to provide a reasoned explanation of its action. The state and industry parties say the Administrator aimed at the wrong target.

Identifying the actual target at which the Administrator was aiming is difficult. The Administrator says that here, as with the rest of the rule, the goal was to translate Florida's existing narrative criterion: "nutrient concentrations of a body of water [must not] be altered so as to cause an imbalance in natural populations of aquatic flora or fauna." Fla. Admin. Code r. 62-302.530(47)(b). This was an appropriate goal. In order to pursue this goal, the right target was a criterion that would identify a *harmful* increase in a nutrient level—an increase that, in the language of Florida's narrative criterion, would create an "imbalance" in flora or fauna. This is the target the Administrator was shooting at in her initial approach using models and field studies.

But when she turned to the sample-set approach, the Administrator apparently changed the target, shooting not for a criterion that would identify a *harmful* increase in a nutrient level, but a criterion that would identify *any* increase in a nutrient level. As all parties seem to agree, *any* increase in nutrients causes a change in flora and fauna, but not every increase in nutrients causes a *harmful* change in flora and fauna. There is a substantial difference, then, between a criterion designed to identify a *harmful* increase in a nutrient level, on the one hand, and a criterion designed to identify *any* increase in a nutrient level, on the other hand.

The conclusion that the Administrator aimed at the wrong target draws support from three sources. First, the Administrator asserted at oral argument that the Florida narrative criterion applies to *any* change in flora and fauna and that Florida so interprets the criterion. That is incorrect. But if, in devising the stream criteria, the Administrator's understanding was the same as asserted at oral argument, that is, if the Administrator set out to translate the wrong thing, she aimed at the wrong target.

Second, as discussed in more detail later in this opinion, for a stream entering a lake that is in compliance with the lake criteria and for which a model has not been constructed, the Administrator set the downstream-protection criteria or DPVs at ambient conditions at the point where the stream enters the lake. The

use of unadjusted ambient conditions makes clear that at least for that purpose, the Administrator was shooting at a target intended to identify *any* change in nutrient levels, not just a *harmful* change. That this was the Administrator's target there—the only other part of the rule not based on modeling or field studies—suggests that this was also the Administrator's target for the stream criteria.

Third, and most important, the Administrator set the stream criteria based on naturally occurring ambient conditions—those that exist now, on average, in unimpaired streams—without building in an adjustment for increases in nutrients that are not harmful. Instead, a stream is deemed impaired—in four of the regions—if a nutrient level exceeds that of 90% of the sample set. This is the criterion even though the other 10% are apparently unimpaired at a higher nutrient level. The Administrator explained the 90% mark in terms that make sense if the target is a criterion that identifies *any* increase in nutrients and thus *any* change in flora and fauna: one can say with some confidence that a stream with a nutrient level that exceeds that of 90% of the sample set probably has suffered an increase in nutrients and a resulting change in flora and fauna. But if the target is a criterion that identifies a *harmful* increase in nutrients, there is an unexplained disconnect. The Administrator has not explained how the 90% mark correlates with a *harmful* increase in nutrients.

It may well be that there is a sufficient correlation. An experienced environmental scientist might be able to conclude, as a matter of sound scientific judgment, that above the 90th percentile, harmful change is likely. But a reviewing court cannot properly make its own analysis of an issue that the agency did not address. Nor can a court “supply a reasoned basis for the agency’s action that the agency itself has not given.” *Bowman Transp., Inc. v. Ark.-Best Freight Sys., Inc.*, 419 U.S. 281, 285-86 (1974). The stream criteria thus cannot be upheld as an appropriate means of identifying nutrient levels that will cause harmful effects.

To be sure, the Administrator was not required to aim for the same target as the state. Instead, the Administrator’s job was to adopt a “revised or new standard” meeting the Clean Water Act’s requirements. If the Administrator had concluded that nutrient criteria should be designed to block *any* change in flora or fauna, not just an “imbalance” as the state defines it, the conclusion would be subject to arbitrary-or-capricious review, but the fact that the Administrator disagreed with the state would not be fatal.

This does not, however, save the stream criteria. The Administrator did not purport to exercise her judgment in deciding that criteria should be designed to block *any* increase in flora and fauna. She purported instead only to defer to the state’s judgment—and the state never concluded that *any* increase in flora and

fauna is harmful or that water-quality criteria should be designed on this basis.

And even if the Administrator in fact concluded that criteria should be designed to block *any* increase in flora and fauna, the rule still would fall, because the Administrator did not adequately explain the decision. If there is a basis in sound science for disapproving any change in flora and fauna—and thus any increase in nutrients—the Administrator did not cite it.

The Administrator's adoption of the stream criteria, with no further explanation than given, was arbitrary or capricious.

#### **4. Downstream-Protection Values**

The rule includes provisions for downstream-protection criteria that the Administrator has referred to as “downstream-protection values” or “DPVs.” The goal was to protect a water body—in this case a lake—from nutrient pollution introduced through upstream waters. DPVs are limits on nutrients—total phosphorus and total nitrogen—at a stream's point of entry into a lake, denominated the “pour point.” If a nutrient level exceeds the criterion at the pour point, the entire upstream watershed is deemed impaired.

The rule does not set the actual DPVs for a given lake. Instead, the rule specifies the process for setting the DPVs. The first option is to set a lake's DPVs through a “scientifically defensible model” or based on an approved TMDL. If DPVs are not set on that basis, the “default” DPVs for a lake not in compliance

with the lake criteria—an impaired lake—are the same as the lake criteria. The default DPVs for a lake that *is* in compliance with the lake criteria—an unimpaired lake—are the ambient conditions at the pour point.

***a. Having DPVs At All***

The state and industry parties challenge the decision to enact DPVs at all. The state and industry parties say that DPVs are unprecedented, and they say DPVs are unnecessary because there are already criteria that govern streams; complying with those criteria, they say, should be enough. This order invalidates the stream criteria, temporarily leaving in place only the narrative criterion for streams. But even when numeric criteria take effect for streams, they will not supplant the usefulness of DPVs.

That DPVs are unprecedented of course does not mean they should not be adopted. A better mousetrap is by definition unprecedented, but it is an improvement nonetheless. Moreover, the concept of protecting downstream waters is *not* unprecedented. To the contrary, a preexisting rule has long required that in “designating uses of a water body and the appropriate criteria for those uses,” a state—or the Administrator in its stead—“shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters.” 40 C.F.R. § 131.10(b).

Nor do DPVs conflict with stream criteria. DPVs impose an additional requirement, not a conflicting one. The reason for imposing the additional requirement makes sense: if a stream is contributing to the impairment of a lake, the stream is part of the problem, whether or not it is meeting the separate criteria applicable to a stream that is not contributing to a lake's impairment.

The decision to adopt DPVs was not arbitrary or capricious.

***b. The DPV Levels***

The state and industry parties say that in establishing DPVs, the Administrator ignored factors other than stream inputs that contribute to a lake's nutrient levels. The state and industry parties thus say that DPVs take no account of such things as natural conditions, direct point-source discharges into a lake, and runoff. And they say DPVs take no account of the relative significance of a stream—whether it is a large or only small contributor to the lake and indeed whether the stream will make any real difference at all.

The answer for DPVs based on modeling or TMDLs is that models and TMDLs *do* take account of relevant factors. If such a DPV fails to take account of relevant factors *properly*, the DPV will be subject to challenge, but the possibility that an error will be made is not a basis for disapproving the rule.

For default DPVs for a lake that does not comply with the lake criteria—an impaired lake—the answer is that a small contribution to an impairment is still a

contribution. Someone once said that a person in a hole should stop digging. It is good advice, and it applies as well to a lake with excessive nutrients. It makes sense to stop putting in more water with excessive nutrients.

For default DPVs for an unimpaired lake, in contrast, the challenge is well founded. By setting the default DPVs equal to ambient conditions at the pour point, the rule in effect disapproves *any* change in nutrients, even a change that will have no harmful effect. The result is that upon an increase in a nutrient level at the pour point, an entire stream system is deemed impaired, even if the increase is to a level well below the lake or stream criterion, and even if the change has no harmful effect on the lake's flora or fauna. Here, as with the stream criteria, the Administrator shot at the wrong target, seeking to identify not just a harmful effect on downstream waters, but any change in nutrients at all. As with the stream criteria, this portion of the rule is arbitrary or capricious.

*c. Canals*

The South Florida Water Management District challenges the Administrator's decision to establish DPVs for canals entering lakes. The District notes, correctly, that a canal that merely transports water from one water body to another is not subject to effluent limitations; the canal does not increase the quantity of pollutants in the system as a whole. *See Friends of Everglades v. S. Fla. Water Mgmt. Dist.*, 570 F.3d 1210, 1227-28 (11th Cir. 2009).

This does not mean, though, that a canal is exempt from *water-quality criteria*. Effluent limitations and water-quality criteria are different constructs that serve different roles under the Clean Water Act. *See, e.g., Am. Paper Inst., Inc. v. EPA*, 996 F.2d 346, 350 (D.C. Cir. 1993) (“[W]ater quality standards by themselves have no effect on pollution; the rubber hits the road when the state-created standards are used as the basis for specific effluent limitations in NPDES permits.”); *Bethlehem Steel Corp. v. EPA*, 538 F.2d 513, 515 (2d Cir. 1976) (“Thus, although water quality standards and effluent limitations are related . . . the two are entirely different concepts and the difference is at the heart of the 1972 Amendments.”).

The Administrator has recognized the difference. In *Friends of Everglades*, the Administrator’s position, like the Water Management District’s, was that canals are not subject to effluent limitations. The Eleventh Circuit deferred to the Administrator’s judgment. Here, though, the Administrator has adopted the equally reasonable view that canals *are* subject to *water-quality criteria*. The level of deference applied in *Friends of Everglades* supports the same result—upholding the Administrator’s decision.

It bears noting, too, that exempting a canal from the DPV provision would have the effect of exempting not only the canal but also any upstream water that flows into the canal and thus indirectly into the lake. The District has suggested no

persuasive reason why a stream that causes nutrient pollution of a lake should be treated differently based on whether the stream's waters do or do not flow through a canal on the way to the lake.

In short, canals that the State of Florida has denominated as class III waters must meet the water-quality criteria that apply to class III waters. That is true for stream criteria, and it is true for DPVs. The Administrator's decision to apply water-quality criteria, including DPVs, to canals that are class III waters was not arbitrary or capricious.

#### **5. Site-Specific Alternative Criteria**

The Administrator recognized that specific conditions may make it appropriate to raise or lower the nutrient criteria for a specific water body or set of water bodies. The rule thus authorizes, and establishes a specific procedure for adopting, site-specific alternative criteria ("SSACs"). Any person, including the state, may submit an SSAC application to the EPA's Regional Administrator. The applicant bears the burden of demonstrating, including with appropriate supporting documentation, that the proposed SSAC is based on sound science and meets the requirements of the Clean Water Act and its implementing regulations. If the applicant is not the state, the applicant must give the state notice of the application, and the state may submit comments. After a public-comment period, the Regional Administrator may establish appropriate SSACs for the site.

The availability of SSACs is an important component of the rule. The state and industry parties correctly note that the availability of SSACs would not save general criteria not supported by sound science. But properly implemented, SSACs will blunt the force of many of the other criticisms of the rule. Thus, for example, the state and industry parties say that FDEP did much good work to establish TMDLs for many sites and that the decisions made in that process should not be overridden by general criteria that are not as sensitive to the actual conditions at a site. If indeed FDEP has accurately assessed a site's conditions and dealt with nutrient levels through the TMDL process, the work can be carried forward through the adoption of SSACs for the site.

Moreover, SSACs are not a one-way tool. They may raise as well as lower the criteria for a specific site. The SSAC provision thus may blunt the force of not only some of the state and industry parties' criticisms of the rule but also some of the environmental parties' criticisms.

Nonetheless, the environmental parties challenge the SSAC provision on the ground that it will allow broadly applicable changes in criteria without the safeguards of rulemaking. The answer is that nothing in the Clean Water Act or Administrative Procedures Act requires rulemaking for a decision of this kind affecting a specific site. Perhaps recognizing this, the environmental parties say that the rule would allow the adoption of an SSAC for a broad area—an entire

watershed, for example—and that a broad-enough SSAC would in effect amend the rule.

I assume without deciding that at some point an SSAC could apply to an area so broad that rulemaking would be required. Still, the possibility that the Regional Administrator will in fact adopt an SSAC that broad seems remote. It will be time enough to address the validity of such an SSAC when one is approved. Until then, the environmental parties' challenge to such an SSAC is not ripe for judicial review. *See, e.g., Nat'l Park Hospitality Ass'n v. Dep't of Interior*, 538 U.S. 803, 807-08 (2003); *Abbott Laboratories v. Gardner*, 387 U.S. 136, 149 (1967).

In asserting the contrary, the environmental parties cite *EPA v. National Crushed Stone Ass'n*, 449 U.S. 64, 72 n.12 (1980). There the Court held ripe a challenge to a provision governing Federal Water Pollution Control Act variances, noting that EPA had taken a definitive position on the substantive issue before the Court. EPA had not yet applied the provision to a specific application for a variance, but it was clear that there would be applications and that the provision would be applied and would make a difference; the substantive issue before the Court was going to be presented, and soon. Under those circumstances, the substantive issue was ripe. Here, in contrast, the substantive issue of whether an SSAC is so broad that it requires rulemaking may not—indeed probably will not—

ever be presented at all. And while the Administrator has taken the definitive position that an SSAC can apply beyond a specific water body—a position that as set out above is unobjectionable—the Administrator has taken no definitive position on just how broad any actual SSAC should in fact be. The ripeness doctrine exists to prevent a court from being drawn into just such hypothetical issues as this.

The rule's SSAC provisions are not arbitrary or capricious.

**C. *The Citizen's Suit and the Administrator's Discretion***

The Clean Water Act authorizes “any citizen” to sue “the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator.” 33 U.S.C. § 1365(a)(2). The Power and Utility Associations challenge the necessity determination not only under the Administrative Procedures Act but also under this citizen's-suit provision.

The claim fails because the decision whether to make a necessity determination is “discretionary with the Administrator.” *Id.* This conclusion is obvious from the Clean Water Act itself and is supported by the cases that address the issue. *See, e.g., Nat'l Wildlife Fed'n v. Browner*, 127 F.3d 1126, 1131 (D.C. Cir. 1997) (dismissing a citizen's suit against the Administrator for lack of a nondiscretionary duty and noting that the Administrator's decision whether to

adopt a revised or new standard for a state is subject to review under the APA, not in a citizen's suit); *Nw. Env'tl. Advocates v. EPA*, 268 F. Supp. 2d 1255, 1261 (D. Or. 2003) (characterizing as discretionary the Administrator's authority to determine whether a revised or new criterion is necessary). The Power and Utility Associations have cited no case to the contrary, and I am aware of none.

This conclusion also comports with the law of the circuit. Thus, for example, in *Preserve Endangered Areas of Cobb's History, Inc. v. U.S. Army Corps of Engineers*, 87 F.3d 1242, 1249-50 (11th Cir. 1996), the Eleventh Circuit upheld the dismissal of citizen's-suit claims challenging the Administrator's discretionary decision not to overrule the Army Corps of Engineers' issuance of a wetlands permit. Here, as there, the citizen's-suit challenge to the Administrator's discretionary decision cannot go forward.

The Power and Utility Associations assert, though, that the Administrator improperly exercised her discretion, making the necessity determination not on the merits but instead for the purpose of settling the earlier lawsuit. The Power and Utility Associations say the Administrator had a nondiscretionary duty to consider only proper factors, not improper ones.

This is nothing more than an abuse-of-discretion claim cast in other terms. It is an effort to avoid Congress's decision to authorize a citizen's suit only to enforce a nondiscretionary duty, not a discretionary one. Courts have repeatedly

rejected similar efforts. *See, e.g., Maier v. EPA*, 114 F.3d 1032, 1039 n.12 (10th Cir. 1997) (“[T]he limited jurisdiction granted to the district court [to entertain a Clean Water Act citizen’s suit] would be rendered boundless if an abuse of *discretion* were considered to be a ‘failure to perform a *nondiscretionary* act.’ ” (citation omitted) (emphasis added by the court in *Maier*)); *Sun Enters., Ltd. v. Train*, 532 F.2d 280, 288 (2d Cir. 1976) (holding that a citizen’s suit is unavailable when the plaintiff does not challenge the failure to perform a nondiscretionary duty, but instead challenges the manner in which a duty was performed); *Nat’l Wildlife Fed’n v. U.S. Army Corps of Eng’rs*, 404 F. Supp. 2d 1015, 1022 (M.D. Tenn. 2005); *Nat’l Wildlife Fed’n v. Browner*, No. 95-1811 (JHG), 1996 WL 601451, at \*5 (D.D.C. Oct. 11, 1996) (concluding the discretionary nature of a necessity determination “places it beyond the reach of the citizen suit provisions” of the Clean Water Act), *aff’d*, 127 F.3d 1126 (D.C. Cir. 1997).

In asserting the contrary, the Power and Utility Associations cite *RITE Research Improves the Environment, Inc. v. Costle*, 650 F.2d 1312 (5th Cir. 1981). In that rather unique case, the Administrator refused even to consider the merits of a grant application, *explicitly* resting the decision on a geographic limitation that had no support in the statute and instead was precisely contrary to a recent statutory amendment that Congress adopted to allow projects of this very kind to proceed. Under those extraordinary circumstances, the court allowed a citizen’s-

suit challenge to the Administrator's action. The case has no application here, where the Administrator did not explicitly rest her decision on an improper factor; to the contrary, the Administrator said she considered—and the record makes clear she *did* consider—factors properly within the scope of her discretion under the statute. The challengers in *RITE* said the explanation given by the Administrator violated the statute. The challengers here, in contrast, do not say the Administrator's explanation violated the statute; they say that it was not the true explanation and that instead the Administrator made the decision for a secret, unacknowledged reason. They say the secret reason violated the statute. Nothing in *RITE* authorizes a claim of this kind. And allowing such a claim would effectively repeal the statute's ban on a challenge to a decision that is discretionary with the Administrator. Rare or nonexistent would be a case in which an artful pleader could not assert that the Administrator actually considered factors other than those she explicitly identified.

Finally, the Power and Utility Associations say that if the statute indeed makes a decision of this kind discretionary with the Administrator, then the statute violates the constitutional ban on unconstrained delegation of Congress's legislative authority. The contention is plainly wrong. Congress may delegate authority so long as it provides an "intelligible principle" governing the exercise of the delegated authority. *See Mistretta v. United States*, 488 U.S. 361, 372 (1989)

(quoting *J.W. Hampton, Jr., & Co. v. United States*, 276 U.S. 394, 409 (1928)).

The Clean Water Act provision governing a necessity determination easily meets this standard. It allows the Administrator to make a determination only when “a revised or new [water-quality] standard is necessary to meet the requirements of” the Clean Water Act. 33 U.S.C. §1313(c)(4)(B). This is an “intelligible principle.”

*See, e.g., Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 474-76 (2001)

(upholding a statute requiring the Administrator to set air-quality standards at the level that is “requisite”); *Touby v. United States*, 500 U.S. 160, 166-67 (1991)

(upholding a statute authorizing action when “necessary to avoid an imminent hazard to public safety”).

In asserting the contrary, the Power and Utility Associations point to the Administrator’s assertion in this litigation that her authority is “unfettered.” *See, e.g.,* Case No. 4:09cv428, ECF No. 13 at 15; Case No. 4:09cv436, ECF No. 11 at 15. By this the Administrator plainly did not mean that her authority is unconstrained by the intelligible principle under which Congress delegated the authority. And in any event, the constitutionality of a congressional delegation of authority is determined by the terms of the statute that makes the delegation, not by the adjectives that an agency’s lawyers use in a legal brief. The assertion that the statute makes an unconstitutional delegation of congressional authority is wrong.

In sum, the Power and Utility Associations may challenge the necessity determination under the APA, and indeed they have done so. They may not, however, challenge the determination under the statute's citizen's-suit provision, which applies only to nondiscretionary duties. And the Administrator's authority, while discretionary, is constrained by an intelligible principle and thus does not run afoul of the nondelegation doctrine.

**D. Equal Protection**

The Power and Utility Associations assert that the necessity determination and resulting rule violate the Fifth Amendment's equal-protection component because they treat Florida and Florida residents differently from similarly situated states and their similarly situated citizens. The claim fails on the law and on the facts.

First, it is not at all clear that a decision by the federal government to adopt different rules for different states—even if the states are indeed similarly situated—is an equal-protection violation. A ruling that treating similarly situated states differently *is* an equal-protection violation would call into question a wide array of statutes and rules that have long been enforced without controversy. Indeed, the Power and Utility Associations themselves—and all the other state and industry parties—seem to *insist* on different treatment in different states; they say the Clean Water Act criteria should be those adopted by the State of Florida, not

the Administrator. Almost by definition, if each state adopts its own standards, the standards will be different—and similarly situated citizens of different states will be treated differently. But under the Power and Utility Associations' equal-protection theory, allowing each state to adopt its own water-quality standards—and enforcing the standards as a matter of federal law—would be unconstitutional. This is plainly not the law.<sup>19</sup>

Moreover, to survive equal-protection review, government action of this kind need only have a rational basis. The question—at most—is whether the Administrator could rationally choose to make a necessity determination and adopt this rule for Florida while not taking the same action for other states. As set out in section XIII.A. above, Florida's climate, geography, waters, and demographics make the nutrient-pollution issue different in Florida than in any other state. *See* 2009 Determination Letter at 7 (AR010963). As also set out above, the Administrator, like other units of government, need not take on all phases of a problem at once; the Administrator may instead proceed incrementally, starting in one state before proceeding to others. *Cf. Beach Commc'ns, Inc.*, 508 U.S. at 316;

---

<sup>19</sup> There must be hundreds if not thousands of instances where federal law treats similarly situated citizens of different states differently. Examples can be found in tax and regulatory statutes, spending statutes, criminal statutes, and others. Just one minor example from a case that went to trial in this court almost simultaneously with the submission of the Power and Utility Associations' equal-protection theory: under 18 U.S.C. § 2422, the very same sexual conduct may be a federal crime in one state but not another. This is not unconstitutional.

*Williamson*, 348 U.S. at 489. Finally, even if the Administrator needed a further rational basis for starting in Florida rather than elsewhere, she had one: Florida has far more available nutrient data than any other state, making it reasonable for the Administrator to start in Florida.

The necessity determination and rule do not violate the Fifth Amendment's equal-protection component.

***E. The Regulatory Flexibility Act***

The Regulatory Flexibility Act ("RFA") requires an agency promulgating a rule that will have a "significant economic impact on a substantial number of small entities" to "prepare and make available for public comment an initial regulatory flexibility analysis . . . [that] describe[s] the impact of the proposed rule" on those entities, and to publish a "final regulatory analysis" with the final rule. *See* 5 U.S.C. §§ 603, 604, & 605(b). A small entity may be a small for-profit or not-for-profit enterprise or local government. *See id.* § 601(6).

But an agency need not make an initial or final regulatory-flexibility analysis if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." *Id.* § 605(b). A rule will have a "significant impact" on a small entity only when the rule will *directly apply* to the small entity. *See Mid-Tex Elec. Coop. v. FERC*, 773 F.2d 327, 342-43 (D.C. Cir. 1985) (citing 5 U.S.C. § 603(b)(3) & (b)(4)).

The Administrator certified that the numeric nutrient rule will not have a significant economic impact on a substantial number of small entities. She therefore did not issue an initial or final regulatory-flexibility analysis. Some of the state and industry parties say that this violated the RFA and that implementation of the rule should be stayed until the Administrator makes the required analysis.

The Administrator's certification is unassailable. The rule and its numeric nutrient criteria only *indirectly* impact small entities. The *direct* effect is on the State of Florida. *See* 75 Fed. Reg. at 75,803 (AR086807). It will fall to the state to implement the criteria. The state may do so, for example, through limits in National Pollutant Discharge Elimination System ("NPDES") permits, and the limits may exactly match the criteria. But nothing mandates that result. When, as here, a rule's only effect on small entities will be indirect, an agency may properly make a no-impact certification. *See, e.g., Michigan v. EPA*, 213 F.3d 663, 688-89 (D.C. Cir. 2000) (*per curiam*) (upholding a no-impact certification because the Administrator's requirement that a state revise its state implementation plan to reduce nitrous-oxide emissions did not directly regulate small entities; it was left to the state to determine which entities it would regulate in order to obtain the required reduction).

This conclusion makes it unnecessary to reach the Administrator's alternative contention that even if her certification was improper, the rule would still be valid, because she performed the very analysis the RFA would have required. *See, e.g., Env'tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 879 (9th Cir. 2003) ("Any hypothetical noncompliance [with the RFA] would thus have been harmless, since the available remedy would simply require performance of the economic assessments that EPA actually made.")

### **Conclusion**

The Administrator's determination that Florida's narrative nutrient criterion is inadequate and that a revised or new standard is necessary for Florida waters to meet the Clean Water Act's requirements is not arbitrary or capricious. The Administrator's rule setting numeric nutrient criteria also is not arbitrary or capricious except in two respects. The stream criteria—at least without a further explanation—are arbitrary or capricious. And so are the default downstream-protection values for unimpaired lakes. For these reasons,

#### **IT IS ORDERED:**

1. It is declared that the Administrator validly determined that revised or new standards for nutrients are necessary for Florida's waters to meet the Clean Water Act requirements.

2. It is declared that the Administrator's rule setting numeric nutrient criteria, to be codified at 40 C.F.R. § 131.43, is valid in all respects except these: the stream criteria and the default downstream-protection criteria for unimpaired lakes are invalid. Each valid provision of the rule will take effect on March 6, 2012—or an extended date approved by the court under section X of the consent decree—unless by that date the provision has been superseded by a Florida rule that the Administrator has approved.

3. The consent decree remains in effect and is modified to include these additional requirements. By May 21, 2012, the Administrator must sign for publication a proposed rule, or sign for publication a final rule, that sets numeric nutrient criteria for Florida streams that are not in the South Florida region. By May 21, 2012, the Administrator must sign for publication a proposed rule, or sign for publication a final rule, that sets default downstream-protection criteria for unimpaired lakes, unless by that date the Administrator has filed a notice that she has decided not to propose or adopt such criteria, together with an explanation of the decision. The May 21 deadline may be extended only as provided in section X of the consent decree.

4. The summary-judgment motions, ECF Nos. 272, 277, 278, 280, 282, 283, 284, 285, 299, and 303, are granted in part and denied in part, as set out in this order.

5. The Administrator's motion for judgment on the pleadings, ECF No. 214, is granted.

6. In each of these cases, the clerk must enter a Federal Rule of Civil Procedure 58 final judgment based on this order.

7. The court retains jurisdiction to enforce the consent decree, as modified, and to tax costs and attorney's fees. The deadline for a motion to tax costs, *see* Local Rule 54.2, or a motion for a determination of entitlement to a fee award, *see* Local Rule 54.1, is extended to 30 days after (a) the deadline for filing a notice of appeal from the judgment on the merits, if no appeal is filed in any case, or (b) if an appeal is filed, the date of issuance of the last mandate of the United States Court of Appeals for the Eleventh Circuit affirming the judgment or dismissing an appeal. No motion to tax costs or for the determination of entitlement to a fee award may be filed prior to the resolution all appeals (or, if no notice of appeal is filed, prior to the expiration of the deadline for filing a notice of appeal).

SO ORDERED on February 18, 2012.

s/Robert L. Hinkle  
United States District Judge

01268-EPA-6169

Gina McCarthy/DC/USEPA/US

To Richard Windsor

02/23/2012 09:14 PM

cc

bcc

Subject Fw: Join letter to Secretary Clinton and Administrator Jackson re. R22 Loophole

**(b)(5) Deliberative**

----- Forwarded by Gina McCarthy/DC/USEPA/US on 02/23/2012 09:14 PM -----

From: "Rich, Curt UTC" <Curt.Rich@utc.com>  
To: LisaP.Jackson/DC/USEPA/US@EPA  
Cc: Gina.McCarthy/DC/USEPA/US@EPA  
Date: 02/23/2012 04:31 PM  
Subject: Join letter to Secretary Clinton and Administrator Jackson re. R22 Loophole

---

Administrator Jackson,

Attached is a letter signed by the five major U.S. air conditioning manufacturers expressing concern that a EPA rule allowing the continued sale of HCFC-22 air conditioning components is gaining significant market share in this country and compromising our global leadership on the phase-out of ozone depleting substances. Please feel free to contact me if you have any questions.

Best regards,

**Curt Rich | V.P Energy and Environmental Policy**

**United Technologies Corporation**

☎ : 202.336.7474 desk | ☎ : 202.257.4831 cell | ✉ : [curt.rich@utc.com](mailto:curt.rich@utc.com)



State Department EPA R22 letter.pdf

February 23, 2012

The Honorable Hillary Clinton  
Secretary of State  
Department of State  
2201 C Street, NW  
Washington, DC 20520

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Secretary Clinton and Administrator Jackson:

Last week, the State Department and Environmental Protection Agency (EPA) jointly announced a new government coalition to reduce global climate emissions, including soot, methane and hydrofluorocarbons (HFCs), and committed \$12 million in new funding to the effort. This engagement is complemented by the United States' more than twenty year effort to phase out the production of ozone depleting substances through implementation of the Montreal Protocol. The President's FY 2013 Budget proposes \$27.5 million in combined State Department/EPA funding for the Montreal Protocol Multilateral Fund to support these activities.

While it is laudable that the Administration is engaged on multiple fronts to reduce the use of ozone depleting substances worldwide, including in developing countries such as Brazil, China and India, we are concerned that such commitment is compromised by certain policies in effect today regarding the phase out of hydrochlorofluorocarbon-22 (HCFC-22) use in this country. HCFC-22 is an ozone depleting refrigerant currently in use in more than 74 million residential air conditioners in the United States.

In late 2009, the EPA published a final rule that bans, as of January 1, 2010, the sale or distribution of air-conditioning components that are pre-charged with HCFC-22 at the time when they are manufactured or imported into the United States. However, EPA did not apply the same ban to appliance components that are uncharged. Instead, an exception remained in the rule that effectively allows air conditioning manufacturers to continue to make HCFC-22 condensing units so long as they are not filled with refrigerant in the factory.

This current EPA policy creates a loophole in U.S. efforts to limit the emissions of ozone depleting substances by allowing the continued widespread use of HCFC-22. Various estimates show that HCFC-22 residential air conditioning condensing units now represent more than 20% of all sales, approaching 1 million units in 2011 alone – and growing. EPA has not acted on a petition filed more than one year ago to close this

loophole. As long as this EPA loophole remains unclosed, our nation's reliance on HCFC-22 will continue, and, because these units can live for 15 years or longer, the transition to newer, more efficient and environmentally preferable alternatives will be significantly delayed.

This loophole also brings with it negative energy efficiency impacts, because HCFC-22 air-conditioning condensing units sold today are less efficient than more advanced systems that use non-ozone depleting refrigerants. The Air Conditioning, Heating and Refrigeration Institute (AHRI) forecasts that cumulative increases in energy use could reach nearly 6.5 billion kilowatt hours in 2015 if 30 percent of the replacement market is filled by HCFC-22 systems. The corresponding increase in greenhouse gas emissions from these inefficient units would be 3.9 million tons of carbon dioxide. This is the equivalent of putting nearly 700,000 more automobiles on the road.

Notably, the government coalition formed last week seeks to promote alternatives to HFCs – which are themselves replacements for HCFCs – at the same time the EPA loophole places at risk the transition away from HCFCs. This apparent inconsistency sends confusing signals to the marketplace that could stifle the innovation required to meet environmental objectives.

America can best advance the goal of global phase out of environmentally damaging ozone depleting substances by demonstrating leadership at home. As the United States Government continues to fund the HCFC phase out in other countries, we should ensure that our domestic policies do not proliferate the use of HCFC-22 in our own country. Consequently, we ask that the Administration take prompt action to close the EPA HCFC-22 loophole.

Sincerely,

Carrier Corporation/United Technologies  
Contact: John Mandyck  
[john.m.mandyck@carrier.utc.com](mailto:john.m.mandyck@carrier.utc.com)

Johnson Controls  
Contact: Mark Wagner  
[mark.f.wagner@jci.com](mailto:mark.f.wagner@jci.com)

Daiken/McQuay International  
Contact: Bruce Dorey  
[bruce.dorey@mcquay.com](mailto:bruce.dorey@mcquay.com)

Lennox International  
Contact: Kyle Gilley  
[kyle.gilley@Lennoxintl.com](mailto:kyle.gilley@Lennoxintl.com)

Ingersoll Rand/Trane  
Contact: David Modi  
[dmodi@irco.com](mailto:dmodi@irco.com)

01268-EPA-6170

**Richard Windsor/DC/USEPA/US**  
02/23/2012 09:18 PM

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

Subject Fw: Join letter to Secretary Clinton and Administrator Jackson re. R22 Loophole

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 02/23/2012 09:14 PM EST  
**To:** Richard Windsor

**Subject:** Fw: Join letter to Secretary Clinton and Administrator Jackson re. R22 Loophole

**(b)(5) Deliberative**

----- Forwarded by Gina McCarthy/DC/USEPA/US on 02/23/2012 09:14 PM -----

From: "Rich, Curt UTC" <Curt.Rich@utc.com>  
To: LisaP.Jackson/DC/USEPA/US@EPA  
Cc: Gina.McCarthy/DC/USEPA/US@EPA  
Date: 02/23/2012 04:31 PM  
Subject: Join letter to Secretary Clinton and Administrator Jackson re. R22 Loophole

Administrator Jackson,

Attached is a letter signed by the five major U.S. air conditioning manufacturers expressing concern that a EPA rule allowing the continued sale of HCFC-22 air conditioning components is gaining significant market share in this country and compromising our global leadership on the phase-out of ozone depleting substances. Please feel free to contact me if you have any questions.

Best regards,

**Curt Rich | V.P Energy and Environmental Policy**

**United Technologies Corporation**

( : 202.336.7474 desk | ( : 202.257.4831 cell | \*: [curt.rich@utc.com](mailto:curt.rich@utc.com)



State Department EPA R22 letter.pdf

See attachment to 01268-EPA-6170

01268-EPA-6171

**Richard Windsor/DC/USEPA/US**  
02/28/2012 08:04 PM

To Arvin Ganesan, Bob Perciasepe, Laura Vaught, Brendan Gilfillan  
cc  
bcc

Subject Re: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

**(b)(5) Deliberative**  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 02/28/2012 05:28 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Laura Vaught; Brendan Gilfillan  
**Subject:** Fw: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

**(b)(5) Deliberative**

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 02/28/2012 05:27 PM -----

**From:** White House Press Office [mailto:noreply@messages.whitehouse.gov]  
**Sent:** Tuesday, February 28, 2012 3:23 PM  
**To:** Maher, Jessica A.  
**Subject:** Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE  
February 28, 2012

Attached is a memorandum from the President for the Secretary of the Interior regarding a proposed revised habitat for the Spotted Owl: Minimizing Regulatory Burdens.

###

-----

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111  
[attachment "2012spottedowl+mem+final+rel.pdf" deleted by Richard Windsor/DC/USEPA/US]

## Service Identifies Areas to Be Assessed for Potential

## Northern Spotted Owl Critical Habitat, Proposes Broad Exclusions, Ecological Forestry, and Barred Owl Control

*Service will now undertake important economic assessment to inform final designation*

**Washington, DC** – Today, in compliance with an order from a U.S. District Court, the U.S. Fish and Wildlife Service announced a science-based critical habitat proposal for the northern spotted owl that begins a public review process to determine what forest lands should be designated as critical habitat in a final rule that will be published in November. This proposal recommends substantially increasing active management of forests, consistent with ecological forestry principles, in areas designated as critical habitat. Today's announcement, which identifies areas that may be considered for the final designation, also emphasizes significant benefits of excluding private lands, and that consideration along with the important economic assessment will help inform areas that will be excluded from the final designation.

The proposal continues protections for remaining old growth forests while recommending ecological timber harvests to improve habitat, as well as resilience to wildfire and insect infestations. In addition, the Fish and Wildlife Service today took an important step toward experimental removal of the encroaching barred owl from certain areas. These are all key actions identified in the 2011 revised Recovery Plan for the Northern Spotted Owl. Overall, northern spotted owl numbers have been declining 2.9% on average per year – leading to an estimated 40% decline in numbers over the last 25 years. The presumed causes of the decline are the continuing effects of lost old growth forest habitat prior to the 1990s and increasing competition from the barred owl.

“We must move forward with a science-based approach to forestry that restores the health of our lands and wildlife and supports jobs and revenue for local communities,” said Secretary of the Interior Ken Salazar. “By confronting the growing impact of the invasive barred owl and expanding the scientific foundation for wise management of our forests, we can give communities, foresters, and land managers additional tools they need to forge a healthier and more productive future for our forests. Today's announcement provides a foundation from which we can assess the appropriate areas for final designation – a decision which will be based on science and informed by the important economic analysis and public feedback to be conducted over the coming months.”

Today's announcements follow [a visit last week](#) by Secretary Salazar to one of three ecological [forestry pilot projects](#) in Oregon, where – as suggested by Dr. Norm Johnson and Dr. Jerry Franklin - he proposed an expansion of active forest management in Western Oregon to provide sustainable timber and healthier habitat for wildlife and

fish.

"The forestry pilot projects that our research has helped inform and implement will result in good size timber for local mills, and will leave behind dry forests that are healthier and more fire resistant and moist forests that are more diverse and provide better habitat for wildlife," said Dr. Franklin and Dr. Johnson. "The endorsement of ecological forestry in today's announcement provides a strong foundation to apply these balanced principles across the Northwest forests and help demonstrate that we can both protect old growth and provide sustainable timber jobs while restoring the health of our forests."

During that trip, Salazar discussed the 150 timber sales planned by the Bureau of Land Management (BLM) over the next two years in Oregon, including a target of 197 million board feet of proposed sales in western Oregon in FY 2013. Salazar announced that as part of this target, the BLM will plan for at [least five additional timber sales](#) (totaling approximately 15 million board feet) using ecological forestry principles. In addition— as part of the commitment to restoring healthy habitat and providing sustainable timber harvest and revenues – the BLM will undertake Resource Management Plan revisions which will provide goals, objectives, and direction for the management of approximately 2,500,000 acres of BLM-administered lands in western Oregon.

Interior is also working closely with USDA's Forest Service, which recently announced steps to improve forest restoration through active management and increase forest products sold by the National Forests from 2.4 billion board feet in 2011 to 3 billion board feet no later than 2014.

"The Fish and Wildlife Service's critical habitat proposal recognizes the need for active management of forests and provides a solid scientific foundation for work that needs to be done to improve forest health," said Tom Tidwell, Chief of the U.S. Forest Service. "Increased restoration work will benefit the environment and people, with more resilient ecosystems and improved wildlife habitats while providing outputs of forest products that contribute to local economies."

As part of this Administration's commitment to ensuring that rules comply with President Obama's Executive Order on regulatory reform, today's announcement is accompanied by a Presidential Memorandum that directs Interior to take a number of steps before the final plan is identified, with a focus on maximizing flexibility and promoting economic growth. Specifically, the memorandum directs Interior to provide clear direction for industry and other stakeholders on how logging can be conducted in critical habitat as part of the final rule, and directs Interior to give careful consideration, to the extent permitted by law and science, to providing the maximum exclusion of areas from the final rule – with a particular focus on maximizing eligible exclusion of private and State lands. Additionally, the President is directing Interior to revise a

nearly three-decade old rule so that, rather than conducting economic analysis *after* critical habitat is proposed, economic analyses are completed and made available for public comment at the *same time* as a critical habitat proposal is published.

### **Critical Habitat Proposal**

Today's proposal – which is based on the best available science and the revised 2011 Recovery Plan for the Northern Spotted Owl – identifies lands that are potentially eligible for critical habitat designation, but does not mean that they will be included in the final designation. Over the coming months the Service will conduct an economic analysis, assess scientific information, and receive public input that will help inform which of these potential areas may be included in the final critical habitat. The proposal recommends that in areas that are currently designated as critical habitat as well as any that are designated as a result of this process, appropriate timber harvests consistent with ecological forestry principles be encouraged, a major change from previous critical habitat designations.

“The science is telling us that unmanaged, fire-prone forests aren't healthy for either the landscape or the spotted owl,” said Director of the Fish and Wildlife Service Dan Ashe. “In fact, the Fish and Wildlife Service is strongly recommending an active forest management approach – like the forestry practices that the Forest Service and BLM are expanding - to restore forest health, increase resilience, and foster diversity.”

The Fish and Wildlife Service has already taken the step of proposing to exclude several categories of land from the final critical habitat designation, including approximately 4 million acres of state lands, private lands, and federal lands – such as national parks and wilderness areas – much of which is already managed for conservation. The Service will also use public and stakeholder feedback, as well as the information from the economic analysis, to assess additional areas for exclusion from the remaining approximately 10 million acres that are initially eligible for potential critical habitat designation. It is expected that as a result of these additional exclusions, the size of the final designation would be reduced further.

Critical habitat designation only pertains to federal activities in designated areas. Critical habitat designations do not provide additional protection on non-federal lands unless proposed activities involve federal funding or permitting.

Today's critical habitat proposal revises a 2008 critical habitat designation in response to a court order.

### **Barred Owl Control**

A draft Environmental Impact Statement (EIS) also announced today outlines options

for experimental removal of barred owls from certain areas throughout the spotted owl's range to test the effect of such removal on spotted owl population trends. The Service is considering combinations of both lethal and non-lethal (capturing and relocating or placing in permanent captivity) methods for removing barred owls.

"We can't ignore the mounting evidence that competition from barred owls is a major factor in the spotted owl's decline, and we have a clear obligation to do all we can to prevent the spotted owl's extinction and help it rebound," said Ashe.

If the barred owl removal experiment proceeds and the effects of removal are positive, the Service may consider the feasibility and efficacy of barred owl removal on a broader scale. This action would involve a separate National Environmental Policy Act process. For more information about the barred owl draft EIS, click [here](#).

The Service will be accepting public comments for 90 days on both the proposed critical habitat and barred owl draft EIS upon publication in the Federal Register, anticipated within the next two weeks. There will also be an additional public comment period later this spring on the economic analysis information for the critical habitat proposal. For additional information regarding critical habitat and the Endangered Species Act, click [here](#).

01268-EPA-6172

**Bob Perciasepe/DC/USEPA/US**  
02/28/2012 08:44 PM

To Richard Windsor, Arvin Ganesan, Laura Vaught, Brendan Gilfillan  
cc  
bcc

Subject RE: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

Administrator

(b)(5) Deliberative  
[Redacted]

Here is an AP article that covers most of the bases.

-----  
Obama plan for spotted owl targets rival bird  
By JEFF BARNARD, Associated Press - 1 hour ago  
WASHINGTON (AP) – To save the imperiled spotted owl, the Obama administration is moving forward with a controversial plan to shoot barred owls, a rival bird that has shoved its smaller cousin aside. The plan is the latest federal attempt to protect the northern spotted owl, the passive, one-pound bird that sparked an epic battle over logging in the Pacific Northwest two decades ago. The government set aside millions of acres of forest to protect the owl, but the bird's population continues to decline – a 40 percent slide in 25 years. A plan announced Tuesday would designate habitat considered critical for the bird's survival, while allowing logging to reduce the risk of catastrophic wildfire and to create jobs. Habitat loss and competition from barred owls are the biggest threats to the spotted owl. Interior Secretary Ken Salazar called the draft plan "a science-based approach to forestry that restores the health of our lands and wildlife and supports jobs and revenue for local communities." By removing selected barred owls and better managing forests, officials can give communities, foresters and land managers in three states important tools to promote healthier and more productive forests, Salazar said. The new plan, which replaces a 2008 Bush administration plan that was tossed out in federal court, affects millions of acres of national, state and private forest land in Washington, Oregon and Northern California. The plan to kill barred owls would not be the first time the federal government has authorized killing of one species to help another. California sea lions that feast on threatened salmon in the Columbia River have been killed in recent years after efforts to chase them away or scare them failed. The U.S. Agriculture Department kills thousands of wild animals each year – mostly predators such as coyotes – to protect livestock. Other animals, including bears, wolves and raccoons also are killed through the program. The latest plan for spotted owls was accompanied by a presidential memorandum directing Interior to take a number of steps before the plan is finalized, including providing clear direction for how logging can be conducted within areas designated as critical habitat and conducting an economic analysis at the same time critical habitat areas are proposed. Officials acknowledge that the plan to kill barred owls creates an ethical dilemma, but say an experiment on private land in northern California has shown promising results. Spotted owls have returned to historic

territories after barred owls were removed.

Salazar and other officials stressed the new plan's job-creation component, noting that for the first time logging would be allowed in areas designated as critical habitat for the owl. Previous plans had prohibited logging in areas designated as critical habitat.

"Appropriate timber harvests consistent with ecological forestry principles (should) be encouraged," the Interior Department said in a statement.

-----

I will sense rest in next email

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (5) Deliberative

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

From : Richard Windsor/DC/USEPA/US  
To : Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc :  
Sent on : 02/28/2012 08:04:13 PM  
Subject : Re: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

(b)(5) Deliberative  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 02/28/2012 05:28 PM EST  
**To:** Richard Windsor; Bob Perciasepe; Laura Vaught; Brendan Gilfillan  
**Subject:** Fw: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

(b)(5) Deliberative

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 02/28/2012 05:27 PM -----

**From:** White House Press Office [mailto:noreply@messages.whitehouse.gov]  
**Sent:** Tuesday, February 28, 2012 3:23 PM  
**To:** Maher, Jessica A.  
**Subject:** Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

THE WHITE HOUSE  
Office of the Press Secretary  
FOR IMMEDIATE RELEASE  
February 28, 2012

Attached is a memorandum from the President for the Secretary of the Interior regarding a proposed revised habitat for the Spotted

Owl: Minimizing Regulatory Burdens.

###

-----

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111  
[attachment "2012spottedowl+mem+final+rel.pdf" deleted by Richard Windsor/DC/USEPA/US]

## **Service Identifies Areas to Be Assessed for Potential Northern Spotted Owl Critical Habitat, Proposes Broad Exclusions, Ecological Forestry, and Barred Owl Control**

*Service will now undertake important economic assessment to inform final designation*

**Washington, DC** - Today, in compliance with an order from a U.S. District Court, the U.S. Fish and Wildlife Service announced a science-based critical habitat proposal for the northern spotted owl that begins a public review process to determine what forest lands should be designated as critical habitat in a final rule that will be published in November. This proposal recommends substantially increasing active management of forests, consistent with ecological forestry principles, in areas designated as critical habitat. Today's announcement, which identifies areas that may be considered for the final designation, also emphasizes significant benefits of excluding private lands, and that consideration along with the important economic assessment will help inform areas that will be excluded from the final designation.

The proposal continues protections for remaining old growth forests while recommending ecological timber harvests to improve habitat, as well as resilience to wildfire and insect infestations. In addition, the Fish and Wildlife Service today took an important step toward experimental removal of the encroaching barred owl from certain areas. These are all key actions identified in the 2011 revised Recovery Plan for the Northern Spotted Owl. Overall, northern spotted owl numbers have been declining 2.9% on average per year - leading to an estimated 40% decline in numbers over the last 25 years. The presumed causes of the decline are the continuing effects of lost old growth forest habitat prior to the 1990s and increasing

competition from the barred owl.

"We must move forward with a science-based approach to forestry that restores the health of our lands and wildlife and supports jobs and revenue for local communities," said Secretary of the Interior Ken Salazar. "By confronting the growing impact of the invasive barred owl and expanding the scientific foundation for wise management of our forests, we can give communities, foresters, and land managers additional tools they need to forge a healthier and more productive future for our forests. Today's announcement provides a foundation from which we can assess the appropriate areas for final designation - a decision which will be based on science and informed by the important economic analysis and public feedback to be conducted over the coming months."

Today's announcements follow [a visit last week](#) by Secretary Salazar to one of three ecological [forestry pilot projects](#) in Oregon, where - as suggested by Dr. Norm Johnson and Dr. Jerry Franklin - he proposed an expansion of active forest management in Western Oregon to provide sustainable timber and healthier habitat for wildlife and fish.

"The forestry pilot projects that our research has helped inform and implement will result in good size timber for local mills, and will leave behind dry forests that are healthier and more fire resistant and moist forests that are more diverse and provide better habitat for wildlife," said Dr. Franklin and Dr. Johnson. "The endorsement of ecological forestry in today's announcement provides a strong foundation to apply these balanced principles across the Northwest forests and help demonstrate that we can both protect old growth and provide sustainable timber jobs while restoring the health of our forests."

During that trip, Salazar discussed the 150 timber sales planned by the Bureau of Land Management (BLM) over the next two years in Oregon, including a target of 197 million board feet of proposed sales in western Oregon in FY 2013. Salazar announced that as part of this target, the BLM will plan for at [least five additional timber sales](#) (totaling approximately 15 million board feet) using ecological forestry principles. In addition- as part of the commitment to restoring healthy habitat and providing sustainable timber harvest and revenues - the BLM will undertake Resource Management Plan revisions which will provide goals, objectives, and direction for the management of approximately 2,500,000 acres of BLM-administered lands in western Oregon.

Interior is also working closely with USDA's Forest Service, which recently announced steps to improve forest restoration through active management and increase forest products sold by

the National Forests from 2.4 billion board feet in 2011 to 3 billion board feet no later than 2014.

"The Fish and Wildlife Service's critical habitat proposal recognizes the need for active management of forests and provides a solid scientific foundation for work that needs to be done to improve forest health," said Tom Tidwell, Chief of the U.S. Forest Service. "Increased restoration work will benefit the environment and people, with more resilient ecosystems and improved wildlife habitats while providing outputs of forest products that contribute to local economies."

As part of this Administration's commitment to ensuring that rules comply with President Obama's Executive Order on regulatory reform, today's announcement is accompanied by a Presidential Memorandum that directs Interior to take a number of steps before the final plan is identified, with a focus on maximizing flexibility and promoting economic growth. Specifically, the memorandum directs Interior to provide clear direction for industry and other stakeholders on how logging can be conducted in critical habitat as part of the final rule, and directs Interior to give careful consideration, to the extent permitted by law and science, to providing the maximum exclusion of areas from the final rule - with a particular focus on maximizing eligible exclusion of private and State lands. Additionally, the President is directing Interior to revise a nearly three-decade old rule so that, rather than conducting economic analysis *after* critical habitat is proposed, economic analyses are completed and made available for public comment at the *same time* as a critical habitat proposal is published.

### **Critical Habitat Proposal**

Today's proposal - which is based on the best available science and the revised 2011 Recovery Plan for the Northern Spotted Owl - identifies lands that are potentially eligible for critical habitat designation, but does not mean that they will be included in the final designation. Over the coming months the Service will conduct an economic analysis, assess scientific information, and receive public input that will help inform which of these potential areas may be included in the final critical habitat. The proposal recommends that in areas that are currently designated as critical habitat as well as any that are designated as a result of this process, appropriate timber harvests consistent with ecological forestry principles be encouraged, a major change from previous critical habitat designations.

"The science is telling us that unmanaged, fire-prone forests aren't healthy for either the landscape or the spotted owl," said Director of the Fish and Wildlife Service Dan Ashe. "In fact, the

Fish and Wildlife Service is strongly recommending an active forest management approach - like the forestry practices that the Forest Service and BLM are expanding - to restore forest health, increase resilience, and foster diversity."

The Fish and Wildlife Service has already taken the step of proposing to exclude several categories of land from the final critical habitat designation, including approximately 4 million acres of state lands, private lands, and federal lands - such as national parks and wilderness areas - much of which is already managed for conservation. The Service will also use public and stakeholder feedback, as well as the information from the economic analysis, to assess additional areas for exclusion from the remaining approximately 10 million acres that are initially eligible for potential critical habitat designation. It is expected that as a result of these additional exclusions, the size of the final designation would be reduced further.

Critical habitat designation only pertains to federal activities in designated areas. Critical habitat designations do not provide additional protection on non-federal lands unless proposed activities involve federal funding or permitting.

Today's critical habitat proposal revises a 2008 critical habitat designation in response to a court order.

### **Barred Owl Control**

A draft Environmental Impact Statement (EIS) also announced today outlines options for experimental removal of barred owls from certain areas throughout the spotted owl's range to test the effect of such removal on spotted owl population trends. The Service is considering combinations of both lethal and non-lethal (capturing and relocating or placing in permanent captivity) methods for removing barred owls.

"We can't ignore the mounting evidence that competition from barred owls is a major factor in the spotted owl's decline, and we have a clear obligation to do all we can to prevent the spotted owl's extinction and help it rebound," said Ashe.

If the barred owl removal experiment proceeds and the effects of removal are positive, the Service may consider the feasibility and efficacy of barred owl removal on a broader scale. This action would involve a separate National Environmental Policy Act process. For more information about the barred owl draft EIS, click [here](#).

The Service will be accepting public comments for 90 days on both the proposed critical habitat and barred owl draft EIS upon

publication in the Federal Register, anticipated within the next two weeks. There will also be an additional public comment period later this spring on the economic analysis information for the critical habitat proposal. For additional information regarding critical habitat and the Endangered Species Act, [click here](#).

01268-EPA-6173

**Bob  
Perciasepe/DC/USEPA/US**

02/28/2012 08:45 PM

To Richard Windsor, Arvin Ganesan, Laura Vaught, Brendan  
Gilfillan

cc

bcc

Subject RE: Presidential Memorandum -- Proposed Revised Habitat  
for the Spotted Owl: Minimizing Regulatory Burdens

Here is the rest of the AP article

-----

The American Forest Resource Council, a timber industry group, was skeptical that so-called ecological logging would produce a significant amount of timber or jobs. At the same time, the plan has the potential to double the amount of acres designated as critical habitat, said Tom Partin, the group's president. "Habitat is not the current limiting factor for the northern spotted owl, nor is historic loss of old-growth" trees, Partin said. "In fact, the amount of old growth on our federal forests is increasing while the spotted owl's numbers are decreasing."

Conservationists also were wary. Steve Holmer of the American Bird Conservancy said his group was pleased that the administration was moving carefully to kill barred owls, but said officials appeared to be endorsing a big boost in logging inside critical habitat boundaries with no scientific studies showing it works.

The federal government has been trying to find a balance between logging and fish and wildlife habitat since at least the late 1980s. The spotted owl was designated as threatened under the Endangered Species Act in 1990 – an action that led to massive logging cutbacks on national forests and other federal lands in western Washington, Oregon and Northern California.

The bird was blamed for the loss of tens of thousands of jobs and landed on the cover of Time magazine. Despite federal efforts to protect it, the spotted owl continues to decline. A key reason is the barred owl, a larger, more aggressive East Coast cousin that has displaced spotted owls through much of their historic range.

Just how many barred owls would be killed and where remains undecided, although officials said hundreds of birds are likely to be killed with shotguns. The plan also calls for non-lethal removal of the barred owls, by capturing them and relocating them or placing in them in permanent captivity.

"We can't ignore the mounting evidence that competition from barred owls is a major factor in the spotted owl's decline, and we have a clear obligation to do all we can to prevent the spotted owl's extinction and help it rebound," said Fish and Wildlife Service Director Dan Ashe.

Eric Forsman, a U.S. Forest Service scientist whose work in the 1970s showed how the decline in spotted owls was tied to logging old-growth forests, was skeptical that killing barred owls would make a difference. "There are not enough shotguns," he said. "It would be just about like trying to wipe out coyotes."

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (5) Deliberative

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

From : Richard Windsor/DC/USEPA/US  
To : Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Cc :  
Sent on : 02/28/2012 08:04:13 PM  
Subject : Re: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing

Regulatory Burdens

(b)(5) Deliberative  
Arvin Ganesan

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

**From:** Arvin Ganesan

**Sent:** 02/28/2012 05:28 PM EST

**To:** Richard Windsor; Bob Perciasepe; Laura Vaught; Brendan Gilfillan

**Subject:** Fw: Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

(b)(5) Deliberative

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 02/28/2012 05:27 PM -----

**From:** White House Press Office [mailto:noreply@messages.whitehouse.gov]

**Sent:** Tuesday, February 28, 2012 3:23 PM

**To:** Maher, Jessica A.

**Subject:** Presidential Memorandum -- Proposed Revised Habitat for the Spotted Owl: Minimizing Regulatory Burdens

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE

February 28, 2012

Attached is a memorandum from the President for the Secretary of the Interior regarding a proposed revised habitat for the Spotted Owl: Minimizing Regulatory Burdens.

###

-----

[Unsubscribe](#)

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

[attachment "2012spottedowl+mem+final+rel.pdf" deleted by Richard Windsor/DC/USEPA/US]

**Service Identifies Areas to Be Assessed for Potential Northern Spotted Owl Critical Habitat, Proposes Broad Exclusions, Ecological Forestry, and Barred Owl Control**

*Service will now undertake important economic assessment to inform final designation*

**Washington, DC** - Today, in compliance with an order from a U.S. District Court, the U.S. Fish and Wildlife Service announced a science-based critical habitat proposal for the northern spotted owl that begins a public review process to determine what forest lands should be designated as critical habitat in a final rule that will be published in November. This proposal recommends substantially increasing active management of forests, consistent with ecological forestry principles, in areas designated as critical habitat. Today's announcement, which identifies areas that may be considered for the final designation, also emphasizes significant benefits of excluding private lands, and that consideration along with the important economic assessment will help inform areas that will be excluded from the final designation.

The proposal continues protections for remaining old growth forests while recommending ecological timber harvests to improve habitat, as well as resilience to wildfire and insect infestations. In addition, the Fish and Wildlife Service today took an important step toward experimental removal of the encroaching barred owl from certain areas. These are all key actions identified in the 2011 revised Recovery Plan for the Northern Spotted Owl. Overall, northern spotted owl numbers have been declining 2.9% on average per year - leading to an estimated 40% decline in numbers over the last 25 years. The presumed causes of the decline are the continuing effects of lost old growth forest habitat prior to the 1990s and increasing competition from the barred owl.

"We must move forward with a science-based approach to forestry that restores the health of our lands and wildlife and supports jobs and revenue for local communities," said Secretary of the Interior Ken Salazar. "By confronting the growing impact of the invasive barred owl and expanding the scientific foundation for wise management of our forests, we can give communities, foresters, and land managers additional tools they need to forge a healthier and more productive future for our forests. Today's announcement provides a foundation from which we can assess the appropriate areas for final designation - a decision which will be based on science and informed by the important economic analysis and public feedback to be conducted over the coming months."

Today's announcements follow [a visit last week](#) by Secretary Salazar to one of three ecological [forestry pilot projects](#) in Oregon, where - as suggested by Dr. Norm Johnson and Dr. Jerry Franklin - he proposed an expansion of active forest management in Western Oregon to provide sustainable timber and healthier habitat for wildlife and fish.

"The forestry pilot projects that our research has helped inform and implement will result in good size timber for local mills, and will leave behind dry forests that are healthier and more fire resistant and moist forests that are more diverse and provide better habitat for wildlife," said Dr. Franklin and Dr. Johnson. "The endorsement of ecological forestry in today's announcement provides a strong foundation to apply these balanced principles across the Northwest forests and help demonstrate that we can both protect old growth and provide sustainable timber jobs while restoring the health of our forests."

During that trip, Salazar discussed the 150 timber sales planned by the Bureau of Land Management (BLM) over the next two years in Oregon, including a target of 197 million board feet of proposed sales in western Oregon in FY 2013. Salazar announced that as part of this target, the BLM will plan for at least five additional timber sales (totaling approximately 15 million board feet) using ecological forestry principles. In addition- as part of the commitment to restoring healthy habitat and providing sustainable timber harvest and revenues - the BLM will undertake Resource Management Plan revisions which will provide goals, objectives, and direction for the management of approximately 2,500,000 acres of BLM-administered lands in western Oregon.

Interior is also working closely with USDA's Forest Service, which recently announced steps to improve forest restoration through active management and increase forest products sold by the National Forests from 2.4 billion board feet in 2011 to 3 billion board feet no later than 2014.

"The Fish and Wildlife Service's critical habitat proposal recognizes the need for active management of forests and provides a solid scientific foundation for work that needs to be done to improve forest health," said Tom Tidwell, Chief of the U.S. Forest Service. "Increased restoration work will benefit the environment and people, with more resilient ecosystems and improved wildlife habitats while providing outputs of forest products that contribute to local economies."

As part of this Administration's commitment to ensuring that rules comply with President Obama's Executive Order on regulatory reform, today's announcement is accompanied by a Presidential Memorandum that directs Interior to take a number of steps before the final plan is identified, with a focus on maximizing flexibility and promoting economic growth. Specifically, the memorandum directs Interior to provide clear direction for industry and other stakeholders on how logging can be conducted in critical habitat as part of the final rule, and directs Interior to give careful consideration, to the extent permitted

by law and science, to providing the maximum exclusion of areas from the final rule - with a particular focus on maximizing eligible exclusion of private and State lands. Additionally, the President is directing Interior to revise a nearly three-decade old rule so that, rather than conducting economic analysis *after* critical habitat is proposed, economic analyses are completed and made available for public comment at the *same time* as a critical habitat proposal is published.

### **Critical Habitat Proposal**

Today's proposal - which is based on the best available science and the revised 2011 Recovery Plan for the Northern Spotted Owl - identifies lands that are potentially eligible for critical habitat designation, but does not mean that they will be included in the final designation. Over the coming months the Service will conduct an economic analysis, assess scientific information, and receive public input that will help inform which of these potential areas may be included in the final critical habitat. The proposal recommends that in areas that are currently designated as critical habitat as well as any that are designated as a result of this process, appropriate timber harvests consistent with ecological forestry principles be encouraged, a major change from previous critical habitat designations.

"The science is telling us that unmanaged, fire-prone forests aren't healthy for either the landscape or the spotted owl," said Director of the Fish and Wildlife Service Dan Ashe. "In fact, the Fish and Wildlife Service is strongly recommending an active forest management approach - like the forestry practices that the Forest Service and BLM are expanding - to restore forest health, increase resilience, and foster diversity."

The Fish and Wildlife Service has already taken the step of proposing to exclude several categories of land from the final critical habitat designation, including approximately 4 million acres of state lands, private lands, and federal lands - such as national parks and wilderness areas - much of which is already managed for conservation. The Service will also use public and stakeholder feedback, as well as the information from the economic analysis, to assess additional areas for exclusion from the remaining approximately 10 million acres that are initially eligible for potential critical habitat designation. It is expected that as a result of these additional exclusions, the size of the final designation would be reduced further.

Critical habitat designation only pertains to federal activities in designated areas. Critical habitat designations do not provide additional protection on non-federal lands unless proposed activities involve federal funding or permitting.

Today's critical habitat proposal revises a 2008 critical habitat designation in response to a court order.

### **Barred Owl Control**

A draft Environmental Impact Statement (EIS) also announced today outlines options for experimental removal of barred owls from certain areas throughout the spotted owl's range to test the effect of such removal on spotted owl population trends. The Service is considering combinations of both lethal and non-lethal (capturing and relocating or placing in permanent captivity) methods for removing barred owls.

"We can't ignore the mounting evidence that competition from barred owls is a major factor in the spotted owl's decline, and we have a clear obligation to do all we can to prevent the spotted owl's extinction and help it rebound," said Ashe.

If the barred owl removal experiment proceeds and the effects of removal are positive, the Service may consider the feasibility and efficacy of barred owl removal on a broader scale. This action would involve a separate National Environmental Policy Act process. For more information about the barred owl draft EIS, click [here](#).

The Service will be accepting public comments for 90 days on both the proposed critical habitat and barred owl draft EIS upon publication in the Federal Register, anticipated within the next two weeks. There will also be an additional public comment period later this spring on the economic analysis information for the critical habitat proposal. For additional information regarding critical habitat and the Endangered Species Act, click [here](#).

01268-EPA-6174

**Bob  
Perciasepe/DC/USEPA/US**  
02/29/2012 09:55 PM

To Richard Windsor  
cc Diane Thompson  
bcc  
Subject EGU NSPS

Lisa

Just to compare notes---

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe  
Deputy Administrator

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

01268-EPA-6175

**Richard Windsor/DC/USEPA/US**  
02/29/2012 09:58 PM

To Bob Perciasepe  
cc Diane Thompson  
bcc  
Subject Re: EGU NSPS

(b)(5) Deliberative [Redacted]

---

**From:** Bob Perciasepe  
**Sent:** 02/29/2012 09:55 PM EST  
**To:** Richard Windsor  
**Cc:** Diane Thompson  
**Subject:** EGU NSPS

Lisa

Just to compare notes---

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Bob Perciasepe  
Deputy Administrator

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

01268-EPA-6176

**Richard Windsor/DC/USEPA/US**  
03/01/2012 09:16 AM

To Bicky Corman, Diane Thompson, Barbara Bennett, Michelle DePass  
cc  
bcc  
Subject Re: OECD/Chicago

Ok. Thank you.

---

**From:** Bicky Corman  
**Sent:** 03/01/2012 09:13 AM EST  
**To:** Richard Windsor; Diane Thompson; Barbara Bennett; Michelle DePass  
**Subject:** OECD/Chicago

Administrator:

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

*(See attached file: OECD participants.xlsx)*

01268-EPA-6177

**Richard Windsor/DC/USEPA/US**  
03/08/2012 01:42 PM

To Arvin Ganesan  
cc  
bcc

Subject Re: boilers and floor schedule

K. Will watch.  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 03/08/2012 01:40 PM EST  
**To:** Richard Windsor  
**Cc:** Elizabeth Ashwell; Aaron Dickerson  
**Subject:** boilers and floor schedule

It looks like the boiler vote will be approximately between 245 and 3 pm, if you want to watch. Note that there will also be a RESTORE Act vote shortly thereafter.

(b)(5) Deliberative

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/08/2012 01:37 PM -----

From: "Neimeyer, Sarah (Durbin)" <Sarah\_Neimeyer@durbin.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 03/08/2012 01:35 PM  
Subject:

Correction: there will be up to 9 roll call votes at 2pm today. Please note that we will vote in relation to the Baucus amendment #1825 (rural schools) **today**. The series of votes is below. There will be up to 9 roll call votes.

- Vitter #1535 (OCS) (60-vote threshold);
  - Baucus #1825 (Rural Schools)
- Boxer motion to waive the Corker Budget point of order against the bill, S.1813
- Collins #1660 (Boiler MACT) (60-vote threshold);
- Coburn #1738 (OMB/Duplicative Programs) (60-vote threshold);
- Nelson(FL)-Shelby-Landrieu #1822 (RESTORE) (60-vote threshold);
- Wyden #1817 (Keystone pipeline) (60-vote threshold);
- Hoeven #1537 (Keystone pipeline) (60-vote threshold);
- Boxer motion to waive Corker Budget point of order with

## respect to S.1813, Surface Transportation

Sarah C. Neimeyer  
Senior Domestic Policy Advisor  
U.S. Senator Richard J. Durbin

202/224-3650

01268-EPA-6178

**Laura Vaught/DC/USEPA/US**

03/12/2012 03:35 PM

To Richard Windsor

cc

bcc

Subject foreign grants waxman letter - fyi



Letter\_Whitfield\_03.12.12.pdf

Just fyi - Waxman letter to Whitfield following up on the foreign grants questions at your hearing.

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

March 12, 2012

The Honorable Ed Whitfield  
Chairman  
Subcommittee on Energy and Power  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Whitfield:

I am writing to express my concern about how you and other Republican members continue to characterize EPA's grants for research and environmental activities abroad.

During the February 28 hearing on the FY2013 budget for EPA, you called EPA's international grantmaking an "example of EPA mission creep and abuse of discretion." You cited a "rise in spending for grants going to other countries" and stated that the "agency shouldn't be spending taxpayer dollars on such foreign efforts."<sup>1</sup> Rep. McKinley stated during his questioning of Administrator Jackson that EPA gave \$28 million to foreign governments last year. During your questioning, you cited two EPA grants—one for work in China and one for work in Thailand—as of particular concern.

These statements misrepresent the Obama Administration's track record in awarding grants for international environmental work.

First, as EPA Administrator Jackson testified, EPA has a long history of awarding grants to organizations and institutions, both here and abroad, to tackle pressing environmental problems. This established practice, spanning decades and several administrations, hardly constitutes "mission creep" under the current administration and is not a practice started under

---

<sup>1</sup> Opening Statement of the Honorable Ed Whitfield, Subcommittee on Energy and Power and Subcommittee on Environment and the Economy, *Joint Hearing on The FY 2013 EPA Budget*, 112<sup>th</sup> Cong. (Feb. 28, 2012) (online at [http://republicans.energycommerce.house.gov/Media/file/Hearings/Joint/20120228\\_EP\\_EE/HH RG-112-IF03-IF18-MState-W000413-20120228.pdf](http://republicans.energycommerce.house.gov/Media/file/Hearings/Joint/20120228_EP_EE/HH RG-112-IF03-IF18-MState-W000413-20120228.pdf)).

March 12, 2012

Page 2

President Obama. In fact, the two grants you singled out as problematic during your questioning of Administrator Jackson—a grant to China to reduce emissions of persistent organic pollutants and a grant to Thailand to reduce methane emissions from swine farms—were initiated by the Bush administration in 2004 and 2008, respectively.

Second, I question the basis for your assertions that EPA's grant payments to foreign governments under the Obama administration represent a significant departure from grant-making under previous administrations.

EPA has provided the Committee with information on 500 grants to projects that have a foreign component. In FY2011, the Obama Administration paid out \$28 million to these grantees. But not all of this money went to foreign governments, as Rep. McKinley asserted during the hearing. In fact, a more careful review of these 500 grants shows that 84% of the funds paid in FY2011 went to organizations based in the United States. Moreover, in some cases, these grantees appear to have spent only a small percentage of their funding outside of the United States.<sup>2</sup>

This is the second time I have sent a letter to clarify the record regarding the majority's misleading statements on this matter. In June 2011, the majority staff produced an analysis of EPA's international grant-making under the Obama Administration. An analysis of that report by my staff revealed that it contained multiple inaccuracies. I asked Chairman Upton to retract that report pending a more careful review of the record.<sup>3</sup> Regrettably, it remains available on the Committee's website.

I support rigorous oversight of government spending, but I am disappointed by the majority's inaccurate statements and continued attempts to paint all EPA's grants for international work as a waste of taxpayer dollars. Many of these grants are designed to cut air pollution, which knows no borders; reduce greenhouse gas emissions that are fueling climate change; and to provide much-needed assistance in countries suffering from tremendous poverty and environmental contamination.

I again request that you to retract the erroneous June 2011 report and urge you to reassess the majority's approach to this investigation as it moves forward.

---

<sup>2</sup> For example, EPA awarded a multi-million dollar grant to a U.S. university for air pollution research in the United States. Because researchers at the university traveled to Spain in 2011 to present their scientific findings at an epidemiology conference, EPA counted this as a "foreign" grant for purposes of responding to the majority's request for information, even though the vast majority of the grant has been used for research conducted at the university in the United States.

<sup>3</sup> Letter from Ranking Member Henry Waxman to Chairman Fred Upton, Committee on Energy and Commerce (July 11, 2011) (online at [http://democrats.energycommerce.house.gov/sites/default/files/documents/Letter\\_Upton\\_07.11.11.pdf](http://democrats.energycommerce.house.gov/sites/default/files/documents/Letter_Upton_07.11.11.pdf)).

Release 4 - HQ-FOI-01268-12  
The Honorable Ed Whitfield  
March 12, 2012  
Page 3

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

Sincerely,



Henry A. Waxman  
Ranking Member

cc: The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce

The Honorable Bobby Rush  
Ranking Member  
Subcommittee on Energy and Power

01268-EPA-6179

Laura Vaught/DC/USEPA/US

To Richard Windsor

03/13/2012 12:57 PM

cc Bob Perciasepe, Bob Sussman, "Arvin Ganesan", Michael Goo

bcc

Subject Re: UMWA letter to President Obama

The attachment didn't come through, so apologies if (b)(5) Deliberative

[Redacted] - link below.

<http://www.post-gazette.com/pg/12073/1216195-109.stm>

(b)(5) Deliberative [Redacted]

Richard Windsor Tx. Note that the AFL-CIO has annou... 03/13/2012 11:52:26 AM

From: Richard Windsor/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>  
Date: 03/13/2012 11:52 AM  
Subject: Re: UMWA letter to President Obama

Tx. Note that the AFL-CIO has announced they will be endorsing the President as have others.

Bob Perciasepe

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

**From:** Bob Perciasepe

**Sent:** 03/13/2012 11:44 AM EDT

**To:** Bob Sussman; Richard Windsor; Michael Goo

**Subject:** UMWA letter to President Obama

Here is the letter that was sent. A copy was sent to Gina and Administrator. Gina has copy.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711

(c) +1 (b) (5) Deliberative

[attachment "Final Union Letter to President (2).pdf" deleted by Richard Windsor/DC/USEPA/US]

01268-EPA-6180

**Richard Windsor/DC/USEPA/US**  
03/13/2012 12:58 PM

To "Laura Vaught"  
cc  
bcc

Subject Fw: UMWA letter to President Obama

Bob Perciasepe

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

**From:** Bob Perciasepe

**Sent:** 03/13/2012 11:44 AM EDT

**To:** Bob Sussman; Richard Windsor; Michael Goo

**Subject:** UMWA letter to President Obama

Here is the letter that was sent. A copy was sent to Gina and Administrator. Gina has copy.

Bob Perciasepe  
Deputy Administrator

(o) +1 202 564 4711

(c) +1 (b) (5) Deliberative



- Final Union Letter to President (2).pdf



President Barack H. Obama  
 The White House  
 1600 Pennsylvania Avenue, N.W.  
 Washington, DC 20500

March 9, 2012



Dear Mr. President:

We are writing to express our support for the "all of the above" energy policy you are advancing, and to request that you expressly include advanced coal technologies as part of your emerging policy framework. We also are writing to convey our concerns about potential widespread job losses under U.S. EPA's final Mercury and Air Toxics Standards ("MATS") rule, and to request your support in ensuring that this rule provides for the construction of new, state-of-the-art coal generating capacity.



Preliminary results of surveys of electric generators subject to the MATS rule indicate plans to retire substantially more electric generating capacity than the 4,700 megawatt estimate in EPA's final rule. The PJM Interconnection, for example, reports planned retirements of 14,000 megawatts by 2015, and a total of 18,000 megawatts by 2018. PJM represents approximately one-quarter of U.S. coal generation in a region spanning from New Jersey to Illinois. When all of the regional transmission organizations and related entities have completed their compliance surveys, total coal unit retirements easily could be ten times greater than EPA's estimates.



Our unions have supported strong regulations for the control of air pollutants from the electric utility industry, and we have helped to construct and to install hundreds of scrubbers and other pollution control devices. We anticipate thousands of construction jobs resulting from utility compliance with MATS, but are concerned about a far larger loss of permanent jobs in the mining, utility and transport sectors due to plants that are retired in response to the rule and the inability to construct new advanced coal generation plants.



Ensuring a long-term future for the construction of new advanced coal generating facilities should be a cornerstone of national energy policy, helping to ease the transition due to the retirement of older units. Unfortunately, the MATS new source emission standards are so stringent that developers cannot be assured of meeting the limits for the sustained periods of time needed for regulatory compliance. For example, the new source mercury standard is set at a level 98.5 percent below the existing source limit. EPA determined the existing source mercury standard based on the performance of the "top-47" units in its database.



We are advised that equipment vendors are not willing to provide performance warranties to meet these new source limits. More than a half-dozen advanced coal units already permitted but not yet under construction are threatened by the inability to meet all of the new source MATS limits, potentially involving the loss of thousands of skilled construction jobs.

We are directing this letter to you specifically to request your support for the petitions for reconsideration of the new source MATS emission limits that will be filed with EPA. A more robust analysis of the performance of individual units in EPA's sample, including fuel and operating variability, would provide emission limits that are achievable across the nation with advanced emission control technologies. Realistic standards also would help to ensure the completion of many units permitted but not yet under construction.

We will welcome your concern and involvement to help mitigate job losses among our members and their communities, and to provide the foundation for a new generation of advanced domestic clean energy technologies.

Sincerely yours,



Malcolm B. Futhey, Jr.  
International President  
United Transportation Union



Edwin D. Hill  
International President  
International Brotherhood  
of Electrical Workers



William P. Hite  
General President  
United Association of Journeymen and  
Apprentices of the Plumbing and Pipefitting  
Industry of the United States and Canada



Newton B. Jones  
International President  
International Brotherhood of  
Boilermakers, Iron Ship Builders,  
Blacksmiths, Forgers and Helpers



D. Michael Langford  
International President  
Utility Workers Union of America



Cecil E. Roberts, Jr.  
International President  
United Mine Workers of America



Robert A. Scardelletti  
National President  
Transportation • Communications  
Union/IAM

cc: Honorable Lisa P. Jackson, U.S. EPA  
Honorable Regina A. McCarthy, U.S. EPA  
Honorable Steven Chu, Ph.D., U.S. DOE  
Richard L. Trumka, AFL-CIO

01268-EPA-6181

**Richard Windsor/DC/USEPA/US**  
03/13/2012 06:50 PM

To "Michelle DePass"  
cc  
bcc

Subject Fw: JIUS Deliverables Update

(b)(5) Deliberative

Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 03/12/2012 08:53 PM EDT  
**To:** Richard Windsor  
**Cc:** Barbara Bennett  
**Subject:** Fw: JIUS Deliverables Update

Administrator,

(b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Best,  
Shalini

Shalini Vajjhala, PhD  
Special Representative  
Office of the Administrator  
Joint Initiative on Urban Sustainability (JIUS)  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov  
Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 03/08/2012 05:28 PM EST  
**To:** Barbara Bennett  
**Cc:** Erica Jeffries; Elle Beard  
**Subject:** JIUS Deliverables Update

Barb,

(b)(5) Deliberative


Please let me know if you have any questions, and I look forward to talking further on Monday-

Best,  
Shalini

Shalini Vajjhala, PhD  
Special Representative  
Office of the Administrator  
Joint Initiative on Urban Sustainability (JIUS)  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov

01268-EPA-6182

**Richard Windsor/DC/USEPA/US**  
03/13/2012 06:57 PM

To "Diane Thompson"  
cc  
bcc  
Subject Fw: JIUS Deliverables Update

Fyi  
Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 03/12/2012 08:53 PM EDT  
**To:** Richard Windsor  
**Cc:** Barbara Bennett  
**Subject:** Fw: JIUS Deliverables Update

Administrator,

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Best,  
Shalini

Shalini Vajjhala, PhD  
Special Representative  
Office of the Administrator  
Joint Initiative on Urban Sustainability (JIUS)  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov  
Shalini Vajjhala

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

**From:** Shalini Vajjhala  
**Sent:** 03/08/2012 05:28 PM EST  
**To:** Barbara Bennett  
**Cc:** Erica Jeffries; Elle Beard  
**Subject:** JIUS Deliverables Update

Barb,

(b)(5) Deliberative


Please let me know if you have any questions, and I look forward to talking further on Monday-

Best,  
Shalini

Shalini Vajjhala, PhD  
Special Representative  
Office of the Administrator  
Joint Initiative on Urban Sustainability (JIUS)  
U.S. Environmental Protection Agency  
Phone: 202.564.2789  
Email: vajjhala.shalini@epa.gov

01268-EPA-6183

**Bob Sussman/DC/USEPA/US**

03/14/2012 11:04 AM

To Bob Perciasepe, Richard Windsor

cc

bcc

Subject Fw: Fracking Letter from 109 Orgs

FYI

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

**From:** Alex Rindler [mailto:[arindler@ewg.org](mailto:arindler@ewg.org)]

**Sent:** Tuesday, March 13, 2012 3:21 PM

**Subject:** Fracking Letter from 109 Orgs

Attached and provided below please find a letter to President Obama from 109 organizations in 16 states outlining concerns with the administration's premature endorsement of hydraulic fracturing and shale gas drilling amidst ongoing federal studies.

Additionally, a summary of the US Geological Survey's assessment of New York's plan to allow for shale gas drilling and hydraulic fracturing is accessible here:

<http://www.ewg.org/report/federal-scientists-warn-ny-fracking-risks>. Many of the issues flagged by federal experts may pertain to other states considering development of natural gas resources.

Please do not hesitate to contact me should you have questions.

Alex

**Alex Rindler**

Policy Associate  
Environmental Working Group  
1436 U St. NW, Suite 100  
Washington, DC 20009  
[\(202\) 939-9151](tel:(202)939-9151)  
[www.ewg.org](http://www.ewg.org)

--

March 5, 2012

President Barack Obama

The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

We are writing to express serious concerns about your remarks on natural gas drilling in the State of the Union address. We represent 109 organizations in 16 states that together have more than 3 million members and supporters. Many of our communities have been harmed by reckless natural gas drilling and hydraulic fracturing or are facing the prospect of drilling and “fracking” without adequate safeguards.

Although we were encouraged by your stated commitment to safe development of natural gas reserves and by your insistence on disclosure of chemicals used in drilling on federal lands, we were troubled by your claim that government investment in shale gas drilling and hydraulic fracturing has been a clear-cut success story.

In response to the public’s justifiable concerns, the Environmental Protection Agency is currently conducting two studies to determine whether hydraulic fracturing can contaminate groundwater. Until now, there has been very little research on this question. In its draft report on one study, the EPA has already concluded that hydraulic fracturing was a likely cause of

groundwater contamination in Pavillion, Wyo. This finding is similar to EPA's conclusion in a 1987 report to Congress that hydraulic fracturing could – and did – contaminate underground water supplies. The other ongoing EPA study is national in scope, and the agency is scheduled to release initial findings later this year, with additional findings planned through 2014.

Separately, the EPA recently found in an ongoing investigation that four water wells in Dimock, Penn. contained hazardous substances two years after the Commonwealth of Pennsylvania found that these wells and others nearby had been contaminated by shale gas drilling activity. Pennsylvania officials estimate that extending public water lines to the 19 families in Dimock whose water was polluted by improper drilling would cost \$12 million. In neighboring New York state, officials estimate that if shale gas drilling were to contaminate New York City's upstate water supply, the city would have to build a water filtration plant at a minimum cost of \$8 billion, with operating expenses of \$200 million a year – if the water could be cleaned up at all. There and in a number of other states, lenders and public officials are increasingly worried that natural gas and oil leases may violate the terms of the mortgages or title insurance on a potentially large number of homes and make it difficult for owners to sell or refinance.

Amid mounting evidence of the harm and significant costs associated with drilling and fracking, it is simply premature to declare that government investment in shale gas drilling and hydraulic fracturing has been a success.

In addition, your statement that “we have a supply of natural gas that can last America nearly one hundred years” was troublesome. As the Department of Energy makes clear, the nation *may* have a 100-year supply – *if* drilling companies can economically extract the “technically recoverable” gas that scientists believe is in the ground and *if* the rate of consumption remains constant. Those are very big assumptions, as the Department of Energy recently demonstrated when it significantly reduced its estimate of recoverable shale gas. Exports may also reduce the domestic supply. Hundreds of internal drilling industry emails and documents uncovered by the New York Times last year cast doubt on how much shale gas can be recovered. We cannot rely on an energy policy based on the industry's false assumptions, nor can we justify lax regulation in the fond hope that shale gas drilling will be a magic bullet to meet the nation's energy needs.

We are also skeptical of your claim that natural gas drilling “will support more than 600,000 jobs by the end of the decade.” The drilling industry's job creation claims can be illusory. New wells and pipelines are often installed by skilled itinerant workers already employed in the industry. New York state officials predict that if shale gas drilling is allowed there, 77 percent of the workers in the first year will come from out of state, a clear indication that they are already working in the drilling industry.

Thomas Power, former chairman of the University of Montana economics department and an authority on energy industry employment, commented to the New York Times that more drilling is "not going to make a dent in the unemployment rate, because the vast majority of people who have those skills are very busy right now pursuing oil and gas."

You are no doubt also aware that natural gas drilling is an inherently risky activity, as the industry itself concedes in its filings to the Securities and Exchange Commission. These records, designed to protect investors, cite a daunting litany of explosions, leaks, spills, environmental damage, lack of insurance, bodily injury and even death. Drilling companies themselves call these risks among the "most significant" they face.

Despite such risks, natural gas and oil companies enjoy exemptions from seven key federal environmental laws, including the Safe Drinking Water Act, the Clean Water Act and the Clean Air Act. State laws, meanwhile, typically allow companies to operate dangerously close to people's homes and drinking water sources. And states do not require disclosure of drilling risks when companies lease drilling rights from landowners – a process that one major gas producer, Oklahoma City-based Chesapeake Energy Corp., proudly called a "land grab." Citizens in several states have criticized drilling companies for deceptive leasing tactics. You rightfully cited the recent financial crisis as an example of a dangerous lack of regulation. Allowing drilling companies to operate with only minimal oversight sets the stage for another preventable disaster.

Your administration deserves credit for moving ahead with the essential scientific research and basic disclosure that can help hold the industry accountable. But endorsing shale gas drilling and hydraulic fracturing before we know whether these innovations can be deployed safely will make it more difficult to develop safeguards that will provide us with energy while protecting our drinking water, homes and health.

Sincerely,

Kenneth A. Cook, President

Environmental Working Group

--

Alex Rindler  
Policy Associate  
Environmental Working Group  
1436 U St. NW, Suite 100  
Washington, DC 20009  
[\(202\) 939-9151](tel:(202)939-9151)  
[www.ewg.org](http://www.ewg.org)



fracking\_letter\_to\_POTUS\_3.5.12.pdf

March 5, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

We are writing to express serious concerns about your remarks on natural gas drilling in the State of the Union address. We represent 109 organizations in 16 states that together have more than 3 million members and supporters. Many of our communities have been harmed by reckless natural gas drilling and hydraulic fracturing or are facing the prospect of drilling and “fracking” without adequate safeguards.

Although we were encouraged by your stated commitment to safe development of natural gas reserves and by your insistence on disclosure of chemicals used in drilling on federal lands, we were troubled by your claim that government investment in shale gas drilling and hydraulic fracturing has been a clear-cut success story.

In response to the public’s justifiable concerns, the Environmental Protection Agency is currently conducting two studies to determine whether hydraulic fracturing can contaminate groundwater. Until now, there has been very little research on this question. In its draft report on one study, the EPA has already concluded that hydraulic fracturing was a likely cause of groundwater contamination in Pavillion, Wyo. This finding is similar to EPA’s conclusion in a 1987 report to Congress that hydraulic fracturing could – and did – contaminate underground water supplies. The other ongoing EPA study is national in scope, and the agency is scheduled to release initial findings later this year, with additional findings planned through 2014.

Separately, the EPA recently found in an ongoing investigation that four water wells in Dimock, Penn. contained hazardous substances two years after the Commonwealth of Pennsylvania found that these wells and others nearby had been contaminated by shale gas drilling activity. Pennsylvania officials estimate that extending public water lines to the 19 families in Dimock whose water was polluted by improper drilling would cost \$12 million. In neighboring New York state, officials estimate that if shale gas drilling were to contaminate New York City’s upstate water supply, the city would have to build a water filtration plant at a minimum cost of \$8 billion, with operating expenses of \$200 million a year – if the water could be cleaned up at all. There and in a number of other states, lenders and public officials are increasingly worried that natural gas and oil leases may violate the terms of the mortgages or title insurance on a potentially large number of homes and make it difficult for owners to sell or refinance.

Amid mounting evidence of the harm and significant costs associated with drilling and fracking, it is simply premature to declare that government investment in shale gas drilling and hydraulic fracturing has been a success.

In addition, your statement that “we have a supply of natural gas that can last America nearly one hundred years” was troublesome. As the Department of Energy makes clear, the nation *may* have a 100-year supply – *if* drilling companies can economically extract the “technically recoverable” gas that scientists believe is in the ground and *if* the rate of consumption remains constant. Those are very big

assumptions, as the Department of Energy recently demonstrated when it significantly reduced its estimate of recoverable shale gas. Exports may also reduce the domestic supply. Hundreds of internal drilling industry emails and documents uncovered by the New York Times last year cast doubt on how much shale gas can be recovered. We cannot rely on an energy policy based on the industry's false assumptions, nor can we justify lax regulation in the fond hope that shale gas drilling will be a magic bullet to meet the nation's energy needs.

We are also skeptical of your claim that natural gas drilling "will support more than 600,000 jobs by the end of the decade." The drilling industry's job creation claims can be illusory. New wells and pipelines are often installed by skilled itinerant workers already employed in the industry. New York state officials predict that if shale gas drilling is allowed there, 77 percent of the workers in the first year will come from out of state, a clear indication that they are already working in the drilling industry.

Thomas Power, former chairman of the University of Montana economics department and an authority on energy industry employment, commented to the New York Times that more drilling is "not going to make a dent in the unemployment rate, because the vast majority of people who have those skills are very busy right now pursuing oil and gas."

You are no doubt also aware that natural gas drilling is an inherently risky activity, as the industry itself concedes in its filings to the Securities and Exchange Commission. These records, designed to protect investors, cite a daunting litany of explosions, leaks, spills, environmental damage, lack of insurance, bodily injury and even death. Drilling companies themselves call these risks among the "most significant" they face.

Despite such risks, natural gas and oil companies enjoy exemptions from seven key federal environmental laws, including the Safe Drinking Water Act, the Clean Water Act and the Clean Air Act. State laws, meanwhile, typically allow companies to operate dangerously close to people's homes and drinking water sources. And states do not require disclosure of drilling risks when companies lease drilling rights from landowners – a process that one major gas producer, Oklahoma City-based Chesapeake Energy Corp., proudly called a "land grab." Citizens in several states have criticized drilling companies for deceptive leasing tactics. You rightfully cited the recent financial crisis as an example of a dangerous lack of regulation. Allowing drilling companies to operate with only minimal oversight sets the stage for another preventable disaster.

Your administration deserves credit for moving ahead with the essential scientific research and basic disclosure that can help hold the industry accountable. But endorsing shale gas drilling and hydraulic fracturing before we know whether these innovations can be deployed safely will make it more difficult to develop safeguards that will provide us with energy while protecting our drinking water, homes and health.

Sincerely,



Kenneth A. Cook, President  
Environmental Working Group

Adrienne Esposito, Executive Director  
*Citizens Campaign for the Environment*

Rachel Lincoln Sarnoff, Executive Director/CEO  
*Healthy Child Healthy World*

Jim Dean, Chair  
*Democracy for America*

Patrick J. Carolan, Executive Director  
*Franciscan Action Network*

Sean Moulton, Director of Information Policy  
*OMB Watch*

Donny Nelson, Chair  
*Western Organization of Resource Councils  
Oil and Gas Campaign Team*

Lois Gibbs, Executive Director  
*Center for Health, Environment & Justice*

Terry Nordbrock, Executive Director  
*National Disease Clusters Alliance (NDCA)*

Melinda Hughes-Wert, President  
*Nature Abounds*

Marianne Comfort, Education Coordinator  
*Institute Justice Team,  
Sisters of Mercy of the Americas*

## **California**

Michael Green, Executive Director  
*Center for Environmental Health*

Paul Ferrazzi, Director  
*Citizens Coalition for a Safe Community*

Severine von Tscharnern Fleming  
*The Greenhorns*

## **Colorado**

Dr. Theo Colborn, President  
*The Endocrine Disruption Exchange (TEDX)*

Gretchen Nicholoff, President  
*Western Colorado Congress*

## **Connecticut**

Terri Eickel, Director  
*Interreligious Eco-Justice Network*

## **Maryland**

David Curson, PhD,  
Director of Bird Conservation  
*Audubon Maryland-DC*

Leslie Morrison, MD Community Organizer  
*Chesapeake Climate Action Network*

Christine Sweeney, President  
*Talbot River Protection Association*

Karen Lukacs, Executive Director  
*Wicomico Environmental Trust*

Judith Stribling, President  
*Friends of the Nanticoke River*

## **Michigan**

Julie Lyons Bricker, Executive Director  
*Michigan Interfaith Power & Light*

Joanne Cromley & Mary Reilly, Co-Chairs  
*Don't Frack Michigan*

## **Montana**

Walter Archer, Chair  
*Northern Plains Resource Council*

## **New Jersey**

Rev. Fletcher Harper, Executive Director  
*GreenFaith*

Julia Somers, Executive Director  
*New Jersey Highlands Coalition*

Deirdre Imus, Founder & President  
*The Deirdre Imus Environmental Health Center*

## **New Mexico**

Douglas Meiklejohn, Executive Director  
*New Mexico Environmental Law Center*

## **New York**

James R. Dean, Trustee  
*The Village of Cooperstown, NY*

Kate Hudson, Watershed Program Director  
*Riverkeeper*

Jill Wiener, Representative  
*Catskill Citizens for Safe Energy*

Janna Stieg Watkins, Director  
*New York Interfaith Power & Light*

Lea Kone, Assistant Director  
*Northeast Organic Farming Association of New York (NOFA-NY)*

Wes Gillingham, Program Director  
*Catskill Mountainkeeper*

Mary Smith, Communications Coordinator  
*Church Women United in New York State*

Ellen Pope, Director  
*Otsego 2000*

Claire Sanberg, Executive Director  
*Water Defense*

Nada Khader, Executive Director  
*WESPAC Foundation*  
Sandra Kissam, President  
*Stewart Park and Reserve Coalition (SPARC)*

Gay Nicholson, President  
*Sustainable Tompkins*

Susan Van Dolsen  
*Westchester for Change*

Peter Hudiburg, Founder  
*Plymouth Friends of Clean Water*

Patricia J. Wood, Executive Director  
*Grassroots Environmental Education*

Allegra Schechter, Representative  
*ROAR Against Fracking*

Harry Levine, President  
*Advocates for Springfield*

Marie Terlizzi, Co-Founder  
*People Advocating for the Use of Sustainable Energy*

Sarah White, Representative  
*Middlefield Neighbors*

Lynn Marsh, President  
*Advocates for Cherry Valley, Inc.*

Siobhan Burke, Co-Founder  
*Capital District Against Fracking*

Robert Nied, Co-Director  
*Schoharie Valley Watch*

Julie Huntsman, Spokesperson  
*Otsego Neighbors*

Rita Yelda, Organizer  
*Western New York Drilling Alliance*

Erin Heaton, Representative  
*Chenango Community Action for Renewable Energy*

Lisa Zaccaglini, Founder  
*Sharon Springs Against Hydrofracking*

Steven Zerby, Representative  
*Westford Neighbors*

Mary Beilby, Representative  
*Gas Drilling Awareness for Courtland County*

Maureen Dill, Representative  
*Advocates for Morris*

Jeff Dembowski, Co-Founder  
*Gas Free Seneca*

Anna Sears & Nedra Harvey, Co-Founders  
*Rochesterians Concerned About Unsafe Shale-Gas  
Extraction (R-CAUSE)*

Len Bjorkman, Representative  
*Tioga Peace and Justice*

## **North Carolina**

Kathy Shea, M.D. & Susannah Tuttle, Co-Directors  
*North Carolina Interfaith Power and Light,  
North Carolina Council of Churches*

Danna Smith, Executive Director  
*Dogwood Alliance*

Hope Taylor, Executive Director  
*Clean Water for North Carolina*

Fawn Pattison, Executive Director  
*Toxic Free North Carolina*

George Santucci, Executive Director  
*National Committee for the New River*

## **North Dakota**

Verle Reinicke, Chair  
*Dakota Resource Council*

## **Ohio**

Rev. Jim Deming, Minister for Environmental Justice  
*Justice and Witness Ministries,  
United Church of Christ*

Vanessa Peseck, President  
*NEOGAP*

Stefanie Penn Spear, Founder & Executive Director  
*EcoWatch*

Jack Shaner, Deputy Director  
*Ohio Environmental Council*

Nathan G. Johnson, Attorney  
*Buckeye Forest Council*

Ron Prosek, Convener  
*Faith Communities Together for Frac Awareness  
(FaCT)*

Chris Borello, President  
*Concerned Citizens of Lake Township*

Chris Borello, President  
*Concerned Citizens of Stark County*

Vickie Hennessey, President  
*Green Environmental Coalition*

Lori Babbey, Representative  
*Concerned Citizens of Portage County*

Leslie Harper, Representative  
*Northwest Ohio Alliance to Stop Fracking*

Sandra Bilek, Representative  
*Concerned Citizens of Medina County*

Ron Prosek, Chairman  
*Mentor Lagoons Preservation Committee*

Susie Beiersdorfer, Representative  
*Frackfree Mahoning Valley*

Lynn Anderson, Representative  
*The Guardians of Mill Creek Park*

## **Pennsylvania**

Tracy Carluccio, Deputy Director  
*Delaware Riverkeeper Network*

Barbara Arrindell, Director  
*Damascus Citizens for Sustainability*

Ruth McDermott-Levy & Nina Kaktins,  
Environmental Health Committee Co-Chairs  
*PA State Nurses Association*

Grady Avant, Board Member  
*FrackAlert*

Ryan Talbott, Executive Director  
*Allegheny Defense Project*

Sr. Suzanne Maschek,  
Sector North America Coordinator  
*Medical Mission Sisters*

Nora Nash, Director, Corporate Social Responsibility  
*Sisters of St. Francis of Philadelphia*

Sr. Frances Murray, O.S.F., Chair  
*Advocacy Committee for Justice and Peace  
Of the Sisters of St. Francis of Philadelphia*

Sr. Susan Schorsten, Pastoral Leader  
*Sisters of the Humility of Mary*

Claudia Detwiler, Representative  
*Marcellus Shale Protest*

Paula Chaiken, Outreach Coordinator  
*Gas Drilling Awareness Coalition*

Christine Griffin, Representative  
*No Frackin' PA*

Wanda Guthrie, Co-Convener  
*Local Authority Western PA (LAWPA)*

Wanda Guthrie, Convener  
*Murrysville Marcellus Community Group*

Michael Bagdes-Canning, Organizer  
*Marcellus Outreach Butler*

Elisa Beck, Representative  
*Sustainable Monroeville*

Richard Yanock, President  
*Izaak Walton League of America,  
Washington County Chapter*

Debbie Borowiec, Representative  
*Concerned Citizens Against Marcellus Pollution*

Stan Shapiro, Vice Chair  
*Philadelphia Neighborhood Networks*

Jason Bell, Organizer  
*Tour de Frack*

## **Virginia**

Kate Wofford, Executive Director  
*Shenandoah Valley Network*

## **Washington, D.C.**

Sr. Janet Gottschalk, Director  
*Medical Mission Sisters Alliance for Justice*

## **West Virginia**

Jim Sconyers, Chapter Chair  
*Sierra Club, West Virginia Chapter*

Betty L. Wiley, President  
*Dunkard Creek Watershed Association*

Carol Warren, Project Coordinators  
*Ohio Valley Environmental Coalition*

## **Wyoming**

Steve Jones, Watershed Protection Program Attorney  
*Wyoming Outdoor Council*

Kevin F. Lind, Director  
*Powder River Basin Resource Council*

Cc: The Honorable Christopher Smith, Deputy Assistant Secretary for Oil & Natural Gas, U.S. Department of Energy

01268-EPA-6184

**Bob Perciasepe/DC/USEPA/US**  
03/21/2012 06:03 PM

To Nancy Stoner  
cc Richard Windsor, Bob Sussman  
bcc  
Subject Re: A Few Updates Needed -

(b)(5) Deliberative  
[Redacted]

Bob Perciasepe  
Deputy Administrator

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

Nancy Stoner [Here is info on my items.](#) (b)(5) 03/21/2012 05:52:14 PM

From: Nancy Stoner/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 03/21/2012 05:52 PM  
Subject: Re: A Few Updates Needed -

Here is info on my items.

(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Thanks folks. Please keep these brief. Lisa

01268-EPA-6185

**Richard Windsor/DC/USEPA/US**  
03/21/2012 08:45 PM

To Bob Sussman  
cc "Avi Garbow"  
bcc  
Subject Re: Range -- methane levels

Tx!  
Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/21/2012 08:42 PM EDT  
**To:** Richard Windsor  
**Cc:** Avi Garbow  
**Subject:** Fw: Range -- methane levels

(b)(5) Deliberative

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/21/2012 08:41 PM -----

From: Avi Garbow/DC/USEPA/US  
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA  
Date: 03/21/2012 06:51 PM  
Subject: Fw: Range -- methane levels

Bob and Scott,

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

[Redacted]

[Redacted]

Let me know your thoughts on next steps.

Avi

Avi Garbow  
Deputy General Counsel

U.S. Environmental Protection Agency  
(202) 564-1917

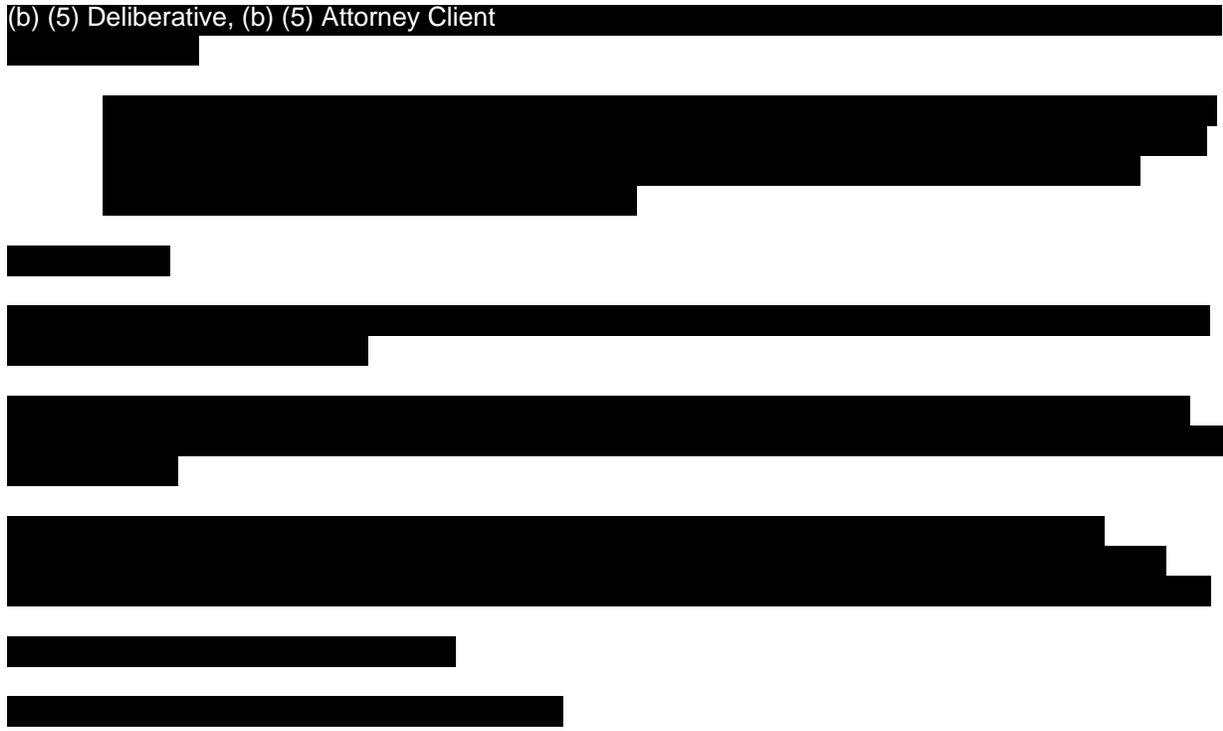
----- Forwarded by Avi Garbow/DC/USEPA/US on 03/21/2012 06:37 PM -----

From: Bernadette Rappold/DC/USEPA/US  
To: Avi Garbow/DC/USEPA/US@EPA  
Cc: Steven Chester/DC/USEPA/US@EPA  
Date: 03/21/2012 06:28 PM  
Subject: Range -- methane levels

---

Avi --

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



- b

[attachment "range\_order.pdf" deleted by Richard Windsor/DC/USEPA/US]

-----  
Bernadette Rappold, Director  
Special Litigation and Projects Division (MC 2248)  
Office of Civil Enforcement  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Room 3118B, ARS  
Washington, DC 20460

Telephone: (202) 564-4387  
Fax: (202) 501-0363

Help eliminate environmental violations.

Report tips and complaints at:

<http://www.epa.gov/compliance/complaints/index.html>

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, kindly notify the sender and then delete the message from your hard drive. Thank you.

01268-EPA-6186

**Bob Perciasepe/DC/USEPA/US**  
03/21/2012 09:08 PM

To Bob Sussman  
cc Nancy Stoner, Richard Windsor  
bcc

Subject Re: A Few Updates Needed -

(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b)(5) Deliberative

Bob Sussman

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

**From:** Bob Sussman  
**Sent:** 03/21/2012 07:56 PM EDT  
**To:** Bob Perciasepe  
**Cc:** Nancy Stoner; Richard Windsor  
**Subject:** Re: A Few Updates Needed -

(b)(5) Deliberative

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

Bob Perciasepe (b)(5) Deliberative 03/21/2012 06:03:30 PM

**From:** Bob Perciasepe/DC/USEPA/US  
**To:** Nancy Stoner/DC/USEPA/US@EPA  
**Cc:** Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Date:** 03/21/2012 06:03 PM  
**Subject:** Re: A Few Updates Needed -

(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator

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

Nancy Stoner Here is info on my items. (b)(5) 03/21/2012 05:52:14 PM

**From:** Nancy Stoner/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
**Date:** 03/21/2012 05:52 PM  
**Subject:** Re: A Few Updates Needed -

Here is info on my items.

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Nancy Stoner  
Acting Assistant Administrator for Water  
US Environmental Protection Agency

Telephone: (202) 564-5700  
FAX: (202) 564-0488

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001

Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3219B East Bldg., Washington, DC 20004-3302  
Washington, DC 20004-3302

Richard Windsor Folks, (b)(5) Deliberative 03/21/2012 05:16:52 PM

From: Richard Windsor/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA

Date: 03/21/2012 05:16 PM  
Subject: A Few Updates Needed -

---

Folks,

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

Thanks folks. Please keep these brief. Lisa

01268-EPA-6187

**Bob Perciasepe/DC/USEPA/US**  
03/22/2012 12:10 PM

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

Subject Validators ?

Just FYI for meeting.

(b)(5) Deliberative [Redacted]

[Redacted]

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c) (b) (5) Deliberative  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/22/2012 11:40 AM EDT  
**To:** Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
**Subject:** Fw: A Few Updates Needed -

(b)(5) Deliberative [Redacted]  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/22/2012 10:42 AM EDT  
**To:** Diane Thompson  
**Subject:** Re: A Few Updates Needed -

(b)(5) Deliberative [Redacted]

[Redacted]

Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 03/22/2012 10:25 AM EDT  
**To:** Gina McCarthy  
**Subject:** Re: A Few Updates Needed -

(b)(5) Deliberative [Redacted]

\*\*\*\*\*

Diane E. Thompson

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

Gina McCarthy Attached is my update. Let me know if... 03/21/2012 07:54:49 PM

From: Gina McCarthy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Date: 03/21/2012 07:54 PM  
Subject: Re: A Few Updates Needed -

Attached is my update. Let me know if you need anything else.

[attachment "3.21.12 update.docx" deleted by Diane Thompson/DC/USEPA/US] [attachment "O&G API Oil and Gas Study INTERNAL EPA Response 3.21.12.docx" deleted by Diane Thompson/DC/USEPA/US]

Richard Windsor Folks, (b)(5) Deliberative 03/21/2012 05:16:53 PM

From: Richard Windsor/DC/USEPA/US  
To: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
Date: 03/21/2012 05:16 PM  
Subject: A Few Updates Needed -

Folks,

(b)(5) Deliberative  
[Redacted text block containing multiple lines of blacked-out content]

Thanks folks. Please keep these brief. Lisa



01268-EPA-6188

Gina McCarthy/DC/USEPA/US

To Bob Perciasepe

03/22/2012 01:09 PM

cc Richard Windsor, "Diane Thompson"

bcc

Subject Re: Validators ?

Bob -(b)(5) Deliberative

Bob Perciasepe Just FYI for meeting. (b)(5) Deliberative 03/22/2012 12:10:50 PM

From: Bob Perciasepe/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 03/22/2012 12:10 PM  
Subject: Validators ?

Just FYI for meeting.

(b)(5) Deliberative

Bob Perciasepe  
Deputy Administrator  
(o)202 564 4711  
(c)(b)(5) Deliberative

Gina McCarthy

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

From: Gina McCarthy  
Sent: 03/22/2012 11:40 AM EDT  
To: Richard Windsor; "Bob Perciasepe" <perciasepe.bob@epa.gov>  
Subject: Fw: A Few Updates Needed -

(b)(5) Deliberative

Gina McCarthy

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

From: Gina McCarthy  
Sent: 03/22/2012 10:42 AM EDT  
To: Diane Thompson  
Subject: Re: A Few Updates Needed -

(b)(5) Deliberative

Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 03/22/2012 10:25 AM EDT  
**To:** Gina McCarthy  
**Subject:** Re: A Few Updates Needed -

Gina, (b)(5) Deliberative

\*\*\*\*\*

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

Gina McCarthy Attached is my update. Let me know if... 03/21/2012 07:54:49 PM

**From:** Gina McCarthy/DC/USEPA/US  
**To:** Richard Windsor/DC/USEPA/US@EPA  
**Cc:** Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
**Date:** 03/21/2012 07:54 PM  
**Subject:** Re: A Few Updates Needed -

Attached is my update. Let me know if you need anything else.

[attachment "3.21.12 update.docx" deleted by Diane Thompson/DC/USEPA/US] [attachment "O&G API Oil and Gas Study INTERNAL EPA Response 3.21.12.docx" deleted by Diane Thompson/DC/USEPA/US]

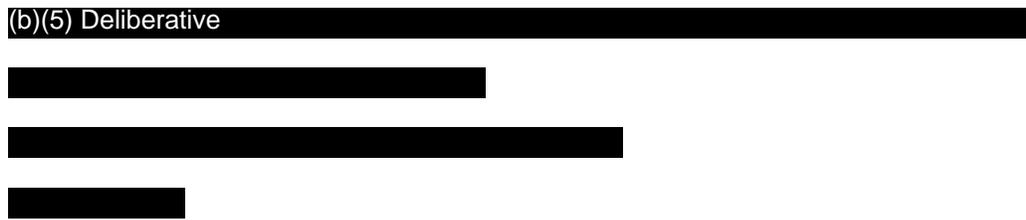
Richard Windsor Folks, (b)(5) Deliberative 03/21/2012 05:16:53 PM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA  
**Date:** 03/21/2012 05:16 PM  
**Subject:** A Few Updates Needed -

Folks,

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

(b)(5) Deliberative

The text "(b)(5) Deliberative" is followed by four thick black horizontal bars of varying lengths, which redact the content of the document. The bars are positioned at approximately y=103, y=135, y=165, and y=195.

Thanks folks. Please keep these brief. Lisa

01268-EPA-6189

**Gina McCarthy/DC/USEPA/US**

To Richard Windsor

cc

03/22/2012 11:28 PM

bcc

Subject Trojan horse

(b)(5) Deliberative



01268-EPA-6190

**Richard Windsor/DC/USEPA/US**  
03/22/2012 11:30 PM

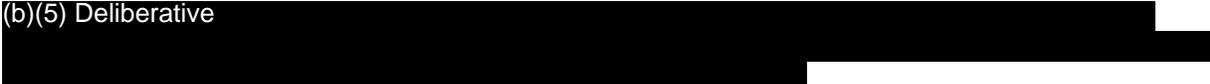
To Gina McCarthy  
cc  
bcc  
Subject Re: Trojan horse

K. Good night.  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/22/2012 11:28 PM EDT  
**To:** Richard Windsor  
**Subject:** Trojan horse

(b)(5) Deliberative



01268-EPA-6191

Gina McCarthy/DC/USEPA/US

03/25/2012 10:18 PM

To Richard Windsor

cc "Arvin Ganesan", "Bob Perciasepe", "Michael Goo", "Bob Sussman", "Diane Thompson"

bcc

Subject Wednesday's Gas Price Hearing at House Energy and Commerce

Administrator - (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-6192

**Richard Windsor/DC/USEPA/US**  
03/25/2012 10:33 PM

To Gina McCarthy  
cc "Arvin Ganesan", "Bob Perciasepe", "Michael Goo", "Bob Sussman", "Diane Thompson"  
bcc

Subject Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) Deliberative [Redacted]

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/25/2012 10:18 PM EDT  
**To:** Richard Windsor  
**Cc:** "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Wednesday's Gas Price Hearing at House Energy and Commerce  
Administrator - (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-6193

Gina McCarthy/DC/USEPA/US

To Richard Windsor

03/25/2012 10:34 PM

cc

bcc

Subject Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) Deliberative

Richard Windsor

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

From: Richard Windsor

Sent: 03/25/2012 10:33 PM EDT

To: Gina McCarthy

Cc: "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>

Subject: Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) Deliberative

Gina McCarthy

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

From: Gina McCarthy

Sent: 03/25/2012 10:18 PM EDT

To: Richard Windsor

Cc: "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>

Subject: Wednesday's Gas Price Hearing at House Energy and Commerce

Administrator - (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]



01268-EPA-6194

Michael Goo/DC/USEPA/US  
03/25/2012 11:37 PM

To Arvin Ganesan, Richard Windsor, Gina McCarthy  
cc "Arvin Ganesan", "Bob Perciasepe", "Michael Goo", "Robert Sussman", "Diane Thompson"  
bcc  
Subject Re: Wednesday's Gas Price Hearing at House Energy and Commerce

Gina: (b)(5) Deliberative

[Redacted]

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 03/25/2012 10:36 PM EDT  
**To:** Richard Windsor; Gina McCarthy  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Robert Sussman" <sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) Deliberative

[Redacted]

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/25/2012 10:33 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) Deliberative

[Redacted]

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/25/2012 10:18 PM EDT  
**To:** Richard Windsor  
**Cc:** "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Wednesday's Gas Price Hearing at House Energy and Commerce

Administrator - (b)(5) Deliberative

[Redacted]

(b)(5) Deliberative [Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-6195

**Bob  
Perciasepe/DC/USEPA/US**  
03/26/2012 06:25 AM

To Michael Goo, Arvin Ganesan, Richard Windsor, Gina  
McCarthy  
cc "Arvin Ganesan", "Bob Perciasepe", "Michael Goo", "Robert  
Sussman", "Diane Thompson"  
bcc  
Subject RE: Wednesday's Gas Price Hearing at House Energy and  
Commerce

So

(b)(5) Deliberative  
[Redacted]

Bob Perciasepe  
Deputy Administrator  
(o) 202 564 4711  
(c) (b) (5) Deliberative

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

From : Michael Goo/DC/USEPA/US  
To : Arvin Ganesan/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Gina  
McCarthy/DC/USEPA/US@EPA  
Cc : "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Bob Perciasepe" <perciasepe.bob@epa.gov>,  
"Michael Goo" <goo.michael@epa.gov>, "Robert Sussman" <sussman.bob@epa.gov>, "Diane  
Thompson" <thompson.diane@epa.gov>  
Sent on : 03/25/2012 11:37:10 PM  
Subject : Re: Wednesday's Gas Price Hearing at House Energy and Commerce

Gina: (b)(5) Deliberative  
[Redacted]

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 03/25/2012 10:36 PM EDT  
**To:** Richard Windsor; Gina McCarthy  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe"  
<perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Robert  
Sussman" <sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: Wednesday's Gas Price Hearing at House Energy and Commerce

(b)(5) Deliberative  
[Redacted]

Sent from my Blackberry Wireless Device  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/25/2012 10:33 PM EDT  
**To:** Gina McCarthy  
**Cc:** "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>  
**Subject:** Re: Wednesday's Gas Price Hearing at House Energy and Commerce  
(b)(5) Deliberative

Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 03/25/2012 10:18 PM EDT  
**To:** Richard Windsor  
**Cc:** "Arvin Ganesan" <Ganesan.Arvin@EPA.GOV>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Michael Goo" <goo.michael@epa.gov>; "Bob Sussman" <Sussman.bob@EPA.GOV>; "Diane Thompson" <Thompson.Diane@EPA.GOV>  
**Subject:** Wednesday's Gas Price Hearing at House Energy and Commerce  
Administrator - (b)(5) Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

01268-EPA-6196

Nancy Stoner/DC/USEPA/US

04/10/2012 12:31 PM

To Scott Fulton, Richard Windsor

cc Bob Perciasepe, "thompson diane", "garbow avi"

bcc

Subject Re: Recommendation Regarding Appeal in Mingo Logan Coal Co. v EPA (Civil Action No. 10-0451 (ABJ))

Administrator,

(b)(5) Deliberative

Nancy  
Nancy K. Stoner  
Scott Fulton

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

**From:** Scott Fulton

**Sent:** 04/10/2012 11:36 AM EDT

**To:** Richard Windsor

**Cc:** Bob Perciasepe; thompson.diane@epa.gov; Nancy Stoner; garbow.avi@epa.gov

**Subject:** Recommendation Regarding Appeal in Mingo Logan Coal Co. v EPA (Civil Action No. 10-0451 (ABJ))

Administrator --(b)(5) Deliberative

[Redacted]

[Redacted]

Scott

----- Forwarded by Scott Fulton/DC/USEPA/US on 04/10/2012 11:19 AM -----

From: Gail-R Jones/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
Date: 04/10/2012 11:18 AM  
Subject: Recommendation Regarding Appeal in Mingo Logan Coal Co. v EPA (Civil Action No. 10-0451 (ABJ))

Here is the letter you requested.

[attachment "Moreno Letter 3.30.12.pdf" deleted by Nancy Stoner/DC/USEPA/US]

Gail R. Jones  
Program Specialist  
Principal Deputy General Counsel  
Environmental Protection Agency  
Mail Stop 2310A

Room 4020C  
Washington, DC 20460  
Main Telephone: 202-564-8064  
Direct Telephone: 202-564-0952

01268-EPA-6197

**Richard Windsor/DC/USEPA/US**  
04/10/2012 12:54 PM

To Scott Fulton  
cc Bob Perciasepe, "Diane Thompson", Nancy Stoner, "garbow avi"  
bcc

Subject (b) (5)  
[Redacted]

Tx. Please keep me posted.  
Scott Fulton

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

**From:** Scott Fulton  
**Sent:** 04/10/2012 11:36 AM EDT  
**To:** Richard Windsor  
**Cc:** Bob Perciasepe; thompson.diane@epa.gov; Nancy Stoner; garbow.avi@epa.gov  
**Subject:** (b) (5)

Administrator --(b)(5) Deliberative  
[Redacted]

[Redacted]

[Redacted]

Scott

----- Forwarded by Scott Fulton/DC/USEPA/US on 04/10/2012 11:19 AM -----

**From:** Gail-R Jones/DC/USEPA/US  
**To:** Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
**Date:** 04/10/2012 11:18 AM  
**Subject:** (b) (5)

Here is the letter you requested.

[attachment "Moreno Letter 3.30.12.pdf" deleted by Richard Windsor/DC/USEPA/US]

Gail R. Jones  
Program Specialist  
Principal Deputy General Counsel  
Environmental Protection Agency  
Mail Stop 2310A  
Room 4020C  
Washington, DC 20460  
Main Telephone: 202-564-8064  
Direct Telephone: 202-564-0952



01268-EPA-6198

Richard Windsor/DC/USEPA/US  
04/10/2012 02:56 PM

To "Bob Perciasepe"  
cc  
bcc  
Subject Fw: (b) (5) Attorney Client, (b) (5) Atty Work Prod, (b) (5) Deliberative

Scott Fulton

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

From: Scott Fulton  
Sent: 04/10/2012 11:36 AM EDT  
To: Richard Windsor  
Cc: Bob Perciasepe; thompson.diane@epa.gov; Nancy Stoner; garbow.avi@epa.gov

Subject: (b) (5) Administrator --(b) (5) Attorney Client, (b) (5) Atty Work Prod, (b) (5) Deliberative

[Redacted]

[Redacted]

Scott

----- Forwarded by Scott Fulton/DC/USEPA/US on 04/10/2012 11:19 AM -----

From: Gail-R Jones/DC/USEPA/US  
To: Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA  
Date: 04/10/2012 11:18 AM  
Subject: (b) (5)

Here is the letter you requested.

(b) (5) Attorney Client, (b) (5) Atty Work Prod, (b) (5) Deliberative  
Moreno Letter 3.30.12.pdf

Gail R. Jones  
Program Specialist  
Principal Deputy General Counsel  
Environmental Protection Agency  
Mail Stop 2310A  
Room 4020C  
Washington, DC 20460  
Main Telephone: 202-564-8064  
Direct Telephone: 202-564-0952



01268-EPA-6200

Noah Dubin/DC/USEPA/US

To

04/23/2012 05:44 PM

cc

bcc Richard Windsor

Subject 04/25/2012 thru 05/08/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator**

**Lisa P. Jackson**

**Schedule**

04/23/2012 05:41:55 PM

**Wednesday, 4/25/2012**

**09:30 AM-10:00 AM Video Taping for the 2012 Youth Sustainability Challenge Launch**

Ct: Ryan Robison - 202\*-564-2856

CEQ Ct: Rebecca Ferdman - (b) (6) Privacy

Attendees:

CEQ Chair, Nancy Sutley

CEQ Communications Director, Taryn Tuss

Staff:

Kathy Hurld (OITA)

Andra Belknap, Ron Slotkin (OEAE)

Optional:

Elle Beard (OITA)

Location: MOSS Studio

**10:15 AM-10:45 AM HOLD: Phone Interview with New Jersey Star Ledger**

Ct: Alisha Johnson - 202-564-4373

10:15 - Prep

10:25 - Interview

Location: Administrator's Office

**10:45 AM-11:00 AM Depart for Capitol**

Location: Ariel Rios

**11:00 AM-12:00 PM Memorial Service in Honor of Representative Payne**

Ct: Amirah.Salaam@mail.house.gov or (202) 225-3436- work

(614) 537-4412- cell

Location: Statuary Hall, U.S. Capitol.

**12:00 PM-12:15 PM Depart for Hart Senate Building**

Location: Capitol

**12:15 PM-12:45 PM Meeting with Senator Kohl and Congresswoman Baldwin (WI)**

Ct: Ryan Robison - 202-564-2856

Sen. Ct: Arlene Branca Arlene\_Branca@kohl.senate.gov

Rep. Ct: Maureen Hekmat - Maureen.Hekmat@mail.house.gov

Attendees:

Senator Kohl

Brian Heindl, Legislative Assistant; Chad Metzler, Legislative Director

Congresswoman Baldwin

Ken Reidy, Legislative Director

Staff:

Arvin Ganesan, Laura Vaught (OCIR)

Location: Senator's Kohl's Office -  
Hart Senate Building- Room #330 (3rd floor)

-----  
**12:45 PM-01:00 PM DEPART for Ariel Rios**

Location: Capitol Hill

-----  
**01:15 PM-02:00 PM Administrative Professionals Day Event**

Ct: Brian Twillman - 202-564-5948

Run of Show:

1:15 - 1:20: Special Remarks and Introduction of the Administrator by Bob Perciasepe, Deputy Administrator

1:20 - 1:30: Remarks by Lisa P. Jackson, Administrator

1:30 - 1:55: Presentation of Certificates by Individual Office - Jose Lozano, Deputy Chief of Staff

-(Group Photos with the Administrator will be taken with each AO AAship and Program Office)

1:55 - 2:00: Closing Remarks and Acknowledgements by Jose Lozano, Deputy Chief of Staff

Location: Green Room

-----  
**02:00 PM-02:20 PM Depart for DCA**

Location: Ariel Rios

-----  
**02:15 PM-02:40 PM Phone Call with Region 4 re: ChemFax Chemicals**

Ct: Brenda Beverly - 404-562-8348

Staff:

Gwen Keyes Fleming, Stan Meiburg (R4)

Janet Woodka (OA)

Sarah Pallone (OCIR)

Cynthia Giles (OECA)

Mathy Stanislaus (OSWER)

Optional:

Bob Perciasepe, Diane Thompson (OA)

\*\*Teleconferencing is required for this call

Location: By Phone

-----

**03:00 PM-04:21 PM En Route to New York City**  
US Airways Flight 2176

Departs Washington, DC (DCA): 3:00 PM

Arrives New York, NY (LGA): 4:21 PM

Location: En Route to New York City  
-----

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

**05:00 PM-05:15 PM HOLD: Call with Senator Dick Durbin**  
Ct: Ryan Robison - 202-564-2856  
Sen. Ct: Claire Reuschel - 202-224-7026  
Location: By Phone  
-----

---

**Thursday, 4/26/2012**

---

**08:00 AM-07:00 PM Events in NYC and Boston**  
Ct: Liz Ashwell 564.1008

11-11:30a Speak at Climate and Energy Funders Group Annual Meeting, NYC --  
Paige Brown, pbrown@cgbid.org

2:00 PM Ceres Conference, Boston  
Stacy Thompson, thompson@ceres.org  
Location: NYC/Boston  
-----

**08:45 AM-09:30 AM FYI: Daily Briefing**  
Location: Administrator's Office  
-----

**11:00 AM-12:11 PM En Route to Boston**  
Delta Flight 1380

Departs New York (LGA): 11:00 AM

Arrives Boston, MA (BOS): 12:11 PM

Location: En Route to Boston  
-----

**04:00 PM-05:28 PM En Route to Washington, DC**  
US Airways Flight 2041

Departs Boston, MA (BOS): 4:00 PM

Arrives Washington, DC (DCA): 5:28 PM

Location: En Route to Washington, DC  
-----

---

**Friday, 4/27/2012**

---

**08:30 AM-08:45 AM Hold: Personnel Discussion**

Ct: Kelley Smith 564.2308

Location: Administrator's Office

-----  
**09:15 AM-09:45 AM**    **Hold: Coffee**  
Coffee with Jay Carson, C40 Cities Climate Leadership Group  
Ct: Jamie Staugler jstaugler@c40.com or 917.510.5408  
Location: Administrator's Office  
-----

**10:00 AM-10:20 AM**    **En route to American University**  
  
Location: 4400 Massachusetts Avenue, NW, Washington, DC 20016  
-----

**10:30 AM-11:30 AM**    **American University Townhall**  
Ct: Dan Jacobs 202-885-6375

Run of Show:

10:30 AM- Dan Jacobs will introduce Administrator Jackson  
10:35-10:45 AM: Administrator Jackson delivers remarks  
10:50-11:20 AM: Q & A Session Moderated by Dan Jacobs  
11:20-11:25 AM: Dan Jacobs will wrap up session  
11:30 AM: Administrator Jackson departs

-----  
**12:00 PM-06:00 PM**    **Hold: Out of Office**  
See EA  
-----

**07:00 PM-11:00 PM**    **HOLD: New Yorker White House Correspondents ' Dinner Reception**  
Location: Rooftop of the W Hotel,  
515 15th St. NW,  
Washington, DC  
-----

**Saturday, 4/28/2012**

**04:00 PM-10:00 PM**    **HOLD for WH Correspondents ' Dinner**  
-----

**06:00 PM-07:30 PM**    **Washington Post White House Correspondents ' Dinner Reception**  
Location: Jefferson Room, Washington Hilton,  
1919 Connecticut Ave. NW,  
Washington, DC  
-----

**Sunday, 4/29/2012**

**11:00 AM-02:00 PM**    **Politico White House Correspondents ' Weekend Brunch**  
Ashley Summers - asummers@politico.com  
Location: Private Residence  
-----

**Monday, 4/30/2012**

**08:45 AM-09:30 AM**    **Daily Briefing**

Location: Administrator's Office

-----  
**08:45 AM-02:00 PM    No Meetings**

See Liz Ashwell or Jose Lozano

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM    FYI: Senior Staff**

Location: Bullet Room

-----  
**Tuesday, 5/1/2012**  
-----

**09:45 AM-10:00 AM    Exit Photo with Erica Jeffries**

Ct: Ryan Robison - 202-564-2856

Staff:

Erica Jeffries (OCFO)

Location: Administrator's Office

-----  
**10:15 AM-10:45 AM    One on One with Jim Jones**

Ct: Gloria Milhouse - 202-564-4206

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**11:00 AM-11:15 AM    Phone Interview with Beccastone .com**

Ct: Andra Belknap - 202-564-0369

Location: Administrator's Office

-----  
**11:30 AM-12:00 PM    Briefing on Classification Documents**

Ct: John Martin - 202-564-2616

Staff:

Debbie Dietrich, Juan Reyes, Steve Williams, Jon Herrmann, Peter Jutro, Tanya

Nichols, Diane Lasher (OHS)

Jose Lozano (OA)

Lek Kadeli (ORD)

Craig Hooks, Tami Franklin (OARM)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:10 PM-01:30 PM    Depart for Kellogg Center**

Location: Ariel Rios

-----  
**01:30 PM-02:00 PM    Stkhldr Mtg w/ Interfaith Power and Light**

Ct: Dru Ealons

30 minute meeting or drop-by with Interfaith Power and Light/ Sally Bingham  
Location: Kellogg Conference Hotel (Gallaudet University)  
800 Florida Avenue, NE  
Washington, DC 20002 Ballroom A&B

-----  
**02:00 PM-02:15 PM**    **Depart for Ariel Rios**  
Location: Kellogg Center

-----  
**02:30 PM-03:00 PM**    **One on One with Larry Elworth**  
Ct: Cheryl Woodward - 202-564-1274

Staff:  
Larry Elworth (Ag Counsel)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:30 PM-05:00 PM**    **All Hands Videoconferenced Meeting**  
Ct: Kelley Smith/Taylor Fiscuss  
Location: Green Room

---

**Wednesday, 5/2/2012**

---

**09:45 AM-10:00 AM**    **Depart for EEOB**  
Location: Ariel Rios

-----  
**10:00 AM-10:30 AM**    **Environmental Defense Fund Board Meeting**  
Ct: Carol Kinzler - ckinzler@edf.org

\*\*The Administrator will deliver brief, informal remarks, then engage in discussion with members of the Board

Location: Indian Treaty Room, EEOB

-----  
**10:30 AM-10:45 AM**    **Depart for Ariel Rios**  
Location: EEOB

-----  
**11:00 AM-11:20 AM**    **HOLD: World Science Fair Interview**  
Ct: Alisha Johnson

-----  
**11:20 AM-11:50 AM**    **One on One with Peter Grevatt**  
Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:  
Peter Grevatt (OCHP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**11:50 AM-12:00 PM**    **Staff Discussion**  
Ct: Noah Dubin - 202-564-7314

Location: Administrator's Office  
-----

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

Location: Administrator's Office  
-----

**01:00 PM-01:45 PM Options Selection: Light-Duty GHG Standards 2017-2025 FRM**

Ct: Cindy Huang - 202-564-1850

Staff:

Bob Perciasepe, Bob Sussman (OA)

Gina McCarthy, Don Zinger, Lorie Schmidt, Kirsten King, Margo Oge, Lori

Stewart, Karen Orehowsky, Chet France, William Charmley, Robin Moran, Ed Nam  
(OAR)

Scott Fulton (OGC)

Michael Goo (OP)

Lek Kadeli (ORD)

Cynthia Giles (OECA)

Al Armendariz (R6)

Optional:

Diane Thompson (OA)

Arvin Ganesan (OCIR)

Ann Wolverton, Heather Klemick, William Nickerson (OP)

Anne Wick (OECA)

John Hannon, Steven Silverman (OGC)

Larke William (ORD)

Sandra Rennie (R6)

Matthew Davis (OCHP)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room  
-----

**02:00 PM-02:30 PM One on One with Nancy Stoner**

Ct: Martha Workman - 202-564-3774

Staff:

Nancy Stoner (OW)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**02:45 PM-03:15 PM One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OCFO)

Location: Administrator's Office  
-----

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

Location: Bullet Room  
-----

**Thursday, 5/3/2012**

**08:45 AM-09:30 AM Daily Briefing**  
Location: Administrator's Office

**10:00 AM-10:30 AM One on One with Mathy Stanislaus**  
Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

**10:45 AM-11:05 AM HOLD: World Science Fair Interview**  
Ct: Alisha Johnson

**11:30 AM-12:00 PM Hold: Remarks at Chesapeake Bay Commission Meeting**  
Ct: Jeff Corbin, (215) 667-9304

Requesting 30 minutes between 11:30-2:30p  
Location: Capitol Visitor's Center, Room TBD

**12:15 PM-01:45 PM Out of Office**  
Location: Out of Office

**04:00 PM-05:30 PM Depart for IAD**  
Location: Ariel Rios

**05:49 PM-11:40 PM En Route to Portland, OR**  
United Airlines Flight 251

Departs Washington, DC (IAD): 5: 49 PM EST

Arrives Portland, OR (PDX): 8: 40 PST

**Friday, 5/4/2012**

**05:00 AM-08:00 PM HOLD: River Rally 2012**  
Ct: Sonia Altieri (OW)  
Location: Portland, OR

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

**Saturday, 5/5/2012**

**05:00 AM-08:00 PM HOLD: River Rally 2012**  
Ct: Sonia Altieri (OW)

Location: Portland, OR  
-----

**10:36 AM-03:30 PM**    **En Route to Washington , DC**  
United Flight 250

Departs Portland, OR (PDX): 7:36 AM PST

Arrives Washington, DC (IAD): 3:30 PM EST  
-----

---

**Sunday, 5/6/2012**

---

**02:00 PM-03:30 PM**    **Hold: Navy Spring Reception**  
Location: Tingey House, Washington Navy Yard  
-----

---

**Monday, 5/7/2012**

---

**08:45 AM-09:30 AM**    **Daily Briefing**  
Location: Administrator's Office  
-----

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

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

---

**Tuesday, 5/8/2012**

---

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

---

\*\*\* END \*\*\*

01268-EPA-6201

Noah Dubin/DC/USEPA/US

To

04/24/2012 05:00 PM

cc

bcc Richard Windsor

Subject 04/26/2012 thru 05/09/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

04/24/2012 04:56:24 PM

**Thursday, 4/26/2012**

**08:15 AM-08:25 AM** Depart for Millennium UN Plaza Hotel  
Location: Hotel

**08:30 AM-09:00 AM** Climate and Energy Funders Annual Meeting  
Location: Millennium UN Plaza Hotel,  
1 United Nations Plaza,  
New York City, NY

**08:45 AM-09:30 AM** FYI: Daily Briefing  
Location: Administrator's Office

**09:00 AM-09:20 AM** Depart for LGA

**11:00 AM-12:11 PM** En Route to Boston  
Delta Flight 1380

Departs New York (LGA): 11:00 AM

Arrives Boston, MA (BOS): 12:11 PM

Location: En Route to Boston

**02:00 PM-02:30 PM** Remarks at Ceres Conference 2012  
Location: Westin Boston Waterfront Hotel,  
425 Summer Street, Boston, MA

**02:45 PM-03:00 PM** Depart for BOS  
Location: Westin Waterfront

**04:00 PM-05:28 PM** En Route to Washington , DC  
US Airways Flight 2041

Departs Boston, MA (BOS): 4:00 PM

Arrives Washington, DC (DCA): 5:28 PM

Location: En Route to Washington, DC

**Friday, 4/27/2012**

**08:30 AM-08:45 AM**    **Hold: Personnel Discussion**  
Ct: Kelley Smith 564.2308

Location: Administrator's Office  
-----

**09:15 AM-09:45 AM**    **Hold: Coffee**  
Coffee with Jay Carson, C40 Cities Climate Leadership Group  
Ct: Jamie Staugler jstaugler@c40.com or 917.510.5408  
Location: Administrator's Office  
-----

**10:00 AM-10:20 AM**    **En route to American University**

Location: 4400 Massachusetts Avenue, NW, Washington, DC 20016  
-----

**10:30 AM-11:30 AM**    **American University Townhall**  
Ct: Dan Jacobs 202-885-6375

Run of Show:

10:30 AM- Dan Jacobs will introduce Administrator Jackson  
10:35-10:45 AM: Administrator Jackson delivers remarks  
10:50-11:20 AM: Q & A Session Moderated by Dan Jacobs  
11:20-11:25 AM: Dan Jacobs will wrap up session  
11:30 AM: Administrator Jackson departs

-----  
**12:00 PM-06:00 PM**    **Hold: Out of Office**  
See EA  
-----

**07:00 PM-11:00 PM**    **HOLD: New Yorker White House Correspondents ' Dinner Reception**  
Location: Rooftop of the W Hotel,  
515 15th St. NW,  
Washington, DC  
-----

---

**Saturday, 4/28/2012**

---

**04:00 PM-10:00 PM**    **HOLD for WH Correspondents ' Dinner**  
-----

**06:00 PM-07:30 PM**    **Washington Post White House Correspondents ' Dinner Reception**  
Location: Jefferson Room, Washington Hilton,  
1919 Connecticut Ave. NW,  
Washington, DC  
-----

---

**Sunday, 4/29/2012**

---

**11:00 AM-02:00 PM**    **Politico White House Correspondents ' Weekend Brunch**  
Ashley Summers - asummers@politico.com  
Location: Private Residence  
-----

---

**Monday, 4/30/2012**

---

**08:45 AM-09:30 AM Daily Briefing**

Location: Administrator's Office

**08:45 AM-02:00 PM No Meetings**

See Liz Ashwell or Jose Lozano

Location: Administrator's Office

**01:00 PM-02:00 PM FYI: Senior Staff**

Location: Bullet Room

**03:30 PM-06:00 PM Out of Office**

Location: Out of Office

**Tuesday, 5/1/2012**

**09:45 AM-10:00 AM Exit Photo with Erica Jeffries**

Ct: Ryan Robison - 202-564-2856

Staff:

Erica Jeffries (OCFO)

Location: Administrator's Office

**10:15 AM-10:45 AM One on One with Jim Jones**

Ct: Gloria Millhouse - 202-564-4206

Staff:

Jim Jones (OCSPP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**11:00 AM-11:15 AM Phone Interview with Beccastone .com**

Ct: Andra Belknap - 202-564-0369

Location: Administrator's Office

**11:30 AM-12:00 PM Briefing on Classification Documents**

Ct: John Martin - 202-564-2616

Staff:

Debbie Dietrich, Juan Reyes, Steve Williams, Jon Herrmann, Peter Jutro, Tanya

Nichols, Diane Lasher (OHS)

Jose Lozano (OA)

Lek Kadeli (ORD)

Craig Hooks, Tami Franklin (OARM)

Location: Administrator's Office

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

Location: Administrator's Office

**01:10 PM-01:30 PM Depart for Kellogg Center**

Location: Ariel Rios

-----  
**01:30 PM-02:00 PM Stakeholder Meeting with Interfaith Power and Light**  
Ct: Rev. Canon Sally G. Bingham - 415-561-4891 or  
sally@thegenerationproject.org  
EPA Ct: Dru Ealons - 202-564-7818

30 minute meeting or drop-by with Interfaith Power and Light/ Sally Bingham  
Location: Kellogg Conference Hotel (Gallaudet University)  
800 Florida Avenue, NE  
Washington, DC 20002 Ballroom A&B

-----  
**02:00 PM-02:15 PM Depart for Ariel Rios**  
Location: Kellogg Center

-----  
**02:15 PM-02:45 PM One on One with Larry Elworth**  
Ct: Cheryl Woodward - 202-564-1274

Staff:  
Larry Elworth (Ag Counsel)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:00 PM-03:20 PM Discussion re: Tulane Commencement**  
Ct: Noah Dubin - 202-564-7314

Staff:  
Brendan Gilfillan, Michael Moats (OEAE)

Location: Administrator's Office

-----  
**03:30 PM-05:00 PM All Hands Videoconferenced Meeting**  
Ct: Kelley Smith/Taylor Fiscuss  
Location: Green Room

---

**Wednesday, 5/2/2012**

---

**09:45 AM-10:00 AM Depart for EEOB**  
Location: Ariel Rios

-----  
**10:00 AM-10:30 AM Environmental Defense Fund Board Meeting**  
Ct: Carol Kinzler - ckinzler@edf.org

Staff:  
Arvin Ganesan (OCIR)

\*\*The Administrator will deliver brief, informal remarks, then engage in discussion with members of the Board

Location: Indian Treaty Room, EEOB

-----  
**10:30 AM-10:45 AM Depart for Ariel Rios**

Location: EEOB

-----  
**11:15 AM-11:40 AM On-Camera Interview for the World Science Fair**  
Ct: Andra Belknap - 202-564-0369

10:55 - Prep

11:00 - Interview

Staff:  
Andra Belknap (OEAE)

Location: Reception Area outside Administrator's Office

-----  
**11:50 AM-12:00 PM Staff Discussion**  
Ct: Noah Dubin - 202-564-7314

Location: Administrator's Office

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

-----  
**01:00 PM-01:45 PM Options Selection: Light-Duty GHG Standards 2017-2025 FRM**  
Ct: Cindy Huang - 202-564-1850

Staff:  
Bob Perciasepe, Bob Sussman (OA)  
Gina McCarthy, Don Zinger, Lorie Schmidt, Kirsten King, Margo Oge, Lori Stewart, Karen Orehowsky, Chet France, William Charmley, Robin Moran, Ed Nam (OAR)  
Scott Fulton (OGC)  
Michael Goo (OP)  
Lek Kadeli (ORD)  
Cynthia Giles (OECA)  
Al Armendariz (R6)

Optional:  
Diane Thompson (OA)  
Arvin Ganesan (OCIR)  
Ann Wolverton, Heather Klemick, William Nickerson (OP)  
Anne Wick (OECA)  
John Hannon, Steven Silverman (OGC)  
Larke William (ORD)  
Sandra Rennie (R6)  
Matthew Davis (OCHP)

\*\*Teleconferencing is required for this meeting

Location: Bullet Room

-----  
**02:00 PM-02:30 PM One on One with Nancy Stoner**  
Ct: Martha Workman - 202-564-3774

Staff:  
Nancy Stoner (OW)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**02:00 PM-03:15 PM    HOLD: In-Person Interview with New Jersey Star Ledger**  
Ct: Alisha Johnson - 202-564-4373

Offered 2 or 2:45

Location: Administrator's Office

-----  
**02:45 PM-03:15 PM    One on One with Barbara Bennett**  
Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:  
Barbara Bennett (OCFO)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OCFO)  
Location: Administrator's Office

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

---

**Thursday, 5/3/2012**

---

**08:45 AM-09:30 AM    Daily Briefing**  
Location: Administrator's Office

-----  
**10:00 AM-10:30 AM    One on One with Mathy Stanislaus**  
Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**11:30 AM-12:00 PM    Hold: Remarks at Chesapeake Bay Commission Meeting**  
Ct: Jeff Corbin, (215) 667-9304

Requesting 30 minutes between 11:30-2:30p  
Location: Capitol Visitor's Center, Room TBD

-----  
**12:15 PM-01:45 PM    Out of Office**  
Location: Out of Office

-----  
**02:30 PM-03:00 PM    Briefing Update on JIUS**  
Ct: Elle Beard - 202-564-7723

Staff:  
Diane Thompson, Jose Lozano (OA)  
Barbara Bennett, Erica Jeffries (OCFO)  
Michelle DePass, Shalini Vajjhala, Elle Beard (OITA)

Lisa Feldt (OSWER)  
Tseming Yang (OGC)  
Bicky Corman (OP)  
Location: Administrator's Office

-----  
**04:00 PM-05:30 PM**    **Depart for IAD**  
Location: Ariel Rios

-----  
**05:49 PM-11:40 PM**    **En Route to Portland, OR**  
United Airlines Flight 251

Departs Washington, DC (IAD): 5: 49 PM EST

Arrives Portland, OR (PDX): 8: 40 PST  
-----

**Friday, 5/4/2012**

**05:00 AM-08:00 PM**    **HOLD: River Rally 2012**  
Ct: Sonia Altieri (OW)  
Location: Portland, OR

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

**Saturday, 5/5/2012**

**05:00 AM-08:00 PM**    **HOLD: River Rally 2012**  
Ct: Sonia Altieri (OW)

Location: Portland, OR  
-----

**10:36 AM-03:30 PM**    **En Route to Washington, DC**  
United Flight 250

Departs Portland, OR (PDX): 7:36 AM PST

Arrives Washington, DC (IAD): 3:30 PM EST  
-----

**Sunday, 5/6/2012**

**02:00 PM-03:30 PM**    **Hold: Navy Spring Reception**  
Location: Tingey House, Washington Navy Yard  
-----

**Monday, 5/7/2012**

**08:45 AM-09:30 AM**    **Daily Briefing**  
Location: Administrator's Office  
-----

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

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

---

**Tuesday, 5/8/2012**

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

---

**Wednesday, 5/9/2012**

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

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

---

**\*\*\* END \*\*\***

01268-EPA-6202

**Richard Windsor/DC/USEPA/US**  
04/26/2012 10:07 AM

To Diane Thompson  
cc  
bcc  
Subject Re: Cabinet Rept

(b)(5) Deliberative

Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 04/26/2012 10:04 AM EDT  
**To:** Richard Windsor  
**Subject:** Cabinet Rept

(b)(5) Deliberative

\*\*\*\*\*

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

01268-EPA-6203

**Richard Windsor/DC/USEPA/US**  
04/26/2012 10:58 AM

To Diane Thompson  
cc  
bcc

Subject Re: Cabinet Rept Draft

There is a typo. Otherwise great. Tx.  
Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 04/26/2012 10:57 AM EDT  
**To:** Richard Windsor  
**Subject:** Re: Cabinet Rept Draft

Thoughts:

(b)(5) Deliberative  
[Redacted]

\*\*\*\*\*

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

Richard Windsor (b)(5) Deliberative 04/26/2012 10:07:29 AM

**From:** Richard Windsor/DC/USEPA/US  
**To:** Diane Thompson/DC/USEPA/US@EPA  
**Date:** 04/26/2012 10:07 AM  
**Subject:** Re: Cabinet Rept

(b)(5) Deliberative  
[Redacted]

Diane Thompson

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

**From:** Diane Thompson  
**Sent:** 04/26/2012 10:04 AM EDT  
**To:** Richard Windsor  
**Subject:** Cabinet Rept

(b)(5) Deliberative  
[Redacted]

\*\*\*\*\*

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

01268-EPA-6204

Noah Dubin/DC/USEPA/US

To

05/04/2012 05:00 PM

cc

bcc Richard Windsor

Subject 05/08/2012 thru 05/21/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

05/04/2012 04:46:47 PM

**Tuesday, 5/8/2012**

**05:00 AM-08:00 PM** Out of Office  
Location: Out of Office  
-----

**Wednesday, 5/9/2012**

**05:00 AM-08:00 PM** Out of Office  
Location: Out of Office  
-----

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

**Thursday, 5/10/2012**

**05:00 AM-08:00 PM** Out of Office  
Location: Out of Office  
-----

**08:45 AM-09:30 AM** FYI: Daily Briefing  
Location: Administrator's Office  
-----

**Friday, 5/11/2012**

**05:00 AM-08:00 PM** Out of Office  
Location: Out of Office  
-----

**Saturday, 5/12/2012**

**Sunday, 5/13/2012**

**Monday, 5/14/2012**

**08:20 AM-09:30 AM** EPA Technology Market Summit  
Ct: Rita Smith - 202-564-5044

8:20 - 8:35: Welcome - President Neil Kerwin, American University

8:35 - 8:45: Overview of Summit  
-Deputy Administrator Bob Perciasepe, EPA

8:45 - 9:00: "EPA's Role in Enabling Environmental Markets"  
-Administrator Lisa P. Jackson, EPA

9:00 - 9:30: "Exporting US-based Environmental Technology"  
-Secretary Bryson, U.S. Department of Commerce  
-Honorable Ron Kirk, U. S. Trade Representative  
-Secretary Tom Vilsack, U.S. Department of Agriculture (invited)

9:30 -12:00: Concurrent Sessions for 3 Case Study Tracks

Location: Mary Graydon Center at American University, 4400 Massachusetts Avenue,  
NW, Washington, D.C

-----  
**08:45 AM-09:30 AM**    **FYI: Daily Briefing**  
Location: Administrator's Office

-----  
**09:30 AM-09:50 AM**    **Depart for Ariel Rios**  
Location: American University

-----  
**10:00 AM-10:30 AM**    **One on One with Malcolm Jackson**  
Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:  
Malcolm Jackson (OEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**10:45 AM-11:00 AM**    **Mid-Year PARS: Gladys Stroman**  
Ct: Veronica Burley - 202-564-7084

Staff:  
Gladys Stroman (OA)  
Location: Administrator's Office

-----  
**11:15 AM-12:00 PM**    **Briefing re: Analysis of Impact of Sackett v . EPA**  
Ct: Linda Huffman - 202-564-3139

Staff:  
Cynthia Giles, Larry Starfield, Steve Chester, Pam Mazakas, Mark Pollins, Carol  
Holmes, Elliott Gilberg (OECA)  
Scott Fulton (OGC)  
Nancy Stoner (OW)

Optional:  
Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Arvin Ganesan (OCIR)

Location: Bullet Room

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

-----  
**02:10 PM-02:20 PM Phone Call with Cheryl Mills**

Ct: Joanne Laszczych

LaszczychJ@state.gov; 202-647-5548

The Administrator will dial 202-647-5548 to be connected to Cheryl Mills.

Location: Administrator's Office

-----  
**02:20 PM-02:45 PM One on One with Larry Elworth**

Ct: Cheryl Woodward - 202-564-1274

Staff:

Larry Elworth (Ag Counsel)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:00 PM-03:45 PM Cookstoves Briefing**

Ct: Cindy Huang - 202-564-1850

BanfieldDA@state.gov

rtroutman@unfoundation.org

Attendees:

Dept. of State: Kris Balderston, Jacob Moss

UN Foundation: Radha Muthiah

Staff:

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

Michelle DePass (OITA)

Location: Administrator's Office

-----  
**04:00 PM-04:45 PM Briefing re: Chemical Plant Security**

Ct: Don Maddox - 202-564-7207

Staff:

Bob Sussman, Bob Perciasepe, Lisa Garcia (OA)

Mathy Stanislaus (OSWER)

Brendan Gilfillan (OEAE)

Optional:

Diane Thompson (OA)

Location: Administrator's Office

-----  
**05:00 PM-05:30 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202- 564-3139 (OECA)

Staff:  
Cynthia Giles (OECA)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**Tuesday, 5/15/2012**

**09:15 AM-09:45 AM Meet with Lisa Garcia**  
Ct: Ryan Robison - 202-564-2856

Staff:  
Lisa Garcia (OA)  
Location: Administrator's Office  
-----

**10:00 AM-10:15 AM Mid-Year PARS: Aaron Dickerson**  
Ct: Veronica Burley - 202-564-7084

Staff:  
Aaron Dickerson (OA)

Location: Administrator's Office  
-----

**10:30 AM-10:45 AM Staff Discussion**  
Ct: Noah Dubin - 202-564-7314

Location: Administrator's Office  
-----

**10:45 AM-11:00 AM Phone Interview with Beccastone .com**  
Ct: Andra Belknap - 202-564-0369  
Reporter: Stephanie Phillippis -  
202-942-5505

Location: Administrator's Office  
-----

**11:15 AM-11:30 AM Depart for Capitol TBD**  
Location: Ariel Rios  
-----

**11:30 AM-12:15 PM Meeting w/ Senator Reed (RI)**  
Ct: Ed Walsh/ Arvin Ganesen and  
rosanne\_haroian@reed.senate.gov / 202-224-4642

Staff:  
Arvin Ganesan (OCIR)

Location: TBD, Capitol Hill  
-----

**12:45 PM-01:00 PM Depart for National Portrait Gallery**  
Location: Ariel Rios

-----  
**01:00 PM-02:00 PM    Filming for the "Network Portrait Project"**

Ct: Beth Marrier - beth@lincolnschatz.com

EPA Ct: Andra Belknap

Location: National Portrait Gallery,  
800 F Street Northwest, Washington, DC

-----  
**02:00 PM-02:15 PM    Depart for Ariel Rios**

Location: National Portrait Gallery

-----  
**02:15 PM-03:15 PM    No Meetings**

Location: Administrator's Office

-----  
**03:15 PM-03:35 PM    Meeting with Rachel Carson Awards ' Men's and Women's Councils of the Audubon Society**

Ct: Sean Maher - 518-869-973, smahar@audubon.org

Staff:

Bob Perciasepe, Diane Thompson (OA)

Stephanie Owens (OEAE)

Location: Bullet Room

-----  
**03:45 PM-04:45 PM    Hearing Prep**

Ct: Laura Vaught - 202-564-0304

Staff:

Arvin Ganesan, Laura Vaught (OCIR)

Barb Bennett (OCFO)

Location: Administrator's Office

-----  
**04:45 PM-05:15 PM    One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OCFO)

Location: Administrator's Office

-----  
**Wednesday, 5/16/2012**

**10:15 AM-10:30 AM    Depart for Capitol**

Location: Ariel Rios

-----  
**10:30 AM-01:00 PM    Senate Appropriations Committee Budget Hearing**

Location: Capitol TBD

-----  
**01:15 PM-02:15 PM    No Meetings**

Location: Administrator's Office

-----  
**02:30 PM-03:30 PM    Meeting with Natural Gas CEOs**

Ct: Nena Shaw: 202-564-5106  
ANGA Ct: Jackie Scott: 202-789-2642, jscott@anga.us

CEO Attendees:  
Steve Farris, Apache  
Steve Mueller, Southwestern  
Chuck Stanley, QEP

Regina Hopper, President and CEO of ANGA  
Peter Robertson, SVP Legislative and Regulatory Affairs.

Staff:  
Bob Perciasepe, Bob Sussman (OA)  
Location: Bullet Room

-----  
**03:30 PM-04:30 PM    Senior Policy**  
Location: Bullet Room

-----  
**04:15 PM-05:00 PM    Out of Office**  
Location: Out of Office  
-----

**Thursday, 5/17/2012**

**08:45 AM-09:30 AM    Daily Briefing**  
Location: Administrator's Office

-----  
**10:00 AM-11:00 AM    Briefing on Classification Documents**  
Ct: John Martin - 202-564-2616

Staff:  
Debbie Dietrich, Juan Reyes, Steve Williams, Jon Herrmann, Peter Jutro, Tanya Nichols, Diane Lasher (OHS)  
Jose Lozano (OA)  
Lek Kadeli (ORD)  
Craig Hooks, Tami Franklin (OARM)

Location: Administrator's Office

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

-----  
**12:00 PM-12:30 PM    One on One with Mathy Stanislaus**  
Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:  
Mathy Stanislaus (OSWER)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**12:30 PM-12:45 PM    Depart for DCA**  
Location: Ariel Rios

-----  
**01:50 PM-04:40 PM    En Route to New Orleans, LA**

US Airways Flight 3237

Departs Washington, DC (DCA): 1: 50 PM EST

Arrives New Orleans, LA (MSY): 3:40 PM CST

-----  
**05:00 PM-09:00 PM**    **HOLD: Events in New Orleans**  
Location: New Orleans, LA  
-----

**Friday, 5/18/2012**

**05:00 AM-08:00 PM**    **Hold: Travel to New Orleans, LA**  
Location: New Orleans, LA  
-----

**Saturday, 5/19/2012**

**05:00 AM-08:00 PM**    **HOLD for Tulane**  
-----

**06:43 PM-09:10 PM**    **En Route to Washington, DC**  
United Airlines 740

Departs New Orleans, LA (MSY): 5: 43 PM CST

Arrives Washington, DC (IAD): 9:10 PM EST  
-----

**Sunday, 5/20/2012**

**Monday, 5/21/2012**

**08:45 AM-09:30 AM**    **Daily Briefing**  
Location: Administrator's Office  
-----

**09:45 AM-10:15 AM**    **Hold: Coffee**  
Coffee with Jay Carson, C40 Cities Climate Leadership Group  
Ct: Jamie Staugler jstaugler@c40.com or 917.510.5408  
Location: Administrator's Office  
-----

**10:30 AM-11:00 AM**    **One on One with Gina McCarthy**  
Ct: Cindy Huang - 202-564-1850

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**11:15 AM-11:45 AM**    **One on One with Lek Kadeli**  
Ct: Nathan Gentry - 202-564-9084

Staff:  
Lek Kadeli (ORD)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**12:00 PM-01:30 PM    HOLD: Lunch with Dr. Joseph Westphal**  
Ct: Susan M. Bennett - (703) 695-0651

Location: TBD

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

-----  
**02:15 PM-02:45 PM    One on One with Jim Jones**  
Ct: Gloria Milhouse - 202-564-4206

Staff:  
Jim Jones (OCSPP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**03:00 PM-03:30 PM    One on One with Bicky Corman**  
Ct: Janet Means-Thomas - 202-564-2454

Staff:  
Bicky Corman (OPEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**03:45 PM-04:15 PM    One on One with Nancy Stoner**  
Ct: Martha Workman - 202-564-3774

Staff:  
Nancy Stoner (OW)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**04:30 PM-05:00 PM    One on One with Peter Grevatt**  
Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:  
Peter Grevatt (OCHP)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

---

\*\*\* END \*\*\*

01268-EPA-6205

Noah Dubin/DC/USEPA/US

To

05/07/2012 05:10 PM

cc

bcc Richard Windsor

Subject 05/09/2012 thru 05/22/2012 Schedule for Lisa P. Jackson

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

**EPA Administrator  
Lisa P. Jackson  
Schedule**

05/07/2012 05:03:50 PM

**Wednesday, 5/9/2012**

**05:00 AM-08:00 PM Out of Office**  
Location: Out of Office

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

**Thursday, 5/10/2012**

**05:00 AM-08:00 PM Out of Office**  
Location: Out of Office

-----  
**08:45 AM-09:30 AM FYI: Daily Briefing**  
Location: Administrator's Office  
-----

**Friday, 5/11/2012**

**05:00 AM-08:00 PM Out of Office**  
Location: Out of Office  
-----

**Saturday, 5/12/2012**

**Sunday, 5/13/2012**

**Monday, 5/14/2012**

**08:20 AM-09:30 AM EPA Technology Market Summit**  
Ct: Rita Smith - 202-564-5044

8:20 - 8:35: Welcome - President Neil Kerwin, American University

8:35 - 8:45: Overview of Summit  
-Deputy Administrator Bob Perciasepe, EPA

8:45 - 9:00: "EPA's Role in Enabling Environmental Markets"

-Administrator Lisa P. Jackson, EPA

9:00 - 9:30: "Exporting US-based Environmental Technology"

-Secretary Bryson, U.S. Department of Commerce

-Honorable Ron Kirk, U. S. Trade Representative

-Secretary Tom Vilsack, U.S. Department of Agriculture (invited)

9:30 -12:00: Concurrent Sessions for 3 Case Study Tracks

Location: Mary Graydon Center at American University, 4400 Massachusetts Avenue, NW, Washington, D.C

-----  
**08:45 AM-09:30 AM**    **FYI: Daily Briefing**

Location: Administrator's Office

-----  
**09:30 AM-09:50 AM**    **Depart for Ariel Rios**

Location: American University

-----  
**10:00 AM-10:30 AM**    **One on One with Malcolm Jackson**

Ct: Georgia Bednar - 202-564-9816 (OEI)

Staff:

Malcolm Jackson (OEI)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**10:45 AM-11:00 AM**    **Mid-Year PARS: Gladys Stroman**

Ct: Veronica Burley - 202-564-7084

Staff:

Gladys Stroman (OA)

Location: Administrator's Office

-----  
**11:15 AM-11:45 AM**    **One on One with Barbara Bennett**

Ct: Rhonda Robinson - 202-564-0126 (OCFO)

Staff:

Barbara Bennett (OCFO)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OCFO)

Location: Administrator's Office

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

Location: Administrator's Office

-----  
**01:00 PM-02:00 PM**    **Senior Staff**

Location: Bullet Room

-----  
**02:10 PM-02:20 PM**    **Phone Call with Cheryl Mills**

Ct: Joanne Laszczych

LaszczychJ@state.gov; 202-647-5548

The Administrator will dial 202-647-5548 to be connected to Cheryl Mills.

Location: Administrator's Office  
-----

**02:20 PM-02:45 PM One on One with Larry Elworth**  
Ct: Cheryl Woodward - 202-564-1274

Staff:  
Larry Elworth (Ag Counsel)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**03:00 PM-03:45 PM Cookstoves Briefing**  
Ct: Cindy Huang - 202-564-1850  
BanfieldDA@state.gov  
rtroutman@unfoundation.org

Attendees:

Dept. of State: Kris Balderston, Jacob Moss

UN Foundation: Radha Muthiah

Staff:  
Gina McCarthy, Janet McCabe, Joe Goffman (OAR)  
Michelle DePass (OITA)  
Tesming Yang (OGC)

Location: Administrator's Office  
-----

**04:00 PM-04:45 PM Briefing re: Chemical Plant Security**  
Ct: Don Maddox - 202-564-7207

Staff:  
Bob Sussman, Bob Perciasepe, Lisa Garcia (OA)  
Mathy Stanislaus (OSWER)  
Brendan Gilfillan (OEAE)

Optional:  
Diane Thompson (OA)

Location: Administrator's Office  
-----

**05:00 PM-05:30 PM One on One with Cynthia Giles**  
Ct: Linda Huffman - 202- 564-3139 (OECA)

Staff:  
Cynthia Giles (OECA)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

---

Tuesday, 5/15/2012

**09:15 AM-09:45 AM Meet with Lisa Garcia**

Ct: Ryan Robison - 202-564-2856

Staff:

Lisa Garcia (OA)

Location: Administrator's Office

**10:00 AM-10:15 AM Mid-Year PARS: Aaron Dickerson**

Ct: Veronica Burley - 202-564-7084

Staff:

Aaron Dickerson (OA)

Location: Administrator's Office

**10:30 AM-10:45 AM Staff Discussion**

Ct: Noah Dubin - 202-564-7314

Location: Administrator's Office

**10:45 AM-11:00 AM Phone Interview with Beccastone .com**

Ct: Andra Belknap - 202-564-0369

Reporter: Stephanie Phillipps -  
202-942-5505

Location: Administrator's Office

**11:15 AM-11:30 AM Depart for Capitol TBD**

Location: Ariel Rios

**11:30 AM-12:15 PM Meeting w/ Senator Reed (RI)**

Ct: Ed Walsh/ Arvin Ganesen and  
rosanne\_haroian@reed.senate.gov / 202-224-4642

Staff:

Arvin Ganesan (OCIR)

Location: TBD, Capitol Hill

**12:45 PM-01:00 PM Depart for National Portrait Gallery**

Location: Ariel Rios

**01:00 PM-02:00 PM Filming for the "Network Portrait Project"**

Ct: Beth Marrier - beth@lincolnschatz.com  
EPA Ct: Andra Belknap

Location: Auditorium at the National Portrait Gallery,  
800 F Street Northwest, Washington, DC

**02:00 PM-02:15 PM Depart for Ariel Rios**

Location: National Portrait Gallery

**02:15 PM-03:15 PM No Meetings**

Location: Administrator's Office

-----  
**03:15 PM-03:35 PM Meeting with Rachel Carson Awards ' Men's and Women's Councils of the Audubon Society**

Ct: Sean Maher - 518-869-973, smahar@audubon.org

Staff:

Bob Perciasepe, Diane Thompson (OA)  
Stephanie Owens (OEAE)

Location: Bullet Room  
-----

**03:45 PM-04:45 PM Hearing Prep**

Ct: Laura Vaught - 202-564-0304

Staff:

Arvin Ganesan, Laura Vaught (OCIR)  
Barb Bennett (OCFO)

Location: Administrator's Office  
-----

**Wednesday, 5/16/2012**

**10:15 AM-10:30 AM Depart for Capitol**

Location: Ariel Rios  
-----

**10:30 AM-01:00 PM Senate Appropriations Committee Budget Hearing**

Location: Capitol TBD  
-----

**01:15 PM-02:15 PM No Meetings**

Location: Administrator's Office  
-----

**02:30 PM-03:30 PM Meeting with Natural Gas CEOs**

Ct: Nena Shaw: 202-564-5106

ANGA Ct: Jackie Scott: 202-789-2642, jscott@anga.us

CEO Attendees:

Steve Farris, Apache  
Steve Mueller, Southwestern  
Chuck Stanley, QEP

Regina Hopper, President and CEO of ANGA  
Peter Robertson, SVP Legislative and Regulatory Affairs.

Staff:

Bob Perciasepe, Bob Sussman (OA)  
Location: Bullet Room  
-----

**03:30 PM-04:30 PM Senior Policy**

Location: Bullet Room  
-----

**04:15 PM-05:00 PM Out of Office**

Location: Out of Office  
-----

**Thursday, 5/17/2012**

**08:45 AM-09:30 AM Daily Briefing**

Location: Administrator's Office

**10:00 AM-11:00 AM Briefing on Classification Documents**

Ct: John Martin - 202-564-2616

Staff:

Debbie Dietrich, Juan Reyes, Steve Williams, Jon Herrmann, Peter Jutro, Tanya Nichols, Diane Lasher (OHS)  
Jose Lozano (OA)  
Lek Kadeli (ORD)  
Craig Hooks, Tami Franklin (OARM)

Location: Administrator's Office

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

Location: Administrator's Office

**12:00 PM-12:30 PM One on One with Mathy Stanislaus**

Ct: Nelida Torres - 202-564-5767 (OSWER)

Staff:

Mathy Stanislaus (OSWER)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

**12:30 PM-12:45 PM Depart for DCA**

Location: Ariel Rios

**01:50 PM-04:40 PM En Route to New Orleans, LA**

US Airways Flight 3237

Departs Washington, DC (DCA): 1: 50 PM EST

Arrives New Orleans, LA (MSY): 3:40 PM CST

**05:00 PM-09:00 PM HOLD: Events in New Orleans**

Location: New Orleans, LA

**Friday, 5/18/2012**

**05:00 AM-08:00 PM Hold: Travel to New Orleans, LA**

Location: New Orleans, LA

**Saturday, 5/19/2012**

**05:00 AM-08:00 PM HOLD for Tulane**

**06:43 PM-09:10 PM En Route to Washington, DC**

United Airlines 740

Departs New Orleans, LA (MSY): 5: 43 PM CST

Arrives Washington, DC (IAD): 9:10 PM EST

-----

**Sunday, 5/20/2012**

**Monday, 5/21/2012**

**08:45 AM-09:30 AM Daily Briefing**

Location: Administrator's Office

-----

**09:45 AM-10:15 AM Hold: Coffee**

Coffee with Jay Carson, C40 Cities Climate Leadership Group

Ct: Jamie Staugler jstaugler@c40.com or 917.510.5408

Location: Administrator's Office

-----

**10:30 AM-11:15 AM Briefing re: Analysis of Impact of Sackett v . EPA**

Ct: Linda Huffman - 202-564-3139

Staff:

Cynthia Giles, Larry Starfield, Steve Chester, Pam Mazakas, Mark Pollins, Carol Holmes, Elliott Gilberg (OECA)

Scott Fulton (OGC)

Nancy Stoner (OW)

Optional:

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Arvin Ganesan (OCIR)

Location: Bullet Room

-----

**11:15 AM-11:45 AM One on One with Lek Kadeli**

Ct: Nathan Gentry - 202-564-9084

Staff:

Lek Kadeli (ORD)

Optional:

Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----

**12:00 PM-01:30 PM HOLD: Lunch with Dr. Joseph Westphal**

Ct: Susan M. Bennett - (703) 695-0651

Location: TBD

-----

**01:00 PM-02:00 PM Senior Staff**

Location: Bullet Room

-----

**02:15 PM-02:45 PM One on One with Jim Jones**

Ct: Gloria Milhouse - 202-564-4206

Staff:  
Jim Jones (OCSPP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office  
-----

**03:00 PM-03:30 PM One on One with Bicky Corman**  
Ct: Janet Means-Thomas - 202-564-2454

Staff:  
Bicky Corman (OPEI)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**03:45 PM-04:15 PM One on One with Nancy Stoner**  
Ct: Martha Workman - 202-564-3774

Staff:  
Nancy Stoner (OW)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

**04:30 PM-05:00 PM One on One with Peter Grevatt**  
Ct: Florence Claggett - 202-566-0637 (OCHP)

Staff:  
Peter Grevatt (OCHP)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office  
-----

---

**Tuesday, 5/22/2012**

---

**10:00 AM-10:30 AM One on One with Cameron Davis**  
Ct: Cameron Davis - 312-886-4957

Staff:  
Cameron Davis (Sr Adv. Great Lakes)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (O)

Location: Administrator's Office  
-----

**10:45 AM-11:15 AM One on One with Michelle DePass**

Ct: Lakita Stewart - 202-564-6458 (OITA)

Staff:  
Michelle DePass (OITA)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)  
Location: Administrator's Office

-----  
**11:30 AM-12:00 PM One on One with Nancy Stoner**  
Ct: Martha Workman - 202-564-3677

Staff:  
Nancy Stoner (OW)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

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

-----  
**01:00 PM-01:30 PM One on One with Gina McCarthy**  
Ct: Cindy Huang - 202-564-1850

Staff:  
Gina McCarthy (OAR)

Optional:  
Diane Thompson, Bob Perciasepe, Bob Sussman (OA)

Location: Administrator's Office

-----  
**02:00 PM-03:30 PM Great Lakes Inter-Agency Task Force Meeting**  
Ct: Cameron Davis - 312-814-5565  
Location: Bullet Room

-----  
**06:30 PM-09:00 PM Speaking at NRDC's Global Leadership Council**  
Ct: Ryan Robison - 202-564-2856  
Location: Restaurant Nora  
2132 Florida Avenue NW  
-----

---

\*\*\* END \*\*\*

01268-EPA-6206

Bob Sussman/DC/USEPA/US  
05/08/2012 07:14 AM

To Thompson.Diane, "Bob Perciasepe", "Brendan Gilfillan",  
"Arvin Ganesan", "Glenn Paulson"  
cc "Richard Windsor"

bcc

Subject Fw: Bristol Bay Assessment: Penultimate External Review  
Draft Dated May 7, 2012

**(b)(5) Deliberative**  
Jeff Frithsen

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

**From:** Jeff Frithsen

**Sent:** 05/07/2012 08:58 PM EDT

**To:** Rebecca Aicher; gblair@icfi.com; Heather Dean; Joe Ebersole; Sheila Eckman; RGrismala@icfi.com; Michael Kravitz; Phil North; JRice@icfi.com; "DANIEL RINELLA" <andjr@uaa.alaska.edu>; Kate Schofield; "Seville, Steven" <SSeville@icfi.com>; Glenn Suter; Jason Todd; Jim Wigington

**Cc:** Bob Sussman; Lek Kadeli; Robert Kavlock; Nancy Stoner; Denise Keehner; David Evans; Palmer Hough; Dennis McLerran; Richard Parkin; Judy Smith; Brendan Gilfillan; Arvin Ganesan; Becki Clark; Michael Slimak

**Subject:** Bristol Bay Assessment: Penultimate External Review Draft Dated May 7, 2012

**(b)(5) Deliberative**  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Jeff

**(b)(5)  
Deliberative**

BBA\_completeERdraft\_050712.docx

*Jeffrey B. Frithsen, Ph.D.  
Acting Associate Director for Ecology  
National Center for Environmental Assessment, 8623-P*

*Office of Research and Development, U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Washington, DC 20460  
703-347-8623 (office); 410-336-8535 (cell)*

*Physical Address (FedEx, UPS, and Overnight Deliveries)  
Two Potomac Yard Building - Room N7741  
2733 S. Crystal Drive  
Arlington VA 22202*

01268-EPA-6207

**Michelle  
DePass/DC/USEPA/US**  
05/18/2012 05:51 PM

To: Richard Windsor, Bob Perciasepe, Scott Fulton, Bicky  
Corman  
cc  
bcc  
Subject: Fw: Green Group letter to President Obama on the Rio+20  
Earth Summit

FYI,  
Michelle

---

Michelle DePass  
Assistant Administrator

U.S. Environmental Protection Agency  
Office of International & Tribal Affairs (OITA)  
Ronald Reagan Building/MC 2610R  
1300 Pennsylvania Ave., NW  
Washington, DC 20004

Phone: 202-564-6600  
Fax: 202-565-2407  
Email: [depass.michelle@epa.gov](mailto:depass.michelle@epa.gov)

Lakita Stewart  
Administrative Specialist  
Executive Assistant to Michelle DePass  
Phone: 202-564-6458  
Fax: 202-565-2407  
Email: [stewart.lakita@epa.gov](mailto:stewart.lakita@epa.gov)

----- Forwarded by Michelle DePass/DC/USEPA/US on 05/18/2012 05:50 PM -----

From: Erika Rosenthal <[erosenthal@earthjustice.org](mailto:erosenthal@earthjustice.org)>  
To: Michelle DePass/DC/USEPA/US@EPA  
Date: 05/18/2012 04:24 PM  
Subject: Green Group letter to President Obama on the Rio+20 Earth Summit

---

Dear Michelle DePass,

Please see the attached letter from non-governmental organizations representing more than 5 million Americans urging President Obama to lead the US Delegation to the Rio+20 Earth Summit and to be a strong advocate for action on clean energy, the oceans, and environmental rights.

Sincerely,

Erika Rosenthal  
Attorney, International Program  
Earthjustice

202-797-5232



Green Group Rio+20 letter to President Obama May 18 2012.pdf

**American Rivers \* Center for International Environmental Law \* Citizens for Global Solutions  
\* Clean Water Action \* Defenders of Wildlife \* Earth Day Network \* Earthjustice \*  
Environmental Defense Fund \* Environment America \* Greenpeace \* League of Conservation  
Voters \* Native American Rights Fund \* National Tribal Environmental Council \* National  
Wildlife Federation \* Natural Resources Defense Council \* Oceana \* Physicians for Social  
Responsibility \* Population Action International \* Population Connection \* Rails-to-Trails  
Conservancy \* Sierra Club \* Union of Concerned Scientists**

May 18, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Obama:

We are writing on behalf of civil society organizations that represent more than 5 million Americans to urge you to commit as soon as possible to lead the United States delegation to the Rio+20 Earth Summit in Brazil in June.

Your presence at this Summit would signal its critical importance to all Americans, demonstrate our country's deep concern over urgent global issues that will inevitably affect our security and well-being, and highlight our nation's determination to be a contender in the race to a low-carbon green economy. As United Nations Secretary General Ban Ki-Moon stated recently, your participation will be "crucial." This is true both for the success of the summit and progress toward a sustainable future for everyone on this fragile planet, and for your Administration's goals on jobs and clean energy here at home.

We appreciate the leadership shown by the United States in the Rio+20 preparatory process in advocating that the United Nations encourage countries, corporations, and communities to make commitments in Rio to specific measurable actions. Your presence at the Earth Summit would cement this leadership.

Our organizations additionally urge your Administration to announce as soon as possible its own commitments for Rio+20 as a model for other nations and stakeholders. Such commitments might involve new initiatives or those already underway where the action will be expanded going forward. Your Administration can point to important areas where it is making real progress towards sustainability - including making major new investments in renewable energy, promulgating EPA rules on carbon pollution from power plants, and proposing to reduce fossil fuel subsidies, among others.

US commitment to leadership at home can help leverage global action in Rio at the Earth Summit. World leaders are poised to make progress on eliminating fossil fuel subsidies at the Summit,

building on the commitment your Administration made at a Group of 20 summit in 2009 to phase out fossil fuel subsidies. We fully support your statement during the 2012 State of the Union speech: "We've subsidized oil companies for a century. That's long enough." And we believe the American people fully support your administration to take the next steps at Rio+20.

Internationally, the Administration can point to a number of new partnerships it has launched, including ones on short-lived climate forcers, clean water, and clean cook stoves. We hope that the US will make commitments to the UN Secretary General's Sustainable Energy for All Initiative, including securing a commitment from the World Bank Group to mobilize up to \$500 million to support off-grid clean energy investments. In addition, we understand that the Administration will use Rio as a platform to launch an international monitoring network on ocean acidification, a plan that we fully support.

The United States should advocate for strong language in the Earth Summit outcome document that will catalyze action to build *healthy, resilient ocean ecosystems* by reducing pollution and overfishing, establishing meaningful prohibitions on harmful fisheries subsidies that contribute to overcapacity of global fishing fleets, establishing protected areas to sustain ecosystems in the face of rising ocean acidification and other stressors, and enhancing coordinated global monitoring of ocean acidification. These steps are fundamental for livelihoods, food security and sustainable development in island and coastal states, as well as for coastal and fishing communities here at home.

The Administration can also demonstrate leadership in creating a vision of a sustainable future, by strengthening international norms, and creating new structures to advance sustainability. We look to the United States, long a champion of human rights, to affirm that respect for human rights and the environment is an integral element of sustainable development and to support inclusion of the *right to a healthy environment* in the Rio+20 Outcome Document. The proposal to establish a *High Commissioner for Future Generations* would provide a new voice to assure that international deliberations take into account the interests of those who will inherit this world from us. After four decades, it is also clear that we need to strengthen the United Nations Environment Programme.

Finally, we urge your Administration to be a strong advocate for speeding the transition to a *Green Economy* and to help catalyze the scaling up of clean energy technologies and infrastructure that will create millions of new green jobs around the world and at home. This has been a cornerstone of your Administration. As you said in the 2012 State of the Union, "It is time to... double-down on a clean energy industry that never has been more promising.... Because of federal investments, renewable energy use has nearly doubled, and thousands of Americans have jobs because of it." With your leadership, the Earth Summit can galvanize a strong global commitment to a green economy and stimulate new investment and jobs.

We believe that your leadership at Rio+20 affirming this country's commitment to a green and sustainable future will provide – particularly for the youth – a vision of a future that works for them and for all of us. As you told Ghana's parliament in July 2009, "above all, it will be the young people – brimming with talent and energy and hope—who can claim the future...."

We are eager to work with you and your Administration to demonstrate American commitment and leadership to sustainable development, the environment, poverty alleviation and green jobs – and to make the 2012 Earth Summit a success.

Sincerely,

Trip Van Noppen  
President  
Earthjustice

Frances Beinecke  
President  
Natural Resources Defense Council

Carroll Muffett  
President and CEO  
Center for International Environmental Law

Michael Brune  
President  
Sierra Club

Fred Krupp  
President  
Environmental Defense Fund

Kathleen Rogers  
President  
Earth Day Network

Andrew Sharpless  
Chief Executive Officer  
Oceana

Don Kraus  
Chief Executive Officer  
Citizens for Global Solutions

John Seager  
President  
Population Connection (formerly Zero  
Population Growth)

William Robert Irvin  
President  
American Rivers

Keith Laughlin  
President  
Rails-to-Trails Conservancy

Suzanne Ehlers  
President  
Population Action International

John E. Echohawk  
Executive Director  
Native American Rights Fund

Phil Radford  
Executive Director  
Greenpeace

Margie Alt  
Executive Director  
Environment America

Kevin Knobloch  
President  
Union of Concerned Scientists

Robert Wendelgass  
President & CEO  
Clean Water Action

Larry Schweiger  
President and Chief Executive Officer  
National Wildlife Federation

Jerry Pardilla  
Executive Director  
National Tribal Environmental Council

Catherine Thomasson, MD  
Executive Director  
Physicians for Social Responsibility

Gene Karpinski  
President  
League of Conservation Voters

Jamie Rappaport Clark  
President  
Defenders of Wildlife

Cc:

Secretary of State Hilary Clinton  
White House Chief of Staff Jack Lew  
EPA Administrator Lisa Jackson  
Director of the Office of Public Engagement Jon Carson  
Chair, Council on Environmental Quality Nancy Sutley  
Chief of Staff, Council on Environmental Quality Mike Boots  
Director, White House Office of Science and Technology Policy, Dr. John P. Holdren  
Assistant Secretary of State, Oceans and International Environmental and Scientific Affairs, Kerri-Ann Jones  
Deputy Assistant Secretary of State, Bureau of Oceans, Lawrence J. Gumbiner  
Assistant Administrator for the Office of International and Tribal Affairs, EPA, Michelle J. DePass  
Director for Environment and Climate Change, National Security Council/National Economic Council,  
Celeste Connors